

Bismillah ar-Rahman ar-Raheem

THE RULING ON JIHAD AND ITS DIVISIONS

Series of researches and studies in Shari'ah no. 2
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Introduction

All praise is due to Allah (swt) and peace and blessings are sent upon the Prophet Muhammad (saw). To proceed:

The Ummah is currently in a time of weakness facing continuous oppression; from the Kufr dictators in charge over our affairs, to the situation in Palestine where the Jews hold sway over the Muslims and we see the daily slaughter of our brothers there, to the situation in Afghanistan where the Christians have taken authority killing thousands of innocent Muslims revealing their true animosity and hatred for the deen of Islam and its people, to the Atheistic Russians and their taken of authority over the Muslim Chechnya to the worshippers of the cow and their crimes committed against the Muslims of India and Kashmir to the captivity of the children of the Muslims at the hands of the kuffar (disbelievers) - and there is no change or power except through Allah (swt).

It has now become incumbent upon the Muslims to return back to the Shari'ah (rulings and guidance) of their Lord and to know what duties He (swt) has obliged upon them. It is known that knowledge pertaining to matters of the Shari'ah is an obligation upon all Muslims to seek and likewise to act upon this knowledge so too is an obligation. One of the rulings that has become hidden from the minds of the Muslims, so much so that some of them have even forgotten there is something known as Jihad in Islam, whilst others who talk about Jihad are unaware about its Fiqh (jurisprudence).

In the following booklet we will make mention about the types of Jihad and their rules and regulations so that all the Muslims can once again be aware of this important Divine obligation.

The Two Divisions of Jihad

Broadly speaking, there are two types which have been mentioned by the Ulema regarding Jihad. The first is Jihad al-Talab wal Ibtida' also known as Offensive Jihad / Jihad of Conquering; and the second known as Jihad ud-Dafa' or defensive Jihad. We will speak about the evidences regarding to two in the following pages.

Jihad al-Talab wal Ibtida' (Offensive Jihad / Jihad of Conquering)

This is the request and call, from the Muslims to the Kuffar (disbelievers) in their lands and dwelling places to enter Islam and to fight them if they do not accept the rule of the Islamic authority over them. This type of Jihad is a collective obligation (Fard ul-Kifaya) upon the Muslims. There are numerous evidences detailing this type of Jihad in both the Qur'an and the Sunnah.

Qur'anic Evidences for Jihad al-Talab:

Allah (swt) says,

فَإِذَا انْسَلَخَ الْأَشْهُرُ الْحُرْمُ فَاقْتُلُوا الْمُشْرِكِينَ حَيْثُ وَجَدْتُمُوهُمْ وَخُذُوهُمْ وَأَحْصُرُوهُمْ وَأَقْعُدُوا لَهُمْ كُلَّ مَرْصَدٍ فَإِنْ تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

“Then when the Sacred Months have passed, then kill the Mushrikun wherever you find them, and capture them and besiege them, and lie in wait for them in each and every ambush. But if they repent and perform As-Salat, and give Zakat, then leave their way free. Verily, Allah is Oft-Forgiving, Most Merciful.” [EMQ 9:5]

Allah (swt) has also said,

وَقَاتِلُوا الْمُشْرِكِينَ كَافَّةً كَمَا يُقَاتِلُونَكُمْ كَافَّةً وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ

“And fight against the Mushrikun (polytheists, pagans, idolaters, disbelievers in the Oneness of Allah) collectively as they fight against you collectively.” [EMQ 9:36]

And Allah (swt) said,

انْفِرُوا خِفَافًا وَثِقَالًا وَجَاهِدُوا بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ فِي سَبِيلِ اللَّهِ ذَلِكُمْ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

“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. This is better for you, if you but knew.” [EMQ 9:41]

Prophetic Traditions (Ahadith) Regarding Jihad Talab:

The Prophet (saw) is reported to have said in Sahih Bukhari,

“I have been ordered to fight the people until they bear witness that there is no one worthy to be worshipped except Allah (swt) and that Muhammad (saw) is the Messenger of Allah and they establish the Salah and give the Zakah. If they perform such actions then their wealth and their blood has protection from me except by the Right of Islam and their account is with Allah (swt).”

The Prophet (saw) has also said as reported in Sahih Muslim,

“Fight in the name of Allah and in the way of Allah. Fight against those who disbelieve in Allah. Make a holy war, do not embezzle the spoils; do not break your pledge; and do not mutilate (the dead) bodies; do not kill the children. When you meet your enemies who are polytheists, invite them to three courses of action. If they respond to any one of these, you also accept it and withhold yourself from doing them any harm. Invite them to (accept) Islam; if they respond to you, accept it from them and desist from fighting against them. Then invite them to migrate from their lands to the land of Muhajirs and inform them that, if they do so, they shall have all the privileges and obligations of the Muhajirs. If they refuse to migrate, tell them that they will have the status of Bedouin Muslims and will be subjected to the Commands of Allah like other Muslims, but they will not get any share from the spoils of war or Fai' except when they actually fight with the Muslims (against the disbelievers). If they refuse to accept Islam, demand from them the Jizya. If they agree to pay, accept it from them and hold off your hands. If they refuse to pay the tax, seek Allah's help and fight them.”

In addition it is reported in Sahih Muslim that the Prophet (saw) said,

“Whosoever dies and does not fight (Jihad) nor wished himself to fight, dies upon a branch of hypocrisy.”

All of the above explicit texts, and the numerous others found in the Qur'an and the Sunnah indicate the obligation upon the Muslim to fight against the Kuffar on an offensive basis. The Ulema (Islamic scholars) are in consensus that to fight Jihad against the Kuffar in their lands, to invite them to Islam and if they don't accept, to fight them or take the Jizya (tax) from them is a divinely ordained obligation (Fard) that has not been abrogated.

Misconceptions regarding Jihad Talab

Some people falsely claim that the order of Jihad has been abrogated and bring forth a statement attributed to Sufyan at-Thawri to back their claim. We will investigate this matter here briefly. It has been reported from Ibn Umar, Abdullah bin al-Hasan and At-Thawri (rah) that Jihad ul-Talab is a voluntary action upon the Muslims. What these great Ulema actually mean by their reported statement is that the type of Jihad they were addressing had not been legislated as an individual obligation upon each and every Muslim in the way Salah or Siyam had been i.e. it is not Fard ul-Ayn. Indeed, it is known from them that Jihad is Fard ul-Kifayah (obligation of sufficiency) upon the Muslims and it is recommended for them

to volunteer their services if others are carrying out the duty. It is not allowed to understand such reported statements other than how we have mentioned.

The author of the explanation of Fath al-Qadeer after establishing the obligatory nature of Jihad with evidences from the Qur'an and sunnah then states,

“And with this we reject what has been allegedly related on the authority of al-Thawri amongst others that Jihad is not Fard. In fact if such statements are correct, then they can only mean that Jihad is not Fard ul-‘Ayn (an individual Obligation upon each and every Muslim).” [Sharh Fath ul-Qadeer Vol. 5/437]

It is reported that Al-Jasaas said,

“In fact the Madhab (opinion) of Ibn Umar regarding Jihad is that it is an obligation of sufficiency and the reports that he negated the obligation of Jihad really indicate that Jihad is not Muta‘yan (individual duty) in every circumstance at every age.” [Tafsir al-Jasaas Vol. 3/116]

The great scholars, Ibn Qudama al-Maqdese and Ibn Qayyim al-Jawzi only spoke about Jihad which is obligatory and never recounted the opinions of Ibn Umar nor of ath-Thawri (rah) as shown above; suggesting that either they did not accept the correctness of such reports, or they took them to mean Jihad was a duty of sufficiency as we have mentioned prior. Refer to *Al-Mughni Vol. 8 pg. 346 and Zaad al-Ma‘ad Vol. 3 pg. 71* for further elucidation about this matter.

It has been mentioned by Ibn Atiya in his Tafsir, that the Ulema had arrived at a consensus (Ijma‘a) regarding the obligatory nature of Offensive Jihad. He stated,

“The Islamic scholars have consensus that the obligation of Jihad upon the nation of Muhammad (saw) is one of a collective responsibility. Consequently, if some of the Muslims establish it then the obligation no longer remains upon the others; this continues until the enemy fall upon the lands of Islam. When such a situation occurs then Jihad becomes an individual responsibility (Fardu ‘Ayn). Al-Mahdawi, amongst others, have mentioned the reports that ath-Thawri claimed that Jihad is a voluntary service. I take this report as being an answer to a question asked regarding a specific type of Jihad; the answer to which was that type of Jihad is voluntary.” [Tafsir Ibn Atiya Vol. 2/43]

I say that this explanation from Ibn Atiya is very clear; and indicates that it is not suitable for those who know Islam to have any doubt that Jihad is an obligation. Rather, what has been reported to us from the respected scholars from the early centuries negates such statements for the following reasons:

Falsely Attributed

Either these statements are not correct in being attributed back to Ibn Umar and ath-Thawri (rah). We find many statements recorded in books attributed to the Scholars of the Salaf without any basis; in fact people have no fear in attributing spurious statements to the Prophet (saw) and known as Hadith Mowdou‘ (fabricated reports); if such is the case, what then for the statements of the Ulema?

Specific Fatawa

Or such statements of these Ulema who issued Fatawa (religious edicts) to many people, were given as an edict to a specific person stating that for him and his unique circumstances the obligation of Jihad was lifted; and the obligation still remaining upon others. Those hearing such statements could have mistaken the fatwa for being the general opinion of the scholars.

Fard Kifayah

Or, those scholars were explaining that Jihad is not an individual obligation upon each and every person (i.e. not Fard Ayn) rather the duty was one of sufficiency (Fard Kifayah).

Statements of the Ulema regarding Jihad Talab

Hasan al-Banna

Hasan al-Banna compiled all the statements of the scholars regarding the obligation of Jihad in his book about Jihad and commented,

“You can see from all the statements of the Islamic scholars from those of the Mujtahideen (those capable of deriving new rulings), to those of the followers of the early generations, to those scholars of

recent times that Jihad is a duty of sufficiency upon the Muslim nation whose purpose is to spread the call of Islam.” [Al-Jihad pg. 84]

From what we have shown, Jihad by the way of conquering is a duty of sufficiency only if enough people go out in its way. If such a situation occurs, then the sin is lifted from those remaining Muslims who did not go out; this is the understanding of the majority of the scholars. However, some of the Ulema of the Salaf, and what has been reported by some of the Sahabah including Sa’eed bin Musayab (ra), were of the understanding that Jihad of conquering is actually an individual obligation upon each Muslim (Fard ‘Ayn) the same way defensive Jihad is Fard Ayn. Ibn Hajar (rh) said,

“Some of the Sahabah understood from the Words of Allah (swt) when He (swt) said, ‘Go out lightly or heavily’ the generality of the order. These Sahabah (ra) were always present in all the battles and raids that took place during their lifetime’s right up until their death. Those who held such an opinion were Abu Ayub al-Ansari (ra), Miqdad bin al-Aswad (ra) amongst others.” [Fath al-Bari Vol. 6/28]

Ibn Kathir

Ibn Kathir has related in his Tafsir ul-Qur’an regarding the Ayah ‘Go out lightly or heavily’,

“Anas from Abi Talha reported that Ali bin Zayd said this means, ‘Go out (for Jihad) old and young as Allah (swt) will not accept any excuse from anyone.’ Then Ali bin Zayd went out for an expedition in Shaam (Syria) where he was killed.”

In another narration mentioned by Ibn Kathir in his Tafsir of the Qur’an it is reported that,

“Abu Talha was reading from Surah al-Bara’a until he reached the ayah, ‘Go out (for Jihad) lightly or heavily’ and he said, ‘I find our Lord telling our young and old... O my child... prepare me...’ His son replied, ‘May Allah have mercy upon you! You fought alongside the Prophet (saw) until he passed away, alongside Abu Bakr (ra) until he too died and with Umar (ra) until he also passed away, it is now time for us to go fight instead of you’. Abu Talha rejected this offer and instead, embarked upon a ship to fight Jihad, passing away upon it. Only after nine days were the sailors able to find land to bury his body and despite this period, his body did not decompose a single bit.” [Tafsir Ibn Kathir Vol. 4/97]

Ibn Hajar

The above narration has a Sahih (correct) chain as has been reported by Ibn Hajar,

“It has been confirmed by Anas that Abu Talha died fighting whilst he was upon the sea and they were unable to find any land to bury him except after seven days and his body did not decompose.’ This has been reported by a correct chain of narrators and recorded by al-Fasawi in his Tareekh and Abu Ya’la.” [Al-Isabah Vol. 1/567]

Ibn Hajar mentions in Fath al-Bari,

“The type of Jihad that involves fighting the Kuffar (disbelievers) is Fard Muttayan (becomes an individual obligation) upon the Muslims; and they can carry this out, either by their hands, tongues, spending their wealth or even with their hearts.” [Fath al-Bari Vol. 6/28]

Ibn Qayyim

And Ibn Qayyim has stated in Zaad al-Ma’ad,

“...thereafter it became an obligation upon them to fight the Mushrikeen (idolaters, disbelievers) completely. When such an action was initially haram (prohibited), then made permissible (by Allah (swt)); then made an obligation against those who began the aggression and finally (they were) ordered to fight the Kuffar entirely. Such a duty is either Fard ‘Ayn (an individual obligation) or Fard Kifayah according to the more famous opinion of the scholars. When one investigates the types of Jihad that are obliged upon the individual they are either by one’s heart, by one’s tongue or by one’s wealth or hands. It is an obligation upon every Muslim to fight by one of these ways. Regarding Jihad by one’s self (i.e. physical Jihad) then this is Fard Kifayah (duty of sufficiency). Regarding the Jihad of the wealth there are two statements about it, the most correct of which is that it is an obligation since the command of Jihad by wealth and by oneself has been equated in the Qur’an; as Allah (swt) says, ‘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. This is better for you, if you but knew.' He (swt) says that by spending wealth one will be saved from the Hell fire and enter Jannah (paradise) and one's sins will be forgiven. He (swt) also says, 'O you who believe! Shall I show you a trade that will save you from a grievous Penalty? That you believe in Allah and His Messenger, and that you fight in the Cause of Allah, with your property and your selves. That will be better for you, if only you but knew! He (swt) will forgive you your sins, and admit you to Gardens beneath which Rivers flow, and to beautiful mansions in Gardens of Eternity: that is indeed the Supreme Success.' [Surah Saff 61:10-12].” [Zaad al-Ma'ad Vol. 3/72]

Imam Qurtubi

Imam Qurtubi has mentioned a number of reports from some of the Sahabah and Tabi'een that lend evidence that they did not see any permit for the Muslim to abandon the fields of Jihad if they were capable of fighting. As he (rh) mentions in his Tafsir,

Imam Tabari

Imam Tabari reported that a person saw Miqdad bin Aswad in the city of Hums as he was preparing to go out to fight and found Miqdad to be overweight. He said to Miqdad, 'Allah (swt) has given you permission not to fight'. Miqdad replied, '(Despite my condition) Surah al-Buooth was revealed for us all, 'Go out (in Jihad) lightly or heavily...' In another incident, Zuhri mentioned that Saee'd bin Musayab (rah) went out on an expedition despite being blinded in one of his eyes. Someone said to him that he was sick (and therefore had excuse not to fight). Saee'd bin Musayab replied, 'Allah (swt) had ordered us to go forth lightly or heavily; if I am unable to fight then at least I can increase your numbers (to make the enemy afraid) and protect for you your provisions.'

These texts present the opinions of some of the Sahabah and Tabi'een regarding Jihad and how they viewed Offensive Jihad as an individual obligation upon those who have capability.

Sheikh Yusuf al-Uyaari opinion

“However, the opinion I feel that is closer to the truth and more correct is the opinion of the majority of the Fuqaha who state that the Offensive Jihad and Jihad of conquering is a duty of sufficiency (Fard Kifayah). If a group from among the Muslims goes out to fight and they have the sufficient ability and capability to spread Islam and call for it, then it is not an obligation for all the Muslims to go out with them.” The following evidences are in support of this:

1. Allah (swt) says,

وَمَا كَانَ الْمُؤْمِنُونَ لِيَنْفِرُوا كَافَّةً فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ

“Nor should the Believers all go forth together: if a contingent from every expedition remained behind, they could devote themselves to studies in religion, and admonish the people when they return to them,- that thus they (may learn) to guard themselves (against evil).” [EMQ 9:122]

Imam Qurtubi commented in his explanation of this ayah that “Jihad is not an individual duty (by itself) but rather is a duty of sufficiency as the verse mentions. If all the people went out to fight Jihad what would become of the future generation who would be left behind. If a group went out to fight Jihad, one could remain to study the Deen and protect the Muslim's honour (women); such that they can also teach the group of fighters what they learnt from the laws of Shari'ah and the teachings of the Prophet (saw).” [Tafsir Qurtubi Vol. 8/293]

2. Allah (swt) also says,

لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولِي الضَّرَرِ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ فَضَّلَ اللَّهُ
الْمُجَاهِدِينَ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ عَلَى الْقَاعِدِينَ دَرَجَةً وَكُلًّا وَعَدَّ اللَّهُ الْحُسْنَى وَفَضَّلَ اللَّهُ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ
أَجْرًا عَظِيمًا

“Not equal are those believers who sit (at home) and receive no hurt, and those who strive and fight in the cause of Allah with their goods and their persons. Allah hath granted a grade higher to those who strive and fight with their goods and persons than to those who sit (at home). Unto all (in Faith) Hath Allah promised good: But those who strive and fight Hath He distinguished above those who sit (at home) by a special reward.” [EMQ 4:95]

Ibn Qudama has said in support of the view of the majority that Jihad Talab is a duty of sufficiency, “and evidence backing our stance is Allah’s (swt) statement that, ‘not equal are those who sit.’ This is evidence that those who remain behind are not sinners in relation to those who went out to fight. And we have also the ayah, ‘Nor should the Believers all go forth together: if a contingent from every expedition remained behind, they could devote themselves to studies in religion’ In addition the Prophet (saw) would send out a group of people to fight Jihad and would remain behind with a group of his Sahabah. Imam Kasani commented, ‘Allah (swt) has promised both those who remained behind and those who go out to fight a reward (although he favoured one over the other); if Jihad was an individual obligation (Fard ‘Ayn) in all circumstances, why did Allah (swt) promise those who remain seated a reward if it were prohibited to do so?’”

3. Hadith Reported in Sahih Muslim and Sahih Bukhari

It is reported upon the authority of Abu Sa’eed al-Khidri in Sahih Muslim, that the Prophet (saw) sent a detachment to the tribe of Lahyan and remarked,

“Let one of every two men get ready to advance; and added, ‘Whoever stays behind (and looks well after the family and the property of those who have joined the expedition) will get half the reward of the warrior.’”

And it is reported upon the authority of Zaid bin Khalid (ra) in Sahih Bukhari that the Prophet (saw) said,

“He who equips a Ghazi (fighter) in the way of Allah is as if he has taken part in the fighting himself; and he who looks after the dependants of a Ghazi in his absence, is as if he has taken part in the fighting himself.”

4. The life The Prophet’s (saw) is testimony

The Prophet’s (saw) life testifies to the fact that on some occasions he (saw) would go out on an expedition on other occasions would remain behind and would order others to be in charge of the party. Indeed, never did all the Sahabah (the Companions) go out to fight together only a portion of them. Such a matter is clear and known as can be seen from the battle of Mut’ah and others. Imam Surkhasi said, “This type of Jihad (that of conquering) is a duty of sufficiency for if a group of people went out and accomplished what they aimed for, the duty is removed from the others. The purpose of Offensive Jihad’s is to break the back of the Mushrikeen and give honour to the Deen. For if it was made an individual obligation at all times and for everyone then it would violate its very subject matter. The rationale of Jihad is to give safety and security for the Muslims such that they may establish their interests both religious and material. If all the people were busied with Jihad then there would be no time for them to establish their material interests.” [al-Mabsout Vol 3/10]

In view of all the above evidences from the Qur’an and Sunnah and the statements of the classical Ulema, we can conclude that fighting the Kufir in their homeland is a duty of sufficiency upon all the Muslims, if they do not enter into Islam and reject to pay the Jizyah (tax for Ahl-Kitab).

Timescales upon the Muslims to perform Jihad Talab:

What is the minimum time limit requirement upon the Muslims to perform Offensive Jihad?

Opinions of the Ulema

The Ulema have differed regarding this topic into two opinions.

The first opinion

It states that the Ummah must go forth in at least one expedition each year to discharge the duty of Jihad, anymore is being additional. The evidence they bring for this is that Jizya came to be taken from a disbelieving nation in exchange to fighting them. As it is not permitted in the Sunnah to take jizya more than once a year, and Jihad can take the place of Jizya, so too does the requirement of Jihad become once a year. This opinion is also what the majority of scholars are upon

Imam Qurtubi said, *“Another division of Jihad is the one that is obliged upon the Imam (Khalifah). He must send a group of people against the enemy at least once a year. Either he attends the expedition himself or sends someone whom he trusts to invite the enemy to Islam, fight them and establish the Deen over them or take Jizya from them. There is also a type of Jihad which is supergatory and that is the type whereby the Imam sends a group of people, one after the other as different battalions to terrorise the enemy and instil fear and to show the armies strength.”* [Tafsir Vol 8/152]

The second opinion

That it is obligatory to fight Jihad against the enemy in their heartlands whenever possible and there is no minimum requirement stipulated.

Ibn Hajar commented in his Fath Vol. 6/28 that this opinion is the stronger of the two.

Imam Qurtubi said in his Tafsir Vol. 8/141, *“To view the duty of Jihad as being burdensome or disliking it is prohibited.”*

Sheikh Yusuf al-Uyaari

The second opinion ‘obligatory to fight Jihad against the enemy in their heartlands whenever possible and there is no minimum requirement stipulated’.

Even though it is not cited by the majority of scholars this opinion I feel is the strongest - and Allah (swt) knows best. Opinion based upon the following reasons:

Firstly

The verses which order Jihad have never specified any minimum requirement with regard the number of battles one must engage in. Rather the mentioning of a limit (by people) is an addition to the text. Regarding the opinion that the Jizyah is taken from the enemy in return for their surrender, once a year and consequently Jihad should be once a year, I answer that the ruling of Jizyah is *Hukm Shari’ah* and has its own great wisdom behind it. Amongst some of the insights include displaying the Muslim as privileged over the humiliation of the disbelievers, affording the Kuffar the honour to live between the Muslims but under the Shari’ah of Allah (swt) such that if the good from amongst them sees justice and fairness in the Shari’ah they will enter Islam. Muslims are also allowed to have a period of treaty with the Kuffar and during this time is haram (prohibited) to fight them; no one has said that we can exchange the hukm of the treaty with the hukm of Jihad. Therefore, one also cannot say that the ruling of Jizyah can be exchanged for the ruling of Jihad in all situations.

Secondly

Indeed fighting the disbelievers and going on expeditions against them whenever possible, perfectly suites the aims and objectives of fighting Jihad. Some of these objectives include removing corruption from the face of the earth and spreading the Islamic authority all over the world. The obligation of Jihad will only ever cease being a duty when Jihad’s true purpose is realised, that being the complete control of the whole earth such that not a single hand-span is left which is not under Islamic rule or by struggling ones utmost to accomplish this. Only when this has been done, does the obligation of Jihad cease since the Muslims have tried their best to realise its aims and objectives and Allah (swt) does not burden a soul more than it can bear as He (swt) says, *“Fear Allah (swt) as much as you can bear.”* And for this reason

Ibn Hajar has said that the opinion which states to fight Jihad as much as one can is strong and well supported than the opinion that once a year is sufficient.

In addition to this, those who say that fighting Jihad once in a year is sufficient resulted in situations during the Muslim history whereby Muslim leaders who had no real sincerity to spread Islam and were lax regarding towards it, readied an under-prepared half-hearted army to go out just to fulfil the yearly obligation; whilst they busied themselves with inane matters.

Thirdly

To order the Muslims to fight the Kuffar as much as one can is superior than specifying a number in a period of time. This is because the meaning of Jihad is to sacrifice oneself completely in the way of Allah (swt) against the disbelievers. It is not sufficient to solely fight against the Kuffar on a single frontier; rather it is obligatory for the Muslims to fight the Kuffar who is nearest to them. As Ibn Abedeen said, *“Be careful from thinking for example that the obligation of Jihad is removed from fighting the people of India just because we are fighting against the Romans.”* [Hashiya Rad al-Mukhtar Vol. 4/124]

When Jihad Talab Becomes Fard Ayn (Individual Duty)

Up until now we have mentioned how Jihad ul-Talab is an obligation upon the Muslims, and not an individual duty. However, the Ulema have mentioned some situations when fighting the disbelievers in their own homelands becomes an individual obligation (Fard Ayn):

- If the Khalifah orders a specific person to fight Jihad
- If the order from the Khalif was general; e.g. the Imam ordered all the people of a particular town to go to Jihad
- If the disbelievers took a Muslim prisoner, Jihad is obliged until this prisoner is reached
- If a Muslim reaches the Islamic army whilst it is engaged in fighting the enemy it becomes obliged upon him to fight

The Obligation of Offensive Jihad

The obligation of Offensive Jihad falls upon those who have the following attributes, extensive detail and evidences regarding them can be found in the most books of Islamic Jurisprudence:

- They are *responsible* both being mature and of sane mind
- No severe illnesses preventing them from an expedition
- Free person and not owned by anyone
- Male
- Capable

Summary

What we have mentioned by way of the statements of the classical Ulema is only a short portion from their works. Despite the great amount of speech and works regarding Offensive Jihad and the immense body of evidence about it, some of those who assert themselves to be scholars and people of knowledge - and in fact have been made blind by Allah (swt) - claim that there is only Defensive Jihad in Islam. As a consequence they work to distort the statements of the Scholars and the Islamic texts to negate the obligation of Offensive Jihad and fighting the disbelievers in their homelands.

Some of them state that Allah (swt) has restricted fighting to those only who fight you since He (swt) said, *“Fight, in the way of Allah, those who fight you and do not transgress the limits. Allah likes not the transgressors.”* Whilst others speak about Islam’s order to live in peaceful co-existence by Allah’s statement, *“There is no compulsion in religion.”* They claim Islam did not permit forcing a person to change their religion and fighting the disbelievers in their homelands, forcing them to live under Islam contradicts this ayah.

In addition, other so-called scholars falsely claim that all the battles that the Prophet (saw) fought were Defensive in nature. There are numerous other similar false claims and assertions made by such people, whose sole purpose is to erase the idea of Offensive Jihad from the multiple narrations (mutawatir) of the Prophet (saw), the statements of the Ulema and the actions of the past generations of the Ummah. The misery of their situation is like the one who wishes to obliterate the light of the sun at its meridian. We ask Allah (swt) to guide both us and them and to give make us upright upon the way of Truth.

The Second Division of Jihad - Defensive Jihad

The ruling regarding this type of Jihad is one of an individual duty upon all Muslims until the evil of the enemy can be repelled by agreement of all the Scholars of Islam.

Al-Jasaas

said, *"It is part of the Muslim's Aqeedah (belief) that if the ahl-Thagoor (border-guards) feared from the enemy and did not have sufficient resistance to meet their match, and feared for the protection of their country, themselves and their children, it becomes an obligation upon the whole Ummah to go out and prevent any harm befalling the Muslims by their enemies. And in this matter there is no disagreement amongst the Muslim nation (i.e. Ijma'a Ummah). There is not a single statement from anyone of the Muslims who allow remaining behind in such a situation as it would lead to the spilling of Muslim blood and the capturing of their children."* [al-Jasaas Vol. 3/114]

Imam Qurtubi

said, *"If the situation becomes such that the enemy has occupied one of states of the Islamic state, or arrives to the centres of the Muslim cities, it becomes an individual obligation upon all those belonging to that city to go out in the way of Jihad, lightly and heavily, young and old, all upon their individual capability and vigour; those with fathers even without their permission and those without; no one who is able and has the capability to fight, whether they are fighters or non-fighters can remain behind. If despite all this that locality is unable to repel the enemies' invasion, the duty falls upon those closest in geographical locality i.e. neighbouring them. They must send whatever is necessary to help the occupied locality so that the enemy can see that the Muslims have sufficient energy and resources to drive them back. Any Muslim who comes to learn that the Muslims in that area are weak and need help against their enemy, and also knows that he has the ability to help and assist them is obliged to go out to them. The Muslims are one hand against their enemy. If the Muslims in the area of occupation were successful in repelling their enemy, only then would the obligation of Jihad fall from the necks of the Muslims elsewhere. Even if the enemies of Islam were to come close to the borders of the Islamic state, but not enter, it is still obligatory to come out in Jihad to establish Islam and protect the honour and to humiliate the enemy and there is no disagreement about this."* [Tafsir al-Qurtubi Vol. 8/151]

Sheikh Yusuf al-Uyaari

I will not tire you with further statements of the Ulema proving that Jihad al-Dafe' is an individual obligation; suffice to say that there is universal agreement by the Scholars of Islam in this. Please see the book *Ahameya al-Jihad* pgs 124-135.

Those false scholars even deny the right of the Muslims as a whole to defend themselves if the enemy entered their homeland by surprise or set up camp close to their borders. They claim that such a type of action comes under Offensive Jihad and consequently is not an individual duty. They reject to make Jihad an individual obligation and consequently make the whole Ummah sinful for remaining back from defending the Muslim lands without a legitimate Shari'ah excuse. They have no divine evidence to say such, except that they mix the words and speeches of the Ulema taking the statements pertaining to Offensive Jihad and applying it to Defensive Jihad and claim that there is only one type of Jihad and its ruling is an obligation of sufficiency only, falsely attributing this to the opinion of the majority of classical scholars. One of their detested members said recently, *'You cannot charge the whole Ummah as being sinful because they did not go out to protect the Muslim lands'* loathing the fact that all the classical Ulema said such about the Muslims who abandoned Defensive Jihad. Others amongst them say that it is true that the classical Ulema have ruled as such, but such a ruling has no practicality in this day and age. Others still say that if you make Defensive Jihad an individual obligation this would mean all the Muslims would have to go out altogether to fight; so who would remain in their homelands? These types of accusations are beautified with their numerous rejected evidences which would encompass volumes of books to reply.

Conclusion

Sheikh Yusuf al-Uyaari Final Comments

After all that we have mentioned dear brother, you have learnt that Defensive Jihad is an individual obligation upon each Muslim until we liberate the land of Palestine and Jihad is an individual obligation upon all Muslims until we liberate Afghanistan, Chechnya, the Philippines, Kashmir amongst the other Muslim countries and its duty will only be completed once every single Muslim prisoner has been released from the hands of the Disbelievers.

This is a serious matter and it is an obligation to carry out so carry out what Allah (swt) has ordered. The texts of the Qur'an and the Sunnah call you! The blood of the needy people, which has been spilt by the weapons of the disbelievers are seeking your assistance. The souls that have departed their bodies are complaining to Allah (swt) that they had been shunned without help. And the honour of the Muslim women that have been violated are calling you. O our Islam! Fear Allah O youth of Islam! You are obliged to make repentance to Allah (swt) for your inactivity and leaving the Jihad... join the caravan of the Mujahideen... fight with them and swell their numbers. If you are unable to go yourself and offer your body, give your money and spend with the money which Allah (swt) has provided you with; and if you do not have any wealth then fight with your tongue! If you are unable to fight with neither yourself, nor your wealth nor your tongue, it is better for you to be with the dead underneath the ground than to be alive atop the earth. Allah (swt) is sufficient for us against you.

The Ummah can only come out from the terrible problems and troubles that befall them through Jihad in Allah's (swt) path and to make the Word of Allah (swt) the highest. The horses of Allah (swt) complain about the lack of riders. Allah (swt) says,

فليقاتل في سبيل الله الذين يشرون الحياة الدنيا بالآخرة، ومن يقاتل في سبيل الله فيقتل أو يغلب فسوف نؤتيه أجراً عظيماً، ومالكم لا تقاتلون في سبيل الله والمستضعفين من الرجال والنساء والولدان الذين يقولون ربنا أخرجنا من هذه القرية الظالم أهلها، واجعل لنا من لدنك ولياً، واجعل لنا من لدنك نصيراً، الذين آمنوا يقاتلون في سبيل الله، والذين كفروا يقاتلون في سبيل الطاغوت .. فقاتلوا أولياء الشيطان .. إن كيد الشيطان كان ضعيفاً

“Let those fight in the cause of Allah, Who sell the life of this world for the hereafter. To him who fights in the cause of Allah; whether he is slain or gets victory; Soon shall We give him a reward of great (value). And why should you not fight in the cause of Allah and of those who, being weak, are ill-treated (and oppressed)? Men, women, and children, whose cry is: ‘Our Lord! Rescue us from this town, whose people are oppressors; and raise for us from thee one who will protect; and raise for us from thee one who will help!’ Those who believe fight in the cause of Allah, and those who reject Faith Fight in the cause of Evil: So fight ye against the friends of Satan: feeble indeed is the cunning of Satan.” [EMQ 4:74-76]

We ask Allah (swt) to make us from the people who listen and follow the best speech (i.e. Qur'an and sunnah). And to guide us to the success which pleases Him and satisfied by. To remove the disgrace and the humiliation by making the Ummah return to Jihad and stick to the Shari'ah in all affairs.

We ask Allah (swt) to send praises upon the leader of the Mujahideen our Prophet Muhammad (saw) and his chosen and bountiful Companions.