

## APPENDIX I

**“The Call to Jihad (Fighting for Allah’s Cause) in the Holy Qur’an’ By Sheikh Abdullah bin Muhammad bin Hamid**

**Source:**

**<http://muhammadanism.org/Hadith/Bukhari/pi.htm>**

# صحيح البخاري

**The Translation of the Meanings  
Of  
Sahih Al-Bukhari**

**Arabic-English**

**Vol. I**

**By**

**Dr. Muhammad Muhsin Khan  
Islamic University, Medina Al-Munawwara**

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In the Name of Allah, the Most Beneficent, the Most Merciful

Praise be to Allah, the Lord of the Worlds, and Peace be upon the Master of the Apostles, his Family and Companions.

We, the undersigned, have read this translation of the Meanings of "Sahih al-Bukhari" achieved by Dr. Muhammed Muhsin Khan and have done our best to revise and correct it from its beginning to its end so that, with the ability and efforts available, it has come near to correctness as much as possible.

We thank Allah, the Elevated, for the success of this beneficial project and ask Him to bountifully reward all those who have undertaken it or participated in it — Allah's Pleasure being our aim, and it is He who guides us on the right path.

Shakir Nasif Al-Ubaydi:  
M.A. English, Vanderbilt  
Univ., U.S.A.;  
Teacher of English:  
Baghdad Univ., & College  
of Education, Mecca.



Dr. Mahmud Hamad  
Nasr: Graduate of  
Khartum Univ.  
Physician, King  
Hospital,  
Medina.



Dr. Muhammad Taqiy-ad-  
Din Al-Hilali: Ph.D.  
Berlin Univ., Germany;  
Professor; Muhammad V  
Univ., Morocco;  
Islamic Univ., Medina.



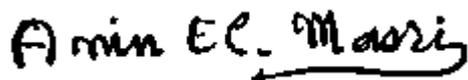
I have perused a little portion of this translation and found that the translator has succeeded in rendering the meanings of "Al-Jami' As-Sahih" (Sahih al-Bukhari) into English in a simple comprehensible style free from complications. I have also noticed that he has chosen successfully the best and most authentic interpretation of some Hadiths that are interpreted differently by different scholars.

Dr. Mahmud Hamad As-Sudani did his best to check the whole translation. The second revision was done by Mr. Shakir Nasif Al-Ubaydi. Finally, Dr. Muhammad Taqiy-ad-Din Al-Hilali checked the translation with the translator Dr. M.M. Khan thoroughly and minutely, doing his utmost to correct the minor mistakes he detected, till the translation acquired a high degree of precision.

May Allah bountifully reward whoever has participated in this benevolent work; and may He make people benefit by it.

I am perfectly sure that the translation, with Allah's help and after all the great efforts exerted in its production, has neared perfection.

In Allah's Hands are all means of success. And Praise be to Allah, the Lord of the Worlds.



Ph.D. Cambridge Univ.,  
Advisor & Head of Shari'a Department  
College of Shari'a and Islamic Studies,  
Mecca Al-Mukarrama.

**THE CALL TO JIHAD  
(FIGHTING FOR ALLAH'S CAUSE)  
IN THE HOLY QUR'AN**

Praise be to Allah who has ordained "Al-Jihad" (Fighting for Allah's Cause)

(1) With the heart (intentions or feelings),

(2) With the hand (weapons etc.)

(3) With the tongue (speeches etc., in the cause of Allah) and has rewarded the one who performs it with the high rooms in the gardens (of paradise).

I testify that there is none who has the right to be worshipped but Allah alone and He has no partners (with Him). I (also) testify that Muhammad is His slave and His apostle, the one sent (by Allah as a mercy for the worlds (mankind and jinns), the one commanded by Allah to fight against the pagans (and all those who ascribe partners with Allah). He fought for Allah's cause with all his power and ability — may Allah's peace and blessings be upon him, upon his family and upon his companions who believed in him and honoured him, helped him and followed the light (the Qur'an) and his tradition which was revealed to him . . . those who emigrated and fought in the cause of Allah with their properties and their lives, they were the supreme conquerors and the masters.

It is well known how the Apostle was fighting against the pagans (and all those who ascribe partners with Allah since Allah the Most Respectful, the All Majestic sent him and honoured him with the Apostleship . . . till Allah caused him to die and selected for him what was with him (paradise and all that is good).

The Prophet used to visit the people in their gatherings during season days and other days (too). He used to come in their market places, recite the Qur'an, invite them to Allah, the Most Respectful, the All-Majestic and say: "Who will give me a safe shelter, and who will support me till I convey the Message of my Lord (Allah) then he will have paradise." But he would not find anyone to support him or to give him a safe shelter.

He (Prophet Muhammad — ) carried on inviting people to Allah (Islamic Religion) and persisted in (this) invitation for 13 years in spite of the harm and injuries (which he suffered), and he used to forgive the ignorant . . . in order that Allah's proof be established against them (disbelievers) and that His promise be fulfilled to them (disbelievers) which He assured them with His statement "And We never punish until We have sent an Apostle" (to give warning) (17: 15)

And the people continued in their transgression, they did not take guidance from the manifest proof. The Quraish (people) oppressed and harmed all those who followed him (Muhammad — ) from his tribe, put them to trials and afflictions in order to screen them from their religion (Islam), even to the extent that they exiled them from their homeland, some of them fled to Ethiopia, some went to Al-Medina (Al-Munawwra) and some remained patient (at Mecca) in spite of the harm

they received; by being imprisoned, made to suffer from hunger and thirst and by being beaten (in a horrible manner) . . . so much so that some of them were not able to sit straight from the severity (of the injuries) of the beating . . .

They used to tie a rope round the neck of Bilal (Allah be pleased with him) and give the end of that rope in the hands of boys to play and pull him with it through the pathways of Mecca . . . And as to what Yasir's family encountered from the torment was beyond what a normal human being can tolerate . . .

The Quraish (people) harmed Allah's Apostle (Muhammad - ) (too), they besieged him in Al-Shaib, once 'Uqbah ibn Abi Moyait tried to strangle him and he kept on squeezing the prophet's clothes round his neck till the eyes of the prophet bulged out, and Abu-Bakr rushed at 'Uqbah and released the prophet from him and said, "Would you kill a man because he says: My lord is Allah?"

Abu Jahl also tried to kill the Apostle while the latter was in prostration praying in the Holy Mosque, he carried a huge stone to throw it on the Prophet's head. But when He (Abu Jahl) tried to throw it he tumbled on his heels full of fear and fright saying: "I am being prevented from Muhammad by a huge stallion camel intending to swallow me."

And when Allah wanted to reveal His religion (Islam) and to fulfill His promise and to make victorious His Prophet, Allah the Most High ordered him to emigrate to Al-Medina. So he stayed there and Allah supported him with His victory and with His slaves the faithful believers — the Islamic army unit composed of different sorts of people (black, white, and red). They strove hard for him with all their efforts, and preferred his love to the love of (their) fathers, offspring and wives.

So he was closer to them (believers) than their own selves i.e. (he was their guardian in all their affairs). And the (pagan) Arabs and Jews had formed a united front against them (Muhammad — and his followers) and had put up all their efforts of, enmity, standing and fighting against them . . . and (in fact) they shouted against them from every corner. Then, at that time Allah permitted

them (Muhammad and his followers) "The (Jihad) fighting" but he did not make it obligatory. He said: "Permission to fight is given to those (i.e. believers against those disbelievers) who are fighting (them, and) because they (believers) have been wronged, and surely Allah is able to give (believers) victory . . . (22:39) (They are) those who have been expelled from their homes unjustly only because they said: "Our Lord is Allah (22:40)

That means that He (Allah ) is able to give victory to His worshippers (the believers) without fighting, but Allah wants from His worshippers obedience with all

their efforts. As in His statement; "So when you meet those who disbelieve (in fight) smite at their necks till when you have killed and wounded many of them, then bind a bond (take them as captives) firmly (on them). Thereafter (is the time for) either generosity i.e. free them without ransom or ransom (according to what benefits Islam), until the war lays down its burdens. This (are you commanded) but if it had been Allah's will He Himself could certainly have punished them (without you). But (He lets you fight) in order to test you, some with others. But those who are killed in the way of Allah, He will never let their deeds be lost" . . . (47:41)

He will guide them and improve their conditions, (47:5) And admit them to Paradise which He has made known to them (i.e. they will know their places in Paradise more than they know their homes in this world) (47:6).

Then after that He made (Jihad) "fighting" obligatory against all those who fight you (Muslims), so He said: And fight in the way of Allah those who fight you . . (2:190)

Then Allah revealed in Sura Bara'at (Repentance, IX) the order to discard (all) the obligations (covenants, etc.) and commanded the Muslims to fight against all the pagans as well as against the people of the scriptures (Jews and Christians) if they do not embrace Islam, till they pay the Jizya (A tax levied on the Jews and Christians who do not embrace Islam and are under the protection of an Islamic government) with willing submission and feel themselves subdued (as it is revealed in the verse 9:29). So they (Muslims) were not permitted to abandon "the fighting" against them (Pagans, Jews and Christians) and to reconcile with them and to suspend hostilities against them for an unlimited period while they are strong and have the possibility of fighting against them.

So at first "the fighting" was forbidden, then it was permitted and after that it was made obligatory — (1) against those who start "the fighting" against you (Muslims) . . . (2) And against all those who worship others along with Allah . . . as mentioned in Sura Al-Baqra (II), Al'Imran (III), and Bara'at (IX) . . . and other Suras (Chapters of the Qur'an).

Allah made "the fighting" (Jihad) obligatory for the Muslims and gave importance to the subject matter of Jihad in all the Suras (chapters of the Qur'an) which were revealed (at Medina) as it is in Allah's statement: "March forth whether you are light (being healthy, young and wealthy) or heavy (being ill old and poor) and strive hard with your wealth and your lives in the cause of Allah That is better for you if you (but) knew." (9:41).

And He said: Muslim holy war (Jihad) is ordained for you (Muslims) and you dislike it, and it may be that you dislike a thing which is good for you and that you like a thing which is bad for you. Allah knows but you do not know. (2:216).

So "The fighting"; even though by its nature is disliked by the human soul because of the liability, of being killed, or being taken as a captive, or being injured, with the wasting of the wealth, the damaging of the industry, the destruction of the country, the spreading of fear and awe in the souls and the (possibility) of being exiled from one's homeland. Allah has made ready an immensely good reward that can not be imagined by a human soul.

Ikrama (a religious scholar) said: At first Muslims disliked it (Jihad), but later they loved it and said: "We listen and obey." And that is because the submission to the order includes hardship, but if the reward is made known it becomes easy for ones self in comparison with the estimation of (its) hardship.

And the verses of the Book (Qur'an) and Sunna (The Prophet's Tradition) have exhorted greatly for Jihad and have made quite clear its rewards, and praised greatly those who perform Jihad (the Muslim Holy War-fare) and explained to them the news of various kinds of honours which they will receive from their Lord (Allah). This is because they (Mujahidin) are Allah's troops.

Allah will establish His religion (Islam), with them (Mujahidin). He will repel the might of His enemies, and with them He will protect the light of Islam and guard the religion safely.

And it is they (Mujahidin) who fight against the enemies of Allah in order that the worship should be all for Allah (alone and not for any other deity) and that the word of Allah (i.e. none has the right to be worshipped but Allah and His religion Islam) should be upper most. And He has made them (Mujahidin) partners in reward along with all those who guard Islam with their weapons, along with their good deeds which they performed even if they sleep in their homes.

And the legislator put the one who brings about a thing to happen equal in rank to its doer, both in reward (for a good-deed) and in punishment (for a crime). So the inviter to a good deed and the inviter to an evil deed both will have a reward (good or bad) equal to the reward of the one who has done that (good or evil) deed.

And sufficient is Allah's statement in this matter: "O you who believe! Shall I guide you to a commerce that will save you from a painful torment" (61 :10). So the souls became filled with the yearning desire for this profitable commerce which Allah the Lord of the worlds, the All-knower, the All-Wise directed the people towards . . . Allah said: "That you believe in Allah and His Apostle (Muhammad ) and that you strive hard and fight in the cause of Allah with your wealth and your lives (in this world) . . . So Allah said: "That will be better for you if you but knew (61 :11) i.e. Jihad (Fighting in Allah's cause) is better for you than your staying (back at home). Allah said: "If you do so (i.e. Jihad) He will forgive you, your sins, and (along with the forgiveness) admit you into gardens of Eternity — that is indeed the great success." (61 :12).

So it was as if they (the souls) said (as regards the above verse): This is for us in the Hereafter and there is nothing for us in this world. Then Allah said "And (He will give you) another blessing which you love: Help from Allah (against your enemies) and a near victory — And give glad tidings (O Muhammad ) to the believers. (61:13)."

Good - gracious (indeed) how nice are these (Allah's) words and how they get attached to the human hearts. How great is the attraction for them and (how they) lead one towards one's Lord (Allah). How soothing are they for the hearts of every lover (of good). How great is the contentment of the heart and a happy life when one understands their meaning.

So we ask Allah to give us His blessings.

And Allah said: [As to this aspect (of Jihad)]: "Do you consider the giving of water to drink to Pilgrims and the maintenance of the Sacred Mosque (of Mecca) as equal to (the worth of) those who believe in Allah and the last day, and strive hard and fight in the cause of Allah? They are not equal in the sight of Allah and Allah guides not the wrongdoing people (9:19)

Those who believed, emigrated and strove hard and fought in Allah's cause with their properties and their lives are far higher in degree in Allah's sight. They are (the people) who will be successful. (9:20).

Their Lord (Allah) gives them glad tidings of Mercy from Him, and that He is pleased (with them) and of gardens (of Paradise) for them wherein are delights that endure (9:21).

They will dwell therein forever. Verily, with Allah is a great reward.(9:22)

So Allah, the Most High, be He glorified above all that they ascribe to Him, informs that those who maintain the Sacred Mosque (of Mecca) [and their maintenance of the Mosque means to do I'tikaf in it, the Tawaf (circum-ambulation) of the Ka'ba, and the offering of prayers in it, etc.] mentioned in the above said verse — and those who give water to drink to the Pilgrims are not equal to those who did Jihad in Allah's cause. Allah informed that the believers who fight in Allah's cause (Mujahidin) are far superior in grades before Him and it is they who will be successful.

And they are the ones who have received the glad tidings of: 1) His Mercy, 2) His being pleased with them, 3) and gardens (of Paradise).

So Allah denied the equality between the Mujahidin (those who fight in Allah's cause) and those who maintain the Sacred Mosque (of Mecca) along with the

various kinds of worship, inspite of His praising those who maintain the mosques in His statement: "The mosques of Allah shall be maintained only by those who believe in Allah and the last day, offer prayers perfectly, give obligatory charity and fear none but Allah. It is they who are expected to receive true guidance. (9: 18).

So it is they (above said people) who are [called by Allah] as "the maintainers of the mosques" — And inspite of all this, still the people who do Jihad are far superior in grade than them (maintainers of the mosques) before Allah.

And Allah said "Not equal are those believers who sit (at home) except those who are disabled (by injury, or are blind, or are lame, etc.) and those who strive hard and fight with their wealth and their lives in the cause of Allah. He has preferred in grade those who strive hard and fight with their wealth and lives to those who sit (at home). Unto each Allah has promised good, but Allah has preferred those who strive hard and fight above those who sit (at home) by a huge reward — (4: 95).

Degrees of (higher) Grades from Him, Forgiveness and Mercy.

And Allah is ever Oft-Forgiving, Most Merciful (4: 96).

So He (the Almighty) denied the equality between the believers who sit (at home) and join not in Jihad — and the Mujahidin (those who fight in Allah's cause) — Then He mentioned the superiority of the Mujahidin over those (believers) who sit (at home) by a grade and then later on mentioned their (Mujahidin) superiority over them (believers who sit at home) by degrees of grades.

Ibn Zaid (a religious scholar) said: These degrees of grades with which Allah preferred the Mujahidin over those (believers) who sit (at home) are seven and these Allah mentioned in His statement: "That is because they suffer neither thirst, nor fatigue, nor hunger in the cause of Allah, nor step they any step to raise the anger of disbelievers or inflict any injury (killing, robbing or taking captive, etc.) upon an enemy, but is written to their credit as a good deed. Surely Allah loses not the reward of the doers of good (9: 120).

So these are five — Then Allah said: Nor do they spend any thing (in Allah's cause) small or great nor cross a valley, but it is written to their credit. (9: 121).

And sufficient is this excellence — (for a Mujahid which he will receive) honour and high degrees of grade — along with other things which Allah has made clear in the Qur'an: about the description of the reward of Mujahidin, their magnificent state, moving of feelings and sentiments, the demanding of sacrifice in the cause of inviting others to Islam, to put strength and courage in the souls and to

urge them to go forward and be stable and firm, and Allah will grant them victory and support them with the angels.

It is narrated in the book "Sahih-Al-Bukhari" Allah's Apostle said: "Any one whose feet get covered with dust in Allah's cause will be forbidden from the Hell-fire." (Vol. 4th, Hadith no. 66).

It is also narrated in the two books (Bukhari and Muslim): A man said: "O Allah's Apostle! Inform me of a thing that is equal to Jihad (in Allah's cause)?" Allah's Apostle said: "You cannot (do that)."

The man said: "Inform me of that." Allah's Apostle said: "Can you fast continuously without eating or drinking (at all) and stand continuously in prayer from the time the Mujahidin go out for Jihad (till the time they return back home)?" The man replied, "No." Allah's Apostle said: "That is (the thing) which is equal to Jihad." Likewise Allah's Apostle said:

- 1) The souls of the martyrs are in the bodies of green birds dwelling in paradise wherever they like.
- 2) That all their sins and faults are forgiven.
- 3) That he can intercede with Allah for seventy (70) of his family members.
- 4) That he will come secure on the Day of Resurrection from the great terror.
- 5) That he will not feel the agonies and distress of death.
- 6) That he will not be horrified by the (great) Gathering (on the Day of Resurrection).
- 7) That he does not feel the pain of "the killing" except like that of a pinch.

And how many agonies and distresses are there for a person who dies on his bed — and a standing (praying) or a sleeping person in Jihad is better than a fasting or standing (praying) person not in Jihad. — And whosoever acted as a guard or escort in Allah's cause, his eyes will never witness the fire (Hell) and that a day spent while one is in Jihad for Allah's cause is better than the world and whatsoever is in it.

If one has understood (all) that, then Allah has reproached those who remained behind from Allah's Apostle during the battle of Tabuk (i.e. they did not join in it) — they who cling heavily to the luxuries of this world — they who lagged behind from hastening onwards to march forth (for the battle of Tabuk). — As Allah said: "O you who believe! What is the matter with you, that when you are asked to march forth in the cause of Allah (i.e. go for Jihad) you cling heavily to the earth? Are you pleased with the life of this world rather than with the Hereafter? But little is the enjoyment of the life of this world as compared with the Hereafter — " (9 : 38).

Similarly Allah disapproved of those who abandoned Jihad (i.e. they did



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not go for Jihad) and attributed to them hypocrisy and disease in their hearts, and threatened (all) those who remain behind from Jihad and sit (at home) with horrible punishment. He (Allah) accused them with the most ugly descriptions, rebuked them for their cowardice and spoke against them (about their weakness and their remaining behind) as He said: "If you march not forth, I will punish you with a painful torment and will replace you by another people and you cannot harm Me at all, and Allah is able to do all things — " (9:39).

And there are many verses of the Qur'an after this verse (that threaten the Muslim nation if they give up Jihad).

And you will not find any organization past or present, religious or non-religious as regards (Jihad and military) (ordering) the whole nation to march forth and mobilize all of them into active military service as a single row for Jihad in Allah's cause so as to make superior the word of Allah (i.e. none has the right to be worshipped but Allah), as you will find in the Islamic Religion and its teachings.

The book (Qur'an and the Sunna (Tradition of the Prophet Muhammad ) has clearly given (wonderful explanation for) each and every act concerning Jihad. The Book has distributed its different actions and its great number of responsibilities on its special units, a most accurate distribution that excels above all the modern organizations and the military teachings. And in fact these modern organizations and military teachings are only a portion (drop) from the military laws of the Qur'an and the Sunna.

The verses of Qur'an and the traditions of Allah's Apostle Muhammad are both flooded with these high meanings, calling with eloquent phrases in a crystal clear way.

The Muslims were ordered to take all precautions against the enemies of Allah and to get ready against them with all they can of power — because that is the first step for Jihad (fighting) and the supreme way for the defense. To get ready (for Jihad) includes various kinds of preparations and weapons (Tanks, missiles, artillery,, aeroplanes (air force), naval ships (navy) etc. and the training of the soldiers in these weapons) are all included under (the meaning) of the word "force" (i.e. land-force, navy and air-force). And to look after (take care of) the permanent forces as well as the stationed forces similar to looking after the mobile forces.

And to take care of the army in peace-time as well as during War-time.

The foundation of the military spirit is as they say: Obedience and military discipline. Allah has gathered these foundations in the verses of His Book (Qur'an).

As to the obedience: Allah said: "Those who believe say: Why is not a chapter (of the Qur'an) sent down (for us). But when a decisive chapter (explaining and ordering things) is sent down and fighting (Jihad) is mentioned (i.e. ordained) therein, you will see those in whose hearts there is a disease (of hypocrisy) looking at you with a look of one fainting to death. But their (i.e. hypocrites) destruction is very near. (47:20). And as to the military discipline: Allah said: "(Surat-us-saff)" "Rows or ranks," "Verily! Allah loves those who fight in His cause in rows (ranks) as if they were a solid structure." (61:4).

Similarly the Islamic Armed forces are exhorted to swear their allegiance for; to listen and obey, in hard times and in ease, and in likeness (i.e. to listen and obey while one is active) and in dislikeness (i.e. to listen and obey when one is tired). Allah said: "Verily those who are swearing allegiance to you (O Muhammad) they are (in fact) swearing allegiance to Allah. (48:10).

Remember when you (Muhammad) said to the believers: Is it not enough for you that Allah should help you with three (3) thousand angels sent down? Yes — If you keep patient and pious and the enemy comes rushing at you; Your Lord will help you with five thousand angels having marks (of distinction).

Allah made it not but as a message of good news for you and as an assurance to your hearts, but there is no victory except from Allah the All-Mighty, the All-Wise (3:124, 125, 126).

"So do not become weak (against your enemy) and be not sad and you are superior (in victory) if you are indeed believers. If a wound and killing has touched you, be sure, a similar wound and killing has touched the others. And so are the days (of varying fortune). We give to men and men by turns, that Allah may test those who believe, and that He may take martyrs from among you. And Allah likes not the wrong-doers. and that Allah may purify the believers and destroy the disbelievers. Do you think that you will enter Paradise before Allah tests those of you who fought (in His cause) and (also) tests those who remained stead-fast? (3:139, 140, 141, 142).

And Allah informed about those who are martyred in His way. They are alive and that they are with their Lord Allah finding what they wish of provisions and their faces are delighted with glad tidings. As Allah said: Think not of those who are killed in the way of Allah as dead. Nay, they are alive, (they are) with their Lord and they have provision (3:169).

They rejoice in what Allah has bestowed upon them of His bounty, rejoicing for the sake of those who have not yet joined them, but are left behind (not yet martyred) that on them no fear shall come, nor shall they grieve. (3:170).

They rejoice in a grace and a bounty from Allah and that Allah will not waste the reward of the believers.

Those who answered (the call of) Allah and the Apostle Muhammad after being wounded, for those of them who did good deeds and refrain from wrong — there is great reward. (3: 169, 170, 171, 172).

And He (Allah) said: "Those who believe, fight in the cause of Allah and those who disbelieve, fight in the cause of Satan, ever feeble indeed is the plot of Satan. (4:76).

Then fight (O Muhammad) in the cause of Allah, you are not tasked (held responsible) except for yourself, and incite the believers (to fight along with you), it may be that Allah will restrain the evil might of the disbelievers. And Allah is stronger in might and stronger in punishment.

And He (Allah) said: "Let them (believers) fight in the cause of Allah those who sell the life of this world for the Hereafter and whoso fights in the cause of Allah and is killed or gets victory, We shall bestow on him a great reward (4:74). And so on — There are other similar verses (in the Qur'an) — after these.

So consider deeply dear brother in Islam, how Allah encourages the spirit to make His word superior and to protect the weak, and to rescue the oppressed ones.

Also, think deeply how Jihad is connected with prayers and fasting. It is made obvious that Jihad is similar to both of them, and all the three. (Jihad, prayers and fasting) are ordained (by Allah) for the believers.

(See) how Allah has encouraged the cowardly men to plunge themselves into the battles, to face death with an open heart, and to run madly for it (Jihad) with great encouragement, showing clearly to them that death will certainly overtake them, and in case they die as Mujahidin (Martyrs) they will be compensated for their worldly life with a mighty compensation and they will not be dealt with unjustly in the very least.

And Jihad is a very wide gate and there is no deed whose reward or blessing is as great as that of it, and for this reason, it is the best thing that one can volunteer for. All the Muslim religious scholars unanimously agree that Jihad is superior to Hajj and 'Umra (Pilgrimage) and also superior to non-obligatory prayers and fasting as mentioned in the Book (Qur'an) and Sunna (Prophet's traditions). It is obvious that the benefits of Jihad for us are in general (from all sides), it (Jihad) includes all kinds of worship both hidden and open, it also includes (a great) love for Allah and it shows one's sincerity to Him and it also shows one's trust in Him, and it indicates the

handing over of one's soul and property to Him — it (Jihad) shows one's patience, one's devotion to Islam, one's remembrance to Allah and there are other kinds of good deeds which are present in Jihad and are not present in any other act of worship.

For these mentioned above (degrees of grades and various kinds of worship one should race for Jihad). It is confirmed in the two authentic Books (of Hadith); Narrated Abu` Huraira (Allah be pleased with him), I heard Allah's Apostle saying: "By Him in WHOSE hands my soul is! Were it not for some men amongst the believers who dislike to be left behind me, and whom I cannot provide with means of conveyance, I would certainly never have left behind any army unit going out for Jihad in Allah's cause. By Him in Whose Hands my life is! I would love to be martyred in Allah's cause and then get resurrected and then be martyred and then get resurrected again and then be martyred and then get resurrected again and then be martyred. (Sahih-Al-Bukhari, vol. 4th, Hadith No. 54).

So the Prophet through his ways of life, his dress, his courage, and his patience has deeply encouraged the Mujahidin for Allah's cause.

He informed them of Jihad's advanced and delayed reward that is for them, and how different kinds of evils Allah repels with it, and what a great honour, power, dignity and high grade is obtained through it. So the Prophet said: "Paradise has one hundred grades, the distance between each of two grades is like the distance between the heaven and the earth, and these grades Allah has reserved for the Mujahidin who fight in His cause" (as mentioned in the two authentic Books of Hadith).

And Allah praised those who are true to (their) covenant and who fulfil their promise, by His statement: "Among the believers are men who have been true to their covenant with Allah, of them some have fulfilled their obligations to Allah (i.e. have been martyred) and some still are waiting but they have never changed in the least. (33:23).

And He ordered the believers to take a firm stand against the enemy when you (believers) meet their force, and to remember Allah (much) at the time of horror, as He said: "O you who believe! When you meet (an enemy) force take a firm stand against them and mention much (and often) the name of Allah (both with tongue and mind), so that you may be successful. (8:45).

And He (Allah) encouraged the Mujahidin in His cause to take a firm stand without any (kind) of fear and to display true bravery (against the enemy) from the start of the battle to the end — as He said: "So when you meet those who disbelieve (in fight) smite at their necks till you have killed and wounded many of them, then bind a bond (i.e. take them as captives) firmly (on them). Thereafter (is the

time for) either generosity (i.e. free from them without ransom) or ransom (according to what benefits Islam), until the war lays down its burdens" (47:4).

And don't be weak in pursuit of the enemy, if you are suffering (hardships) then surely they (too) are suffering (hardships) as you are suffering, but you hope from Allah that for which they hope not; and Allah is ever All-Knowing, All-Wise (4:104).

And so many a prophet fought (in Allah's cause) and along with him (fought) large bands of religious learned men. But they never lost heart for which befell them in Allah's way, nor did they weaken (in will), nor did they degrade themselves. And Allah loves the steadfast. (3:146)

Similarly He ordered (the Mujahidin) to have confidence, to keep (their) body parts calm and quiet and to expel (from their minds) all wrong conceptions, weakness and sadness — as He said: "So do not become weak (against your enemy) and be not sad, and you are superior (in victory), if you are indeed believers — (3:139).

And Allah informed that He has given a guarantee of victory to those who will defend Allah's Religion (true Islam). And there is no consideration for the number or for the equipment with weapons but (the most important thing) is: The true faith in Allah and that the victory is (always) from Allah — as Allah said: "if Allah helps you, none can overcome you, and if He forsakes you, who is there after Him that can help you? And in Allah (Alone) let the believers put their trust — (3:160).

How often a small group overcame a mighty host by Allah's leave? And Allah is with the steadfast. (2:249).

"O you who believe! If you help (in the cause of) Allah, He will help you and make your foothold firm. — (47:7).

"And verily OUR Word has gone forth of old for OUR slaves, the Apostles, that they verily will be victorious; and that OUR hosts, they verily will be the overcomers. (37 :171, 172, 173).

And (as for) the believers it was incumbent upon US to help (them). — (30:47).

Similarly the Holy Qur'an points out the well-known fact that the battle (is) by turns, (one) day (victory) is for you — (the other) day (victory) is for others — as Allah said: "If a wound and killing has touched you be sure a similar wound and killing has touched the others. And so are the days (of varying fortunes) we give to men and men by turns." — (3:140).

And He made "the mutual consultation" as one of the legal foundations in order to make an exact decision, particularly in important matters like Jihad and dealing with enemies etc. and He praised His believer — slaves for this quality by His statement: "And — Who (conduct) their affairs by mutual consultation." — (42: 38).

And in spite of the perfection of the intelligence of Allah's Apostle and along with his being helped by Divine Inspiration still Allah ordered him (saying): "And consult them in the affair . . . (3: 159). So that his followers may follow his example after him.

Similarly the Holy Qur'an warned (the believers) from committing sins (both in open and in secret) small sins or great sins . . . and He informed them that Allah's Help does not descend upon the disobedient sinners: Those of you who turned back on the day, the two hosts met (i.e. Battle of Uhud); — it was Satan who caused them to backslide (run away from the battlefield) because of some (evil) they had earned (3: 155).

He has absolutely forbidden any dispute on any matter concerning the Fighting (battle) and to be always in complete agreement (about it), and informed them that the dispute is the reason for the failure and the losing of the strength and Kingdom: "And do not dispute (with one another) lest you become cowards and your Kingdom and strength depart and be patient. Surely Allah is with those who are patient" (8: 46).

And to beware of fleeing from the enemy during the fight (battle), and it is one of the biggest sins and its committers (the defeated ones) are threatened with crushing punishments: "O you who believe! When you meet those who disbelieve in a battlefield, never turn your backs to them. (8: 15).

And whosoever turns his back to them on such a day, unless it be a stratagem of War, or to retreat to a troop (of his own); he indeed has drawn upon himself wrath from Allah. And his abode is Hell; an evil destination." (8: 16)

And Allah forbade the taking (of a part) of War-Booty illegally, and warned the Muslims from it with an extreme warning . . . And that person who takes it, shall bring it forth (on the Day of Resurrection) carrying it over his back and neck, being tortured by its heavy burden and weight, terrified with its voice, rebuked for his dishonesty in front of all the witnesses (mankind and the present ones): "It is not for any Prophet to take illegally a part of booty. And whosoever deceives his companions as regards booty, he shall bring forth on the Day of Resurrection what he took (illegally). Then every soul shall be paid in full what it has earned. And they shall not be dealt with unjustly" . . . (3: 161).

Similarly one should be cautious, not to fight (with the intentions to show off, or for good reputation or for dignity, or for pride and haughtiness, or for the clamour

(noise) of nationalism and for false-forged Slogans. Whenever the Apostle appointed a Chief-Commander for an army unit, he used to advise him specially to be afraid and dutiful to Allah, and to be good to those Muslims who were accompanying him. He then used to say (to that Commander): "Invade in the name of Allah and for the cause of Allah and kill those who disbelieve in Allah. Invade and do not press heavily by exceeding the limits, and do not betray, and do not kill children . . .)" And he (the Prophet ) used to say to his companions when they intended invasion: "Proceed in the name of Allah and for Allah and upon the Religion of Allah's Apostle: Do not kill a very old man or a child or a woman and do not press heavily by exceeding the limits. Collect the (War) booty, reconcile, and do good as Allah loves the good-doers."

For that, the Apostle and those who believed with him were tried with pleasant trials (Martyrdom or mighty reward) to make victorious this religion (Islam) and to invite others for it (Islam). So Allah assisted them with victory and sent down upon them tranquility and helped them with angels and united their hearts and casted terror into the hearts of their enemies . . .

So fight in the cause of Allah (for) Islamic Faith (worshipping none but Allah Alone) and sincerely (for Allah's sake) and to make victorious Allah's Religion till it becomes superior over all religions, and mankind is brought out, (1) from the darkness into the light, (2) from the worshipping of the slaves (created false gods) to the worshipping of Allah Alone (the only true God), (3) from the distress of the world to its wideness (ease) and (4) from the injustices of the religions to the justice of Islam. They knew well that Allah has guaranteed them victory and promised them that they will be the Conquerors. So they were sure of Allah's support, and of His Apostle's promise and considered the matter easy with a small or great (number) and thought little of the fears and dangers. They remembered the statement of Allah: "If Allah helps you, none can overcome you . . ." (3:160). And that they are troops of Allah, and that they are fighting in Allah's cause, and surely Allah will help and support them and will defeat their enemies, as their enemies fight for the cause of Satan.

Here is the example of `Umar Ibn Al-Khattab, as he consulted his companions regarding sending troops to Iraq (for the Battle of Nahawand). 'All Ibn Abi Talib said to him ('Umar): "O Chief of the believers! This matter cannot be "victory or defeat" because of a great number, or a small number but it is His (Allah's) Religion which He has made superior and His troops which He has honoured and supported (them) with the angels till it reached (far) what it has reached. So we have been promised (victory) by Allah, and Allah fulfills His promise and supports His troops."

And here is the example of Khalid Ibn Walid as he came from Iraq, a man from the Arab Christians said to Khalid: "How great is the number of Romans and how small is the number of Muslims?" Khalid said to him: "Woe to you! Do you make me

afraid of Romans? . . . But the greatness of the troops are with victory and the smallness of the troops are with defeat, not with the number of men, by Allah I wish if the red ones (i.e. the camels and the horses) are cured from their journey hurts, I will proceed to attack them (Romans) even if their number is doubled. (The hooves of his horse had chafed and received hurt during its coming from Iraq to Medina)" . . .

They used to endanger themselves, used to do wonders and extra-ordinary deeds being sure of Allah's help, depending upon His Promise as it happened in the Islamic army under the Commandership of S'ad Ibn Abi Waqqas . . . he stood in front of the town "Al-Madian" **المدائن** and could not find any ship or boat (it became completely impossible for him to find anything of that sort) and the water of the river Tigris (Iraq) increased tremendously with overflowing (its water became dark) and it overthrew its foam from excessive water in it. S'ad addressed the people (troops) over its bank (saying): "I have resolved to cross this great river in order to assault them (the enemy)." They (the people) replied: "May Allah direct us and you to follow the right path. So please do it." Then he (S'ad) rushed heedlessly into the (river) Tigris with his horse and all the people (his troops) too rushed heedlessly into it (Tigris) and not a single man remained behind from him; **so they marched over it as if they were marching over the surface of the earth**, till they filled it (the space) between its two banks and one could not see the water surface from the cavalry and the foot-soldiers. The people spoke to one another over the surface of water as they used to speak to one another over the surface of earth. So when the Persians (army) saw them they said: "Diwan Diwan (i.e. mad people . . . mad people). By Allah! You are not fighting against human-beings, but against Jinns." On that S'ad started saying: "Allah is Sufficient for us and He is the Best Disposer (for our affairs); By Allah! Surely Allah will give victory to His friends; verily Allah will make superior His Religion, and verily Allah will give defeat to His enemy **as long as there are neither adulterers nor committers of those (similar evil) sins in the army (S'ad's troops)**, then the good deeds will overcome (the evil)." Yes! They (the Muslims) used to be afraid: (1) of their sins (2) from the disobedience of Allah, more than they used to be afraid of their enemy or their enemy's great number and mighty weapons, as we find 'Umar Ibn Al-Khattab saying: (in his letter to the Commander S'ad Ibn Abi Waqqas when he sent him for the conquest of Persia): "Then after, I order you and all the troops that are along with you to be obedient to Allah in all circumstances as this (being obedient to Allah) is better than the weapons against the enemy and a strong stratagem (device) in the War. I order you and the soldiers who are with you to be more cautious and afraid of your own crimes and sins (and not to commit them) than your enemy, as the crimes and sins of the soldiers are more dangerous to them than their enemy. **The Muslims are victorious only because of the disobedience of their enemy to Allah, and had it not been so, we have no power over them, because neither our number is like their number, nor our weapons are like theirs. If we commit crimes and sins as they do, then they (our enemies) will have superiority over us in power and we will not gain victory over them.** We do not overpower them by our strength. And you should also know that in this marching of yours (for Allah's cause) there are guards

(angels) upon you from Allah (to watch you), and they know all what you do. So be shy from them and do not commit Allah's disobedience (crimes and sins) while you are going in Allah's cause and do not say: "Our enemy is worse than us, so they will not overpower us." Perhaps some people who are worse than the others may overpower the others as the (disbelievers) Magians overpowered the children of Israel when they (the latter) covered themselves with Allah's disobedience (crimes and sins). So they (disbelievers, "Magians") entered the very inmost parts of their homes and it was a promise (completely) fulfilled. And ask "Allah" the assistance over your ownelves," (to save you from crimes and sins) just as you ask Allah for the victory over your enemies . . . I ask Allah for that, both for you and for us."

So the Muslim warriors (Al-Mujahidin) kept on clinging to what this rightly guided Caliph ('Umar) mentioned (as above): And they (Mujahidin) were as they were described by a Roman to a Roman Chief; (he said): "I have come to you from the men, very precise in their manners; they ride swift race-horses, during the night they worship (Allah alone) in seclusion, during the day they are cavaliers, if you speak to your companions something, your friend will not understand anything from you because of the high tone of their voices reciting the Holy Qur'an and the mentioning much of Allah." So he (the Roman Chief) looked at his companions and said: "It has come to you from them that for which you have no power."

And here is the story of 'Uqbah bin Nafi' : He ('Uqbah) intended to take a place (town) in Africa, so as to be a place for the Muslim army and to protect their families and properties from revolt against them by the natives of the country. So he betook himself to the place of "Al-Qirwan," and it was a muddy place, full of every kind of beasts of prey (lions, tigers, leopards, etc.) and snakes . . . and others, etc. So he ('Uqbah) invoked Allah, and Allah answered to his invocation, he then said: "O snakes and wild beasts of prey! We are the companions of Allah's Apostle (Muhammad), go away from us as we are landing here, and afterwards if we found any (of you wild beasts and snakes) we will kill you." So the people saw that day, the (wild) animals and snakes carrying their offspring, shifting from that place . . . And a great number of natives (Al-Bar-Bar) saw (all) that and embraced Islam.

And when the term (time limit) was prolonged for the Muslims and their hearts were hardened and they forgot their religion and became ignorant of the fact (that for what purpose) Allah has sent and chosen them from among the great number of mankind and from the great number of nations of the earth . . . Allah said: "You (Muslims, followers of Muhammad are the best of the peoples ever raised up for mankind, you enjoin what is right and forbid what is wrong, and you believe in Allah (3:110).

So (today) they (Muslims) are leading a life of the one who knows not any Prophet, nor believes in any Divine Message or Divine Inspiration, nor expects any reckoning nor is afraid of the Here-after. They (Muslims) resemble the

pre-Islamic ignorant nations, against whom they used to fight in the past. So they have turned on their heels (back) as apostates from Islam, they have imitated them (Ignorant nations) in their civilization, in their social affairs, in their political affairs, in their character and in the pleasures of their lives. They (Muslims) also imitated them in many other things because of which Allah hated and forsook them. He (Allah) put them (Muslims) into trials under the effects of (1) Western civilization (2) and the Eastern Communist propaganda. So their land became "a free wealth with no protector, their Kingdom became a victim for every beast of prey and a food (nourishment) for every eater, and the meaning of the statement of the Prophet (Muhammad ) became apparent; "It is expected that the nations will call other nations to share them against you (Muslims) as the eaters call each other to eat from the food in front of them in a large wooden plate." A person asked the Prophet, "Is that will be because of our small number on that day?" The Prophet said: "Nay! Your number (will be) great, but you will be rubbish like the rubbish of

flood-water. And certainly Allah will remove from the breasts of your enemies "the fear from you" and surely He (Allah) will throw "Wahn" in your hearts. A person asked: "What is 'Wahn', O Allah's Apostle?" The Prophet , said, "Wahn: is to love (this) world and to hate the death." The Prophet (also) said: "If you (1) practiced "Tabajya Al-Ainiya" (i.e. selling goods to a person for a certain price and then buy them back from him for a far less price), (2) and followed the tails of the cows (i.e. indulged in agriculture and became contented with it) (3) and deserted the Jihad (Holy Fighting) in Allah's cause, Allah will cover you with humiliation and it will not be removed till you return back to your religion (Abu Daud)

**And now they (Muslims) have deserted the Jihad and asked help from (their) enemies and protection from the disbelievers begging them,** turning towards them, expecting good from them. So they (Muslims) have become mean, despised before Allah (inspite of) their Islamic names and in spite of the presence of righteous pious persons amongst them and in spite of the fact that some of the religious laws, signs and ceremonies are practiced in their countries.

One of the orientalist said: "When the Muslims turned away from their religious teachings and became ignorant of its wisdom and its laws and deviated towards the contradictory (man-made) laws taken from the opinions of men, there spread in them, immorality of character, falsehood, hypocrisy, ill-will and hatefulness became increased in them. So their unity disintegrated and they became ignorant of their present and future state and became unaware of what will harm them or will benefit them. They have become contented with the life in which they eat, drink, sleep and compete not with others, in superiority. All this is a visible fact, which every true believer feels, and which every enthusiastic person (about his religion) palpates in every community (nation) that gives up Al-Jihad and dips itself: (1) in a luxurious life, (2) in the worshipping of wealth and (3) in the love of this world.

History informs (tells us): What did the most wretched (Al-Maghoool and Al-Tatar)

do with the Muslims? That which will sorrow the hearts and to be as if on the fire and will make the eyes shed tears . . .

IBN Al-Athir said: I remained for many years, avoiding the mentioning of this accident because of its great magnitude, disliking to speak of it, so that I put a foot forward and another backward and thought deeply, who is there who can write the wailing and crying of the Muslims, and who is there on whom it is easy to mention that . . . wish that my mother had not delivered (brought) me . . . would that I had been dead before this, and had been forgotten and out of sight . . . This job (work) includes the mentioning of the great event and the severe calamity which made the days and the nights extremely hard and bitter (barren) that no similar calamity will happen and that did befall (cover) the mankind and particularly the Muslims. IBN Al-Athir then mentioned the weakness of the Muslims and the empowering of their enemies over them . . . he said: "A woman from (Al-Tatars) entered a house and killed a group from its dwellers and they thought her to be a man . . . one of them (Al-Tatars) entered a street in which there were one hundred men, he went on killing them one by one till he killed them all, and not even a single man (out of the hundred) raised his hand against him (the Tatar) to harm him . . . and humiliation was put over the men . . . so they did not defend themselves neither little nor more. We take refuge with Allah from being defeated (by the enemy). IBN Al-Athir further said: One of the Tatar got hold of a man and he (Tatar) could not find any (weapon) to kill him, so he told the man: "put your head over this stone and do not move (keep it on) . . . and so the man put his head over the stone and remained there till a man from the Tatars came with a sword and killed him . . . and there were many similar examples . . .

So it is absolute obligatory upon the Islamic nation particularly upon the religions Scholars and the rulers from them to be obedient to Allah and to be dutiful to Him and to adjust the matters of differences among themselves and to propagate "The invitation to this religion (Islam) to others specially the offsprings, publish its good aspects, and instruct (teach) the people its (Islam's) laws and wisdom as did the Muslim nobles of early days." They (Muslim nobles of early days) strove hard in Allah's cause as they ought to have striven with sincerity and with all their efforts that His (Allah's) Name should be superior . . . They stood . . . inviting people to Allah's Religion (Islam), explained to them the good aspects and the excellence of Islam . . . and that was the reason their Kingdom was extended and their countries expanded, and they subjected others to its (Islam's) teachings. It was not long before their descendants deviated from the Right path, tore themselves into pieces after they had been one united piece, they doubted the Truth, so, for them the path was separated and they became as groups (and sects) having different (views and) opinions opposing each other in their aims . . . So how can they be elevated? . . . How can there be any progress or priority possible for them while they are following the disbelieving nations, they drag along behind them, pursue their ways and footsteps and imitate their actions, small or great.

They judge their people with the contradictory (man-made) laws which conflict and clash with the Islamic laws, which were the origin of their honour and pride and in which was their peace and steadfastness. Allah said: "Do they seek the judgement of (the Days of) Ignorance. And who is better in judgement than Allah for a people who have firm Faith? (5: 50).

We invoke Allah to make victorious His Religion (Islam) and to make superior His words and to lead all the Muslims to that in which His Pleasure is, Ameen.

والسلام عليكم ورحمة الله وبركاته

Sheikh Abdullah bin  
Muhammad bin Hamid  
Sacred Mosque of Mecca  
(Saudi Arabia)

عبدالله بن محمد بن حميد  
مسجد الحرام - مكة المكرمة  
المملكة العربية السعودية

Dear reader,

Now-a-days all the world is in need of the true religious teachings which Muhammad has brought, i.e., the Holy Qur'an and his Traditions and there is no guidance except by following them both. The world has advanced greatly in the field of industry and the like, but it would be beneficial for them to believe in what Muhammad has preached and to follow the light which he has brought. Then they would gain happiness in this life and in the Hereafter.

So it is incumbent upon us, (Muslims) to follow the path which Allah's Apostle adopted and to avoid polytheism and heresy in all its shapes and to take the Holy Qur'an and the Prophet's Traditions as torches in front of us to guide us. We have to teach our brethren and convey the Message to non-Muslims all over the world as much as possible in order to save them from the Hell-fire. We have to prepare ourselves to stand in the face of our enemy and to possess the means of power and to participate in the progress of useful industries in order to protect our religion and be powerful enough to face our enemy, as Allah, the Elevated says in Surat-al-Anfal (8: 60)

"And make ready against them all you can of power, including steeds of war (tanks, planes, missiles and other weapons etc.) to strike terror into the (hearts of) the Enemy of Allah and your enemy, and others besides, whom you may not know, but whom Allah does know. Whatever you shall spend in the Cause of Allah, shall be repaid to you, and you shall not be treated unjustly." (8:60)

## APPENDIX II

Ibn Hanibali (Hanbali jurist, d. 1328) on the revenues of the Islamic state Trans. from H. Laoust, *La Traite de droit public d'Ibn Taymiya*. Beirut 1948.

### Booty

The State's revenues, which have their origins in the Koran and Sunna, are three in number: booty (*ghanima*), charity (*sadaqa*), and the fay. The booty consists of spoils taken from the infidels by force. Allah has established their statutes in the *sura, al-Anfal*<sup>1</sup>, which he revealed at the time of the battle of Badr and to which he gave the precise name *al-Anfal*, because the booty represents an increase in the wealth of the Muslims. Allah said: "They will question thee concerning the spoils. Say: 'The spoils belong to God and the Messenger...'" (Koran 8:1).

In the two *Sahih*s [the two canonical collections of religious traditions] the Prophet said according to Jabir b. Abd Allah: "I have been endowed with five gifts, which no other Prophet has received before me. I have triumphed terror for a period of a month. For me has the earth become a mosque and purity; any individual from my community who is overtaken by prayertime can pray wherever he may be. I received permission to take booty, a privilege that was never accorded to any of my predecessors. I received the gift of intercession. The prophets who preceded me were sent only to their own peoples; I was sent to all mankind." The Prophet said: "I was sent with the sword before the Day of Resurrection so that all men may serve only Allah, without associates. My resources lie in the shadow of my spear. Those who opposed my orders have been reduced to degradation and humiliation. He who wishes to resemble these people must be considered as one of them" (pp. 27-28).

### Fay

The *fay* is based on the following verses from the *sura, al-Hashr* (The Mustering), which Allah revealed at the time of the expedition against the Banu Nadir,<sup>2</sup> after the battle of Badr. Allah said: "And whatever spoils of war God has given unto His Messenger from them, against that you pricked neither horse nor camel; but God gives authority to His Messengers over whomsoever He will. God is powerful over everything. Whatsoever spoils of war God has given to His Messenger, and the near kinsman, orphans, the needy and the traveller..." (Koran 59:6).

These possessions received the name of *fay* since Allah had taken them away from the infidels in order to *restore* (*afa'a, radda*) them to the Muslims. In principle, Allah created the things of this world only in order that they may contribute to serving Him, sine He created man only in order to be ministered to. Consequently, the infidels forfeit their persons and their belongings which they do not use in Allah's service to the faithful believers who serve Allah and unto whom Allah restitutes what is theirs; this is restored to a man the inheritance of which he was deprived, even if he had never before gained possession.

In this category the capitation tax (*jizya*) to be paid by Jews and Christians is to be included; the contributions imposed on certain enemy countries or the presents that they offer the sultan of the Muslims, such as for example, the *palladium (haml)* made by certain Christian countries; the tithes (*ushr*) paid by the merchants of countries within the territory of war (*dar al-Harb*); the five percent tax levied on the protected peoples (*ahl al-dhimma*) who trade outside of their country of origin (this is indeed the rate employed by Umar b.al-Khattab); the payments imposed on the people of the Book who violate their covenant of protection; the land tax (*kharaj*) that originally concerned only the people of the Book, but was applied later, in part, to certain Muslims.

Under the heading *fay* were also grouped all the possessions of the state that form the patrimony of the Muslims, like the possessions that have no particular owner: heirless goods, usurped goods, loans and deposits whose owners it is impossible to find, and, more generally, all personal and real estate that belongs to Muslims and that is in a similar situation. All property of this type constitutes the patrimony of the Muslims (pp. 35-36)

Concerning the men “whose hearts are won over” [by gifts], they can be either infidels or Muslims. If they are infidels, it is hoped that by these gifts an advantage may be obtained: for example, to induce them to convert, or avoid some misfortune, on condition that it is impossible to act otherwise. If they are influential Muslims, it is hoped that some benefit will arise such as strengthening their conversion, forcing it on one of their fellows, enlisting their support in order to obtain the payment of the *sadaqa* from another group that has refused its payment, inflicting harm on an enemy or preventing him from harming Islam, providing always that this result cannot be achieved except at this cost.

These gifts, granted to the powerful and withheld from the lowly, resemble externally those which kings are wont to bestow. However, acts are what intention (*niyya*) makes of them: if these gifts are to serve the common interest of the Muslim religion and of Muslims, then they will be those which the Prophet and the caliphs bestowed; if, however, they are motivated by ambition and corruption, then they will be like those granted by Pharaoh (p. 51).

The two other revealed religions were enfeebled by their incapacity to fulfil themselves, or through the fear that their followers experienced in the face of necessary ordeals. Consequently, these religions appeared devoid of power and greatness to men, who then understood that they were incapable of ensuring their own happiness as well as that of others. These two erroneous paths are those of men who have embraced a faith without perfecting it with all that is necessary for its own existence; power, *jihad*, material resources – or that if men who have sought power, fortune, or war without having had as their goal the triumph of [their] religion. These two paths are those of men who have incurred Divine Anger, and those of men who have gone astray. One is that of Christians who, in their error, have wandered astray; the other is that of Jews, who have incurred the Divine Anger.

The straight path is only that of the Prophets, saints (*siddiqin*), martyrs, and the pious. It is the path of our Prophet Muhammad, his caliphs, companions, their

followers, and our forebears who have shown us the way: the *Muhajirs*, and *Ansar*, and the faithful of the second generation. Allah has reserved for them gardens where running water flows and where they will abide through eternity. That is the supreme triumph (p. 178).

Ibn Taymiyya (d.1328), in H. Laoust.

### **APPENDIX III**

**'The Jihad is the way to gain Victory' by A. Ghoshah, Chief Judge of the Hashemite Kingdom of Jordan**

**In Kitab *al-Mu'tamar al-Rabi'il-Majma' al-Buhuth al-Islamiyya*. 2 vols. Al-Azar University (Academy of Islamic Research). Cairo 1968.**

## **Jihad in Modern Times (1968)<sup>1</sup>**

### **The Definition of Jihad**

The word "Jihad" means exerting all efforts. It means also struggling hard till you feel exhausted.

To strive against the enemy is to fight him.

Jihad – from the view-point of religion means exerting all efforts in repelling the enemies and in fighting them.

Jihad is an Islamic word which other Nations use in the meaning of "War" (p. 182).

### **The Cause for Which Jihad is Legislated**

Scholars have disputed about the reason for which Jihad is legislated.

Some of them said: Jihad is legislated in order to be one of the means of propagating Islam. Consequently Non-Muslims ought to embrace Islam either willingly or through wisdom and good advice or unwillingly through fight and Jihad. According to the above reasons, those scholars lay the foundation of the foreign policy of the Islamic stat on the following bases:

- I. It is unlawful to give up Jihad and adopt peace and weakness instead of it, unless the purpose of giving up Jihad is for preparation, whenever there is something weak among Muslims, and their opponents are, on the other hand, strong.

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<sup>1</sup> Except for typographical errors, which have been corrected, the texts here reprinted from the 1970 Cairo publication have been left in their original form. No attempt has been made to improve the English.

If anyone attacks Muslims, Jihad will become an enjoinder upon every Muslim qualified for Jihad.

Otherwise, it is an enjoinder by proxy, namely, when any party of Muslims carry out Jihad, the obligation is no longer binding upon the rest.

If Jihad is not carried out by any part of the nation, all the nation will become sinful.

- II. War is the basis of the relationship between Muslims and their opponents unless there are justifiable reasons for peace, such as adopting Islam or making an agreement with them to keep peaceful.
- III. The abode of Islam [*dar al-Islam*] is the homeland which is subject to the rules of Islam, and which guarantees the security of its inhabitants, whether they are Muslims or people of Scriptures.

The abode of war [*dar al-Islam*] is the homeland which is not subject to the rules of Islam, and its inhabitants are not as secure as Muslims (p. 184).

Islam has brought the ideal manners and the human principles which the Muslims should follow and must not ignore in the time of war. Islam is Allah's religion upon Earth to the Last Day.

These Laws which Islam has legislated and which the Muslims must consider before and during fighting, are the best laws ever known of mercy and humanity....

The first one of these laws is the prohibition of the Sudden attack in fighting. This preliminary law necessitates calling the unbelievers to embrace Islam. If they refuse this item, then they are to keep their own religion and pay Jizya for their defence and protection. All these steps should be taken before fighting them (p. 231).

The Muslims are also free to break their covenant with the enemies if they are uneasy lest the enemies should betray them...

Treachery was the business of Jews throughout their ages and times as it was their instinct to break their covenant with others and resort to treachery as soon as they had any chance to betray others. Allah, the Almighty, enjoined upon Muslims to keep their covenant with their enemies and to deal with them justly and openly. This enjoinder was imposed upon Muslims not out of weakness or inability but it was out of strength and heavenly support. Allah backed Muslims until they gained Victory throughout all incursions and battles against the treacherous hypocritical Jews (pp. 239-40).

Al Tabarani quoted in his book (Al Awsat): "Lies are sins except when they are told for the welfare of a Muslim or for saving him from a disaster" (p. 247).

Shaikh Abdullah Ghoshah, Chief Judge of the Hashemite Kingdom of Jordan

## APPENDIX IV

Source:

<http://www.geocities.com/al-khilafah/JIHAD2.htm>

*The Islamic Verdict on*

# JIHAD AS A METHODOLOGY TO ESTABLISH THE KHILAFAH

By

**Sheikh Omar Bakri Muhammad**

**The Principal Lecturer of *The London School of Shari'ah* & The  
Leader of *Al-Muhajiroun***

## INTRODUCTION

Due to a general lack of knowledge among Muslims and Western propaganda against Islam, both Muslims and non-Muslims today misunderstand the concept of Jihad. Jihad is presented nowadays either as the call of "blood-thirsty people" to convert others to Islam by 'the sword' or as a means to establish the Islamic State or conversely it is promoted as a self-help concept whose aim is to make one a model citizen in whatever society one finds oneself in. Unfortunately none of these ideas represents the true nature and reality of Jihad in Islam.

The subject of Jihad has been discussed in considerable detail in the Qur'an. No other action has been explained in as much detail as Jihad such that some commentators and scholars of the Qur'an have even remarked that THE topic of the Quran is Jihad. A Muslim who reads the Qur'an with devotion will no doubt be determined to reach the battlefield in order to attain the benefits of Jihad. It is no surprise therefore that the Kuffar (disbelievers) conspire to keep the Muslims far away from the true understanding of the Qur'an. Similarly there are thousands of Ahadith (narrations) of the Prophet (saw) regarding Jihad.

Jihad, as a term, cannot be translated as 'holy war' or as 'struggle'. The aim of Jihad, unlike the Crusades, both past and present, is not to forcibly convert the inhabitants of other lands to our ideology i.e. Islam. Rather Jihad is the method adopted by Islam to protect land, honour and life and to save humanity from slavery to man-made regimes. The difference between the use of force by the West and that by Islam is that the Capitalist West uses force overtly and covertly for the benefit of a few, such as corporations, while Islam uses force openly and justly to carry its mercy to others.

There is no doubt that Jihad is a complicated and dangerous topic. It is one of the main Pillars of Islam after Tawhid and Da'wah. In fact Jihad is a form of Da'wah, Da'wah by the Islamic State as its foreign policy. It is

dangerous because it involves taking life, property etc... it is complex because, just like a delicate surgical operation, the slightest of mistakes could be very destructive. To understand Jihad we need to understand at the outset that Allah (swt) is the only Commander, that He (swt) is the only one who gives life and takes life and that all our actions are only for Him (swt).

## LINGUISTIC MEANING OF JIHAD

The word Jihad comes from the root word JAHADA which has many meanings in Arabic including the following: To make effort to be perfect, A studious student, To aim or to create, To work to reach the aim, To become very tired, To interrogate, To insist, To overload, To become weak from illness, A hard working person, To be love-sick, To mix, To rise, To desire, To eat a lot, To be generous, Hardship, To be cautious, To exhaust, To fight without rest. In other words AL-JAHADA linguistically is to exhaust the utmost effort until the limit of exhaustion, which could be in any aspect of ones life.

## THE DEFINITION OF JIHAD

The Definition of Jihad according to the scholars such as Ibn Qudamah Al-Maqdisi, Ibn Taymiyyah and Ibn Aabideen is: *"Exhausting the utmost effort fighting for the sake of Allah, directly by your body or by assisting by money or by your saying or by recruiting Mujahideen or by any other means to help fighting"* (such as to train people) They take the Ayah **"...go out fighting young and old (exhausting utmost effort) with your body and your money..." [EMQ 9:41]** as evidence for this definition. In addition Imam Fairouz Abadi said, in his famous dictionary 'Al-Qamous Al-Muheet' that here the word 'Al-Nafir' means to go out and fight by the sword. Moreover Allah (swt) says in the Qur'an: **"Allah admires those who fight for his cause like one block...Oh believers let me guide you to a real trade that will save you from punishment, to believe in Allah and his Messenger and to fight for the sake of Allah with your money and your body, that is better for you"**[EMQ 61:4]

## OPINION OF THE FOUR CLASSICAL SCHOOLS OF THOUGHT

According to Hanafi Fiqh **Imam Kasani** in his Book *Bada' Sama* defined Jihad as: "...Exhausting the utmost effort and energy fighting for the sake of Allah by the body, money and the tongue or any other thing..."

According to Maliki Fiqh **Imam Ibn Arafa**, transmitted by Sheikh Khalil in *Mukhtasar Al-Khalil*, said that Jihad is: "...a Muslim to fight the Kuffar without a treaty, for the sake of Allah to make his (swt) name the highest...through his presence or going for it..."

According to Shaafi fiqh **Imam Shirazi** in *Al-Muhazab Fil Fiqh Al-Shaafi* said that Jihad is: "...to fight the Kuffar for the sake of Allah by your body or money or tongue or by recruiting the people..." (see also *Kitab Al-Minhaj* by Imam Nawawi)

According to the Hanbali Fiqh **Imam Ibn Qudama Al-Maqdisi** said that Jihad is: "...to start to fight the Kuffar whether as Fard Kifayyah or Fard Ayn or protecting the believers from the Kuffar or guarding the border or frontier and to fight in the front line is the pillar..."

## THE CUSTOMARY MEANING OF JIHAD

Jihad nowadays is fighting for the sake of Allah (swt) among the people, at the time of the classical scholars the customary and Shari'ah meanings were one, today they are different.

## JIHAD ACCORDING TO THE USULIS

According to Imam **Al-Qastalani** (Shaafi), **Imam Al-Mawardi** (Shaafi), **Imam Al-Taftazani** (Hanafi) and **Imam Jirjani** (Hanafi): "...the condition to fight the Kuffar is to give victory to Islam as an aim and the intention must be to make Allah (swt)'s name the highest..."

Hence juristically, customarily and according to the Usulis Jihad is to fight for the sake of Allah (swt) or **Exhausting the utmost effort fighting the kaffir, to make Allah's (swt) Deen the highest.**

It is reported in Sahih Muslim upon the authority of Abou Sa'aed Al Kudri that the Sahabah asked the Messenger Muhammad(saw) '**What is Jihad?**' And He (saw) said '**To fight to make Allah's Deen the highest**'

This definition is comprehensive and restrictive (*Al Jamiyyah Wa al Maniyyah*). It is comprehensive because it includes the linguistic meaning of Jihad and the attributes of Jihad. It is restrictive since it involves fighting only the kuffar for the sole purpose of raising Allah's (swt) name.

NB. The fukaha insist that the *Jeem* in Jihad must not be pronounced in a soft manner i.e. it is *Al Jeem al Mushadadah*.

However there is difference of opinion as to whether Jihad is only an offensive duty or whether it can be attributed to both offensive Jihad and defensive Jihad. **Al Izz Ibnu Abdul Salaam** (Sheikh al Jihad) said that it is only an offensive duty not defensive i.e. Jihad by definition will only be called so if we initiate fighting, the other duty (i.e. defensive Jihad) is called *Al Dafa'ah*. Defending oneself being instinctive in man just as it is with the animals, not a unique duty like offensive Jihad.

In addition **Ibnu Qayyim** laid down certain conditions for Jihad as:

- i. That the Muslims must start or initiate the fighting
- ii. That the fighting must be against the kuffar (**NB.** fighting the *murtadeen* (i.e. the apostates) is called *Qaatal al Ridda* and is implementation of the Islamic penal code whilst fighting the *Baghee* (i.e. the rebels) is called *Qaatal al Baghee*, neither of these being Jihad – see below for more details).
- iii. *Al Ma'niyyah* - having the intention of fighting Jihad to make Allah's (swt) Deen dominant. (**NB.** this is not usually the case in defensive Jihad since one usually fights for victory or martyrdom not looking to implement the Islamic ruling system in such circumstances).

## THE DIVISIONS OF JIHAD

From the above we can divide Jihad into two divisions:

i) **Al-Jihad al-Mubada'ah** - Offensive Jihad

ii) **Al-Jihad al-Dafa'ah**- Defensive Jihad

However since linguistically the word Jihad connotes the exhaustion of effort it is found used within the Qur'an with different meanings e.g. Jihad of the Nafs etc... When Allah (swt) describes fighting in Jihad He (swt) therefore uses the word '*Qaatala*' and the one fighting those who fight him is called '*Muqaatil*' (whereas '*Qatala*' is to murder and the murderer is called '*Qatil*'). Allah never utilises *Qatil* i.e. murder/kill in the Qur'an in the context of Jihad but rather *Qitaal* i.e. fight since life has sanctity in Islam.

Imam Shaafi said that the reason why we fight the kuffar (in offensive Jihad) is because they reject our Deen i.e. are at war with our Deen. Imam Abu Hanifa on the other hand said that we fight the kuffar (offensive Jihad) because i) they fight us and ii) they reject our Deen to be implemented.

## THE EVIDENCE FOR DEFENSIVE JIHAD OR JIHAD AL-DAFA'AH

There are many detailed evidences for this duty including Surah Al-Tauba verse 36 where Allah (swt) says: "**And whosoever does any aggression against you retaliate against them in the same manner but know that Allah is with those who restrain themselves.**"

It is reported in the Musnad of Imam Ahmed that Abu Sa'aed Al Kudri asked the Messenger Muhammad (saw) **"What is aggression?"** and He (saw) said **"When they fight you for your Deen or for your wealth or for your life"**.

Imam Ahmed also reported that the Messenger Muhammad (saw) also said: **"whoever dies defending his Deen is a martyr, whoever dies defending his wealth is a martyr and whoever dies defending his homeland is a martyr"**.

The divine indication i.e. *Qarina* that it is an obligation to defend yourself is that firstly, Allah (swt) connects the issue of fighting with that of Taqwa ("...Allah is with those who restrain themselves...") and secondly, that retaliation is permitted here whereas the general rule for a Muslim is that he is not permitted to retaliate. When the enemy enters Muslim land, such as in Palestine, Chechnya, Kosova or Kashmir, the obligation to defend upon the Muslims within travelling distance of the aggression is called Fard Mu'ayyan. If the liberation of the land is not accomplished after a certain time by these people who are within travelling distance of the occupation or attack, then the obligation will move travelling distance away and it will also be an obligation then for those living nearest to those being attacked to engage physically by fighting to liberate the land entered. In the meantime Muslims worldwide will have the burden to liberate this land and an obligation from the first day to support those fighting which support can be physical, verbal or financial, wherever the Muslims live. **NB.** 'Support' can be of many types and is not limited to helping fight the enemy physically on the battlefield.

### THE EVIDENCE FOR OFFENSIVE JIHAD OR JIHAD AL-MUBADA'AH

There are many detailed evidences for this duty including Surah Al-Tawba verse 123 where Allah (swt) says:

**"Fight those who do not believe in Allah and his Messenger and let them find harshness in you"**

In fact this is the last ayah which was revealed concerning Jihad in the Qur'an. Hence there is no doubt that offensive Jihad is an obligation upon us until the day of Judgement. Moreover the Messenger Muhammad (saw) said: **"Fight the Mushrik with your money, by your tongue and your body"** which also indicates an offensive duty. It is also narrated by Muslim from Buraidah (ra), from Abdullah Bin Omar (ra) that Rasoul Allah (saw) never fought people until he called them to Islam.

The conditions for Offensive Jihad are:

1. That you must fight under the banner of Islam.
2. That you must fight with the *Niyah* to make Allah (swt) 's Deen the highest
3. That you must prepare for it beforehand. This last condition is taken from the ayah in Chapter Al-Anfal verse 60 where Allah (swt) says: **"Prepare as much as you can... in order to put fear into the hearts of the enemy"**

### THE REALITY OF DAR UL HARB AND DAR UL ISLAM

There are many types of Dar in Islam either attributed to Dar ul Islam or Dar ul Kufr. The law and Order makes land Dar Ul-Islam or Dar Ul-Kufr. Imam Kasani reported from Abu Hanifa that he said: "Dar Ul-Islam will be so even if all the people are kafir as long as the law and order is Islamic and security is in the hands of the Muslims.." Many people try to say that we are living under Dar ul Harb today and that as such the citizens in, for example the UK or Egypt have no sanctity for their lives or property etc... A detailed look at the types of Dar in Islam however will allow us to appreciate that firstly they in grave error and secondly that in fact the concept of Dar is not as simplistic as these people would have us believe.

When there exists an Islamic state there is Dar ul Islam. The definition of an Islamic State according to the classical scholars such as Imam Kalkashandi and Imam Marwardi is: "The absolute highest authority for the Muslims worldwide which implements Islam internally and externally and carries Islam to the world". Clearly no country meets this criteria today and since it is the Khalifah himself who will ultimately enter in treaties with other nations or declare war on them there can exist no Dar ul Harb today either, rather the whole world today is Dar ul kufr. Dar ul Harb (land of war) is an attribute of Dar ul Kufr and will not exist in the absence of Dar ul Islam. Upon the establishment of the Islamic state the whole world will potentially be Dar ul Harb outside of the state's frontiers since the foreign policy of the Islamic State is aimed at conquering the world. **NB.** Treaties require two parties hence in the absence of Dar ul Islam there are no treaties for Muslims!

Dar ul Harb has its own ahkam according to the Fuqaha. For example one cannot carry the Qur'an there, there is no need for one to pray the Fard ul kifayah prayers, Hudood is not implemented and rather than enjoining Maoruf (good) and forbidding Munkar (evil) the Muslims have one policy there which is to fight with the niyyah of Jihad i.e. a shoot to kill policy. Hence the word Dar always applies to Ahkaam i.e. the law and order.

One may prefer to classify countries today as either **i) Dar ul Harb Hukman** i.e. theoretically Dar ul Harb and **ii) Dar ul Harb Fi'lan** i.e. practically Dar ul Harb where there are kuffar occupying Muslim land and where the Muslims are required to fight to liberate their land as in Palestine, Chechnya, Bosnia etc.. This latter land is also known as Dar ul Ghasab. Among contemporary scholars Sayed Outb used the description of theoretical and practical Dar ul Harb. Recently we have seen the use of, for example, **Dar ul Fusuq** (land of sin) and **Dar ul Ridda** (land of apostates) however such terminology is incorrect since sin and apostasy apply to individuals not to

land. Despite the use of terminology such as Hukman and Fi'lan it should nevertheless be remembered that in the absence of Dar ul Islam there can exist no Dar ul Harb.

When the Muslims establish the Islamic State (i.e. Khilafah) the presence of Dar ul Islam at that time may mean the presence of any of the following:

1) **Dar Al Aman** – which is the land of security i.e. which gives security to the people and it therefore also refers to Mecca. After the Fateh of Mecca when the people had embraced Islam, the Messenger Muhammad (saw) told them that they were free and that no one would touch them, such that they all had security. In his document compiled in Yathrib he (saw) said **'people who live in Madina have security and others have a treaty.'**

2) **Dar ul A'hed** - is the land with which the Islamic State has a treaty with another country, and the maximum duration of any treaty is 10 Years; the evidence for this is that the Messenger Muhammad (saw) was in a position of weakness during the incident of Hudaibiyyah which resulted in the signing of the ten year treaty with the Quraish. Muhammad (saw) said: **'I will take the maximum treaty Allah allows, 10 years'** A treaty with the kuffar could be with war or without war, the result of which will ultimately define the type of Dar. If Muslims go from Dar ul Islam to Dar ul A'hed they must honour the treaty otherwise they will be betraying Allah and his Messenger

3) **Dar Ul- Dhimma** - is where only the leader is Muslim but it is still considered to be Dar Al Islam because Islam is implemented upon the people. This happened in Yemen at the time of the Messenger Muhammad (saw) where the people were Christians but the leader was Muslim.

4) **Dar ul Muwada'ah** - This is the land where people have agreed a ceasefire in order to decide whether they wish to embrace Islam or not. The Messenger Muhammad (saw) said **"Call them to Islam and if they do not agree then ask them to pay Jizya."**

5) **Dar ul Baghi** - This situation may arise when people rebel against the state. This may be because they do not want to implement a part of Islam or because they want to take measures against the state e.g. to fight the Khalifah. The Islamic state may give such people time to reconsider. In the time of Abu Bakr Al Siddiq, Al-Murtadeen refused to pay Zakat to the Khalifah, instead paying it to their own people. The result was the Khalifah fighting them and the loss of many lives.

6) **Dar ul Tatarus** - This is land where the kuffar have entered and hijacked the area i.e. occupied it. They may have taken women and children hostages. The state would need to make a difficult decision as to whether to fight them or not in this scenario.

7) **Dar ul Sulh** - This will arise where during battle between the Muslims and the kuffar there is agreement to a ceasefire for rest and refreshment. The war will probably be resumed later.

8) **Dar ul Khulu** - In the event of the death of the Khalifah the Islamic state may find itself in one of three situations: i) In peace time ii) during war, where the Muslims will have an opportunity to finish the war before they appoint another Khalifah or iii) where the Khalifah is assassinated in time of fitnah e.g. people may say that they killed the Khalifah because he declared kufr buwah whilst others disagree. Khulu means a vacuum in Arabic. It was during a war that the Tartars killed a Khalifah.

9) **Dar ul Jihad** - This is a situation where the Khalifah is under the control of the kuffar fighting the Muslims. The Amir of Jihad will be in charge and the ahkaam of Jihad will apply until after the war.

10) **Dar ul Hiraba** - is an area where Muslims are prohibited to be for security reasons. This may be because there are rebels staying there. It is prohibited, for example, to pray in such areas.

Today we can classify the world under four categories of Dar ul Kufr (i.e. in the absence of Dar ul Islam) :

1) **Dar ul Kufr** - Muslim countries where Muslims have authority e.g. Pakistan, Saudia Arabia and Malaysia.

2) **Dar ul Kufr** - Non-Muslim countries where the kuffar have authority e.g. The United States, Britain and France.

3) **Dar ul Kufr** - Muslim land where the kuffar inhabitants have taken authority e.g. India and Lebanon.

4) **Dar ul Kufr** - Which is Dar ul Ghasab either i) Muslim countries occupied by the kuffar and under their authority e.g. Kashmir, Palestine and Northern Spain or ii) Non-Muslim countries occupied by other kuffar and under their authority e.g. Ireland and Cuba.

**Note:** In **Dar ul Ghasab**, where Muslim land has been occupied by the kuffar, Muslims are prohibited from eating the enemy's vegetables. Only the prayer and trade of the Mujaahid are accepted there. To live, fight and eat whilst involved in Jihad is a form of worship otherwise to stay in such areas is prohibited. Those Muslims, for example, in Palestine need therefore to engage in the Jihad physically, verbally and financially. The kuffar there are called kafir Harbi Muqtasib and only one hukm applies to them i.e. that they be killed wherever the Muslims find them.

However note that even during fighting the ahkaam (divine rules) of Jihad must be observed i.e. Muslims are forbidden from killing women, children, the elderly or trees unless killed accidentally and unavoidably because for example they are located amongst the enemy. But the military institutions and governments of any country occupying Muslim land are legitimate targets and if its liberation cannot be achieved without their destruction, then their destruction will become obligatory.

Once the Islamic State is established anyone in Dar Al Harb will have no sanctity for his life or wealth hence a Muslim in such circumstances can then go into Dar Al Harb and take the wealth from the people unless there is a treaty with that state. If there is no treaty individual Muslims can even go to Dar Al Harb and take women to keep as slaves. An evidence for this is that when the Messenger Mohammed (saw) entered Yathrib and he made

treaties with all surrounding tribes accept the Quaraish and he said *"Whoever deals with them he will betray my treaty and if they enter the state they will be killed"* and the Messenger Mohammed (saw) initiated war with them. In addition it has been narrated that the Messenger Muhammad (saw) declared Khaybar Dar ul Harb and that Muslims living there left their businesses since it became prohibited to continue to live there and engage in business.

Finally although living in Dar Al-Harb permanently is prohibited you can live among the kafir in Dar Al Islam. Nowadays you can live in Dar ul Kufr as long as you fulfil all your Islamic obligations such as carrying Da'wah to the society, enjoining Maoruf and forbidding Munkar and working to establish the Khilafah.

## WHICH TYPES OF FIGHTING IN ISLAM ARE CONSIDERED JIHAD?

A classification of types of fighting in Islam together with an explanation of each from the detailed evidences is set out below:

### 1. QITAAL AHL AL-RIDDAH – Fighting the apostates

This is not Jihad because it is not fighting the Kuffar within our definition. An example of this is where Abu Bakr Siddique (ra) fought the Murtadeen. This is implementation of the Penal code in Islam, a job of the Khalifah, which was Abu Bakr (ra) at the time of the example. Imam Nawawi in his book *Al-Minhaj* said what makes someone Murtad is "To sever Islam by intention or saying or action whether in mockery or through stubbornness or belief" and it is reported in Muslim upon the authority of Abdullah Ibn Omar (ra) and in Bukhari upon the authority of Abu Hurairah (ra) that the Messenger Muhammad (saw) said: **"whoever changes his Deen kill him"** At the time of Abu Bakr he was therefore justified in fighting people who changed the Deen by refusing to pay Zakaat to the State and later declared there apostacy. Ibn Qudamah Al-Maqdisi says in His *Mugni* that "fighting the Murtadeen is more important than fighting original Kuffar" because this is an internal enemy. This is evident however one cannot draw an analogy and say that fighting against the kufr regimes above us is more important than, for example, to fight in Kosova since no analogy exists here.

The reality of apostates is that they are either: (i) In charge of the regimes and arrest and torture people (with Muslim police and army) (ii) Some apostates join with the kufr forces and occupy Muslim land and Muslim armies are with them (iii) Apostate individuals exist who do not fight the State or (iv) Apostates fight against the State. Of these four (i) is not Jihad to defend anything and nor could we implement Hudood upon anyone since there is no Khalifah as at the time of Abu Bakr (ra) and we are now living in Dar Al-Kufr not Dar Ul-Islam, hence (iii) can also not be fought as Jihad. However (ii) is Jihad as in the case of Fighting the US and Kuwaiti forces in the Gulf war. As for (iv) there is disagreement as to whether it is Jihad or not. Imam Kasani says it is Jihad whereas Ibn Qudama said it is not Jihad. In any case no one said that is a methodology to establish the Khilafah! Among those who say that (iv) is not Jihad are Imam Ali, Omar Al-Farouq, Saeed Bin Abi Waqqas and Ubada Bin Al-Jarrah (raa), in addition there is no evidence that Abu Bakr (ra) said that he fought them *for the sake of Allah* as one does in Jihad but rather because they did not pay Zakaat and became Murtadeen.

An unfortunate opinion has been advocated by some Jihadi groups that Muslims in the army in Muslim countries are legitimate targets because by joining the army they have committed sin and so at this time they cannot be called Muslims since they are not submitting (making Taslim) to Allah (swt). They are therefore apostates and as such are now Murtad who can be killed on the way to establish the Khilafah! We must appreciate that in the first place even if these people were to commit apostacy it is the sole right of the Khalifah through his courts and judges who have the divine right to implement the Hudood. The view posited here is in fact very similar to the Khawarij of the past who also used to make Taghfir (i.e. declare apostacy) for anyone who did a Haram (i.e. prohibited) act. However this view is clearly incorrect since every son of Adam (apart for the Prophets of Allah) are subject to sin and error and adopting this opinion would mean that most of us would therefore need to be killed at one time or another because of apostacy! In addition the Messenger Muhammad (saw) said: **"Every Muslims blood has sanctity except for three: the adulterer, the apostate and the murderer"** and **"whoever kills a Muslim by mistake must pay bloodmoney"** hence how can then kill Muslims in the army deliberately!?

### 2. QITAAL AHL UL-BAGHI – Fighting the rebellious

Generally speaking there are three types of rebellions: (i) Those who rebel against the authority by some means e.g. deny rights or orders or work to overthrow the leader without fighting (ii) Those who have power and are able to use it to remove a government and (iii) armed resistance against the State. The Jumhur of the Fuqaha say that there must be a sign of rebellion before the rebels can be fought i.e. *Shubha Shar'iyyah*. Such as when Muslims rose against Imam Ali, he knew what they intended to do even without clear-cut evidence. So is fighting the Baghi Jihad? No, because it is not fighting the Kuffar to make Allah's Deen highest and Allah (swt) says: **"If Muslims fight with other Muslims protect and return their rights and ask them to reconcile afterwards."** Moreover the people killed at the time of Ali were given Ghushl and Janaza and were buried indicating that it was not Jihad i.e. they were not treated as Shaheed.

### 3. QITAAL UL-HIRABAH – Fighting the highway robbers

Imam Nawawi said in his *Mughnim Muhtaj* that "They are terrorist gangsters from among the Muslims, apostates or Ahl Al-Zimmah. They come out with weapons to steal, take money and rape. They usually stay in caves and mountains etc... Its an obligation to ask them to drop their weapons and surrender themselves. The State is obliged to send forces to destroy them" Imam Malik said that it can be classified as Jihad or as punishment (i.e. penal code) depending on who we are fighting (i.e. Jihad if they are Kuffar (even if they are Zimmis) and penal code if they are Muslims). The other three classical scholars (Hanafi, Shaafi and Hanbali) agree that the one who fights Highway robbers does so under the order of the Khalifah as a penal code. Whereas Ibn Taymiyyah (ra) is unique in his opinion that whether they are Muslim or kafir it is called Jihad.

### 4. QITAAL UD-DIFAA' ANN AL-HURRUMAAT AL-KHASSAH – Fighting to defend personal sanctity

To defend ones life, wealth or honour (whether Muslim or non-Muslim) is not Jihad according to all the Fuqaha. Nevertheless it is a duty to defend these upon the individual. The evidences for this are many and include Allah (swt) in the Qur'an: **"Whoever does aggression against you retaliate (defend yourself)..."** and the hadith collected in Abu Daoud where Rasoul Allah (saw) said: **"Whoever dies defending his wealth dies Shahid, Whoever dies defending his wealth dies Shahid, whoever dies defending his life dies Shahid, whoever dies defending his Deen dies Shahid, whoever dies defending his family dies Shahid..."** and the evidence to defend non-Muslim Zimmis is that it is narrated upon the authority of Abdullah Bin Omar (ra) that the Messenger Muhammad (saw) said: **"Honour the covenant to the people of Zimmi"** on his deathbed.

Al Zimini is usually used for the one who is living in Dar Al Islam. People define it differently, some say it is the one who lives permanently in Dar Al Islam or the one who does not believe in Islam but submits to its law and so on. But what if there is no Dar Al Islam, would there therefore correspondingly be no Zimini today and no security for non-Muslims in Muslim land? Do they have no rights and we have no treaty with them? If so then those Jihadi movements and others who adopt that non-Muslim civilians, including tourists, in Muslim countries can be killed are correct. However to link the definition to a place is wrong, rather a correct definition would be: *'the non Muslim who lives permanently in Muslim countries, has a treaty to do so, accepts the law and order of Islam and pays Jizyah'* and therefore everyone must honour the contract of the Muslims in Muslim Countries. Our comprehensive and restrictive definition must include the following: (i) That they live in Muslim countries (ii) That they have a treaty to live permanently in Muslim countries (non-Muslims who visit us temporarily are not called Zimmi but mustaminn)(iii) That they accept the law and order of Islam i.e. not to abuse Islam and even to re-establish Islam with the Muslims (iv) That they must pay Jizyah, although the condition for this is to have a khalifah i.e. it is up to us to establish the Khilafah to take Jizya from them. We cannot simply say that because we have no Khilafah we can just go ahead and kill any non-Muslim, rather we must still fulfil their Zimmah and work to establish the Khilafah in the meantime, whose destruction cannot be laid at the foot of all non-Muslims in Muslim countries! **NB.** A Muslim country is any place Islam conquered or where Islam was implemented or where the majority of people embraced Islam on it. If the signs of Islam become prevalent e.g. the Azaan and Eid celebrations, then it will become a Muslim country although the details of this is a matter of difference of opinion. Imam Kalkashandi said that whoever enters a land whether by force or agreement or by the people embracing Islam on it or even if the Deen starts to prevail there, it becomes Muslim land and Imams Hanbali, Shaafi and Hanafi quote the Qur'an in Surah Al-A'raf at verse 56 and say the same as this i.e. that it becomes Muslim land if any of the above occur.

Hence the people living in our countries still have the covenant of the State or Zimmah. The Messenger Muhammad (saw) said that **"The Zimmah of the people is until the day of judgement"** however there is no ambassador (i.e. Khalifah) to make a treaty with them today.

Finally we must remember that **defending** life, honour or wealth means just that i.e. that we must be in a **defensive** position as opposed to an **offensive** position. Ibn Qudama Al-Maqdisi said in his Al-Mughni; "If he defends himself he shouldn't use an aggressive weapon but a defensive one" And among the three; honour and then life take priority over wealth if a conflict arises.

Moreover generally you can only defend against a Kafir, animal or a Muslim who has no sanctity for his blood i.e. **"...the adulterer, he who kills intentionally or an apostate.."** according to the hadith of the Messenger Muhammad (saw). Otherwise we are not allowed to fight with Muslims and if a Muslim comes to strike you, you can either just protect yourself from his attack (as opposed to fighting him back as would be the case with the Kafir) or do what one son of Adam did when his brother came to kill him and say: 'You may raise your hand to kill me but I will not raise mine to kill you because I fear Allah. Lord of the Worlds'

#### 5. QITAAL UD-DIFAA' ANN AL-HURRUMAAT AL-A'MMAH – Fighting to defend public sanctity

For example if people enter the Islamic State and start to burn crops, kill people or build nightclubs violating thereby the sanctity of Allah (swt) and the State. Imam Qurafi said that its Fard to defend the public sanctity and the Muslims must fight against it when 'Munkar is done publicly, obligations are left, prohibition is spread and the Shari'ah rules are dismantled' because Rasoul Allah (saw) said: **"Whoever sees Munkar let him change it with his hand and if you can't by your tongue and if you can't by your heart and that is the least thing you can do if have Iman in your heart..."** (collected in Sahih Muslim). Ibn Qudamah Al-Maqdisi added that fighting to remove such evil in society is Fard Kifiyyah (i.e. sufficient Fard). Ibn Muflihall Al-Maqdisi said that to change Munkar is Fard Ayn (an individual Duty) upon those who witness it upon those who are capable. Those who say that we must fight use the hadith of the Messenger Muhammad (saw) narrated in Ibn Majah, Abu Daoud and Muslim where he (saw) said: **"Whoever lives with people involved in sinful acts and they are capable of rising to change it and they don't do so, Allah will punish them before they die"** and in another narration in Ahmad: **"Whoever does something evil among them and they are more in number than him and more powerful and don't change him Allah will punish them"**

In addition to this the Fuqaha distinguish between the Munkar which is Assassi and that which is Fari i.e. that which is the basis for other Munkaraat and that which is not. Only that which is Fari, which is known by necessity as Haram based on definite evidence with clear cut meaning (i.e. Qati Thabout with Qati Dalalah) and which the individual has the capability of changing with his hand can be changed otherwise it is prohibited to use force to try to change it (since the hadith of Rasoul Allah (saw) says **"...and if you can't..."** which is a binding condition of being capable of changing it). In which case the most we can do is to forbid it (i.e. do *An Nahi An Al-Munkar* as opposed to *Taghir Munkar*). Hence if the prohibited action is allowed by the law and order one cannot change it unless one changes the law and order in which case the most we can do is to address the Munkar verbally, carrying Daw'ah openly and publicly the way the Prophet (saw) did in Mecca before the establishment of the Islamic State in Madina.

So is this Jihad or not? Ibn Qudama Al-Maqdisi shed some light on this question. He posited that there could be one of three possible scenarios: (i) To prevent individuals doing Munkar against other individuals (e.g. rape) (ii) If the State requests people to rise and prevent evil by force (iii) Where the State allocates forces to stop evil by force. In Ahmad it is narrated that Rasoul Allah (saw) said: **"Jihad is four, commanding good, forbidding evil, speaking truth at the time of hardship and not co-operating with whoever does Haram openly and publicly"** Hence Ibn Qudamah concluded that these must all be Jihad *linguistically* but not the Jihad of fighting the Kuffar according to our definition of Jihad. In fact all the fuqaha agree that to fight to remove Munkar is not Jihad despite the Hadith mentioned here and that collected in Nisai which states that **"A man asked Rasoul Allah (saw) when he sat on his camel 'Which Jihad is the best?' and He (saw) said: 'A word of truth before an oppressive ruler'"** and that in Sahih Muslim which states that the Messenger Muhammad (saw) said: **"There is no prophet that Allah sent before me but he had supporters and companions who did what he said and obeyed his commands. After them there are many successors and they will say what they don't do and do what Allah forbids. Whoever fights them with his hand is a believer, whoever**

**fighters them with his tongue is a believer, whoever fights them with his heart is a believer and if you do nothing you can't claim you are a Muslim"**

6. **QITAAL AL-MUNABAZAH** – Fighting against the Khalifah

Fighting against the corruption of the rulers has been given many names including the following:

1. Qitaal Al-Khuruj – An uprising
2. Qitaal Al-Khuruj Al-Musalah – An armed uprising
3. Qitaal Al-Saworah – A Revolution
4. Qitaal Al-Saworah Al-Islamiyyah – Islamic Revolution
5. Qitaal Al-Saworah Al-Musalaha – Armed Revolution
6. Qitaal An-Nohoud – An uprising
7. Qitaal Al-Malhamah – Massacres
8. Qitaal Al-Fitnah – Fighting the Fitnah
9. Qitaal Al-Zalama – Fighting the Oppression
10. Qitaal Al-Umara – Fighting the Rulers
11. Qitaal Al-Hukmaan – Fighting the Rulers
12. Qitaal Al-Inkalaab – A coup
13. Qitaal Al-Harakaat Al-Tahririyyah – Liberation Movement
14. Qitaal Al-Harb Al-Ahliyyah – A civil war

It is narrated in Muslim that the Messenger Muhammad (saw) said: **"The best Rulers are those who like you and who you like and who pray for you and who you pray for and the worst rulers are those who you hate and who hate you and who you curse and who curse you"** We said 'O Rasoul Allah should we not raise the sword?' He replied: **'No as long as they establish Salat and whoever has a Ruler over him and he sees haram (in his personal actions) let him reject it but he should not rise his hand and leave obedience'"** and in Muslim that Huzaiif Abdul Yaman (ra) said: **"Ya Rasoul Allah, we used to be in an evil situation and Allah brought us goodness are we going to experience bad days after this?"** He (saw) replied 'Yes' and we asked 'How will that be?' He (saw) said: **'There will be Rulers after me who don't follow my Sunnah and there will be men among them with hearts of devils and bodies of humans'** We asked: **'What should we do?'** and He (saw) said: **'Listen and obey even if he lashes your back or takes your money'"** and in Bukhari and Muslim that the Messenger Muhammad (saw) said: **"Listening and obedience is an obligation upon a Muslim whether he likes it or dislikes it as long as he is not ordered haram. If he is ordered haram there is no listening or obedience"**

It is clear from the above that as long as Islam is implemented you cannot rise against the rulers but what about if Islam is not implemented? And is this called Jihad? There are four opinions among the fuqaha on this issue:

1. Those who say that it is obligatory to use the sword if we are able in order to remove the people of corruption and to establish the truth. Among the adherents of this view are the Muatazilah, Zaidis, Khawarij and Murji'ah. They refer to Chapter Maida verse 2 where Allah (swt) says: **"Co-operate on the Birr (good deeds) and Taqwa (piety)..."** and **"Fight those who are corrupted until they refer to Allah"** [EMQ 49:9] and **"My hukm/Ruling of Islam cannot be in the hands of oppressors"** [EMQ 2:124] in support of their argument.
2. Those who say we can't use the sword even if we are killed by them, until the twelfth Imam rises and orders us to fight. Among the adherents of this view are the Shia.
3. Those who say that to use the sword is Baatil even if all the children have been killed, whether the Imam is just or unjust or even if he is Faasik, we can't rise. Among the adherents of this stance are the Ahl Al-Hadith including Imam Nawawi who said that to rise against the Rulers is Haram by consensus of the Muslims even if they are Fasik, Zaalim or Faajir.
4. Those who say that removing the corrupted rulers by force is obligatory upon those who have the capability and its classified under the chapter of commanding good and forbidding evil which has never been abrogated. Whereas all the ahadith of listening and obeying have been abrogated by the orders of fighting legislated in the Qur'an. 'This is the opinion of Imam Ali, his friends, A'isha, Talha, Zubair and all their companions, Muawiyah and his companions, Hussain Bin Ali, Abdullah Bin Zubair and their companions (raa)' according to Al-Muhalla by Ibn Hazim.

The above opinions can be summarised into three: (i) Those who say that its obligatory to rise because of the kufr from the Haakim or from his implementation (ii) Those who say that its permissible to rise even if its not kufr Buwah (because some Sahabah did not rise against oppressors in their time) (iii) Those who say its only obligatory to rise when we see Kufr Buwah.

The opinions above are not however relevant today since we are no longer talking about a situation where a Khalifah has just declared Kufr Buwah (i.e. Kufr to spread within society even the Khalifah rejects it) after Islam was being implemented as a law and order, since the last time we had Islam implemented and therefore Dar Ul-Islam was before the 3<sup>rd</sup> of March 1924! Rather our situation today is not one of rising the sword to correct the Leaders but one where the whole world is in a state where Dar Ul-Kufr has settled similar to the situation of the Messenger Muhammad (saw) before the establishment of the first Islamic State (Dar Ul-Islam) in Madina. The problem is that some current scholars have understood that we are obliged to rise the sword against the current leaders because of ahadith of the Messenger Muhammad (saw) which are talking of raising the sword against a Khalifah in Dar Ul-Islam implementing Kufr Buwah whereas the ahadith say "...When you see Kufr Buwah..." indicating that it is just happening now. They have clearly misunderstood the reality and rules (Ahkaam) of the two Dars and the transformation of one into the other. All the ahadith we are referring to talk of raising the sword (*Munabazah bin saif*) as the Kufr spreads **after** Islam has been implemented whereas our rulers today never implemented Islam and we were never in a situation where we were obeying them in the first place! Dar Ul-Islam and Dar Ul-Kufr therefore share the fact of Muslim land having sanctity and defending it against enemies occupying it but do not share the rules of accounting the ruler, raising the sword and obeying the ruler. In fact in 1924 a few Muslims did rise from India and Egypt to correct the situation but unfortunately to no avail. That was the time of transformation to Dar Ul-Kufr and since that time all Muslim countries have been run by kufr regimes until today.

[NB. Hence the Muatazilah and Ibn Hazim are correct as far as accounting the Khalifah is concerned but wrong as far as abrogation of the ahadith on listening and obeying since fighting had already been legislated when these ahadith were mentioned.]

All this said and done none of the Ulema of the past said that this kind of fighting is called Jihad.

#### 1. QITAAL AHL AL-FITNAH – Fighting where Muslims don't know whose right or wrong

Fitnah can relate to fighting or not fighting, we are concerned with that related to fighting between Muslims here. There are many ahadith of the Messenger Muhammad (saw) talking about the fitan which will occur before the day of Judgement such as that collected in Tabarani that the Messenger Muhammad (saw) said: **"Allah didn't permit during fitnah anything that has been forbidden before, how could some of you meet his brother, salute him and after that kill him"** and that collected in Ahmad upon the authority of Ibn Masoud that Rasoul Allah (saw) said: **"There will be Fitan (test) where the one who is asleep is better than the one awake and the one awake is better than the one walking and the one walking is better than the one riding and the one riding is better than the one swimming. All the people who die in these battles are in hell-fire"** We asked 'When will this happen?' He (saw) replied: 'In the days of Harj' And we asked 'When are these days?' and He (saw) said: 'When a man can't trust the person next to him'. As far as the Ulema are concerned there are four possible scenarios;

1. Fighting between Muslims where we don't know who is right or wrong
2. Where both Muslims are corrupted and no one is right
3. Where fighting occurs between Muslims and the Khalifah calls us to fight
4. When people are seeking power for a good cause through fighting such as where Muslims fight against other Muslims in the army to establish the Khilafah.

[Refer to Imam Nawawi's *Fath Al-Bari*, Imam Kasani's *Ba'ae Al-Sama'* and Imam Shawkani's *Nailil Awtar* for the above classification]

What is our responsibility here and are any of the above Jihad? In fact Allah (swt) says in the Qur'an: **"If two groups of people fight among the believers reconcile between them and if one of them was right but the other rejects, fight altogether the one who rejects and the reconcile again"** [EMQ 49:9] The ayah is general and therefore applies to individuals as well as the Khalifah asking people to reconcile. It is clear from this that the fighting of Fitnah is not Jihad whatever of the four types it may be, even if it is supposed to be for a good cause because Jihad is to fight Kuffar in order to make Allah (swt)'s Deen the highest.

## 1. QITAAL MUGHTASIB UL-SULTAH – Fighting against one who takes authority by force

This situation may arise when someone kills the Khalifah and takes power by force. The fuqaha differ as to whether one is allowed to rise against this person or not. Those who say that it is haram to accept him in power also say that we should kill him referring to the hadith collected in Muslim upon the authority of Amr Bin Al-Ass (ra) that the Messenger Muhammad (saw) said: "...obey him (i.e. the Khalifah) if you can and if another man arises kill the latter..." Those who argue against fighting say that we must listen and obey. They use as evidence the hadith collected in Muslim upon the authority of Al-Gafari that Rasoul Allah (saw) said: "**Listen and obey even if he was old and wrinkled.**" And Ummu Hasseen (ra) narrated that the Messenger Muhammad (saw) said: "**even if he is a slave who guides you by the book of Allah, listen and obey**" and in another narration "**even if he was black**" Imam Nawawi argues that the hadith is talking about a 'slave' not a 'slave of Allah' and we could never accept a slave as a Khalifah except by force, hence we must obey him even if he is put there by force. In fact the hadith is talking about the common man and the ahadith "**If you have a Khalifah and another comes kill the latter**" and "**whoever rises to divide you kill him**" are evidence to kill the latter. And this is the opinion of Imam Maliki and Shaafi, whereas Hanafi and Hanbali say that we will obey him if he comes by force. In fact Imam Hussain is the only example we have for this, who fought against Yazid. In any case this does not constitute Jihad since it is not fighting the Kuffar in order for Allah (swt)'s Deen to be highest. [There are also other types of fighting which are not considered Jihad such as 9. QITAAL AHL AL-ZIMMAH – Fighting Zimmis who rise against the State (already mentioned above) 10. QITAAL UL-GHARAH – Fighting to take booty and 11. QITAAL UL-WIHDAAH – Fighting to unify.] 12. QITAAL IQAMAT AL-DAWOLAH – Fighting to establish the Islamic State

The Method to establish the Islamic State is a matter of Ijtihad. Based on scanning all the evidences *Istiqraar Al-Adillah* and taking as our example the Messenger Muhammad (saw) we can see that the divine method that he (saw) employed from Mecca (Dar Ul-Kufr at that time) to Madina (where he (saw) established Dar Ul-Islam) had three components:

### A- Da'wah to Al-Khair: Calling Society to Islam (i.e. culturing Society).

The Divine Method for which is derived from the Verse [EMQ 16:125] with three points:

- A. **Al-Da'wah bil-Hikmah:** Carrying Da'wah by and addressing the thoughts by Hikmah i.e. Fiqh and Evidences
- B. **Al-Da'wah bil-Mawo'izzah:** Preaching to people and touching their emotions by relating the matter to Allah and the Hereafter.
- C. **Al-Da'wah bil-Jidaal Al-Mamdouh:** Debating with people and challenging all their thoughts and traditions.

### B- Al-Amr Bil-Ma'rouf (Commanding good) and An-Nahier Ann Al-Munkar (forbidding the Evil) of Society (i.e. adopting the interests of the people and exposing man-made Law).

The divine Method to command good and forbid evil in society is derived from the Verses [EMQ 104:1-7], [EMQ 107:1-7], [EMQ 111:1-5] and [EMQ 68:8-16] and the Ahadeeth for forbidding evil collected in Bukhari, Muslim and Ahmad with three points:

- A. **Al-Tandeed:** By Using strong and harsh words against the evil of society.
- B. **At-Ta-Tteer:** By exposing the evil of society from all directions i.e. politically, economically, Socially and as far as the foreign policy is concerned etc...
- C. **Al-Akhezz A'la Al-Yadd:** Forbidding evil forcibly

**NB.** All the above are done as Ta-assie i.e. following the Messenger Muhammad (saw) the way he called the society of Makkah and the way he commanded good and forbade the Evil of the society of Makkah. And these have nothing to do with the method of calling individual non-Muslims to Islam or the method of commanding good and forbidding evil for individual Muslims or non-Muslims.

### C- Implementation of the Shari'ah (i.e. Tabdeeq Ul-Islam) by giving Bay'iah to a Khalifah to implement Islam.

Finally there is no doubt that the implementation of the Shari'ah cannot be fulfilled without taking Authority (i.e. Sultaan) which the Messenger Muhammad (saw) sought after the order came from Allah (swt) in the ayah: "**Say: O my lord let my life be based on truth, and my departure be based on truth; and grant me from amongst them authority (i.e. Ansaar) who support me**" [EMQ 17:80] and which he finally succeeded in obtaining at the second pledge of A'qabah (narrated in the *Musnad* of Imaam Ahmad and in *Al-Mu'jaam ul-Kabeer* for At-Tabarani).

Therefore seeking Nussra (the Method to take authority) is a Divine prerequisite because it is an introduction to the Wajib of implementation of the Shari'ah from the General principle: *Muqadimat-ul-Wajib Wajib* or the *Introduction to the Obligatory is Obligatory*. Originally, it is a Fard Kifaayah upon Muslims wherever they are to take the authority in order to implement Islam i.e. **'a decisive request by the Legislator to responsible Muslims (wherever they may be) to do, as a matter of sufficiency within a time limit.'** However, nowadays it is a Fard Kifaayah Muhattam upon Muslims after the expiry of three days after the destruction of the Islamic State on the 3<sup>rd</sup> of March 1924 i.e. **'a decisive request by the Legislator to the responsible Muslims (wherever they may be) to do, as a matter of sufficient urgency.'**

As far as seeking Nussra is concerned there is no a specific circumstances in which we must seek Nussrah to take authority provided we seek it from Muslims in positions of Nussrah to remove the Kufr authority ruling above us. The definition of Nussrah is **'persuading influential Muslim individuals in power to hand authority to Muslims in order to implement Islam'**. Hence seeking Nussrah by Islamic Movements does not mean seeking protection from individual Muslims nor does it mean asking others to carry weapons and fight the regime while we do nothing rather it means the Islamic Movement requesting power to support Muslims from the people of authority by removing any material obstacles. Hence Al-Muhajiroun do not request people of Nussrah to do military actions to take power but request them to support Muslims by handing the authority to them by actions they are allowed and capable of doing in order to fulfil the task of implementing the Shari'ah.

Therefore those who say that Jihad is the methodology to establish the Khilafah must bring evidence that the methodology mentioned above has been abrogated by Jihad. As far as the issue of abrogation is concerned, abrogation is defined in Islam as **"removing the hukm Shari' which is firmly mentioned in a previous divine address by a later divine address"** The conditions for a legitimate abrogation are that:

- i. The evidence of the abrogating hukm and that of the abrogated hukm must be divine and not rational
- ii. The evidence of the abrogator must come later
- iii. There must be a divine argument indicating that the evidence of the abrogator abrogates the evidence of the abrogated
- iv. The abrogator must be like the abrogated or better

Since there is no evidence that Jihad has been legislated for anything other than conquering land (offensive Jihad) waged by the Khalifah and defending property, honour and life (defensive Jihad) Jihad does not abrogate anything before it such as the methodology to establish the Islamic State mentioned above. Indeed the most celebrated experts on Jihad such as Ibn Qayyim, Ibn Taymiyyah, Ibn Qudamah Al-Maqdisi and Imam Kasani all agree on Jihad being either an offensive duty or a defensive one, as already mentioned, with no mention of it as a methodology to establish the Islamic State. Hence since the argument of Jihad as a methodology does not satisfy (iii) above we do need to proceed further with the issue of abrogation here.

## CONCLUSION

The question of whether Jihad can be used to remove existing regimes is a relatively new issue which must be addressed. The Muslim Ummah has never before been in a position where we are divided into over 55 nations each with its own oppressive kufr regime ruling above us. There is no doubt therefore that the vital issue for the Muslims today is to establish the Khilafah. Allah (swt) makes it clear in the Qur'an that there is no compulsion in the Deen hence we do not fight the Kuffar to become Muslims. There is also ample proof from the sayings and actions of the Messenger Muhammad (saw) that non-Muslims have sanctity for their lives unless they are at war with the Muslims either determined by the Khalifah in his foreign policy or (as in today's situation) they are violating the sanctity of Muslim land, honour or life. Much advice has also been given by the Messenger Muhammad (saw) on Jihad which makes it clear that this duty is pro-life as opposed to anti-life, such as not killing women and children, not killing the elderly or monks, not targeting the trees or animals etc... Hence although foreign forces occupying Muslim land are legitimate targets and we are obliged to liberate Muslim land from such occupation and to co-operate with each other in the process, and can even target their embassies and military bases, there is no divine evidence for us to fight against Muslims who are part of the regimes in Muslim countries as a methodology to establish the Khilafah. Rather we urge our Muslim brothers in Islamic Movements who are engaged in this violation of the Shari'ah to look at the evidences and follow that which is based on Yaqeen and may Allah (swt) guide us all to the best.

**Al-Muhajiroun**  
**The Voice, The Eyes and The Ears of Muslims**

**P O Box 349 London N9 7RR**

**Tel:** 0208 884 0074 or 0207 474 3746 **Fax:** 0208 803 4541 **Mobiles:** 07956  
92 0006 or 07956 600 569

**Internet:** [www.almuhajiroun.com](http://www.almuhajiroun.com) or [www.obm.clara.net](http://www.obm.clara.net) **e-mail:**  
[almuhajiroun@hotmail.com](mailto:almuhajiroun@hotmail.com)

## **APPENDIX V**

Ibn an-Naqqash (Egyptian Preacher, d. 1362). On the meaning of the *jizya* head-tax on *dhimmi*s (non-Muslims living under Islam).  
Trans. in *Journal Asiatique* 18 (1851) & (1852)

### **II. The Jizya's Meaning: Edict of Caliph al-Amir bi-Ahkam Illah (1101-1130)**

Now, the prior degradation of the infidels in this world before the life to come – where it is their lot – is considered an act of piety; and the imposition of their poll tax [*jizya*], “until they pay the tribute out of hand and have been humbled” (Koran 9:29) is a divinely ordained obligation. As for the religious law, it enjoins the inclusion of all the infidels in the payment of the *jizya*, with the exception, however, of those upon whom it cannot be imposed; and it is obligatory to follow in this respect the line laid down by the Islamic tradition.

In accordance with the above, the governors of the provinces in their administration must not exempt from the *jizya* a single *dhimmi*, even if he be a distinguished member of the community; they must not, moreover, allow any of them to send the amount by a third party, even if the former is one of the personalities or leaders of their own community. The *dhimmi's* payment of his dues by a bill drawn on a Muslim, or by delegating a real believer to pay it in his name will not be tolerated. It must be exacted from him directly in order to vilify and humiliate him, so that Islam and its people may be exalted and the race of infidels brought low. The *jizya* is to be imposed on all of them in full, with exception.

The [Jewish] inhabitants of Khaybar and others, in this respect, are on equal terms. The *Khaybairs* [inhabitants on Khaybar] had pretended that they were not to be subjected to the *jizya*, in consequence of an agreement concluded between themselves and the Prophet; but that is nothing but a deceit, an invention, and a lie, which men of religion and instruction will recognise without difficulty. These impostors have invented this tale, they have fabricated it; then they spread it abroad, thinking that the men of learning would not discern it and that it would be acknowledged by the

Muslim *ulama*, but Allah allowed us to expose the absurdities and fraud of these impostors.

Now the traditions are in agreement, and it is authentic, that Khaybar was taken by force, and that the Prophet was resolved to expel the *Khaybaris*, just as he had done in other localities to the brethren-in-belief of their Scriptures. But they having conveyed to Muhammad that they were the only ones who knew how to irrigate the palm groves properly and till the soil of the region, the Prophet let them remain as tenants; he accorded them half of the harvest and this condition was expressly stipulated, for he told them: “We will allow you to stay in this land as long as it pleases us.” He thus placed the *Khaybaris* in a state of abasement; they remained in the land, working on these conditions; and they were given neither any privileges, nor distinction, that might exempt them from the *jizya* and make an exception between them and the other *dhimmis*....

In this same document, one also learns: “We have exempted them from taxes and corvees.” Now, during the prophet’s lifetime, there was nothing of the sort, not for that matter in the time of the caliphs, who distinguished themselves by outstanding piety. When the Muslim territory grew and the bulk of the people converted to the faith and there were among the Muslim men capable of tilling the soil and irrigating the palm trees, Umar b. al-Khattab drove the *Khaybari* Jews out of the isle of the Arabs [Arabia] with the words: “If Allah prolongs my life, I shall certainly chase all the Jews and Christians from Arabia and will leave only Muslims” (18:475-78).

Ibn Naqqash (d. 1362)

## **APPENDIX VI**

**An index entry for Jews ('Israelites') in the Qur'an showing the range of contexts in which the Jews are mentioned in the Qur'an.**

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## APPENDIX VII

### An 18<sup>th</sup> Century Muslim scholar's judgement on how Jews and Christians living under Islam should be treated

Source:

<http://www.fordham.edu/halsall/jewish/1772-jewsislam.html>

## Islam and the Jews: The Status of Jews and Christians in Muslim Lands, 1772 CE

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*In 1772 a Muslim scholar in Cairo was asked how Jews and Christians should be treated. The answer is found in this selection, issued four years before the American Declaration of Independence. This answer is not law, but only the opinion of a conservative Muslim. The opinion is in Arabic.*

## **Question**

What do you say, O scholars of Islam, shining luminaries who dispel the darkness (may God lengthen your days!)? What do you say of the innovations introduced by the cursed unbelievers [Jewish and Christian] into Cairo, into the city of al-Muizz [founder of Cairo, 969] which by its splendor in legal and philosophic studies sparkles in the first rank of Muslim cities?

What is your opinion concerning these deplorable innovations which are, moreover, contrary to the Pact of Umar which prescribed the expulsion of the unbelievers from Muslim territory? [This is exaggerated. Umar exiled the infidels only from Arabia.]

Among other changes they have put themselves on a footing of equality with the chiefs, scholars, and nobles, wearing, like them, costly garments of cloth of India, expensive silk and cashmere fabrics, and they imitate them even in the cut of these very garments.

In addition, whether through necessity or otherwise, they ride on saddles which are of the same type as those of chiefs, scholars, and officers, with servants at their right, at their left, and behind them, scattering and pushing back Muslims for whom they thus block the streets.

They carry small batons in their hands just like the chiefs. They buy Muslim slaves, the offspring of Negro, Abyssinian, and even white slaves; this has become so common and so frequent among them that they no longer consider this offensive. They even buy slaves publicly, just like the Muslims.

They have become the owners of houses and build new ones of a solidity, durability, and height possessed by neither the houses nor mosques of the Muslims themselves. This state of affairs is spreading and is extending beyond all proportions. They contribute for the extension of their churches and convents; they seek to raise them higher and to give them a strength and a durability which even the mosques and the monasteries themselves do not have.

Christian foreigners, foes who solicit our tolerance, settle in the country for more than a year without submitting themselves thereby to taxation and without renewing their treaties of protection. The women of the tolerated non-Muslim natives liken themselves to our women in that they deck themselves in a garment of black silk and cover their faces with a veil of white muslin with the result that in the streets they are treated with the consideration due only to respectable Muslim women.

Ought one to allow these things to the unbelievers, to the enemies of the faith? Ought one to allow them to dwell among believers under such conditions? Or, indeed, is it not the duty of every Muslim prince and of every magistrate to ask the scholars of the holy law to express their legal opinion, and to call for the advice of wise and enlightened men in order to put an end to these revolting innovations and to these reprehensible acts? Ought one not compel the unbelievers to stick to their pact [of Umar]; ought one not keep them in servitude and prevent them from going beyond the bounds and the limits of their tolerated status in order that there may result from this the greatest glory of God, of His Prophet, and of all Muslims, and likewise of that which is said in the Qu'ran?

Be good enough to give us a precise answer, one based on authentic traditions.

### **The Answer Of The Shaikh Hasan Al Kafrawi, The Shafiite [Professor of canon law in Cairo, d. 1788 CE]**

Praise be to God, the guide of the right way!

The decision given by the Shaikh ar-Ramli [a great Cairo legal authority, d. 1596], by the Shaikh al-Islam [the Muslim religious authority in Constantinople], and by the learned scholars whose decrees can hardly be written down here, may be worded as follows: "It is forbidden to the tolerated peoples living on Muslim territory to clothe themselves in the same manner as the chiefs, the scholars, and the nobles. They should not be allowed to clothe themselves in costly fabrics which have been cut in the modes which are forbidden to them, in order that they may not offend the sensibilities of poor Muslims and in order that their faith in their religion should not be shaken by this. [Poor Muslims may regret their faith when they see how well-dressed the Christians and Jews are.]

"They should not be permitted to employ mounts like the Muslims. They must use neither saddles, nor iron-stirrups, in order to be distinguished from the true believers. They must under no circumstance ride horses because of the noble character of this animal. The Most-High has said [Qu'ran 8:62]: 'And through powerful squadrons [of horses] through which you will strike terror into your own and God's enemies.' [A verse of the Qu'ran makes a good support for a law. Verses may even be torn out of their context.]

"They should not be permitted to take Muslims into their service because God has glorified the people of Islam. He has given them His aid and has given them a guarantee by these words [Qu'ran 3:140]: 'Surely God will never give preeminence to unbelievers over the true believers.' Now this is just what is happening today, for their servants are Muslims taken from among men of a mature age or from those who are still young. This is one of the greatest scandals to which the guardians of authority must put an end. It is wrong to

greet them even with a simple 'how-do-you-do'; to serve them, even for wages, at the baths or in what relates to their riding animals; and it is forbidden to accept anything from their hand, for that would be an act of debasement by the faithful. They are forbidden while going through the streets to ape the manners of the Muslims, and still less those of the cities of the religion. They shall only walk single-file, and in narrow lanes they must withdraw even more into the most cramped part of the road.

"One may read that which follows in Bukhari and Muslim [religious authorities of the ninth century]: 'Jews and Christians shall never begin a greeting; if you encounter one of them on the road, push him into the narrowest and tightest spot.' The absence of every mark of consideration toward them is obligatory for us; we ought never to give them the place of honor in an assembly when a Muslim is present. This is in order to humble them and to honor the true believers. They should under no circumstances acquire Muslim slaves, white or black. Therefore they should get rid of the slaves which they now have for the), have no right to own them. If one of their slaves who was formerly an infidel, becomes a Muslim, he shall be removed from them, and his master, willingly or unwillingly, shall be compelled to sell him and to accept the price for him.

"It is no longer permitted them to put themselves, with respect to their houses, on an equal footing with the dwellings of their Muslim neighbors, and still less to build their buildings higher. If they are of the same height, or higher, it is incumbent upon us to pull them down to a size a little less than the houses of the true believers. This conforms to the word of the Prophet: 'Islam rules, and nothing shall raise itself above it.' This is also in order to hinder them from knowing where our weak spots are and in order to make a distinction between their dwellings and ours.

"They are forbidden to build new churches, chapels, or monasteries in any Muslim land. We should destroy everything that is of new construction in every place, such as Cairo, for instance, founded under the Muslim religion, for it is said in a tradition of Umar: 'No church shall be built in Islam.' They shall no longer be permitted to repair the parts of these [post-Islamic] buildings which are in ruins. However, the old buildings [of pre-Islamic times] which are found in a land whose population had embraced Islam need not be destroyed. They shall not, however, be enlarged by means of repairs or otherwise. In case the tolerated peoples [Jews, Christians, etc.] act contrary to these provisions we will be obliged to destroy everything that has been added to the original size of the building. [Only pre-Islamic churches and synagogues may be repaired; new ones must be torn down.]

"Entrance into Muslim territory by infidels of foreign lands under the pact guaranteeing protection to the tolerated peoples is permitted only for the time necessary to settle their business affairs. If they exceed this period, their safe-conduct having expired, they will be put to death or be subject to the payment of the head-tax. [Jews and Christians of foreign lands must pay a

special head-tax if they wish to remain permanently in Muslim lands.] As to those with whom the ruler may have signed treaties, and with whom he, for whatever motive, may have granted a temporary truce, they form only the smallest fraction. But they, too, must not pass the fixed limit of more than four months [without paying the tax], particularly if this occurs at a time when Islam is prosperous and flourishing. The Most-High has said [Qu'ran 2: 234]: 'They should wait four months,' and he has again said [47:37]: 'Do not show any cowardice, and do not at all invite the unbelievers to a peace when you have the upper-hand and may God be with you.'

"Their men and women are ordered to wear garments different from those of the Muslims in order to be distinguished from them. They are forbidden to exhibit anything which might scandalize us, as, for instance, their fermented liquors, and if they do not conceal these from us, we are obliged to pour them into the street."

This which precedes is only a part of that which has been written on this subject, and if we should wish to mention it all here it would take too long. But this brief recital will be sufficient for those men whose intelligence God has enlightened, to whom he has given the breath of life, and whose inner thoughts he has sanctified. Now let us beg the Sovereign Master of the world to extend His justice over humanity universally, in order that they may direct all their efforts toward raising with firmness the banner of the religion.

In a tradition of the sincere and faithful [Calif Abu Bekr, 632-634] it is likewise said: "The abolition of a sacrilegious innovation is preferable to the permanent operation of the law." In another tradition it is also said: "One hour of justice is worth more than sixty years of ritual." The verses of the Qu'ran and the traditions are very numerous on this subject, and they are known by all the faithful. God has cursed the former nations because they have not condemned scandalous things; and He has said [Qu'ran 5:82]: "They [the children of Israel] seek not at all to turn one another from the bad actions which they have committed. O how detestable were their actions. But He has punished these men because of their obstinate conduct." The Most-High has also said [Qu'ran 9: 1 131]: "Those who bid what is right and forbid what is wrong, who observe the divine precepts, will be rewarded. Announce these glad tidings to the Muslims."

May the Most High God admit us to the number of this company and may He lead us in the paths of His favor. Certainly God is powerful in everything; He is full of mercy to His servants; He sees all.

Written by the humble Hasan al Kafrawi, the Shafiite. [1772 CE]

### **Source**

Jacob Marcus, *The Jew in the Medieval World: A Sourcebook, 315-1791*, (New York: JPS, 1938), 15-19

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