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THE CONCEPT OF *JIHĀD* AND *BAGHY* IN
ISLAMIC LAW: WITH SPECIAL REFERENCE TO
IBN TAYMIYYA

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A thesis submitted for the degree of Doctor of Philosophy

University of Edinburgh

March 2006

ABSTRACT

This thesis is about Ibn Taymiyya's thinking on *jihād* and *baghy*. It aims to make an important contribution to the study of early Islamic political thought. It considers how the terms *jihād* and *baghy* have developed and been expanded from the structure established by the Qur'an and hadith. It also examines the relationship between *jihād* and *baghy* in Islamic law and reveals the pivotal role of the *imām* in politics. The main focus of this study is Ibn Taymiyya's thinking on *jihād* and the *fatwās* that resulted from it, using hitherto overlooked printed materials. It also seeks to explain why Ibn Taymiyya upheld *jihād* against the Mongols, the Franks and the heretic Shi'a.

The thesis is divided into four chapters and structured as follows. The first chapter deals with the life of Ibn Taymiyya. This chapter moves beyond conventional biography to relate the story of Ibn Taymiyya's life to the main events that occurred during the Mongols' incursion. The second chapter identifies what Meccan and Medinan Qur'anic texts say about *jihād*, and examines whether *jihād* is a mechanism of self defense or an act of aggression; it also explains the relationship between *jihād* and the establishment of *dār al-Islām*, *dār al-ḥarb* and *dār al-'ahd*. The third chapter considers Ibn Taymiyya's view on *jihād*. The fourth chapter analyses Ibn Taymiyya's view on *baghy*, and aims to arrive at a clearer picture of the relationship between Ibn Taymiyya's concepts of *jihād* and *baghy*.

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ACKNOWLEDGEMENT

I owe a special debt of gratitude to my supervisor, Dr. Yasin Dutton, Senior Lecturer at the Department of Islamic and Middle Eastern Studies (IMES), University of Edinburgh. I should also like to give my thanks to Universiti Sains Malaysia and Jabatan Perkhidmatan Awam Malaysia for enabling me to complete this research. I am also particularly indebted to my mentor, Assoc. Prof. Dr. Zainal Abidin b. Abd Aziz at Universiti Sains Malaysia for encouraging me to start an academic career; also to Assoc. Prof. Dr. Mohd Radzi b. Othman, Assoc. Prof. Dr. Rahimin Affandi Abd Rahim and Datuk Nakhaei b. Hj. Ahmad who made the path of that start so comfortable.

The following people shared ideas and gave me useful feedback on various things I have written about Ibn Taymiyya in the past few years: Professor Carole Hillenbrand (IMES) and Dr. Andrew Newman (IMES). My special thanks go to Dr. Ida Glaser, director of Edinburgh Centre for Muslim-Christian Studies (ECMCS), for allowing me to be involved in the Centre's academic activities. Special mention must be made of Peggy for her editing expertise. Many friends and colleagues have given advice and help – Assoc. Prof. Dr. Joni Tamkin Borhan, Assoc. Prof. Dr. Wan Mohd Salim bin Wan Md. Noor, Assoc. Prof. Dr. Fadlullah bin Jamil, Dr. Martin Whittingham, Dr. Arni bt. Basir, Dr. Atiqullah b. Abdullah, Dr. Norshakirah Md. Akhir, Kamaruzzaman Nordin, Amran bin Muhammad, Dr. Nor Hisham bin Hamid, Borhan Che Daud, Dr. Nik Abdullah Sani, Dr. Hanafiah Harunarashid, Dr. Edoardo Zamuner, Mohd Zarifi and my brothers, Mohd Saifuddin and Muhammad Solhi. I am very grateful to them all.

Finally, I would like to thank my sons Muhammad Aiman and Muhammad Ajwad for their constant love and admirable patience, and for helping to create a pleasant and supportive environment in which I could work. I must also thank two majestic women in my life: my mother Salma and also my wife Noridah, with whom I shared joy and sorrow, and whose spirit sustained me throughout my academic sojourn in Edinburgh. My debt to both of them cannot be expressed in words. How I can ever pay that debt.

Mohd Farid bin Mohd Sharif
Edinburgh
2006.

CONVENTIONS

In general, Arabic words are transliterated and italicised (hence “*jihād*” rather than jihad); the main exception are the words Qur’an, hadith and Sunna which I have left unitalicised. Every Arabic word has been glossed in the main text where it first occurs. The word hadith I have used both as a collective noun and as a countable singular having the plural hadiths. For the noun of “rebellion” I have consistently used the Arabic word “*baghy*”; for the countable singular “rebel” I have used “*bāghī*” having the plural “*bughāh*”. For personal names and groups I have included macrons but for the commoner place-names I have not. The primary authorities for names, death dates, and basic biographical information for figures mentioned in the text are *The Encyclopedia of Islam*, 1st Edition (Leiden/London, 1913-38) and 2nd edition (Leiden, 1960-), and the bibliographical works of Brockelmann and Sezgin. Dates are given according to the Islamic lunar calendar followed by a slash and the (Western) Common Era equivalent.

ABBREVIATIONS

<i>Awliyā' al-raḥman</i>	: <i>al-Farq baina awliyā' al-raḥman wa awliyā' al-shaiṭān</i>
<i>Dar' ta'āruḍ</i>	: <i>Dar' ta'āruḍ al-'aql wa al-naql</i>
<i>Ḥasana</i>	: <i>al-Ḥasana wa al-sayyi'a</i>
<i>al-Ḥisba</i>	: <i>al-Ḥisba fī al-Islām</i>
<i>al-Ikhtiyārāt</i>	: <i>al-Ikhtiyārāt al-fiqhiyya</i>
<i>al-Īmān</i>	: <i>Kitāb al-īmān</i>
<i>Ma'ārij al-wusūl</i>	: <i>Kitāb ma'ārij al-wusūl ilā ma'rifa anna usūl al-dīn wa furū'ahu qad bayyanahu al-rasūl</i>
<i>Minhāj al-sunna al-nabawiyya</i>	: <i>Minhāj al-sunna al-nabawiyya fī naqḍ kalām al-Shī'a wa al-Qadariya</i>
MF	: <i>Majmū' fatāwā</i>
MR	: <i>Majmū'a al-rasā'il</i>
<i>Risāla 1</i>	: <i>Risāla min al-shaykh ilā aṣḥābihi</i>
<i>Risāla 2</i>	: <i>Risāla ilā al-Malik al-Nāṣir</i>
<i>Risāla 3</i>	: <i>Risāla al-qubruṣiyya</i>
<i>Risāla 4</i>	: <i>Risāla ilā al-ṣulṭān yā'muruhu bi iqāma al-ṣalāh</i>
<i>al-Tafsīr</i>	: <i>al-Tafsīr al-kabīr</i>
<i>al-Tawassul wa al-wasīla</i>	: <i>Qā'ida jalīla fī al-tawassul wa al-wasīla</i>
<i>Thalāth rasā'il</i>	: <i>Thalāth rasā'il fī al-jihād</i>

INTRODUCTION

***Jihād* and Ibn Taymiyya**

The word *jihād* is an Arabic term that has been assimilated into many major world languages. The word *jihād* is bandied around, but difficult to understand. All too often, the term *jihād* has been understood as a synonym for armed conflict or related violence, carried out by people motivated by a desire to obtain a good standing in the Hereafter. Certainly, not many realise that the actions of certain people with a limited understanding of *jihād* have stained the sacredness of *jihād* in the eyes of Muslims and non-Muslims alike.

Jihād refers to the concerted effort and energy that one must expend while striving for a high purpose or a noble ideal; this is the means by which Muslims obtain God's forgiveness and blessing. In other words, *jihād* consists of any focused effort towards the achievement of a desired end or the prevention of an undesired end. *Jihād* according to the Qur'an is a broad concept that encompasses the utilization of all aspects of a Muslim's abilities, energy and strength while facing his enemies. The term "enemies" as used here, includes also the internal enemy of all humans i.e. our lower selves that perpetually tempt humans in both the physical and spiritual realms. The Qur'an, in many places, firmly states the obligations of *jihād* in many verses. Amongst them is the obligation of single-mindedness in performing '*ibāda* (worship) and the necessity to overcome one's lower self, to improve one's knowledge, and to use the Qur'an as a means to uphold the truth, along with the willingness to sacrifice wealth and life.

There are two main applications of *jihād*: first is the application of *jihād* to one's lower self and the overcoming of Satan's lies; second is *jihād* in other forms, such as *jihād* using the heart (e.g. praying), *jihād* using the tongue (e.g. advice) or via the written word (i.e. *jihād* via knowledge and education), *jihād* using one's wealth and finally *jihād* using the physical capabilities or life. In the former case, *jihād* against one's lower self involves purifying the heart and soul from negative characteristics and replacing them with noble characteristics. In other words, *jihād* means constant obedience to God. In this context, subduing one's internal and hidden desires must be done first before one engages in fighting a physical and external enemy. That is because when a man fails to subdue his lower self in order to do good deeds for God, it is impossible for him to fight an external enemy because he is still chained and bound by his own desires. Priority also has to be given to the process of education and self-development. The education and self-development in question are required to create a human being who is willing and able to shoulder the burden and the task of *da'wah*, who is generous in terms of wealth and spirit and who is strong in facing the challenges that come his way.

The general principles of Islam are to promote and maintain peace. There is not a single verse in the Qur'an, or in the hadith that requires a Muslim to be aggressive and make war needlessly. Islam requires its people to maintain peace and to practise tolerance in dealing with all races and the adherents of other faiths, except when Islam is being oppressed or threatened. In other words, *jihād* in the form of physical war must be entered into only under stringent conditions and must be justified by clear evidence for its necessity. For example, the need to overcome

enemies with whom one is at war or who are attempting to exile Muslims from their own lands.

In the western world, the term *jihād* as used above is not widely understood. Most understand *jihād* as aggression sanctioned by Islam, something that outrages human values. According to Reuven Firestone, the author of *Jihad: The Origin of Holy War in Islam*, even though many studies have been done on the concept of *jihād* in Islam, only a handful can be considered academic because most of the writing is too provocative and controversial.¹ Such polemic puts pressure on the Muslims to respond, resulting in publications that at times are radical in their efforts to reduce the distortion on how the modern *jihād* is carried out. Modern reformists² like Rashīd Riḍā, Sayyīd Qutb, Abū A‘lā al-Mawḍū‘ī, Muḥammad ‘Abduh and Jamāl al-Dīn al-Afghānī are examples of Muslims who have, in the last hundred years or so, been active in publishing in order to work towards the above goal.³ Even though their efforts are well-intentioned, their desire to give a fuller explanation of the concept of *jihād* and at the same time to call for the leaders of Islamic countries to enforce the *sharī‘a* law, has resulted in their works being misunderstood by certain Muslims, and hence their efforts have served to promote armed opposition (*baghy*) against the unjust ruler, as well as the adherents of other faiths.

It is also regrettable that Ibn Taymiyya is said to have allowed *baghy* or at least to have allowed Muslims to take up arms against their *imāms* and to attack

¹ Reuven Firestone, *Jihād: The Origin of Holy War in Islam*, Oxford, 1999, p. 3.

² The term “Modernist” is also used by Hamid Enayat, *Modern Islamic Political Thought*, London, 2005, pp. 59, 62, 68, 99; see also Ṭaha Jabīr al-Alwānī, *Towards A Fiqh For Minorities: Some Basic Reflections*, London, 2003, p. 62; John L. Esposito, *Islam: The Straight Path*, Oxford, 1994, p. 126.

³ See, for example, Esposito, *Islam: The Straight Path*, pp. 126, 129, 150.

people of different faiths. However, the classical jurists of Islam have consistently forbidden *baghy* and the oppression of people of other faiths. Thus, a polemic of doubt about whether or not *baghy* is allowed by Ibn Taymiyya has come into existence. In order to reach an unshakeable conviction in this matter, a more thorough academic study of the concepts of *jihād* and *baghy* according to Ibn Taymiyya is essential.

In addition to being regarded as a *faqīh* (one versed in *fiqh* or Islamic law) in the Ḥanbalī School, Ibn Taymiyya has also been seen as the initiator of the idea of reformation in the Muslim world in the thirteenth century. Since his youth (the Mongol invaded Ḥarrān in year 667/1268)⁴ he had witnessed how the Muslims lived in fear during the Mongol attacks the Muslim world. Due to difficulties in life, his family had to move to Damascus. This event has been interpreted as influential in the formation of Ibn Taymiyya's stern and strict character. His move to Damascus provided Ibn Taymiyya with the opportunity to study all manner of Islamic disciplines. Ibn Taymiyya first studied law in the Ḥanbalī School, in the city of his birth, that is, Ḥarrān, Syria. He then moved to Damascus to study the other major Islamic schools of law (Ḥanafī, Mālikī and Shāfi'ī). There he came under the influence of a wide variety of scholars, but eventually came to the conclusion that blind adherence to any one school of thinking would bring rigidity to Islam. Because of that, Ibn Taymiyya became famous in many disciplines especially *fiqh* and theology. In addition to his wide knowledge base, Ibn Taymiyya was also active in *jihād*. His interaction with *jihād* was not only ideological; he personally participated in battles against the Mongols and the heretic Shi'a (the Druzes and the Nuṣayrīs),

⁴ Abū al-Fidā' Ismā'īl b. 'Umar Ibn Kathīr, *al-Bidāya wa al-nihāya*, Beirut, 1966, 13:83.

and made efforts to muster support for *jihād* against the Franks. These activities are the focus of this study.

Ibn Taymiyya's writings on *jihād*

Ibn Taymiyya's writings span all aspects of Islamic thought i.e. from theology, Ṣūfīsm, philosophy, and the law, to *tafsīr* (Qur'anic commentary). Most of his writings are the outcome of his response to aberrant innovations influencing Islam in his day. In writing the present outline of his thinking of *jihād*, I have made an effort to discover the sources of such innovations as best as I could within the available time. Ibn Taymiyya's own writings naturally provide the basic data for this study, but clearly any complete understanding of his ideas is not possible without reference to modern studies. All the original texts are dated where possible. Numerous shorter works, as well as passages in collected works, beyond those given below, will be cited only in the notes. Brief descriptions of such works are given in the bibliography.

I have identified sources relevant to this study in two ways. Firstly, I have taken much of my data from Ibn Taymiyya's primary writings where they touch on *jihād* and related issues, most notably the edited collections, namely *al-Jihād* and *Thalāth rasā'il fī al-jihād* (three letters of *jihād*). Ibn Taymiyya is said to have composed two works on *jihād* namely *al-Siyāsa al-shar'īyya fī islāḥ al-rā'ī wa al-ra'īyya* (governance according to God's law in reforming both the ruler and his flock) and *al-amr bi al-ma'rūf wa al-nahy 'an al-munkar* (enjoining good and forbidding wrong).

Al-Jihād is a useful collection of Ibn Taymiyya's writing on *jihād*. This compendium is divided into two volumes: the first volume discusses the value of *īmān* (Islamic belief) and its requirements for Muslims, and the importance of enjoining good and forbidding wrong. Ibn Taymiyya also deals with *zakāh* (alms tax) and *ghanīma* (booty), *imāma* (leadership) and other matters as well as *jihād* against *muḥāribīn* (highway robbers); the second volume discusses the *ḥudūd* (the prescribed penalties for certain crimes as laid down in the Qur'an) and their importance as a legal punishment. This volume also deals with Ibn Taymiyya's view of Christians and other related matters, and his opinion on the Mongols and the heretic Druzes and the Nuṣayrīs.

Thalāth rasā'il is another useful collection which consists of three of Ibn Taymiyya's letters. The first letter was written in the year 699/1299 at the time when the Mongols invaded the city of Ḥalab, Syria. This untitled document discloses the legal definition of polytheists, apostates, the Mongols, the Druzes and the Nuṣayrīs. The second letter is undated and mentions some of the Prophet's battles, such as the Battle of Badr, Uḥud and the Battle of the Trench. This untitled treatise also contains a discussion of the aggression of the Mongols, and mentions the legal duty of *jihād*. In the year 704/1304, a third letter was composed and sent to Sultān al-Malik Nāṣir al-Dīn Muḥammad (who reigned between 693/1294-694/1295 and between 698/1299-708/1309).⁵ This was shortly after the victory of the Muslims over the rebellious Druzes near the Lebanese mountains of al-Jard and al-Kasrawān. This short letter also contains an explanation of the nature of the Druzes.

⁵ For a biographical note on Nāṣir al-Dīn Muḥammad, see *EI* (2), 4:484-86; see also, C. E. Bosworth, *The Islamic Dynasties: A Chronological and Genealogical handbook*, Edinburgh, 1967, p. 63.

The book *Al-Siyāsa al-shar‘iyya* referred to here was published in Egypt. The original of this work by Ibn Taymiyya was not dated, nor did its editor Ṣalāḥ al-Dīn al-Munajjid make any mention of the date. However, I speculate that it is likely that *Al-Siyāsa* was written after the *Minhāj al-sunna al-nabawiyya*,⁶ and it can be therefore dated to sometime between 713/1313-717/1317. This date can also be inferred from the statement given by Hasan Qasim Murad. He argues that Ibn Taymiyya devoted five years to writing before he was imprisoned in the year 718/1318.⁷ *Al-Siyāsa al-shar‘iyya* was written specifically as a guideline for the governance of the Muslim lands and those who ruled them, detailing the evidence from the Qur’an, hadith and the *ijmā‘* (consensus) of the *ṣaḥāba* (Companions), and it is second in importance only to the *Minhāj al-sunna al-nabawiyya*.

Al-Amr bi al-ma‘rūf is another of Ibn Taymiyya’s undated writings. It primarily explains the necessity of enjoining good and forbidding wrong and the legal duty of *jihād*. This great work is also found in the most comprehensive printed collection of Ibn Taymiyya’s writings, the *Majmū‘ fatāwā* (Collected Legal Opinions) in volume 28.

Secondly, I have taken my data from the *Majmū‘ fatāwā* itself, especially volume 28, which is devoted to *jihād* against the Mongols, the Franks and the heretic Druzes and the Nuṣayrīs. The *Majmū‘ fatāwā* is the finest collection of Ibn Taymiyya’s writings. It is often considered to be an encyclopedia of Ibn Taymiyya’s

⁶ That is, the *Minhāj al-sunna al-nabawiyya fī naqḍ kalām al-Shī‘a wa al-Qadariyya*.

⁷ Hasan Qasim Murad, ‘Ibn Taymiyya on Trial: A Narrative Account of His Miḥna’, *Islamic Studies*, 18, Islamabad, 1979, p. 21.

scholarship on a wide variety of Islamic subjects. For the discussion on *baghy*, I have mainly relied on volume 35.

Thirdly, I have found a few more items of interest by consulting works available in English translation. The treatises *Public duties in Islam* translated by Muhtar Holland and *Ibn Taymiyya on Public and Private Law in Islam* by Omar Farrukh, were identified in this way. In *Public duties in Islam*, the main discussion focuses on the enjoining of good and the forbidding of wrong, with special reference to the duty of *muhtasibs* (the officials who are responsible for the maintenance of public morality and economic ethics). It also mentions some significant aspects of *jihād*. Farrukh's work is a complete annotated translation of *Al-Siyāsa al-shar'iyya*, and it has been useful to study both the original work and its translation, because the terminology used in *Al-Siyāsa al-shar'iyya* is often equivocal and requires interpretation. It is also worth mentioning that no search was made amongst extant manuscripts because it appears that most of Ibn Taymiyya's works have been published.

The main modern sources for an analysis of Ibn Taymiyya's writings are Haque's *Imam Ibn Taymiyya and His Projects of Reform*, Khan's *The Political Thought of Ibn Taymiyyah*, Makari's *Ibn Taymiyyah's Ethics: The Social Factor* and Laoust's French work, *Essai Sur Les Doctrines Sociales Et Politiques de Taki-D-Dīn Aḥmad b. Taimīya*.

Haque has provided us with a significant biographical study of Ibn Taymiyya. His work contains a general overview of Ibn Taymiyya's achievements in Islamic law, jurisprudence, Ṣūfism and theology, and he concludes that Ibn Taymiyya was

rightly acclaimed as the most influential thinker and reformist of medieval Islam. Makari and Laoust present similar views of Ibn Taymiyya's contribution to the Muslim world. Haque, Makari and Laoust do not primarily deal with Ibn Taymiyya's concept of *jihād*. Instead, their works are intended to be encyclopedic and provide a scientific and methodical discussion of all aspects of his thinking. For example, in Laoust's *Essai*, the section that deals with Ibn Taymiyya's *jihād* does not comprise more than 10 pages. Nonetheless, I have been much helped by them, particularly in the preparation of the chapter on Ibn Taymiyya's Curriculum Vitae.

The most serious and the most critical study of Ibn Taymiyya has been done by Khan. Thorough study of his writings about Ibn Taymiyya's political thought is, indeed, essential to grasping the principal ideas of Ibn Taymiyya on *jihād*, despite the fact that the references to this subject are short and scattered throughout the book. In this work, Khan predominantly explores questions relating to the necessity of establishing an Islamic state and the *imāma*, within the thinking of Ibn Taymiyya.

For the purpose of this study, and especially with regard to Ibn Taymiyya's opinion on *jihād*, I believe that an examination of the aforementioned primary and secondary sources will suffice.

A note on other sources

The concepts of *jihād* and *baghy* are also discussed in classical Islamic thought. The main schools of Islam, such as the Ḥanafī, Mālikī, Shāfi'ī and Ḥanbalī Schools, have also produced relevant works that have become the main reference works for today's

scholars. In this study, I have chosen a few additional relevant classical works to provide the study's theoretical background.

The topic of *jihād* has been widely discussed in the Islamic intellectual tradition. Two aspects are regular features of classical and medieval juristic discussion: *jihād* as a duty and *jihād* as either defensive or aggressive. In the third and fourth chapters of this thesis, discussion is focused on the legal concepts of *jihād* and *baghy*. With respect to the Ḥanafī position, I have relied mainly on al-Sarakhsī's *al-Mabsūṭ*, for the Shāfi'ī position, on al-Shāfi'ī's *al-Umm* and on al-Māwardī's *al-Aḥkām al-sulṭāniyya*, for the Mālikī position, on Ibn Rushd's *Bidāya al-mujtahid*,⁸ and, for the Ḥanbalī, on Ibn Qudāma's *al-Mughnī* and Ibn Qayyim's *I'lām al-muwaqqi'īn*.

In my study of the classical works, I have faced technical problems such as difficulty in understanding the specialised terms used and the realisation that sometimes the opinions put forth are very rigid and only applicable to the specific situation and location of the jurists mentioned above. Therefore, I have decided also to refer to several modern works. For example, I have used Firestone's *Jihād*, Hamidullah's *Muslim Conduct of State*, Khadduri's *War and Peace in the Law of Islam*, al-Zuhaylī's *Āthār al-ḥarb fī fiqh al-Islāmī* and Abou El Fadl's *Rebellion and Violence in Islamic Law*.

Firestone discusses the geographical and historical background under which the concept of *jihād* originated, and traces its early development by a careful philological analysis of Islamic texts e.g. the *tafsīr*, the hadith and the numerous

⁸ *Bidāya al-mujtahid* contains Mālikī views and is not strictly a Mālikī work.

works of *sīra* (the biography of the Prophet). After tracing the social and historical changes experienced during the transition from pre-Islamic Arabian culture to the religious civilization of Islam, he comes to the conclusion that *jihād* is a product of the mixture of ancient Arabic culture with innovations engendered by the concept of monotheism. In other words, Firestone finds no evidence for religiously motivated wars in ancient Arabic cultures, or indeed for ideological wars of any kind, despite the common occurrence of intertribal raids as a normal part of ancient Arabic life. What is more, he maintains that the concept of monotheism replaced ancient kinship patterns as the basis of group loyalty, and therefore led to the gathering of various small armies to form the *umma* (the Muslim community), resulting in a very successful military movement. Nonetheless, the question of whether *jihād* is a form of defence, a means to expansion of power or both, was not answered by Firestone.

Hamidullah's *Muslim Conduct of State* is a master introduction to Islamic international law. The definition of *siyar* (Islamic law of nations) is discussed and the classical practice of the laws of war, peace and neutrality is outlined. He covers core issues of *jihād* including the lawful types of war, the status of enemy persons, such as apostates, *bughāh*, the People of the Book and *muḥāribīn*, and the treatment of prisoners of war and other issues to do with war. Hamidullah argues that Muslims should only go to war against apostates, *muḥāribīn* and the *bughāh*. After assessing materials from the classical sources including books, articles and official documents, Hamidullah concludes that the classical law has already defined and provided a system of conduct for the state in regard to mutual dealings between Muslims and their enemies. What is more, he maintains that war in Islam is only permissible under certain conditions, for instance, for the sake of God, in cases of self-defence and

retaliation; in addition, Muslims are not allowed to initiate war in the *ḥarām* of Mecca except in self-defence. This is to safeguard the sacredness and nobility of the House of Allah. He further states that every pact made with the enemy has to be honoured, and the Muslims are forbidden from using force to compel non-Muslims to convert to Islam.⁹

Khadduri's work provides us with a descriptive study of the rule of Islamic law regarding war and peace during the first four centuries of the Islamic era. Defining the nature and foundation of *jihād* in its broadest sense to include military methods, treatment of prisoners of war, the status of non-Muslim communities and the treaties of peace, Khadduri places *jihād* in the context of the international political system. Khadduri agrees with Hamidullah that any provocation for war other than those listed above is forbidden. If it occurs outside these restrictions, the war is not *jihād* in the sight of God nor is it condoned in Islamic law. Khadduri uses the term "*ḥarb*" and "secular war" to refer to the types of wars not recognised by Islam.¹⁰ Khadduri also states that human beings have a natural tendency towards conflict and enmity. Every human being has his own motive or self interest to fulfil. When a man tries to fulfil his desires through negative feelings like jealousy, spite and anger, conflicts and wars will be the result. In this case, Islam forbids its followers from committing violence or oppression against other human beings. Islam does not recognise any war committed in order to gain personal enhancement such as influence, power and wealth. So it appears that Hamidullah and Khadduri maintain that the role of *jihād* in Islam is mainly as a mechanism of defence.

⁹ Muhammad Hamidullah, *Muslim Conduct of State*, Lahore, 1977, pp. 174-77.

¹⁰ Khadduri, Majid, *War and Peace in the Law of Islam*, Baltimore, 1955, pp. 69-70.

Al-Zuhaylī in his fine work surveys the concept of *jihād* from the rise of Islam to modern times, giving particular attention to the distinction between defensive and offensive *jihād*. Based on a wide variety of sources from the four Sunnī Islamic schools, some of which have not been previously mentioned in works on *jihād*, al-Zuhaylī's work seeks to bring out the enormous scope and high level of contemporary legal discourse. While some of the classical writers argue for a *jihād* of aggression, others argue that this is not supported by Prophetic precedent. According to al-Zuhaylī, the majority of the jurists maintain that the Prophet and his followers were persecuted by the Meccans and other Arab polytheists and his consistent practice was to fight in defence of the Islamic state, and in response to aggression. He, furthermore, explains that *jihād* in the era of the Prophet was both defensive and offensive. According to him, what distinguishes the two is the objective of a particular war. For example, if the war is fought for the expansion of Islamic power, it is an offensive war and so on.

Abou El Fadl's work represents the most systematic examination of the idea and treatment of political resistance and rebellion under Islamic law. It is worth mentioning here that the justification of the law on *baghy* is different from that of *jihād*. The uniqueness of the concept of *baghy* is of great interest to me academically. Therefore, I am grateful to Abou El Fadl who has prepared a systematic discussion of the various dimensions of this topic. The main objective of Abou El Fadl's writing is to evaluate the development of the concept of *baghy* in classical Islamic law and to compare it to contemporary *baghy* cases. Hamidullah and Khadduri also discuss the issue of *baghy* in their aforementioned books. However, their reviews, though concise, are brief and technical compared to Abou El Fadl's writing, which is lengthy

and at times diverges on a tangent from the question at hand. Realising that Abou El Fadl has touched on most aspects of the *baghy* question both theoretically and developmentally, this study is limited to the technical aspects of *baghy* as discussed by Ibn Taymiyya. According to Abou El Fadl, Ibn Taymiyya is of the opinion that the concept of *baghy* is a doctrine invented by the jurists resulting from the use of unclear sources.¹¹ This is a shocking claim as Ibn Taymiyya is known to have been extremely well versed in the Ḥanbalī School and to have produced a large quantity of articles discussing questions of a political nature. Logically, it is impossible for Ibn Taymiyya to disagree with the concept of *baghy*, because it is recorded that he took part in *jihād* against the Mongols, the heretic Druzes, the Nuṣayrīs and the Franks. Therefore, careful study of the idea of *baghy* according to Ibn Taymiyya is timely. Nevertheless, it is not appropriate to start the study directly with issues related to *baghy*. It needs to be preceded by a study of the issues of *jihād*, because *jihād*, as stated before, has particular relevance to the question of *baghy*.

For Qur’anic commentary I have referred predominantly to the *Tafsīrs* of al-Ṭabarī, al-Zamakhsharī and al-Qurtubī, and in English translation to the editions of Ṣaḥeeḥ International, M. M. Pickthall and Muhammad Muhsin Khan. Slight modifications to the translation have sometimes been made where considered appropriate. For a history of the Prophet and Ibn Taymiyya I have relied on Ibn Hishām’s *al-Sīra al-nabawiyya* and Ibn Kathīr’s *al-Bidāya wa al-nihāya*. For the hadith I have quoted largely from the Six Books of Hadith (*sunan sitta*) compiled by al-Bukhārī, Muslim, Abū Dawūd, al-Tirmidhī, Ibn Majah and al-Nasā’ī. For ease in finding specific hadith, I have frequently used the index of hadith available in the

¹¹ Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law*, Cambridge, 2001, pp. 62-3.

CD-ROMs of the *al-Bayān* published by The Sakhr Software Corporation in 1996 and *The Islamic Scholars* published by Par Excellence Software in 1996. Quotations from the hadith are referred to by hadith book, the title of the chapter and the number of the hadith.

This thesis is divided into four chapters. The first chapter deals with the life of Ibn Taymiyya. This starts with a descriptive explanation of Ibn Taymiyya's academic background and his contribution to several important issues, such as jurisprudence, Ṣūfism, political and economical thought and *jihād*.

The second chapter examines the evolution of the notion of *jihād* in the Qur'an, in particular in the Meccan and Medinan revelations. The focus of the discussion here is to identify what the Meccan and Medinan texts say about *jihād*, and to determine whether *jihād* is considered a mechanism of self defense or an act of aggression. In the Meccan texts, the emphasis is mainly on the peaceful meaning of *jihād* or *da'wa*, while in the Medinan period of the Qur'anic revelation, the verses suggest that *jihād* is used in a military sense. Those who engage in *jihād* are thus not only responsible to God for their acts but also to the *umma* as well. Here it is also made clear that Islam is against aggression and permission is given for war only in self-defense.

In the third chapter the discussion concentrates on the Islamic legal view of *jihād* with special reference to the thinking of Ibn Taymiyya. Issues that are examined in this chapter include the legal definition of *jihād* and the relationship between *jihād* and *ibāda*. A brief overview is also made in order to identify the

emergence of the idea of greater and lesser *jihād*, and the chapter is completed by a full-length of discussion on the legal duty of *jihād* and a definition of the enemy.

The last chapter concentrates on the legal opinions of *baghy* with particular note given to the opinion of Ibn Taymiyya. To get a clear picture of the intimate relationship between Ibn Taymiyya's concept of *jihād* and *baghy* it is necessary to study the doctrinal sources of *baghy* during the classical period.

CHAPTER ONE

CHAPTER ONE

IBN TAYMIYYA: CURRICULUM VITAE

1.1. Ibn Taymiyya's early background

Ibn Taymiyya is one of the best-known figures of medieval Islam. He was a *faqih* and is variously heralded and vilified as one of the major influences on current Islamic revivalism. His full name is Taqī al-Dīn Abū al-‘Abbās Aḥmad b. Shihāb al-Dīn ‘Abd al-Ḥalīm b. Majd al-Dīn ‘Abd al-Salām b. Abī Muḥammad ‘Abd Allāh b. Abī al-Qāsim al-Khiḍr b. Muḥammad b. al-Khiḍr ‘Abd Allāh Taymiyya al-Ḥarrānī.¹ Taymiyya was the family name given by Muḥammad b. al-Khiḍr after a place called Taymā near Tabūk.² It is also reported that Ibn Taymiyya's great grandmother was a preacher called Taymiyya, hence the family carried the title of Taymiyya.³

Ibn Taymiyya was born in Ḥarrān in Syria on Monday 10 Rabi' al-Awwal, 661/ January 1263.⁴ Ḥarrān was the ancient city and the birth of place of Abraham and it was named after Abraham's relative, Ḥarrān.⁵ According to Ibn Kathīr,

¹ ‘Abd al-Raḥman b. Aḥmad b. Rajab (cited as Ibn Rajab; Ḥanbalī jurist; historian; d. 795/1393), *Kitāb al-dhayl ‘alā tabaqāt al-Ḥanābila*, ed. Muḥammad Ḥamīd al-Faqī, Cairo, 1952, p. 387; Imād al-Dīn Abū al-Fidā’ Ismā‘īl b. ‘Umar, (cited as Ibn Kathīr; historian; Shāfi‘ī jurist; d. 774/1373), *al-Bidāya wa al-nihāya*, Beirut, 1966, 14:135; Abū ‘Abd Allāh Muḥammad b. Aḥmad b. ‘Abd. al-Hādī (cited as Ibn ‘Abd al-Hādī; Syrian biographer and jurist; d. 744/1344), *al-‘Uqūd al-durriyya min manāqib shaykh al-Islām Ibn Taymiyya*, ed. Muḥammad Ḥamīd al-Faqī, Beirut, 1975, p. 2.

² Serajul Haque, *Imam Ibn Taymiyya and His Projects of Reform*, Dhaka, 1982, p. 5.

³ Muḥammad b. Shākir al-Kutubī (Syrian biographer; d. 764/1363), *Fawāt al-wafāyat*, ed. Muḥammad Muḥy al-Dīn ‘Abd al-Ḥamīd, Cairo, 1951, 1:35; Ibn ‘Abd al-Hādī, *al-‘Uqūd al-durriyya*, p. 2.

⁴ Ibn Rajab, *Ṭabaqāt al-Ḥanābila*; Haque, *Imam Ibn Taymiyya*; see also, *El (I)*, 2:421-23.

⁵ Shāḥab al-Dīn Abū ‘Abd Allāh Yaḥyā b. ‘Abd Allāh al-Hamāwī (Iraqi historian; d. 625/1229), *Kitāb mu’jam al-buldān*, Tehran, 1996, 2:331.

Abraham and Lot lived in the city and spent some years there inviting the people of Ḥarrān to monotheism.⁶

The city of Ḥarrān was officially founded by ‘Iyāḍ b. Ghanam (Companion; military commander; d. 20/641) at the time of ‘Umar b. al-Khaṭṭāb (Companion; second caliph, who reigned from 13/634 to 23/644; d. 23/644)⁷ and thereafter the city became a famous centre of learning. Ḥarrān is located 40 km from the contemporary border of Turkey and Syria.⁸

Ibn Taymiyya was known as the “*Shaykh al-Islām*” and the appellation is fitting, for he grew up in Damascus, studied under predominantly Syrian teachers, and spent the greater part of his life there teaching, giving lectures, writing books and issuing *fatwās* according to the Ḥanbalī tradition. Indeed, Ibn Taymiyya is said to have taken part in *jihād* against the Mongols and the heretic Shī‘a (the Druzes and Nuṣayrīs).⁹ Ibn Taymiyya devoted the rest of his life to the giving of *fatwās* and to taking part in *jihād*, with the result that he was unable to think of anything else, such as marriage. He died in jail in Damascus on Monday 10 Dhū al-Qa‘da, 728/27th September 1328, and was buried there in the same Ṣūfī graveyard as his brother Sharāf al-Dīn ‘Abd Allāh (d. 727/1328).¹⁰

⁶ Ibn Kathīr, *al-Bidāya*, 1:140.

⁷ For a biographical note on ‘Umar, see, *EI (I)*, 3:982-84.

⁸ al-Hamāwī, *Mu‘jam al-buldān*, 2:210.

⁹ For more detailed information of the Druzes and Nuṣayrīs, see Moojan Momen, *An Introduction to Shi‘i Islam: The History and Doctrines of Twelver Shi‘ism*, New Haven and London, 1985, p. 93-4; Farhad Daftary, *The Isma‘ilis: Their history and doctrines*, Cambridge, 1990, pp. 101-02; John L. Esposito, *Islam: The Straight Path*, Oxford, 1994, pp. 48-50.

¹⁰ Ibn Kathīr, *al-Bidāya*, 14:136; for a biographical note on Sharāf al-Dīn ‘Abd Allāh, see, Ibn Rajab, *Ṭabaqāt al-Ḥanābila*, 2:382-84.

1.2. Ibn Taymiyya's family

Muḥammad Abū Zahra believed that Ibn Taymiyya's family descended from the original Kurds (Iranian people of the Near East who lived at the junction of the modern day Turkey, Iran, Iraq and northern Syria).¹¹ Abū Zahra claimed that the Kurds were pious, forbearing, firm, enduring and loyal. It is said that the Kurds through Saladin made a major contribution to the defense of the land against the Crusaders,¹² a fact which, from all I know of from Ibn Taymiyya's descendants, has received little attention in the historical documents.

Ibn Taymiyya was a descendant of a family who were concerned about learning and education, especially that of a religious nature. Furthermore, his ancestors were notable scholars. According to Ibn Khallikān, his grandfather, Majd al-Dīn 'Abd al-Salām (Ḥanbalī scholar; d. 625/1227), was a well-respected man of learning and a jurist who occupied the first place in his town for his learning and was highly distinguished for his piety.¹³ Majd al-Dīn learnt *fiqh* and hadith from his uncle, al-Khaṭīb al-Bakhr al-Dīn (teacher of hadith; d. 612/1215) and Abū Muḥammad Sayf al-Dīn 'Abd al-Ghanī b. Fakhr al-Dīn (teacher of *fiqh*; d. 638/1240).¹⁴ Majd al-Dīn is also a known transmitter of hadith, and it is said that many scholars transmitted hadith from him, for example, Muwaffaq al-Dīn 'Abd

¹¹ Muḥammad Abū Zahra, *Ibn Taymiyya: Ḥayātuhu wa 'aṣruhu wa fiqhuhu*, Cairo, 1977, p. 18; for details of the Kurds, see, *El* (2), 2:439-86.

¹² Abū Zahra, *Ibn Taymiyya*, p. 18.

¹³ Aḥmad b. Muḥammad b. Khallikān (cited as Ibn Khallikān; biographer; d. 680/1282), *Wafayāt al-a'yān wa anbā' al-zamān*, ed. Muḥammad Muḥy al-Dīn 'Abd al-Ḥamid, Cairo, 1948, p. 96; (= *Ibn Khallikan's Biographical Dictionary*, trans. William MacGuckin De Slane, London, 1842, 1:272-73); Abū al-Falāḥ 'Abd. Ḥayy b. 'Imād (cited as Ibn al-'Imād; biographer and Ḥanbalī jurist; d. 1090/1679), *Shadhārāt al-dhahāb fī akhbār min dhahāb*, Cairo, 1931, 5:204; Henri Laoust, *Essai Sur Les Doctrines Sociales Et Politiques de Taki-D-Dīn Aḥmad b. Taimiyya*, Le Caire Impr. de l'Institut Français d'Archéologie Orientale, 1939, pp. 8-9.

¹⁴ Ibn al-'Imād, *Shadhārāt*, 5:204.

Allāh b. Aḥmad b. Qudāma (cited as Ibn Qudāma; *faqīh*; al-Qādirī Ṣūfī and Ḥanbalī jurist; d. 620/1223),¹⁵ Najm al-Dīn b. Ḥamdan (*qāḍī* or judge in Cairo; d. 695/1295)¹⁶ and his own son, ‘Abd al-Ḥalīm (d. 682/1284).

Ibn Taymiyya’s father, ‘Abd al-Ḥalīm, was also a well-respected man of learning and became a *qāḍī* in Ḥarrān and, like his father, was an *ālīm* (man of knowledge) in his time.¹⁷ According to Shams al-Dīn al-Dhahabī (Syrian biographer; d. 748/1348),¹⁸ ‘Abd al-Ḥalīm was an expert in *fiqh*, hadith and *tafsīr*.¹⁹ It is said that his expertise of knowledge had attracted many others from outside Ḥarrān, including ‘Abd Allāh Katilāt b. Abī Bakr al-Ḥarbī (Iraqi Ṣūfī; d. 681/1282).²⁰ ‘Abd al-Ḥalīm married Sītī al-Mun‘īm bint ‘Abd al-Raḥman (d. 716/1316) and bore him a few sons, of whom only three are frequently mentioned by historians. They are Ibn Taymiyya, Zayn al-Dīn ‘Abd al-Raḥman (d. c.726-729/1327-1330) and Sharāf al-Dīn ‘Abd Allāh.²¹ ‘Abd al-Ḥalīm fled with his family from Ḥarrān to Damascus in the year 667/1268 out of fear of the Mongols who had invaded the land of Islam and had approached very close to Ḥarrān.²² He is also credited with having been one of those who taught in the Umayyad Mosque at Damascus and later, was appointed rector of *Dār al-Ḥadīth al-Sukkariyya* (the Ḥanbalī School of Hadith). With such a family background it was not, therefore, surprising that Ibn Taymiyya should have taken an

¹⁵ Laoust, *Essai*, p. 10; for a biographical note on Muwaffaq al-Dīn, see, *EI* (2), 3:842-43.

¹⁶ Laoust, *Essai*, p. 10.

¹⁷ Ibn Rajab, *Ṭabaqāt al-Ḥanābila*, pp. 310-11.

¹⁸ For a biographical note on Shams al-Dīn al-Dhahabī, see, *GAL*, ‘supplement’, 2:45-7.

¹⁹ Ibn al-‘Imād, *Shadhārāt*, 6:152.

²⁰ Ibn al-‘Imād, *Shadhārāt*, 6:152.

²¹ Ibn Kathīr, *al-Bidāya*, 14:38-123.

²² al-Kutubī, *Fawāt al-wafāyat*, 1:35; see also, Laoust, *Essai*, p. 10.

interest in learning and shortly after ‘Abd Halīm died, Ibn Taymiyya continued his father’s duties in the hadith school.²³

1.3. Ibn Taymiyya’s education

Ibn Taymiyya was educated in the Ḥanbalī School, although he was fully versed in the opinions of all four schools. His education played a crucial role in leading him to the conclusion that blind adherence to any one school would bring rigidity to Islam. Similarly, he had acquired a deep understanding of philosophical and mystical texts through his personal reading.²⁴ While he was still a child he was known for his intelligence and powerful memory that helped him to memorize the whole Qur’an in a very early age. When he grew old it was easy for him to listen to many hadith and memorize them all.²⁵

Ibn ‘Abd al-Hādī gives an interesting account of his amazing memory:

One scholar from Ḥalab had arrived in Damascus and heard about a brilliant child named Ibn Taymiyya. He sat down in a tailor’s shop near Ibn Taymiyya’s house to wait for the child. After a short while, the tailor pointed out the boy sought by the scholar. He invited Ibn Taymiyya to sit before him and asked Ibn Taymiyya to wipe off his clay tablet before he wrote thirteen hadiths on it, and then asked Ibn Taymiyya to read them carefully. The scholar took back the tablet and asked Ibn Taymiyya to repeat what he had read. Ibn Taymiyya repeated the hadiths without a single mistake. The scholar then wrote a few transmitting chains of the hadiths, and Ibn Taymiyya repeated the whole thing. The scholar was very impressed by Ibn Taymiyya’s remarkable memory and said: “If God wills him to live, he would be the most outstanding scholar in the whole world”.²⁶

²³ Ibn Kathīr, *al-Bidāya*, 13:303.

²⁴ Ibn Rajab, *Ṭabaqāt al-Ḥanābila*, p. 388.

²⁵ Ibn Rajab, *Ṭabaqāt al-Ḥanābila*, p. 388.

²⁶ Ibn ‘Abd al-Hādī, *al-Uqūd al-durriyya*, p. 21.

Ibn Taymiyya studied under many teachers, but the man said to have had the most influence on him was Aḥmad b. Ḥanbal (compiler of hadith; founder of the Ḥanbalī School; d. 241/855).²⁷ Aḥmad was considered to be one of the great men of learning of his generation in Iraq and his status also derives from his collection and exposition of the hadith. His major contribution to Islamic thought is a collection of hadith known as *Musnad*.²⁸ Aḥmad's reliance on hadith was so total that for some time he and his followers were regarded as real jurists and *muḥaddithīn* (scholars of hadith).²⁹ Aḥmad studied under many leading scholars, for example, Sufyān b. 'Uyayna (teacher of hadith; *faqīh*; d. 198/813)³⁰ and Muḥammad b. Idrīs al-Shāfi'ī (*uṣūlī* or one versed in the science of *Uṣūl al-Fiqh* or Islamic jurisprudence; *faqīh*; founder of the Shāfi'ī School; d. 204/820).³¹ Ibn Taymiyya is said to have studied and transmitted many hadiths from *Musnad* and that his reliance on Aḥmad was likely to have been close.³²

Another teacher who had a great influence on Ibn Taymiyya was his own father, 'Abd al-Ḥalīm. Ibn Taymiyya is said to have studied *Fiqh* and *Uṣūl al-Fiqh* and sometime transmitted hadith from 'Abd al-Ḥalīm. His affiliation with *Dār al-Ḥadīth al-Sukkariyya* was likely to have been for about fifteen years. Ibn Taymiyya is also said to have studied *Tafsīr* and hadith from Zayn al-Dīn Aḥmad b. 'Abd al-Dā'im al-Muqaddasī (Ḥanbalī hadith-scholar; d. 718/1318).³³ In the year 551, Abū

²⁷ For a biographical note on Aḥmad b. Ḥanbal, see, *EI* (2), 1:272-77.

²⁸ See, for example, the edition published in Cairo in the year 1953 and edited by A.M. Shakir.

²⁹ Ibn Rajab, *Ṭabaqāt al-Ḥanābila*, p. 388.

³⁰ For a biographical note on Sufyān b. 'Uyayna, *GAS*, 1:96.

³¹ For a biographical note on al-Shāfi'ī, see, *EI* (2), 9:181-85.

³² Ibn Rajab, *Ṭabaqāt al-Ḥanābila*, p. 388.

³³ Ibn Rajab, *Ṭabaqāt al-Ḥanābila*, pp. 278-79; see also Abdul Hakim I. Al-Matroudi, *The Hanbali School of Law and Ibn Taymiyyah*, London, 2006, pp. 50ff.

‘Umar b. Qudāma (al-Qādirī Šūfī and Ḥanbalī scholar; d. 607/1210)³⁴ and his brother Muwaffaq al-Dīn ‘Abd Allāh moved to Damascus and established *Madrasa al-Umriyya* wherein Ibn Taymiyya spent most of his younger years studying their works.³⁵ Of the great jurists and hadith-scholars of his time, the following were amongst his teachers: Yaḥyā b. al-Širāfī (Iraqī *qādirī*; d. 368/979),³⁶ Shams al-Dīn b. Abī ‘Umar (Ḥanbalī jurist; d. ?) and al-Majd b. al-‘Asākir (Ḥanbalī hadith-scholar; d. ?).³⁷

Moreover, Ibn Taymiyya is also said to have studied hadith from women scholars. Most of them were Syrians and Ḥanbalīs, such as Umm Aḥmad Zaynab bint Aḥmad b. ‘Umar b. Kāmil al-Maqdisīya (d. 687/1288), Umm al-Khayr Sitt al-‘Arab bint Yaḥyā b. Qaymāz b. ‘Abd Allāh al-Kindiyya (d. 684/1285), Umm al-‘Arab Fāṭima bint Abī al-Qāsim ‘Alī b. Abī Muḥammad al-Qāsim (d. 683/1284) and Umm Aḥmad Zaynab bint Makkī b. ‘Alī b. Kāmil al-Ḥarrānī (d. 688/1289).³⁸

Ibn Taymiyya is said to have learnt philosophy and *manṭiq* (logic) and to have composed many critical works on logic and philosophy,³⁹ for example, *Kitāb al-radd ‘alā al-manṭiqiyyin* (edited by ‘Abd al-Šamad Sharāf al-Dīn al-Kutubī, published in Bombay in the year 1368/1949) and *Naqḍ al-manṭiq* (edited by Muḥammad b. ‘Abd al-Razzāq Ḥamza, published in Cairo without date).

Over the next few years of his education, Ibn Taymiyya distinguished himself as a student. As we have seen, he had already mastered many disciplines while still a

³⁴ For a biographical note on Abū ‘Umar, see, *EI* (2), 3:842.

³⁵ Ibn Kathīr, *al-Bidāya*, 13:59; Abū Zahra, *Ibn Taymiyya*, p. 26.

³⁶ For a biographical note on Yaḥyā b. al-Širāfī, see, *EI* (2), 9:668.

³⁷ Ibn Rajab, *Ṭabaqāt al-Ḥanābila*, p. 387.

³⁸ Ibn al-‘Imād, *Shadhārāt*, 5:383-85, 404; see also, al-Kutubī, *Fawāt al-wafāyat*, p. 146.

³⁹ Ibn Kathīr, *al-Bidāya*, 14:75-6.

young man. Ibn Kathīr claims that he was an expert in at least ten fields, including *Tafsīr*, hadith, *Fiqh*, *Uṣūl al-Fiqh*, *Manṭiq*, philosophy, algebra, theology, *Farā'id* (law of inheritance) and mathematics.⁴⁰

1.4. Ibn Taymiyya as Teacher and Scholar

Ibn Taymiyya began his teaching at *Dār al-Ḥadīth al-Sukkariyya*, *Madrasa al-Ḥanbaliyya* and the Umayyad Mosque of Damascus in the year 682/1283 and he continued to teach there for the next thirty seven years.⁴¹ He is also said to have taught at the *sulṭān's* palace of Iskandariya in the year 709/1309.⁴² His worldwide reputation as a teacher was established at the *Madrasa al-Ṣalaḥiyya* of Egypt as early as the year 708/1308 where he had acquired his own circle of students from every corner of the Muslim world.⁴³ When Shams al-Dīn Abū 'Abd Allāh Muḥammad b. 'Abd Allāh (cited as Ibn Baṭṭūṭa; Moorish traveller; d. 770/1368-9 or 779/1377)⁴⁴ visited Damascus, he learnt of Ibn Taymiyya's fame as a lecturer. In the Umayyad Mosque, Ibn Baṭṭūṭa saw many students gathered in a circle in front of Ibn Taymiyya.⁴⁵ With regard to this, Kamāl al-Dīn al-Zamlakānī (Shāfi'ī jurist; d. 727/1327)⁴⁶ says that the students of *Fiqh* preferred the circle of Ibn Taymiyya because his teaching provided them with a useful store of knowledge about other *madhhabs*.⁴⁷

⁴⁰ Ibn Kathīr, *al-Bidāya*, 14:303.

⁴¹ Ibn Kathīr, *al-Bidāya*, 14:38, 67, 344.

⁴² Ibn Kathīr, *al-Bidāya*, 14:49-50.

⁴³ Ibn Kathīr, *al-Bidāya*, 14:46-7, 55.

⁴⁴ For a biographical note on Ibn Baṭṭūṭa, see, *El* (2), 3:735-36.

⁴⁵ Ibn Baṭṭūṭa, *The Travels of Ibn Baṭṭūṭa*, trans. by H.A.R. Gibb, London, 1958, 1:135-36.

⁴⁶ For a biographical note on al-Zamlakānī, see, 'Umar b. 'Alī al-Bazzār, *al-A'lām al-'aliyya fī manāqib shaykh al-Islām Ibn Taymiyya*, ed. Ṣalāḥ al-Dīn al-Munajjid, Beirut, 1976, p. 86.

⁴⁷ Khayr al-Dīn al-Nu'mān b. Maḥmūd al-Alūsī (d. 1316/1899), *Jalā' 'aynayn fī muḥākamā al-aḥmadīn*, Cairo, 1880, p. 6.

An eloquent testimony to Ibn Taymiyya's standing amongst his contemporaries is the quantity and quality of his students and their works. Of the great *fuqahā'* and hadith-scholars of his time, the following were amongst his students: Umm Zaynab Fāṭima bint. 'Abbās (Damascus Sūfī; d. 734/1333),⁴⁸ Abū Sulaymān b. 'Abd al-Qawā b. 'Abd al-Karīm al-Sarsarī (Ḥanbalī *faqīh*; d. 716/1316),⁴⁹ Abū 'Abd Allāh Muḥammad b. Sa'd Allāh al-Ḥarrānī (known as Ibn Najīh; Ḥanbalī *faqīh*; d. 723/1323),⁵⁰ Abū 'Abd Allāh Muḥammad b. Zayn al-Dīn al-Munajjā (hadith-scholar; d. 724/1324),⁵¹ Abū Bakr Sharf b. Maḥsan (known as Abū Bakr al-Ṣaliḥī; Ḥanbalī *faqīh*; d. 728/1328),⁵² Abū Muḥammad b. Muṣliḥ b. Muḥammad (known as Ibn Muflaḥ; Ḥanbalī *faqīh*; d. 763/1362),⁵³ Ibn Rajab,⁵⁴ al-Dhahabī, Ibn 'Abd al-Hādī,⁵⁵ Abū 'Abd Allāh b. Muḥammad b. Abī Bakr (known as Ibn Qayyim al-Jawziyya; Ḥanbalī *faqīh* and hadith-scholar; d. 751/1350),⁵⁶ and Ibn Kathīr.⁵⁷

From the list above, the five last students were effectively responsible for disseminating the thinking of Ibn Taymiyya. Ibn Rajab, al-Dhahabī, Ibn 'Abd al-Hādī and Ibn Kathīr wrote a biography of Ibn Taymiyya, while Ibn Qayyim was his principal student. He spent sixteen years studying under Ibn Taymiyya and effectively analyzed his teacher's *fatwās*. Ibn Qayyim also composed many works

⁴⁸ Ibn Kathīr, *al-Bidāya*, 14:72.

⁴⁹ Ibn al-'Imād, *Shadhārāt*, 6:39; see also, Aḥmad b. 'Alī b. Ḥajar al-Asqalānī (cited as Ibn Ḥajar; biographer and Shāfi'ī hadith-scholar; d. 852/1449), *al-Durār al-kāmīna*, Hyderabad, 1929, 2:154.

⁵⁰ Ibn Kathīr, *al-Bidāya*, 14:110; Ibn Ḥajar, *al-Durār al-kāmīna*, 2:154.

⁵¹ Ibn Kathīr, *al-Bidāya*, 14:110; Ibn Ḥajar, *al-Durār al-kāmīna*, 4:65.

⁵² Ibn Kathīr, *al-Bidāya*, 14:119.

⁵³ Ibn Kathīr, *al-Bidāya*, 14:294; Ibn al-'Imād, *Shadhārāt*, 6:199; Ibn Ḥajar, *al-Durār al-kāmīna*, 5:31.

⁵⁴ Abū al-Ḥasan 'Alī al-Nadwī, *Khāṣ bi ḥayāh Shaykh al-Islām al-Ḥāfiẓ Aḥmad b. Taymiyya*, Kuwait, 1975, p. 339.

⁵⁵ Ibn Kathīr, *al-Bidāya*, 14:110.

⁵⁶ Ibn Kathīr, *al-Bidāya*, 14:234; Ibn al-'Imād, *Shadhārāt*, 6:168; for a biographical note on Ibn Qayyim, see, *EI* (2), 3:844-47.

⁵⁷ Ibn al-'Imād, *Shadhārāt*, 6:231.

that discussed Ibn Taymiyya's thought, for instance, *Madārj al-sālikīn bayna manāzil iyyāka na'budu wa iyyāka nasta'im* (see, for example, the edition published in Riyadh in the year 2003 and edited by 'Abd al-Azīz b. Nāṣir al-Julayyil), *Zād al-ma'ād fī hady khayr al-'ibād* (see, for example, the edition published in Beirut in the year 1998 and edited by Muṣṭafā 'Abd al-Qādir 'Aṭā), *Miftāḥ dār al-sa'āda wa manshūr wilāya al-'ilm wa al-irāda* (see, for example, the edition published by Dār Ibn 'Affān in the year 1996 and edited by Bakr b. 'Abd Allāh Abū Zayd) and *Asmā' mu'allafāt Ibn Taymiyya* (see, for example, the edition published in Beirut in the year 1976 and edited by Ṣalāḥ al-Dīn al-Munajjid).

Ibn Taymiyya authored many books dealing various disciplines and branches of Islamic studies. Ibn Qayyim, in his *Asmā' mu'allafāt*, says that he knows of at least 341 of Ibn Taymiyya's works.⁵⁸ But, less than half of them are still extant and it can be divided into four types:

a) *Risāla* (letter)

Ibn Taymiyya writes many *rasā'il* to the *ṣulṭān*, his fellow scholars and to the public, for example: *Risāla ilā al-Sulṭān al-Malik al-Nāṣir fī sha'n al-Tātar* (a letter to Sulṭān al-Malik al-Nāṣir in which he explains about the condition of the Mongol), *Risāla min al-Shaykh ilā aṣḥābihi wa huwa fī sijn al-Iskandariyya* (a letter to his colleagues in which he explains about his imprisonment in Alexandria; it is not dated, but can be found in MF28:30-41), *Risāla ilā al-sulṭān yā'muruhu bi iqāma al-ṣalāh wa itā'i al-zakāh wa al-amr bi al-ma'rūf wa al-nahy 'an al-munkar* (a letter to

⁵⁸ Ibn Qayyim al-Jawziyya, *Asmā' mu'allafāt Ibn Taymiyya*, ed. Ṣalāḥ al-Dīn al-Munajjid, Beirut, 1976, pp. 9-30; see also, Victor E. Makari, *Ibn Taymiyyah's Ethics: The Social Factor*, California, 1983, p. 195; Haque, *Imam Ibn Taymiya and His Projects of Reform*, pp. 184-91.

the *sultān* in which he explains about prayer and *zakāh* and the duty of enjoining good and forbidding wrong; it is not dated and can be found in MF28:241-43).

b) *Risāla* (short treatise)

This type of *risāla* is a short treatise on a particular subject, for example: *Risāla fi al-qitāl* (a short treatise on fighting), *al-Risāla al-qubruṣiyya* (a short treatise on the relationship between Islam and Christianity; originally a letter to Sarjawas, King of Cyprus) and *al-Risāla al-tadmuriya* (a short treatise on the attributes of God).

c) *Qā'ida* (principle)

Such a work contains basic rules or laws on certain subjects, for example: *Qā'ida jalīla fī al-tawassul wa al-wasīla* (a work on the principles of Islamic intercessory prayer) and *Qā'ida fī mawāḍi' al-a'imma wa majāmi' al-umma* (a work on the principles of Islamic leadership).

d) General books

These are long and formal pieces of writing about a particular subject, for example: *Tafsīr al-kabīr* (a book on the commentary of the Qur'an), *al-Siyāsa al-shar'iyya fī iṣlāh al-rā'i wa al-ra'iyya* (a book on the public law in Islam), *al-Ḥisba fī al-Islām* (a book on the public duties in Islam), *Kitāb al-Īmān* (a book on the Islamic beliefs), *al-Amr bi al-ma'rūf wa al-nahy an al-munkar* (a book on enjoining good and forbidding wrong), *Minhāj al-sunna al-nabawiyya fī naqḍ kalām al-shī'a wa al-qadariya* (a

book on the logic of the Shi‘a and the Qadariya), *al-Ḥasana wa al-sayyi‘a* (a book on morality).

1.5. Testimonies on Ibn Taymiyya

The opinions of the renowned jurists and scholars of Ibn Taymiyya’s time about him help us to perceive his greatness in its true sense. Ibn Kathīr says about him: “Ibn Taymiyya is intelligent and had a wide knowledge of *tafsīr*, hadith and *fiqh*, and he is a star amongst the scholars”.⁵⁹ Muḥammad b. ‘Alī b. Daqīq al-‘Īd (Syrian hadith-scholar; d. 702/1302) says that: “When I met Ibn Taymiyya, I saw a person who had all the types of knowledge between his eyes. He would take or leave of it what he desired”.⁶⁰ Al-Zamlakānī says: “Ibn Taymiyya is a qualified *mujtahid*, an expert in jurisprudence, a consistent and a prolific writer”.⁶¹ Zayn al-Dīn b. Makhlūf (Mālikī *qāḍī*; d. 718/1318) says: “There is no one more righteous than Ibn Taymiyya”.⁶² Yūsuf b. ‘Abd al-Raḥman al-Ḥāfiẓ al-Mizzī (Syrian and Shāfi‘ī hadith scholar; d. 742/1342)⁶³ says that: “I have not seen the like of Ibn Taymiyya and I have not seen one more knowledgeable of the Qur’an and hadith and more compliant to it than him”.⁶⁴ Al-Dhahabī states: “I am convinced of the great scope, the ocean-like fullness and vastness of his knowledge of the transmitted and intellectual sciences, his extreme intelligence, his exertions and his attainments, all of which surpass description. If I were made to swear by the corner of the Ka‘ba and the place of

⁵⁹ Ibn Kathīr, *al-Bidāya*, 14:157.

⁶⁰ Ibn Nāṣir al-Dīn al-Dimashqī (Damascene scholar; d. 842/1438), *al-Radd al-wāfir*, n.p.p, 1974, p. 59; see also, Ibn al-‘Imād, *Shadhārāt*, 6:83.

⁶¹ Ibn Kathīr, *al-Bidāya*, 14:137; see also, Muḥammad Bahja al-Baitar, *Hayāh Shaykh al-Islām Ibn Taymiyya*, Beirut, 1972, p. 11.

⁶² Ibn ‘Abd al-Hādī, *al-Uqūd al-durriyya*, p. 283.

⁶³ al-Bazzār, *al-A‘lām al-‘aliyya*, p. 79; for a biographical note on Yūsuf b. ‘Abd al-Raḥman al-Ḥāfiẓ al-Mizzī, see, *EI* (2), 7:212.

⁶⁴ Ibn Nāṣir, *al-Radd al-wāfir*, p. 128.

Ibrāhīm, I would swear that I have not seen with my two eyes the like of Ibn Taymiyya”.⁶⁵ Ibn Ḥajar states in his *al-Durār al-kāmina*: “Ibn Taymiyya is a reliable, devout and consistent scholar who follows the Qur’an and hadith. My admiration is even greater for his selfless championship of the truth, his adherence to the path of our ancestors, his pursuit of perfection, the wonder of his example, unrivalled in our time and in times past.”⁶⁶

In contrast to the above testimonies which acknowledge Ibn Taymiyya’s remarkable achievements as an ‘*ālim* and *faqīh* in the medieval Islamic intellectual tradition, there are also strong voices which hold opposing views. Such opinions can be found in the work of several Western scholars, such as Ignaz Goldziher, H.A.R. Gibb and D.B. MacDonald, who have described Ibn Taymiyya as a man “with a screw loose” or “mentally unbalanced”.⁶⁷ Goldziher says: “Ibn Taymiyya had a bee in his bonnet”.⁶⁸ Gibb says that: “Ibn Taymiyya was a man greatly esteemed and able to discourse on various sciences, but with some kink in his brain”.⁶⁹ MacDonald states: “Ibn Taymiyya was a man most able and learned in many sciences, but with a screw loose”.⁷⁰

It is unfortunate, but the above appalling statements may have their roots in an anecdote (*ḥikāya*) reported in Ibn Baṭṭūṭa’s *Riḥla*, and it is worth reflecting for a little on some of the details reported there in order to understand what happened. Ibn Baṭṭūṭa entered Damascus in the year 726/1326; and as mentioned earlier, he

⁶⁵ Ibn al-‘Imād, *Shadhārāt*, 6:82.

⁶⁶ Ibn Ḥajar, *al-Durār al-kāmina*, 1:155.

⁶⁷ Donald P. Little, ‘Did Ibn Taymiyya have a screw loose?’, *Studia Islamica*, 41-42, Paris, 1975, p. 93.

⁶⁸ Wolfgang Behn, *The Zahiris: Their Doctrine and their history*, Leiden, 1971, p. 173.

⁶⁹ Ibn Baṭṭūṭa, *The Travels of Ibn Baṭṭūṭa*, p. 135.

⁷⁰ D.B. MacDonald, *Development of Muslim Theology Jurisprudence, and Constitutional Theory*, New York, 1903, p. 273.

acknowledged the fame of Ibn Taymiyya and the fact that the people of Damascus idolized him. Ibn Baṭṭūṭa thought of Ibn Taymiyya as by and large being a man of unique character who liked arguing and criticizing his fellow scholars. In this respect, Ibn Baṭṭūṭa says: “*illā anna fī ‘aqlihi shay’ān*” (Gibb translates this phrase as “but with some kink in his brain”).⁷¹ In the first place, this remark of Ibn Baṭṭūṭa does not say anything negative about Ibn Taymiyya, rather it can be interpreted as indicating that Ibn Taymiyya was an out of the ordinary person. When one reads the complete anecdote it becomes clear that this is simply a reference to his unique mental abilities. Ibn Baṭṭūṭa, furthermore, reports that Ibn Taymiyya had made some statement about God’s attributes which was disapproved of by Ibn al-Zahrā’ (Mālikī scholar; d. ?). But, the people beat Ibn al-Zahrā’ until his turban fell off and disclosed a silken skull-cap on his head. In Islam, it is widely accepted that a man is not allowed to wear silk, and in consequence Ibn al-Zahrā’ was taken before Qāḍī ‘Izz al-Dīn b. Musallam (Ḥanbalī judge; d. ?), who then ordered him to be imprisoned. Other scholars objected to this decision and carried the case to Malik al-Umarā’ Sayf al-Dīn Tankīz (Damascus viceroy; d. ?), who then convinced the Baḥrī Mamlūk Sulṭān Nāṣir al-Dīn Muḥammad to give orders that Ibn Taymiyya should be imprisoned for several heretical *fatwās*.⁷²

Much has been said about the validity of Ibn Baṭṭūṭa’s report. Donald P. Little has taken a useful psychological analysis of Ibn Taymiyya’s personality. On the one hand, Little suggests that Ibn Baṭṭūṭa might be lying in his anecdote that he witnessed the whole incident mentioned above and proposes that he probably learned of the

⁷¹ Ibn Baṭṭūṭa, *Riḥla*, Beirut, 1997, p. 95 (= *The Travels of Ibn Baṭṭūṭa*, p. 135).

⁷² Ibn Baṭṭūṭa, *Riḥla*, p. 95 (= *The Travels of Ibn Baṭṭūṭa*, p. 135).

incident from sources in Mecca.⁷³ There is a discrepancy between the date given by Ibn Baṭṭūṭa and the date given by Ibn Taymiyya's contemporaries, such as Ibn Kathīr and Ibn 'Abd al-Hādī. In the anecdote, Ibn Baṭṭūṭa dated the incident to the month of Ramadan 726/August 1326, whereas Ibn Kathīr and Ibn 'Abd al-Hādī claim that it had happened a month earlier and that Ibn Taymiyya was already in prison in Egypt in that fasting month.⁷⁴ What is more, Ibn 'Abd al-Hādī provides evidence that it was Ibn Taymiyya's letter to his mother which he wrote from prison in Egypt.⁷⁵

Regardless of whether this is true or not, Little does provide us with additional source material which help us understand Ibn Taymiyya's unusual personality. Al-Dhahabī is said to have made critical remarks about Ibn Taymiyya. Al-Dhahabī's divergent opinions are found in *al-Naṣīḥa al-dhahabiyya li Ibn Taymiyya* (al-Dhahabī's advice to Ibn Taymiyya) and *Bayān zaḡhal al-'ilm* (the explanation of knowledge), in which he indicates Ibn Taymiyya's outspokenness, his unwillingness to compromise and his hot-tempered nature.⁷⁶ By way of illustration, al-Dhahabī says: "By God, you must leave us alone. You are contentious and are endowed with a learned tongue that does not pause or rest. Beware of captious questions in religion...too much talk without proof hardens hearts...".⁷⁷ Ibn Ḥajar states in *al-Durār al-kāmina* that al-Dhahabī mentions: "Though anger would sometimes grip him, he would conquer it with forbearance. I have not seen his like for supplications and appeals and for his abundant concern for others. But I do not

⁷³ Little, 'Did Ibn Taymiyya have a screw loose?', pp. 97-9.

⁷⁴ Ibn Kathīr, *al-Bidāya*, 14:123; Ibn 'Abd al-Hādī, *al-'Uqūd al-durriyya*, p. 325.

⁷⁵ Ibn 'Abd al-Hādī, *al-'Uqūd al-durriyya*, pp. 258-59.

⁷⁶ Little, 'Did Ibn Taymiyya have a screw loose?', pp. 101-03.

⁷⁷ al-Dhahabī, *Bayān zaḡhal al-'ilm*, ed. M.Z. al-Kawtharī, Damascus, 1928, pp. 31-4; see also, Little, 'Did Ibn Taymiyya have a screw loose?', p. 101.

believe him to be infallible”.⁷⁸ Another account is reported by Ibn Rajab that al-Dhahabī states: “Ibn Taymiyya’s behaviour was unpredictable, so that he might extol an acquaintance on one occasion but insult him on others”. Another place, Ibn Rajab says: “His anger turned him into a raging lion (*layth ḥārib*)”.⁷⁹ To take one example, it is reported that Ibn Taymiyya showed his temper to the heretical Ṣūfīs. A story is told of a group of Rifā‘īs who had entered the Umayyad mosque wearing iron necklaces. Ibn Taymiyya scolded them and pulled off the necklace from the neck of one of them and let them go only when they had all taken off the necklaces. Consequently, Ibn Taymiyya was brought to the trial in the Damascus Viceroy Lodge on charges of being aggressive to the Rifā‘īs.⁸⁰

Despite such incidents, all Ibn Taymiyya’s contemporaries demonstrated a positive attitude toward him. With respect to such testimonies, Little says: “Without exception, all of the historians, no matter what their position, training, and specialization show a distinctly favourable attitude toward Ibn Taymiyya’s words and deeds”.⁸¹ Only Ibn Baṭṭūṭa and al-Dhahabī mention some uncomplimentary sides of Ibn Taymiyya’s personality.

This section is not designed to scrutinize the validity of Ibn Baṭṭūṭa and al-Dhahabī’s conclusions, nor to reformulate Little’s detailed examination of his character; indeed, it is beyond the scope of this study to discuss every aspect of this large problem. To put it in a nutshell; and as Umar Memon expressed it, whether Ibn

⁷⁸ Ibn Ḥajar, *al-Durār al-kāmina*, 1:161; see also, Little, ‘Did Ibn Taymiyya have a screw loose?’, p. 104.

⁷⁹ Ibn Rajab, *Ṭabaqāt al-Ḥanābila*, p. 395; see also, Little, ‘Did Ibn Taymiyya have a screw loose?’, p. 105.

⁸⁰ Hasan Qasim Murad, ‘Ibn Taymiyya on Trial’, pp. 5-6.

⁸¹ Little, ‘The Historical and Historiographical Significance of the Detention of Ibn Taymiyya’, *International Journal of Middle East Studies*, London, 1973, 4:319.

Taymiyya had “a screw loose” or had “some kink in his brain” or had a temper, by itself does not negate any of Ibn Taymiyya’s contributions or achievements made in his own medieval context.⁸² But at the same time, it is quite appropriate to acknowledge that Ibn Taymiyya was a very human person, and not at all infallible.

1.6. The Importance of Ibn Taymiyya

1.6.1. Ibn Taymiyya’s response to various contemporary issues

Ibn Taymiyya was one of the most outstanding Islamic thinkers and the great Ḥanbalī scholar, and one who was equipped with wider knowledge of Islamic studies. Although a Ḥanbalī theologian and jurist, his influence is not confined to any one school of Islamic thought. His expertise extended to *Fiqh*, *Uṣūl al-Fiqh*, *Ṣūfism*, economics and political thought. It is useful to reflect a little on Ibn Taymiyya’s achievements in the aforementioned fields; and in this section, I will provide a synoptic view of Ibn Taymiyya’s preoccupation with *Uṣūl al-Fiqh*, *Ṣūfism*, economics and political thought.

1.6.1.1. *Ijmā‘* (consensus) and *Qiyās* (reasoning by analogy)

Ibn Taymiyya is credited with the title of *mujtahid muṭlaq* (one who is absolutely qualified to exercise independent reasoning or *ijtihād*) by his contemporaries and students, such as Ibn Rajab and Ibn Ḥajar and Ibn Kathīr.⁸³ The use of his *ijtihād* is

⁸² Muhammad Umar Memon, *Ibn Taymiyya’s struggle against popular religion, with an annotated translation of his ‘Kitāb iqtidā’ al-ṣirāṭ al-mustaqīm mukhālafat aṣhāb al-jahīm’*, The Hague, 1976, p. ix.

⁸³ Ibn Rajab, *Ṭabaqāt al-Ḥanābila*, 2:387; Ibn Ḥajar, *al-Durār al-kāmina*, 1:160; Ibn Kathīr, *al-Bidāya*, 14:137.

not restricted only to the field of *furū'* (positive law), but also extended to the field of *uṣūl* (the roots or sources of legal knowledge). In certain circumstances, Ibn Taymiyya's standpoints were antithetical to the Ḥanbalī and to other schools' legal methods.

Ibn Taymiyya brought some novelty to the legal method of *Uṣūl al-Fiqh*. Firstly, he advocated the circumscription of the concept of *ijmā'*. He writes at great length on the concept of *ijmā'* and his ideas of *ijmā'* can be seen especially in volumes nineteenth and twentieth of *Majmū' Fatāwā*. He defines *ijmā'* as the agreement of the *mujtahid* on the matter of religion after the death of the Prophet.⁸⁴ He agrees with other scholars on the importance of *ijmā'*, but only accepts the *ijmā'* of the Companions.⁸⁵ He says:

The *ahl al-Sunna* (the people who follow the Sunna) are also called *ahl al-jamā'a* (the people who follow the community) because *al-jamā'a* implies *ijtimā'* (gathering), its opposite being *al-furqa* (separation), and the expression *jamā'a* has become a name for people who share the same conviction, while *ijmā'* is the third principle on which knowledge and religion are based. The *ijmā'* is defined as everything which people follow in matters of religion. But the *ijmā'* to which there is to be meticulous adherence is what the *salaf al-ṣāliḥ* (the first pious generations) agreed upon, for after them divergence became numerous and the *umma* became spread out.⁸⁶

Ibn Taymiyya, furthermore, said that the consensus amongst legal scholars was no longer feasible (even in his day) and he rejected the concept that the collective opinion of the *umma* is incapable of agreeing on an error. Even if that were so, that would not relieve qualified jurists of the responsibility to examine all evidence in every case, as well as all pertinent arguments from their own school and from that of

⁸⁴ MF20:10.

⁸⁵ MF19:267-68.

⁸⁶ *al-'Aqīda al-wāsiṭiyya*, p. 27.

others, and then to go on to determine on the basis of the Qur'an and hadith the most suitable judgment. In the Ḥanbalī school, for example, Ibn Taymiyya and Ibn Qayyim al-Jawziyya both emphasized on *ijmā'* of the Companions on the understanding that the *ijmā'* is widely known and compatible with the Qur'an and hadith.⁸⁷ According to Ibn Taymiyya, when *ijmā'* is found to contradict the Qur'an and hadith, it must never abrogate the Qur'an. Instead, there must be another Qur'anic verse interpreted in another way and accepted by the *ijmā'* and which supersedes the previous one.⁸⁸ With regard to the *ijmā'* of the Companions, Ibn Taymiyya quotes certain hadith and stories of the Companions to support his argument. The Prophet said:

The Muslims must follow my *sunna* and the *sunna* of *khulafā' al-rāshidūn* (the rightly guided-caliph).⁸⁹

Another example is the story of 'Umar b. al-Khaṭṭāb: "Umar sent a letter to Qāḍī Shurayḥ b. al-Hārith al-Kindī (Kufan jurist; appointed *qāḍī* of Kufa in 18/639 or 22/643; d. c. 76/695-6),⁹⁰ in which he ordered Shurayḥ to judge people with the Qur'an and hadith. If the Qur'an and hadith failed to help him in the matter, he should follow the *ijmā'* of the Companions. To take another example, Ibn Taymiyya says that 'Umar hired out the orchard of Usayd b. al-Ḥuḍayr (Companion; d. 20/642) after he passed away, as a means of settling a debt Usayd had owed him. At this point, Ibn Taymiyya claims that the decision of 'Umar was not objected to by the

⁸⁷ *al-Tawassul wa al-wasīla*, p. 100; MF20:14; Ibn Qayyim al-Jawziyya, *I'lām al-muwaqqi'īn 'an rabb al-'ālamīn*, ed. 'Abd al-Raḥman al-Wakīl, Cairo, 1970, 4:120.

⁸⁸ MF19:267.

⁸⁹ MF20:573-74.

⁹⁰ For a biographical note on Qāḍī Shurayḥ, see *EI* (2), 9:508-09.

Companions. So, as Ibn Taymiyya defined, this decision is called *ijmā'*.⁹¹ Another case in point is the story of 'Abd Allāh b. 'Abbās (Companion; d. 68/687).⁹² Ibn Taymiyya asserts that Ibn 'Abbās followed the view of Abū Bakr al-Ṣiddīq (Companion; first caliph who reigned from 11/632 to 13/634; d. 13/634),⁹³ and 'Umar after he failed to find the solution in the Qur'an and hadith.⁹⁴

Over and above that, we return to a more fundamental point. As Ibn Taymiyya explained, if a jurist identifies that there exists a strong legal judgment in the Qur'an and hadith, that judgment should be applied regardless of the *madhhab* in which it is found. If he does not find an appropriate judgment, he should not hesitate to judge independently or to exercise *ijtihad* in accordance with the principles he concludes to be most conducive to justice.⁹⁵

In addition to *ijmā'*, Ibn Taymiyya acknowledges the legal importance of *qiyās*.⁹⁶ But, he does not share Abū Ḥanīfa's (Kufan *faqīh*; founder of the Ḥanafī school; d. 150/767)⁹⁷ view that *qiyās* is divided into two types: *qiyās jalī* (an analogy readily understood by everybody) and *qiyās khafī* (an analogy which is not under *qiyās jalī*, namely *istiḥsān* or juristic preference, *istiṣlāḥ* or consideration of public interest and *istiṣḥāb* or presumption of existence or non-existence of facts).⁹⁸ Ibn Taymiyya's principle view about *qiyās* is found in his *risāla fī ma'nā al-qiyās* (the

⁹¹ Ibn Qayyim al-Jawziyya, *l'lām al-muwaqqi'īn*, 4:120; MF20:548; Benjamin Jokisch, 'Ijtihad in Ibn Taymiyya's *Fatāwā*', *Islamic Law: Theory and Practise*, ed. Robert Gleave and Eugenia Kermeli, London, 1997, p. 126.

⁹² For a biographical note on 'Abd Allāh b. 'Abbās, see *EI* (2), 1:40-1.

⁹³ For a biographical note on Abū Bakr al-Ṣiddīq, see *EI* (2), 1:109-11.

⁹⁴ Haque, *Imam Ibn Taymiya and His Projects of Reform*, p. 66.

⁹⁵ Makari, *Ibn Taymiyyah's Ethics*, p. 98.

⁹⁶ MF19:285-86.

⁹⁷ For a biographical note on Abū Ḥanīfa, see *EI* (2), 1:123-24.

⁹⁸ MF20:507-09; Haque, *Imam Ibn Taymiya and His Projects of Reform*, p. 73.

short treatise on *qiyās*).⁹⁹ In this *risāla*, Ibn Taymiyya defines *qiyās* as “the combination of two similar things and the differentiation of two dissimilar things”.¹⁰⁰ He accepts *qiyās* which is not opposed to the Qur’an nor to hadith and often utilizes *qiyās* in his *fatwā* in order to demonstrate the validity of his conclusions on a particular matter.¹⁰¹

In his *fatwā*, Ibn Taymiyya demonstrates a few types of *qiyās*, for instance, *qiyās al-ṭard* (a *qiyās* which deduces a common element between a number of similar Qur’anic and hadith rulings with the same rulings, then this element must be the ‘*illa* or effective cause),¹⁰² *qiyās al-shaba* (which consists of comparing the case in question with two other similar cases, where the two cases were given different rulings, but both grounded in the Qur’an and hadith),¹⁰³ and *qiyās al-munāsaba* (when there is no explicit indication in the Qur’an and hadith, but where the general prescription to preserve public interest is transferred to the case in question).¹⁰⁴

1.6.1.2. Ṣūfīsm

Ibn Taymiyya writes at great length on Ṣūfīsm, devoting his considerable intellect to countering the heretical manifestations of Ṣūfīsm and inviting them to the moderate Ṣūfīsm which bases its path and spiritual values on the Qur’an and hadith. The most

⁹⁹ See, for example, the edition published in Amman in the year 1987.

¹⁰⁰ MF20:505; Haque, *Imam Ibn Taymiyya and His Projects of Reform*, p. 68.

¹⁰¹ MF20:505.

¹⁰² For more detailed information of *qiyās al-ṭard*, see, for example, Jokisch, ‘*Ijtihād* in Ibn Taymiyya’s *Fatāwā*’, p. 127. According to Jokisch, most of the jurists reject it: see, for example, Shams al-Dīn al-Sarakhsī (Ḥanafī *uṣūlī* and *faqīh*; d. c. 483/1090), *Uṣūl al-Sarakhsī*, ed. Abū al-Wafā’ al-Afghānī, Beirut, 1953, 2:176, 227 and Abū Ishāq Ibrāhīm b. ‘Alī al-Shīrāzī (Shāfi‘ī jurist; d. 475/1083), *al-Lumā’ fī uṣūl al-fiqh*, ed. Muṣṭafā Abū Sulayman al-Nadwī, al-Manṣūra, 1997, p. 3.

¹⁰³ For more detailed information of *qiyās al-shaba*, see Jokisch, ‘*Ijtihād* in Ibn Taymiyya’s *Fatāwā*’, p. 127.

¹⁰⁴ For more detailed information of *qiyās al-munāsaba*, see Jokisch, ‘*Ijtihād* in Ibn Taymiyya’s *Fatāwā*’, p. 136.

relevant piece, entitled ‘*Sharḥ kalimāt li ‘Abd al-Qādir fī kitāb futūḥ al-ghayb*’ (the annotated explanation of ‘Abd al-Qādir’s ‘*kitāb futūḥ al-ghayb*’) is in Volume Ten of the *Majmū‘ Fatāwā*. Another relevant writing is ‘*Kitāb al-tasawwūf*’ in Volume Eleven of the similar collection. This former work is a commentary on ‘Abd al-Qādir al-Jīlānī’s (Ḥanbalī theologian; Şūfī; d. 561/1166)¹⁰⁵ *futūḥ al-ghayb*, which shows Ibn Taymiyya’s interest on Şūfism as having a salutary effort and even as an essential part of the life of Muslims. The second work is an explanation of the origin of Şūfism in Islam.

In his commentary, Ibn Taymiyya says that the *sharī‘a* gives the basic foundation of Şūfism and states that the Şūfīs are people who use all the lawful efforts to fear God.¹⁰⁶ He divides the Şūfīs into three categories. The first is called *mashā’ikh al-Islām* (the masters of Islam) and *mashā’ikh al-kitāb wa al-sunna wa a’immat al-hudā* (the masters of the Qur’an and hadith and the leaders of the right path), such as Fuḍayl b. al-Iyāḍ (Samarkand Şūfī; d. 187/803),¹⁰⁷ Ibrāhīm Adham (Balkhī Şūfī; d. 161/777-8),¹⁰⁸ Ma‘rūf al-Karkhī (Iraqi Şūfī; d. 200/815-6),¹⁰⁹ Sarī al-Saqatī (Iraqi Şūfī; d. 253/867),¹¹⁰ Abū al-Qāsim al-Junayd b. Muḥammad (Persian Şūfī; d. 298/910), ‘Abd al-Qādir al-Jīlānī and Abū al-Bayān (Şūfī; d. 551/1156).¹¹¹ These Şūfīs, as Ibn Taymiyya said, were never intoxicated (*sukr*), neither lost their sense of sobriety (*ṣaḥw*), nor did anything against the Qur’an and hadith. Their lives and experiences followed the right path of Şūfism and met the approval of the

¹⁰⁵ For a biographical note on ‘Abd al-Qādir al-Jīlānī, see *EI* (2), 1:69-70.

¹⁰⁶ MF11:18.

¹⁰⁷ For a biographical note on Fuḍayl b. al-Iyāḍ, see *EI* (2), 2:936.

¹⁰⁸ For a biographical note on Ibrāhīm Adham, see *EI* (2), 3:985-86.

¹⁰⁹ For a biographical note on Ma‘rūf al-Karkhī, see *EI* (2), 6:613-14.

¹¹⁰ For a biographical note on Sarī al-Saqatī, see *EI* (2), 9:56-9.

¹¹¹ MF10:516-17; 11:233.

sharīʿa.¹¹² Commenting on these Ṣūfīs, Ibn Taymiyya states: “These shaykhs do not permit the Muslims to depart from the divinely legislated command and prohibition, even were that individual to have flown in the air or walked on the surface of the water”.¹¹³

Another stake at issue here is Ibn Taymiyya’s approval of the Ṣūfī’s emphasis on love of God (*al-ḥubb*) and their Way (*ṭarīqa*) as being in agreement with the Qur’an and hadith. He says: “The basis of the Ṣūfī’s *ṭarīqa* is simply will and love. The affirmation of the love of Allah is well known in the speech of their early *shaykhs*, just as it is affirmed in the Qur’an, hadith and the *ijmāʿ* of the Companions”.¹¹⁴

The second category is the Ṣūfīs whose experience of annihilation (*fanāʾ*) and intoxication weakened their sobriety, and made them mention words and do things which were unlawful, and they later learned that the words were wrong when they became sober.¹¹⁵ In this respect, Ibn Taymiyya neither criticizes their experience of annihilation and intoxication, nor disapproves of what they said and did. Instead, he forgives them on the ground that they were intoxicated. Here, Ibn Taymiyya mentions the names of Abū Yazīd al-Biṣṭāmī (Ṣūfī; d. 261/874),¹¹⁶ Abū al-Ḥusayn al-Nūrī (Iraqi Ṣūfī; d. 295/907)¹¹⁷ and Abū Bakr al-Shiblī (Khurasān Ṣūfī; d. 334/940).¹¹⁸

¹¹² MF10:516-17.

¹¹³ MF10:516; 11:466.

¹¹⁴ MF10:517.

¹¹⁵ MF10:220-21, 382, 557.

¹¹⁶ For a biographical note on Abū Yazīd al-Biṣṭāmī, see *EI* (2), 1:162-63.

¹¹⁷ For a biographical note on al-Nūrī, see Annemarie Schimmel, *Mystical Dimension of Islam*, Chapel Hill, 1975, p. 191.

¹¹⁸ MF10:382, 557; *al-'Ubūdiyya*, pp. 169-76; for a biographical note on Abū Bakr al-Shiblī, see *EI* (2), 9:432-33.

Ibn Taymiyya criticizes a third category of Ṣūfīs who believed in doctrines which contradict the *sharīʿa*. In this category, for example, he mentions al-Ḥusayn b. Maṣṣūr al-Ḥallāj (Iraqi Ṣūfī; d. 309/922),¹¹⁹ and Muḥy al-Dīn b. ‘Alī b. ‘Arabī (Syrian Ṣūfī; d. 638/1240).¹²⁰ Ibn Taymiyya openly criticizes the Ibn ‘Arabī’s pantheistic Ṣūfīsm, in particular the doctrine of *waḥda al-wujūd* (the unity of being).¹²¹

It is worth reflecting for a moment on *waḥda al-wujūd*. According to Ibn ‘Arabī’s doctrine, he believes that there is no real difference between the Essence and its attributes or between God and the universe. All created beings exist eternally as ideas in the knowledge of God. Since being is equal with knowledge, their creation only means His knowing them or Himself.¹²² His doctrines aroused much controversy and even direct opposition and continue to do so right up to our own time. Therefore, some scholars, including Ibn Taymiyya, have accused him of being a pantheist or a heretic.

Ibn Taymiyya does not aggressively oppose Ṣūfīsm, rather it is hard to disagree with the statement that he was a Ṣūfī himself. A recent and complete study of Ibn Taymiyya’s affiliation with the Qādiri *ṭarīqa* has been made by George Makdisi, in which he concludes that Ibn Taymiyya’s name is found in the chain (*silsila*) of the Qādiris through four *shaykhs*, ‘Abd al-Qādir al-Jīlānī, Abū ‘Umar b. Qudāma, Muwaffaq al-Dīn b. Qudāma and Ibn Abī ‘Umar b. Qudāma (Ḥanbalī

¹¹⁹ MF11:18; for a biographical note on al-Ḥallāj, see *EI* (2), 3:99-104.

¹²⁰ For a biographical note on Ibn ‘Arabī, see *EI* (2), 3:707-11.

¹²¹ *al-‘Ubūdiyya*, pp. 171-72; Laoust, *Essai*, pp. 26-27; see also, George Makdisi, ‘Ibn Taymiya: A Ṣūfī of the Qādiriya Order’, *The American Journal of Arabic Studies*, 1, Leiden, 1973, p. 122; Memon, *Ibn Taymiya’s struggle against popular religion*, p. ix; Little, ‘The Historical and Historiographical Significance of the Detention of Ibn Taymiyya’, p. 324.

¹²² Little, ‘The Historical and Historiographical Significance of the Detention of Ibn Taymiyya’, p. 402.

scholar; d. 682/1283), and it is after this, that Ibn Taymiyya's name was mentioned, followed by Ibn Qayyim al-Jawziyya. The last name on this chain is that of Ibn Rajab.¹²³

To put it in a nutshell, and as Makdisi expressed it, Ibn Taymiyya follows a Sunni or a moderate Ṣūfīsm of the Qur'an and hadith, and he strongly opposed the heretical or philosophical Ṣūfī or the 'antinomianism' (to borrow Makdisi's phrase) which developed later.¹²⁴

1.6.1.3. Economic Thought

Ibn Taymiyya expresses his position on economics in his work entitled *al-Ḥisba fī al-Islām*. In this work, Ibn Taymiyya deals with contemporary economic problems and discusses them by using terms such as forbidden, lawful and unlawful. Using the two primary sources of Islamic jurisprudence, the Qur'an and hadith as his guidelines, Ibn Taymiyya discusses and analyzes public duties. He examines issues such as management of money, regulation of weights and measures, price control and taxes.

In the case of market regulations, Ibn Taymiyya discusses the role of the *muḥtasib* and government duties. He thinks that the state should enforce the Islamic code of conduct so that producers, traders and other economic agents must adhere to honest dealing in financial activities. He thinks that the state should also ensure that the market is free and that it was based on fair competition among equals. Ibn

¹²³ Makdisi, 'Ibn Taymiyya: A Ṣūfī of the Qādiriyya Order', p. 123; see also, Memon, *Ibn Taymiyya's struggle against popular religion*, p. xi.

¹²⁴ Makdisi, 'Ibn Taymiyya: A Ṣūfī of the Qādiriyya Order', p. 129.

Taymiyya also says that it is the responsibility of the state to ensure that the basic needs of all members of society are met. The notion of “price of equivalent” forms the basis of “reasonable profit”. This is the price that prevails when the market is free of coercion, fraud, monopoly and the like.¹²⁵ The notion of “price of equivalent” is different from the concept of “just price” which prevailed in the middle ages. “Price of equivalent” is a pragmatic concept that can be determined by studying the market conditions. Monzer Kahf thinks that Ibn Taymiyya wanted to arrive at the price determined in a market free of imperfection and held that the price of labour was determined in the same way as other prices.¹²⁶ Another contribution of Ibn Taymiyya to Islamic economics was his insight that the prices in the market were determined by the forces of supply and demand; and that therefore limiting the sources of supply could affect the “price of equivalent”. Ibn Taymiyya was fully aware that labour wages were also determined in a similar fashion.¹²⁷ He also noted the incidence of indirect taxes and how their burden was shifted from the sellers who paid the tax to the consumers who had to pay a higher price for the taxed goods and merchandise.¹²⁸

1.6.1.4. Political Thought

Ibn Taymiyya is one of the most outstanding political thinkers in Islam. As a great medieval theoretician, he brought some novelty into the contentions inherent in the classical political discourse. Many of his views on political thought can be found in

¹²⁵ *al-Hisba*, pp. 60-70 (= *Public Duties in Islam: The Institution of the Ḥisba*, trans. Muhtar Holland, Leicester, 1992, pp. 14-30).

¹²⁶ Monzer Kahf, *The Economic Views of Taqiuddin Taimiyah (1263-1328): The Great Radical Reformist of the Islamic Middle Ages*, Mimeo, 1973, p. 29; Abdul Azim Islahi, *Economic Concepts of Ibn Taymiyah*, Leicester, 1988, pp. 81-8, 97-100.

¹²⁷ *al-Hisba*, pp. 60-2 (= *The Institution of the Ḥisba*, pp. 14-7, 19, 22-3); MF8:523.

¹²⁸ MF20:253.

*Minhāj al-sunna al-nabawiyya*¹²⁹ and *al-Siyāsa al-shar‘iyya*. *Minhāj al-sunna al-nabawiyya* were originally composed to refute the work of Jamāl al-Dīn b. al-Muṭahhar al-Ḥillī (Shī‘a theologian; d. 726/1325)¹³⁰ entitled *Minhāj al-karāma fī al-ma‘rifat al-imāma* (the path of nobility on the knowledge of the political leadership).¹³¹ Al-Ḥillī designed this work to influence the early Mongol emperors and, as a result, Öldjeytü Khan (Mongol Ilkhan of Persia, who reigned from 704/1304 to 716/1316)¹³² embraced Shī‘ism. This book, as Khan said, is a total distortion of Islam and its early history.¹³³

Unlike other political thinkers, Ibn Taymiyya considered that Islam has no inherent axiom of state. What is more, he says that the establishment of the state is not one of the fundamental duties in Islam, nor it is the functions of Islamic prophecy. For Ibn Taymiyya, the establishment of the city of Medina as the earliest Islamic state resulted from historical circumstances. It is significant that he did not feel that the establishment of state was essential to the Prophet’s mission. In the same way, he argues that when the Prophet invited people to Islam he asked them to believe in the oneness of God and accept himself as God’s Messenger. Ibn Taymiyya finds no clear evidence that the Prophet also asked them to approve his *imāma*. Nonetheless, Ibn Taymiyya points out that the state is a religious necessity, because without the state one cannot realize the ideals of Islamic socio-political and economic justice. Commenting on the necessity of the state, he says: “None of mankind can attain to complete welfare, whether in this world or in the next, except

¹²⁹ Qamaruddin Khan, *The Political Thought of Ibn Taymiyah*, Lahore, 1983, p. xvi.

¹³⁰ For a biographical note on al-Ḥillī, see *EI* (2), 3:390.

¹³¹ See, for example, the edition annotated by ‘Alī al-Ḥusaynī al-Milānī and published in Qūm in the year 1997.

¹³² For a biographical note on Öldjeytü Khan, see *EI* (2), 8:168-69.

¹³³ Khan, *The Political Thought of Ibn Taymiyah*, p. 20.

by association (*ijtimāʿ*), cooperation and mutual aid. Their cooperation and mutual aid is for the purposes of warding off things injurious to them. For this reason it said that man is political being by nature”.¹³⁴ This shows that Ibn Taymiyya attributes the evolution of government and state to a natural propensity that is inherent in man and which drives him to associate with his fellow human beings for purposes related to their command, well-being and happiness. The objectives of this approach lie in its very universality and generality and the underlying utilitarianism which phrases like “warding off things injurious” and “acquiring things of benefit” seem to suggest. However, Ibn Taymiyya agreed that a religion-free association might result in the pursuance of the “wrong” interests. But in either case, with or without religion, political association continues to be a universal and a permanent necessity.¹³⁵

Ibn Taymiyya thinks that the *imām* must implement Islamic law, establish a system of education and enhance military power in order to defend the survival of Islam.¹³⁶ He says: “The ruler is there to enjoin good and forbid evil”.¹³⁷ This leads one to suppose that Ibn Taymiyya’s main concern is the implementation of *sharīʿa* regardless of the form or the system of the state.

Another great contribution of Ibn Taymiyya is his rejection of the necessity of the Caliphate or “One World Muslim State”.¹³⁸ The obligation to establish the traditional system of the Caliphate, as Ibn Taymiyya claimed, is not found in the

¹³⁴ MF28:62.

¹³⁵ Antony Black, *The History of Islamic Political Thought: from the Prophet to the Present*, Edinburgh, 2001, pp. 155-58.

¹³⁶ *al-Siyāsa al-sharʿiyya*, p. 172.

¹³⁷ Omar A. Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, Beirut, 1966, p. 83.

¹³⁸ The phrase “One World Muslim State” is used by Khan in his work, see *The Political Thought of Ibn Taymiyya*, p. vi.

Qur'an and hadith.¹³⁹ Instead, he vigorously emphasized the importance of *umma* or the solidarity of the Muslims, and a positive collaboration between the Muslim states as a useful mechanism to defend the Muslim's faith, life and property. Ibn Taymiyya, furthermore, believed that this solidarity can be achieved by the Islamic faith as well as by uniform use of the Arabic language. Ibn Taymiyya identifies this cooperation as social solidarity (*ta'āwūn*), which he believes can bind the *umma* into a unity throughout history. It is primarily a moral collaboration, rather than a political or even a tribal collaboration. The ideal *umma* he described, is one whose members are mutually supportive in enjoining good and forbidding wrong.¹⁴⁰

In Ibn Taymiyya's view, the *imāma* is a religious necessity as well as a political one. He gives two reasons for regarding the necessity of *imāma*. First, he quotes a hadith: "If three persons set out on a journey, they should appoint one of them their leader". Quoting this hadith, Ibn Taymiyya explains: "If a leader is considered necessary on a journey of three persons, it becomes more important in a group with a greater number of persons".¹⁴¹ Second, he maintains that the duty of commanding good and forbidding wrong, establishing the prayers and *ḥudūd* (Islamic legal penalties) cannot be discharged without the power of *imāma*.¹⁴² What is more, as Ibn Taymiyya suggested, *imāma* is a trust (*wakāla*), like the responsibility of a shepherd to the flock. He quotes a hadith: "All of you are shepherds, and every shepherd is responsible for his flock".¹⁴³ It is also worth mentioning that, according to Ibn Taymiyya, the establishment of the Islamic state of Medina manifested the

¹³⁹ MF35:18.

¹⁴⁰ Laoust, *Essai*, pp. 253-54.

¹⁴¹ *al-Siyāsa al-shar'iyya*, p. 185.

¹⁴² *al-Siyāsa al-shar'iyya*, p. 185.

¹⁴³ *al-Siyāsa al-shar'iyya*, p. 7; see also, Makari, *Ibn Taymiyyah's Ethics*, p. 136.

nubūwwa and not the *imāma* of the Prophet, as the concept of *imāma* only came into practice after the death of the Prophet, that is, at the time of *khulafā' al-rāshidūn*. This suggests to us that the Prophet did not specify any models or systems of *imāma*. This explains why Ibn Taymiyya is not interested in specifying the form of the *imāma*. He agrees with the prevailing opinion that even unjust *imāms* are preferable to anarchy, although *imāms* commanding outright contraventions of God's will must not be obeyed. Ibn Taymiyya quotes one hadith: "Sixty years domination by a despotic *imām* is better than one single night without an *imām*".¹⁴⁴ To put it another way, as a great realist of his time, Ibn Taymiyya realizes that the only Muslim power was that of the Mamluks. Therefore, he invites the populace to utilize the Mamluks' power for establishing the Islamic social order.

With regard to the qualifications of the *imām*, Ibn Taymiyya does not agree with the classical qualities of the *imām*. To take one example, Abū al-Ḥasan 'Alī b. Muḥammad al-Māwardī (Shāfi'ī jurist; d. 450/1058)¹⁴⁵ claims that the *imām* has to be just, knowledgeable, possess the highest physical, intellectual and moral qualities, as well as courage, and in addition has to be a descendant of the Quraysh.¹⁴⁶ Ibn Taymiyya thinks that these qualities are too idealistic, and are in fact only possessed only by the *khulafā' al-rāshidūn*.¹⁴⁷ It is hard to find any *imām* with all the ideal qualities in Ibn Taymiyya's historical situation. Because of this, Ibn Taymiyya reasons that any Muslims who have the confidence of the *ahl al-shawka* (the people

¹⁴⁴ *al-Siyāsa al-shar'iyya*, p. 188.

¹⁴⁵ For a biographical note on al-Māwardī, see *EI* (2), 6:809.

¹⁴⁶ Abū al-Ḥasan 'Alī b. Muḥammad al-Māwardī, *al-Aḥkām al-ṣulṭāniyya* trans. Asadullah Yate, London, 1996, p. 12; see also, Laoust, *Essai*, pp. 293-94

¹⁴⁷ *Minhāj al-sunna al-nabawiyya*, 2:135.

who enjoy the respect and obedience of the community),¹⁴⁸ as well as the cooperation of the entire community, can be nominated as *imām*.¹⁴⁹ He, furthermore, asserts that the identifying feature of an Islamic society is not its leader's character, but rather the people's responsiveness to the *sharī'a*.¹⁵⁰

Another issue at stake here is the duty of the *imām*. As mentioned before, Ibn Taymiyya believes that the *imām* is responsible for the protection of the legal rights of individual and the welfare of the state. This include, for instance, enjoining good and forbidding wrong, establishing the prayers and collecting the *zakāh*. The same applies to the organisation of *jihād*.¹⁵¹

Ibn Taymiyya was the most celebrated scholar of the thirteenth century, one whose opinion and *fatwā* were always listened to and followed. Also, there can be no doubt that Ibn Taymiyya was a skillful preacher, able to encourage and rouse the populace to *jihād*. According to Carole Hillenbrand, Ibn Taymiyya's *jihād* was no longer about recapturing the Holy City of Jerusalem. His *jihād* went further and involved a much wider object.¹⁵² Ibn Taymiyya played an important role in *jihād* and his interaction with *jihād* was not only ideological; he personally participated in battles against the Mongols and the heretic Shi'a (the Druzes and the Nuṣayrīs), and made efforts to muster support for *jihād* against the Franks. For Ibn Taymiyya *jihād* is to be carried out in defense of the Islamic state and in response to aggression e.g. to get rid the Muslims of the Mongols' transgression and of the heretic Shi'a's

¹⁴⁸ Ibn Taymiyya's explanation of *ahl al-shawka* is equivocal. Because it has aspects that similar to the classical theory of *ahl al-ḥal wa al-'aqd*. For more detailed information of *ahl al-shawka*, see, for example, Khan, *The Political Thought of Ibn Taymiyyah*, pp. 130-39.

¹⁴⁹ *al-Siyāsa al-shar'iyya*, p. 172.

¹⁵⁰ *al-Siyāsa al-shar'iyya*, p. 173.

¹⁵¹ *al-Siyāsa al-shar'iyya*, p. 185.

¹⁵² Carole Hillenbrand, *The Crusades: Islamic Perspectives*, Edinburgh, 1999, p. 242.

rebellion. Both these factors are significant in his views on *jihād*. In presenting his arguments, it is necessary to indicate the original context in which these arguments were set by Ibn Taymiyya. The study will invariably be incomprehensible otherwise.

1.7. The Social Conditions in Ibn Taymiyya's time

In order to sketch a more complete picture of Ibn Taymiyya's life, and in particular to discern the ways in which Ibn Taymiyya interpreted the idea of *jihād*, it is necessary to present a brief description of social conditions of the Muslim community in Ibn Taymiyya's time. Such a brief description is essential to understand how Ibn Taymiyya's thought affected the development of the Muslim community.

Ibn Taymiyya happened to have lived at a time when the Mongols were very active in the propagation of their mission that resulted in the fall of the city of Baghdad. By the time of Ibn Taymiyya the political situation of the Muslim world had rapidly changed. Islam was now definitely on the defensive. Most of the Muslim lands in the East were being invaded by the Mongols; an invasion which began in the year 616/1219.¹⁵³ What is worse, the Mongols occupied the city of Baghdad in 656/1258, and destroyed it.¹⁵⁴ Ibn Taymiyya and his family suffered when the Mongols invaded Ḥarrān in the year 667/1268. The Mongols forced his family to move from Ḥarrān to Damascus.¹⁵⁵ This event left its mark on Ibn Taymiyya,

¹⁵³ Ibn Kathīr, *al-Bidāya*, 13:83.

¹⁵⁴ Ibn Kathīr, *al-Bidāya*, 13:83.

¹⁵⁵ Ibn Kathīr, *al-Bidāya*, 13:255; al-Kutubī, *Fawāt al-wafāyat*, 1:35; see also, Laoust, *Essai*, p. 10.

developing Ibn Taymiyya's knightly character.¹⁵⁶ This character intensified after he read and heard more about the Mongols' aggression.

During the medieval period, especially after the tenth century, it is often claimed that the Christians were largely responsible for the war and conflict between Islam and Christianity.¹⁵⁷ In other words, the Christians are associated, historically, with the Crusades. The Crusaders were known as the Franks (*al-Firanj/al-Firanja*). In 690/1291, the Bahri Mamlūk Sulṭān al-Ashraf Ṣalāḥ al-Dīn Khalīl (reigned from 689/1290 to 693/1293)¹⁵⁸ carried out *jihād* against the Franks of Acre and thereby achieved a remarkable victory whose result was to expel the Franks from the Muslim territories.¹⁵⁹

It is also worth reflecting for a little on some of the details of the preparations made by Sulṭān al-Ashraf, which concluded with the fall of Acre. Analysis shows that this campaign was mainly motivated by religious factors. Shortly before the campaign took place, Sulṭān al-Ashraf had gathered the notable Egyptian scholars and clerics in Cairo.¹⁶⁰ He invited the scholars to recite the Qur'an and then completed the ceremony by distributing largesse to the poor and to the religious schools. What is more, Sulṭān al-Ashraf had successfully influenced the scholars to

¹⁵⁶ Alfred Morabia, 'Ibn Taymiyya, Dernier Grand Théoricien Du Ĝihād Médiéval', *Bulletin D'Etudes Orientales*, 30, Institut Francais De Damas, 1978, p. 89.

¹⁵⁷ See, for example, Muhammad Hamidullah, *Muslim Conduct of State*, Lahore, 1977, p. 170.

¹⁵⁸ For a biographical note on Sulṭān al-Ashraf Khalīl, see *EI* (2), 6:325; see also, Bosworth, *The Islamic Dynasties*, p. 63.

¹⁵⁹ Ibn Kathīr, *al-Bidāya*, 13:320-24; for the modern study, see, for example, Little, 'The Fall of 'Akka in 690/1291: The Muslim version', *Studies in Islamic History and Civilisation in Honour of Professor David Ayalon*, ed. by M. Sharon, Jerusalem, 1986, p. 170.

¹⁶⁰ Little, 'The Fall of 'Akka', p. 170.

utilize their schools and other religious gatherings for rousing the populace to *jihād*.¹⁶¹

Nonetheless, none of the above sources mentioned that Ibn Taymiyya had participated in this huge campaign. It is simply not true to say that Ibn Taymiyya was unaware of the significance of Sulṭān al-Ashraf's *jihād* nor that he was not interested in the military campaign. Another way of looking at this is that the campaign was initiated in Cairo, where, as we have stated earlier, Ibn Taymiyya was busy learning and teaching in the Umayyad Mosque of Damascus. Thus, it may well be true to say that Ibn Taymiyya did not acknowledge the mass religious gatherings held in Cairo shortly before the campaign. On the other hand, it would be more accurate to say that Sulṭān al-Ashraf was not impressed by the high calibre of Ibn Taymiyya. Ibn Taymiyya's real contributions to *jihād* began after the fall of Acre and this will be explained in the following section.

1.8. Ibn Taymiyya's *jihād*

As demonstrated before, the majority of references, such as *al-Bidāya wa al-nihāya* and *al-'Uqūd al-durriyya* make no mention of Ibn Taymiyya's role in *jihād* against the Franks before the fall of Acre. 'Umar b. 'Alī al-Bazzār (Damascene scholar; d. 749/1349), one of Ibn Taymiyya's disciples, however, claims that Ibn Taymiyya is said to have taken part in the battle of Acre. Al-Bazzār remarks: "They said that they saw him with the Muslim armies at the Acre and bravely countering the attack of the

¹⁶¹ Little, 'The Fall of 'Akka', p. 178.

Franks”.¹⁶² He also claims that Ibn Taymiyya had made a significant contribution that led to the victory of the Muslims.¹⁶³ This is the only report found that I am aware of which mentions Ibn Taymiyya’s role in the conquest of Acre. Therefore, it is questionable whether or not al-Bazzār’s report is reliable.

In 696/1297, Ibn Taymiyya is also said to have issued a *fatwā* of *jihād* against the Maltese¹⁶⁴ and the Armenian Franks, for they became traitors and allied to the Mongols against the Muslims. It is worth mentioning here that this *fatwā* was given in response to the request of the Baḥrī Mamlūk Sulṭān al-Malik al-Manṣūr Ḥusām al-Dīn Lājīn (reign Mamlūk Sultanate from 696/1296 to 698/1299)¹⁶⁵ who needs support to counter the attack of the Franks.

Ibn Taymiyya’s most significant achievement was his key role in initiating *jihād* against the Mongols. At that time, the Mongols were the greatest danger facing the entire Muslim, because of their military power and the terrifying nature of their warfare. Ibn Taymiyya was not satisfied with simply appealing to the *sulṭāns* only, but he also addressed the public and gave the *fatwā* necessitating the defending of Islam against the Mongols.¹⁶⁶ He held that the protection of Islam should be the primary objective of all Muslims and a way to complete their faith.

In 699/1300, when Damascus was threatened by the Mongols, Ibn Taymiyya refused to stand by idly, for he agreed with the leaders of the country to take an

¹⁶² al-Bazzār, *al-A ‘lām al- ‘aliyya*, pp. 63-4.

¹⁶³ al-Bazzār, *al-A ‘lām al- ‘aliyya*, pp. 63-4.

¹⁶⁴ See Ibn ‘Abd al-Hādī, *al- ‘Uqūd al-durriyya*, pp. 54, 58; Ibn Qayyim al-Jawziyya, *Asmā’ mu ‘allafāt*, p. 22.

¹⁶⁵ For a biographical note on al-Manṣūr Lājīn, see *EI* (2), 6:328; Bosworth, *The Islamic Dynasties*, p. 63.

¹⁶⁶ Ibn Kathīr, *al-Bidāya*, 14:14-6.

important step for the well being of all the Muslims by meeting the leader of the Mongols. Although they had no power to defend themselves, he decided to organise a delegation to meet the Sultān Ghāzān al-Nabak (Mongol emperor who reigned from 694/1295 to 713/1304).¹⁶⁷ Ibn Taymiyya was head of the delegation that met Ghāzān and negotiated for peace.¹⁶⁸ It was the first face-to-face meeting between the two men, in which Ibn Taymiyya explained to Ghāzān that their occupation of Damascus would not last long, since the Muslims were rebelling. In the same way, he said to Ghāzān:

You have claimed that you are Muslim and you have with you *mu'adhdhīm* (the caller of prayer), judges, *imām* and teachers but you invaded us and reached our country for what? While your father and your grandmother, Hulagu, were non-believers, they did not attack the land of Islam and they promised not to attack and they kept their promise. But you promised and broke it.¹⁶⁹

Ibn Taymiyya is described as a leader who showed remarkable courage in inviting Ghāzān to peace and justice. This mission was finally accomplished.¹⁷⁰ After this incident, the city enjoyed peace for some years. But, the Mongols did not respect the agreement and proceeded to attack Damascus in the fasting month of Ramaḍān in the year 702/1302.¹⁷¹

When Ibn Taymiyya heard that the Mongols had broken the treaty he traveled to Cairo and convinced the Sultān Nāṣir al-Dīn Muḥammad to send his army to Damascus in the effort to fend off the Mongols.¹⁷² Ibn Taymiyya returned to

¹⁶⁷ For a biographical note on Ghāzān al-Nabak, see *EI* (2), 2:1043.

¹⁶⁸ al-Bazzār, *al-A'lām al-'aliyya*, pp. 64-5; see also, Ibn Kathīr, *al-Bidāya*, 14:7-10.

¹⁶⁹ Ibn Kathīr, *al-Bidāya*, 14:91-2.

¹⁷⁰ Ibn Kathīr, *al-Bidāya*, 14:91-2.

¹⁷¹ Ibn Kathīr, *al-Bidāya*, 14:7-10.

¹⁷² Ibn Kathīr, *al-Bidāya*, 14: 91-2; *Risāla* 3, p. 618.

Damascus along with the huge Egyptian army that had come out to push the Mongols back. Ibn Taymiyya and ‘Alām al-Dīn Arjwash (d. 701/1302), one of the deputy *amīrs* in Syria, stopped in Damascus and invited the populace to *jihād* against the Mongols.¹⁷³ The populace then united with the army of al-Malik al-Nāṣir and started the march to *Shaqhāb* (a place near Damascus). The Muslims won the battle against the Mongols and pushed them out of Syria.¹⁷⁴

Before this victory was achieved, it is worth mentioning that some Muslim leaders in Damascus were troubled by a critical question. Because it is widely accepted that the Qur’an forbade Muslims to raise arms against fellow Muslims, they wondered whether it was proper to fight the Mongols who had declared themselves to be Muslims. Ibn Taymiyya presented the analogy of the *Khawārij* that was fought by ‘Alī b. Abī Ṭālib (Companion; fourth caliph, 35/656-40/660; d. 40/660),¹⁷⁵ and the group who denounced the duty of *zakāh* that was fought by Abū Bakr al-Ṣiddiq.¹⁷⁶ He, furthermore, explained that it is permissible to fight any sects that denounced the five pillars of Islam and go to war against a justly established government. In other words, Ibn Taymiyya argues that the Mongols were apostates and they endanger the Muslims, thus the Muslims have a right to counter their attack.

Not only did Ibn Taymiyya say that the Mongols were to be fought, but he also said the same of the heretic *Shī‘a*: the Druzes and the *Nuṣayrīs*.¹⁷⁷ As well as being allied to the Mongols and the Franks, Ibn Taymiyya argues that the Druzes and the *Nuṣayrīs* were *bughāh* because they accused other fellow Muslims of unbelief

¹⁷³ Ibn Kathīr, *al-Bidāya*, 14:91-2.

¹⁷⁴ Ibn Kathīr, *al-Bidāya*, 14:91-2; *Risāla* 3, p. 618.

¹⁷⁵ *Thalāth rasā’il*, pp. 27-9; for a biographical note of ‘Alī, see *EI* (2), 1:381-86.

¹⁷⁶ *Thalāth rasā’il*, pp. 27-9.

¹⁷⁷ Ibn ‘Abd al-Hādī, *al-Uqūd al-durriyya*, pp. 206-07.

(*takfīr*) and killed the Muslims who refused to follow their creed. Ibn Taymiyya also argues that the Druzes and the Nuṣayrīs were *bughāh* because they opposed the *imām*.¹⁷⁸ As a result, in the year 704/1304 Ibn Taymiyya personally participated in the *jihād* campaign of Sulṭān Nāṣir al-Dīn Muḥammad against them at the Lebanese mountains of al-Jard and al-Kasrawān.¹⁷⁹

¹⁷⁸ MF3:357; 4:162, 320; 28:554; Momen, *An Introduction to Shi'i Islam*, pp. 93-4.

¹⁷⁹ MF11:474; Ibn Kathīr, *al-Bidāya*, 14:35; Ibn 'Abd al-Hādī, *al-'Uqūd al-durriyya*, pp. 179-81.

CHAPTER TWO

CHAPTER TWO

THE SIGNIFICANCE OF *JIHĀD* IN THE QUR'AN AND ITS RELATIONSHIP WITH *DĀR AL-ISLĀM*, *DĀR AL-ḤARB* AND *DĀR AL- 'AHD*

2.1. Introduction

The aim of this chapter is to explore *jihād* in its general meaning and concept in Islam and to examine the evolution of *jihād* in Meccan and Medinan texts. Also, it aims to present the clarification of *jihād* in Islam and to clear up the misunderstandings or distortions given to the notion of *jihād*. In addition to attempts to formulate the distinction between the concepts of defensive and offensive *jihād*. The chapter is divided into two sections: the first section explains the meaning of *jihād*; the second section scrutinizes the development of *jihād* in the Meccan and Medinan verses of the Qur'an, and examines both the hadith and *sīra*, seeking to understand more adequately the term *jihād* as engendered in the Qur'an. Since *jihād* has a broad definition, it is first necessary to trace the terms with which it is closely associated, i.e. *qitāl* and *ḥarb*.

It is also worth mentioning that the analysis of Meccan and Medinan texts in this chapter is focused on the views of the classical commentators, and sometime refers to the viewpoint given by the modern writers. From this discussion, I demonstrate that a conceptual question can be posed in the light of the Qur'anic verses quoted later. To what extent does looking at a Muslim writer's work

through the filter of the Qur'anic texts yield a clearer understanding of *jihād*? To answer this question, it is needed to put *jihād* verses under close scrutiny. The Qur'an contains several sets of verses that establish the basic concept of *jihād*. The very fact that *jihād* is given intensive concern results from the fact that it is a major theme in the Qur'an.¹ I confine my analysis to those verses that serve as the basis for the general notion of *jihād* held by Muslim commentators.

2.2. The definition of *jihād*

As mentioned earlier, in order to understand more adequately how the term *jihād* has been understood in the Qur'an, hadith and other literatures, it is first necessary to trace the meaning of terms with which it is closely associated: *qitāl* and *ḥarb*. In its Qur'anic usage, *jihād* is different from *qitāl* and *ḥarb*. For the meaning of *jihād* is much broader, vaguer, and richer with a wide range of connotations and includes many activities extraneous to warfare. The term *jihād* is mentioned twenty eight times in the Qur'an. The term *qitāl* has a more specific meaning: it is "fighting in the way of God" (*fī sabīl Allāh*) and thus overlaps with the meaning of *jihād* when it is understood as fighting in the battlefield. The term *qitāl* is mentioned forty two times in the Qur'an. We shall examine some of the Qur'anic verses for both usages later. Meanwhile, the term *ḥarb* is found five times in the Qur'an. It is always used in reference to the wars that are not "in the way of God",² with one exception, where it

¹ John Wansbrough, *Qur'anic Studies*, Oxford, 1977, pp. 171-72; Yasin Dutton, *The Origin of Islamic Law: The Qur'an, the Muwaṭṭa' and Madinan 'Amal*, London, 2002, p. 161.

² Reuven Firestone, *Jihād: The Origin of Holy War in Islam*, pp. 17, 18.

refers to war “in the way of God”: “And if you do not, then be informed of a war (*ḥarb*) from Allah and His Messenger” (Q2:279).

The word *jihād* derives from root *j-h-d* or *juhd* and it is a verbal noun of the third Arabic form of the verb *jāhada*. This verb literally means “to make effort” or “to exert oneself on behalf of something in order to achieve a goal”, “remove a barrier”; or “defend in the face of opposition”.³ The word *jihād* is a noun and its singular past tense verb is *jahada* (male) or *jahadat* (female). The singular active participle of *jihād* is *mujāhid* (male) or *mujāhida* (female). Meanwhile *jihād* and *mujāhada* mean the exerting of one’s power and effort.⁴ Another related word is *ijtihād* which means “working hard or diligently”.⁵

There are many forms and levels of *jihād*.⁶ For instance, there is a *jihād* in establishing good and removing wrong within oneself: this is to rid oneself of pride, prejudice, selfishness, greed, lust, anger, hatred and laziness; as such, it seeks to establish generosity, charity and a sense of responsibility. In other words, it is a form of *jihād* for the Muslims to observe *akhlāq* (virtues) of Islam in one’s daily life. *Jihād* also applies in the wider social context: for example, it is a form of *jihād* to

³ Muḥammad b. Mukarrām b. Manzūr (cited as Ibn Manzūr; d. 710/1311), *Lisān al-‘Arab*, Cairo, 1300-1307, 3:133, 134; E. W. Lane, *Arabic-English Lexicon*, Cambridge, 1984, 1:473; ‘Abd al-Salām Hārūn, *al-Mu‘jam al-wasīf*, Cairo, 1960, 1:142; Aḥmad Riḍā (d. 1372/1953), *Mu‘jam matn al-lughah*, Beirut, 1958-1960, 1:587; Khaled Abou El-Fadl, *The Place of Tolerance in Islam*, Boston, 2002, pp. 3-23.

⁴ Ibn Manzūr, *Lisān al-‘Arab*, p. 134.

⁵ For more detailed information of the usage of term *ijtihād* and its relevance to *jihād*, see Mohammad Hashim Kamali, ‘Issues in the understanding of *Jihād* and *Ijtihād*’, *Islamic Studies*, 41, Islamabad, 2002, pp. 617-34.

⁶ For these types of *jihād*, see, for example, Abu A‘la al-Mawdudi, *Towards Understanding Islam*, trans. and ed. Khurshid Ahmad, Leicester, 2002, p. 94; M.A. Sattar, *Islam: The True Religion of Allah*, Penang, 1978, pp. 27-8; Khadduri, *War and Peace*, p. 55; Patrick J. Bannerman, *Islam in Perspective*, London, 1988, p. 86; Firestone, *Jihād*, pp. 17-8.

fight against poverty, disease, ignorance, crime and injustice. Another form of *jihād* is to defend the *umma*, the religion and the country from the transgression of the enemy. This last form of *jihād* is sometimes called the “holy war”.

Jihād in the sense of “struggling in the way of God” is commonly translated into English as “political war” or “holy war” and it fails to explain the actual meaning of *jihād* in Islam. The biggest misconception about *jihād* is to translate this term as “holy war” when, in truth; “holy war” is not a translation of the term *jihād*, either directly or subtly.

2.2.1. *Jihād* and “Holy War”

The idea of the “holy war” may have come from a result of the history of the Crusades that saw this phrase being used during wartime. In other words, this mistranslation started during the Crusades when the phrase “holy war” was used to describe the war against the Muslims.⁷ Centuries have gone by since the Crusades ended, yet unfortunately many literatures still translate *jihād* into “holy war”.⁸

⁷ For more detailed information of “holy war”, see, for example, Karen Armstrong, *Holy War*, London, 1988, pp. 99ff.; H.E.J. Cowdrey, ‘The Genesis of the Crusades: The Springs of Western Ideas of Holy War’, *The Holy War*, ed. Thomas Patrick Murphy, Columbus, 1976, pp. 9-32; Hillenbrand, *The Crusades*, pp. 94-100.

⁸ See, for example, ‘Abd Allāh ‘Azzām, *Fī al-jihād adāb wa aḥkām*, n.p.p, 1987, pp. 2-3; Abu al-Hasan Ali al-Nadwi, *Islam and The World*, Kuwait, 1977, p. 88; Colin Imber, *Ebu’s-Su’ud: The Islamic Legal Tradition*, Edinburgh, 1997, pp. 67-9; Bernard Lewis, *Islam from the Prophet Muhammad to the Capture of Constantinople: I. Politics and War*, New York, 1979, pp. 209-13 and *The Political Language of Islam*, Chicago, 1988, p. 72; T.W. Arnold, *The Preaching of Islam: A History of the Propagation of the Muslim Faith*, Lahore, 1961, pp. 445-51; Jeff Kemp, *Reflections on Jihad*, Edinburgh, 2003, pp. 1-6.

There is, in fact, no equivalent in the Islamic vocabulary to the term “holy war”. However, if one were to actually translate “holy war” back into Arabic, the term would be “*al-ḥarb al-muqaddasa*” or “*al-ma‘raka al-muqaddasa*”. Furthermore, there is no mention of “*al-ḥarb al-muqaddasa*” or “*al-ma‘raka al-muqaddasa*” in either of the Qur’an or hadith. There are, however, the equivalent references to war in the Islamic vocabulary are either *qitāl* or *ḥarb*.

War is not an objective of Islam nor is it the normal behavior of Muslims. Nonetheless, I argue that the Qur’an implicitly understands war to be a necessity of existence or a fact of life. So long as human beings exist in the world, there exists injustice, oppression, humiliation and arbitrary claims. History shows that from the early days of human civilization up till now, man has suffered from local and global wars. In trying to make the explanation of this statement the question to ask is: how could the Qur’an overlook these realities of human life? It is definitely to be explained by looking at the acknowledgment made in the Qur’an that war is allowed for self-defense and restoration of justice, freedom and peace. Here, it is useful to quote the opinion given by Karen Armstrong: “Muḥammad and the first Muslims were fighting for their lives and they had also undertaken a project in which violence was inevitable. No radical social and political change has ever been achieved without bloodshed, and, because Muḥammad was living in a period of confusion and disintegration, peace could be achieved only by the sword”.⁹ If the oppressive and repulsive system were not confronted militarily, the wrong would have overwhelmed

⁹ Armstrong, *Muhammad: A Biography of the Prophet*, London, 2001, p. 168.

the world. This is the reason why the past Prophets, Dāwūd (or David), as example, had been compelled to fight and kill the tyrant of Jālūt (or Goliath). This story is mentioned in the Qur'an: "So they defeated them by permission of Allah, and Dāwūd killed Jālūt, and Allah gave him the kingship and wisdom" (Q2:251).

In Islam, *jihād* is carried out on behalf of God in order to establish good against wrong. *Jihād* may take place within oneself or within the community. The term *jihād* can refer to any action, word, piece of writing or work connected with one's profession, community or family. It is done for one's spiritual welfare with the aim of achieving nearness to God, to be rewarded with Paradise. *Jihād* is simply the process of "exerting one's best efforts", involving some form of struggle and resistance, in order to achieve a particular goal. In other words, *jihād* is the struggle against, or resistance to, something for the sake of a goal. The meaning of the word *jihād* is independent of the nature of the invested efforts or the sought goal. Contrary to common belief, the word *jihād* does not necessarily imply any violent effort, let alone war and such instances of extreme violence. It is a general term that can mean violent as well as peaceful actions, depending on the context in which it is used, as we shall indeed see later. Similarly, *jihād* as a generic word is used erroneously when applied to the seeking of goals which are not Islamic or when used in a non-religious context. For instance, when it is used to condone violence or acts of terror and the killing of innocent lives. Occasionally, it is also be used improperly to support the acts of opposition against the *imām*. Such acts are not properly termed *jihād*.

2.2.2. *Jihād* and *Da‘wah*

Another question we could raise about war and *da‘wah* concerns the words “*fi‘ sabīl Allāh*” which follows the *jihād* in the Qur’an, begging the question as to whether or not there is conversion of non-Muslims by force to Islam. This may be explained by the literal translation of the Arabic word “*fi‘ sabīl Allāh*” into English as “in the way of God”. I rather believed this translation has misled people into believing that *jihād* “in the way of God” enjoined conversion of non-Muslims by force to Islam. Here, we do have a misconception in regard with the word *jihād*. This tells us that *jihād* is not fighting against non-Muslims with the object of forcing them to become Muslims. In other words, it is generally accepted that the Muslims are forbidden to fight against non-Muslims who are on peace terms with them, and may not fight them because of their faith nor expel them from their homes.

With regard to the compulsion found in Islam, one has to acknowledge the peaceful method of *jihād* or *da‘wah*. This was because the *da‘wah* of the Prophet was to proclaim the concept of oneness of God,¹⁰ and the unity of the mankind and to guide humanity to the path of virtue and righteousness.¹¹ In conveying this message, the Prophet was not enjoining any compulsion. Non-Muslims were given the freedom to submit Islam as a ruling system but not as a creed, because according to Islam force should not be resorted to in such matters. The Qur’an states that: “There is no compulsion in Islam; right has become clearly distinct from error” (Q2:256).

¹⁰ See Q112:1-4.

¹¹ See Q1:6-7.

This verse clearly indicates that there is no compulsion in Islam. Moreover, a form of compulsion is incompatible with Islam, because Islam depends on faith and will and these would definitely be meaningless, if approached by force. Undoubtedly, *da'wah* is very important in Islam and to strive hard in *da'wah* is to be creative, to show initiative, to be able to present Islam in its true form, so people can choose between right and wrong, truth and falsehood. The *da'wah* is a religious duty of every Muslim, but compulsion is rejected by the Qur'an. Rather, Islam gives protection to the polytheist who asked for it, as the Qur'an says:

And if anyone of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah. Then deliver him to his place of safety. That is because they are a people who do not know. (Q9:6)

2.3. The development of *jihād* in the Qur'an

Before examining the verses, it is significant to understand the method of Qur'anic analysis which has developed in Islamic thought. This method was introduced by the Muslim scholars to help people understand exactly what the divine pronouncements were about. This method can be illustrated by reference to the *tafsīr* on the verses in question. The second relevant method is that of contextual study: this approach involves reflection on whole passages of Qur'anic text.¹² In this case, the theme or the context of the text rather than the meaning of the text is under examination. For

¹² 'Context' here means a text consists of the word, sentences, or text before and after it which help to make its meaning clear. For a summary of this way, see Farid Esack, *Qur'an, Liberation and Pluralism: An Islamic Perspective*, Oxford, 1997, p. 225.

instance, all the *jihād* verses, that are selected for examination must be analyzed in the context of the verses before and after them. Failure to do so may lead to selectivity, which may distort the meaning of *jihād*. The third method involves identifying “the occasions of revelation”, known as “*asbāb al-nuzūl*”. Consideration of *asbāb al-nuzūl*, if known and authentic, affects the interpretation of that verse. This approach attempts to correlate specific verses with actual events in the history of Muḥammad’s life as the Prophet.¹³ In other words, some Qur’anic verses were revealed to deal with certain historical challenges which besieged the Muslim community at that time. Guided by the above methodology, we move next to review the Qur’anic values and precepts, which represent the underpinning of the development of *jihād*.

The values and precepts underlying the evolution of *jihād* can be traced by the examination of the early Meccan texts and secondly by Medinan texts.

2.3.1. The Meccan revelations

In the Meccan texts, the emphasis is mainly on the peaceful meaning of *jihād*, and the efforts that an individual makes towards self-improvement or to persuade others by way of promotion of the cause of Islam. Muḥammad was sent to admonish his people to leave polytheism and take on the concept of monotheism. It is reported in the *ṣūrah* and some exegetical works such as *Tafsīr Muqātil* by Muqātil b. Sulaymān

¹³ For the summary of this method, see Andrew Rippin, ‘The Exegetical Genre *Asbāb al-Nuzūl*: A Bibliographical and Terminological Survey’, *Bulletin of the School of Oriental and African Studies* (BSOAS), 48, Cambridge, 1985, pp. 2-15.

(Balkhī commentator; d. 150/767),¹⁴ *Jamī' al-bayān 'an tā'wīl āy al-Qur'ān* by Abū Ja'far Muḥammad b. Jarīr al-Ṭabarī (Iraqi commentator; historian; d. 310/923)¹⁵ and *Tafsīr al-kābīr* by Fakhr al-Dīn al-Rāzī (commentator; philosopher; d. 313/925)¹⁶ demonstrate that the campaign of Muḥammad's *da'wah* began after receiving the following verses: "Then declare what you are commanded and turn away from the polytheists. Indeed, We are sufficient for you against the mockers" (Q15: 94-5).

Jihād in the sense of self-discipline and absolute devotion of the self to the moral and religious teaching of Islam occurs in many places in Qur'an, especially in the following verses that were revealed in Mecca:

Invite the way of your Lord with wisdom and good instruction, and argue with them in a way that is best. Indeed, your Lord is most knowing of who has strayed from His way, and He is most knowing of who is guided. And if you punish, punish with an equivalent of that with which you were harmed. But if you are patient, it is better for those who are patient. And be patient, and your patience is not but through Allah. And do not grieve over them, and do not be in distress over what they conspire. (Q16:125-127)

So do not obey the disbelievers, and strive against them with it a great striving (*wa jāhidhum bihi jihādān kabīrān*). (Q25:52)

O you who have believed, bow down and prostrate and worship your Lord, and do good, that you may succeed. And strive for Allah with the striving due to Him (*wa jāhidū fillahi haqqa jihādih*). He has chosen you and has not placed upon you in the religion any hardship. It is the religion of your father, Abraham. He named you "Muslims" before and in this that the messenger may be a witness over you and you may be witnesses over

¹⁴ Muqātil b. Sulaymān, *Tafsīr Muqātil*, Cairo, 1989, 2:437; for a biographical note on Muqātil, see, *EI* (2), 7:508-09.

¹⁵ al-Ṭabarī, Abū Ja'far Muḥammad b. Jarīr, *Jamī' al-bayān 'an tā'wīl āy al-Qur'ān*, Beirut, 1984, 14: 68; for a biographical note on al-Ṭabarī, see, *EI* (1), 4:578-79.

¹⁶ Fakhr al-Dīn al-Rāzī, *Tafsīr al-kābīr*, Cairo, 1938, 13:73; for a biographical note on al-Rāzī, see, *EI* (1), 3:1134-36.

mankind. So establish prayer and give *zakāh* and hold fast to Allah. (Q22:77-8)

From the verses above, the words used for “to strive” are “*jāhid*” and “*jāhidū*”, which originated from the Arabic word “*jihād*”. If one refers to the word *jihād* in the verses above, one can discover that *jihād* is freely used in the context of struggling with one’s power and ability without suggesting war or aggression. In other words, this suggests to us that the way of the word “*jihād*” is not used exclusively for fighting on the battlefield. Indeed, *jihād* is used in its wider sense. For instance, pilgrimage or *hajj* is called *jihād*, as mentioned in the hadith: “The *hajj* is the most excellent of all *jihāds*”.¹⁷ Serving one’s parents is also *jihād*, on this matter, the Prophet said in another hadith:

A man came to the Prophet and sought permission to participate in *jihād*, whereupon the Prophet asked: “Do you have parents?” The man said: “Yes.” The Prophet replied: “Then strive by serving them”.¹⁸

All the Qur’anic verses quoted above suggest to us that *jihād* in the sense of military struggle was not recommended in the early stages of the propagation of Islam. The first verse (Q16:125) does not use the term *jihād*. Rather, the verse tells us that the Prophet was directed to be patient and wise by using the peaceful way of calling people to monotheism. This concept of *da‘wah* or “non-military” *jihād* is glossed by

¹⁷ See *Ṣaḥīḥ Bukhārī*, ‘Kitāb al-īmān’, 25; *Ṣaḥīḥ Muslim*, ‘Kitāb al-īmān’, 118; *Musnad*, 2/258, 264, 268.

¹⁸ See *Ṣaḥīḥ Bukhārī*, ‘Kitāb al-jihād’, 2782; *Ṣaḥīḥ Muslim*, ‘Kitāb fadhā’il al-a‘māl’, 4623; *Musnad*, 2/165, 188, 193; *Sunan Abū Dāwūd*, ‘Kitāb al-jihād’, 2167.

one hadith: “I was directed to give forgiveness and avoid any fighting.”¹⁹ These suggest that the Prophet’s campaign in this Meccan period only involved non-military or non-aggressive *jihād*. Commentators, such as al-Ṭabarī, Ibn Taymiyya and Ibn Kathīr agree that the verse refers to the campaign of education or *da‘wa*, which is the earliest peaceful *jihād* carried out by the Prophet.²⁰

Another method used by commentators such as ‘Alī b. Aḥmad al-Wāḥidī (commentator; d. 468/1075)²¹ is to identify the *asbāb al-nuzūl* of the verse. Al-Wāḥidī’s opinion of the verse appears to be different from al-Ṭabarī and Ibn Kathīr. He dates Q16:125-127 to an incident after the Battle of Uḥud, which took place in the month of Shawwāl of 3/March of 625.²² According to al-Wāḥidī, Q16:125-127 was revealed immediately after the battle and thus Q16:125 is a Medinan text. But, I maintain that al-Wāḥidī’s statement is still related to the main discussion for two reasons: first, there is no remark made by al-Wāḥidī which suggests that the verse refers to military *jihād*; second, if Q16:125 were to be read and understood with Q16:126-127, one can say that the whole text refers to peaceful *jihād*. However, it does not mean Muslims must surrender to aggression. They must defend themselves and, if possible, avoid any fighting. Al-Ṭabarī, on the other hand, separates Q16:125 from Q16:126-127 and relates the Battle of Uḥud to the latter verses only. In

¹⁹This hadith is taken from the collection of al-Nasā’ī, Abū ‘Abd Allāh al-Raḥman Aḥmad b. Shu‘ayb b. ‘Alī, (Khurasan hadith-scholar; d. 303/915) in his *Sunan*, Cairo, 1965, 6:3, ‘Kitāb al-jihād’.

²⁰ al-Ṭabarī, *Tarīkh al-umam wa al-mulūk*, Cairo, 1961, 2:318; *al-Tafsīr*, 5:105; Ibn Kathīr, *Sīra al-nabawiyya*, Cairo, 1976, 1:421.

²¹ For a biographical note on al-Wāḥidī, see, *GAL*, Supplement, 1:730-31.

²² Abū al-Ḥassan ‘Alī b. Aḥmad al-Wāḥidī, *Asbāb al-nuzūl*, Beirut, 1991, pp. 162-63; ‘Abd al-Malik b. Hishām (cited as Ibn Hishām; historian; d. 218/834), *al-Sīra al-nabawiyya*, Beirut, 1985, 3:63; Alfred Guillaume, *The Life of Muhammad: A Translation of Ibn Ishāq’s Sīra Rasūl Allāh*, Oxford, 1955, p. 369.

addition, al-Ṭabarī notes that Q16:126 is abrogated by itself. In Q16:126, it is clear that mutilation was first allowed only in response to mutilation: “And if you punish, punish with an equivalent of that with which you were harmed.” But this was soon abrogated by the second part of the verse calling for patience: “But if you are patient, it is better for those who are patient.”²³ Another view given by Muqātil is that Q16:125 refers to the People of the Book.²⁴ This interpretation seems to harmonize the distinction between non-military and military *jihād*. The People of the Book are not to be converted to Islam by force, but are to be allowed to live as *dhimmīs* (protected peoples) if they agreed to pay the *jizya* (poll tax) and live in peace with the Muslims.²⁵ A similar understanding is also shown by al-Ṭabarī.²⁶ This strongly suggests to us that Q16:125 does not refer to any military *jihād* regardless of al-Wāhidī’s statement about its Medinan text.

Unlike above, Q25:52 and Q22:78 acknowledge the term *jihād*. However, it does not necessarily mean “fighting in the battlefield”. It is certain that the Q25:52 mentions a peaceful method of *jihād* by recommending that the Prophet and his people to promote and defend the doctrine of Islam in a diplomatic way by using Qur’anic texts and avoiding the use of military power. In short, the carrying out of *jihād* is clearly enjoined, and it is to be carried out against the unbelievers. But this is to be a *jihād* not of the sword, but of the Qur’an. Some commentators like al-

²³ al-Ṭabarī, *Jamī’ al-bayān*, 14:195.

²⁴ Muqātil, *Tafsīr*, p. 195.

²⁵ See Q9:29.

²⁶ al-Ṭabarī, *Jamī’ al-bayān*, 14:195.

Ṭabarī,²⁷ ‘Abd Allāh b. ‘Umar b. Muḥammad al-Bayḍāwī (Shāfi‘ī *qāḍī*; d. 685/1286)²⁸ and Jalāl al-Dīn al-Suyūṭī (Egyptian hadith-scholar; commentator; d. 911/1505)²⁹ demonstrate that the words of “*jāhid*” and “*bihi*” in the phrase “*wa jāhidhum bihi*” refers to “preaching” and “the Qur’an” respectively and that therefore the reference to *jihād* in these verses has no obvious military connotation. Thus, the phrase “*wa jāhidhum bihi jihādān kabīrān*” suggests to us that the great *jihād* (*jihādān kabīrān*) refers to peaceful *jihād*.

The last verse (Q22:78) emphasizes sincerity and faithfulness. On the one hand, theoretically it could refer to a military *jihād* or non-military form of *jihād*. However, if the verse is read in context, the previous text refers only to prayer, worship and exhortation to do charity work. We can therefore conclude that *jihād* here refers to a non-military form. Commentators like al-Rāzī and Jār Allāh Maḥmūd b. ‘Umar al-Khawārizmī al-Zamakhsharī (commentator; d. 538/1144)³⁰ maintain that the *jihād* mentioned in the verse is the *jihād* against evil and the lower self.³¹ In addition, they agree that *jihād* is generally divided into three types: *jihād* against the enemy; *jihād* against evil; and *jihād* against the lower self. In this chapter, I do not intend to discuss in detail what I shall explain about these types of *jihād*. Rather, I shall attempt to examine them in the next chapter. Al-Zamakhsharī further states that

²⁷ al-Ṭabarī, *Jamī‘ al-bayān*, 10:22-3.

²⁸ ‘Abd Allāh b. ‘Umar b. Muḥammad al-Bayḍāwī, *Anwār al-tanzīl wa asrār al-ta’wīl*, Beirut, 1969, 2:148; for a biographical note on al-Bayḍāwī, see, *EI* (2), 1:1129.

²⁹ Jalāl al-Dīn al-Suyūṭī, *al-Durr al-manthūr fī al-tafsīr bi al-mā’thūr*, Beirut, 1990, 4:62-3; for a biographical note on al-Suyūṭī, see, *EI* (1), 4:573-75.

³⁰ For a biographical note on al-Zamakhsharī, see, *EI* (1), 4:1205.

³¹ al-Rāzī, *Tafsīr al-kābīr*, 13:73; Jār Allāh Maḥmūd b. ‘Umar al-Khawārizmī al-Zamakhsharī, *al-Kashshāf*, Beirut, n.d., 3:173.

the types of *jihād* are glossed by hadith according to which the Prophet said upon his return from the battle of Tabūk: “We returned from a lesser *jihād* to a greater *jihād*. This is the greater *jihād* of striving against the capricious desires of the self”.³²

To sum up, Q16:125 can be seen as unrelated to the verse that follows and does not necessarily refer to the Battle of Uḥud. The term *jihād* in Q25:52 and Q22:78 also do not refer to any aggressive or military *jihād*. It is clear evidence that references to *jihād* in that period carry a non-military meaning. The Prophet was definitely applying himself to *jihād* in Mecca but only through the peaceful *da‘wa*. If we look back to the situation in the early days of Islam in Mecca, Islam was a minority movement and had a small and weak community; therefore *jihād* in its military sense would not have been feasible. Indeed, the Muslims in Mecca strived hard to control their evil desires, improve their understanding of Islam and apply it by their words and deeds and in striving hard in propagate the message. After they migrated to Medina, their striving eventually involved the taking up of arms and fighting in the battlefield. This remarks a new development in the Muslims’ dimension of *jihād* and the full explanation of it will be properly discussed in the following passages.

2.3.2. The Medinan revelations

In the Medinan period of the Qur’anic revelation, the earliest development of *jihād* can be traced by the following verses:

³² al-Zamakhsharī, *al-Kashshāf*, 3:173.

So those who migrated or were evicted from their homes or were harmed in God's cause or fought or were killed. I will surely remove from them their misdeeds, and I will surely admit them to gardens beneath which rivers flow as reward from Allah and Allah has with Him the best reward. (Q3:195)

Permission (to fight) has been given to those who are being fought because they were wronged (*uzina lillazīma yuqātalūna bi annahum zulimū*). And indeed, Allah is competent to give them victory. Those who have been evicted from their homes without right, only because they say: "Our Lord is Allah." And were it not that Allah checks the people, some by means of others, there would have been demolished monasteries, churches, synagogues and mosques in which the name of Allah is much mentioned. And Allah will surely support those who support Him. Indeed, Allah is Powerful and Exalted in Might. (Q22:39-40)

Fight (*wa qātilū*) in the way of Allah those who fight against you but do not transgress. Indeed, Allah does not like transgressors. And kill them (*waqtulūhum*) wherever you overtake them and expel them from wherever they have expelled you, and *fitna* is worse than killing. And do not fight them (*wa lā tuqātilūhum*) at the *ḥarām* mosque until they fight you there. But if they fight you, then kill them. Such is the recompense of disbelievers. (Q2:190-91)

They asked you about the sacred month, about fighting (*qitāl*) therein. Say: "Fighting therein is a great sin, but averting people from the way of Allah, and disbelief in Him and the *ḥarām* mosque, and the expulsion of its people therefrom are greater sin in the sight of Allah. And *fitna* is greater than killing. And they will continue to fight (*yuqātilūnakum*) you until they turn you back from your religion if they are able. And whoever of you reverts from his religion and dies while he is a disbeliever, for those, their deeds have become worthless in this world and the Hereafter, and those are the companions of the Fire; they will abide therein forever. (Q2:217)

From the verses above, the words used to describe "to fight" are "*yuqātalūna*", "*waqtulūhum*", "*tuqātilūhum*", all of which originate from the Arabic word "*qitāl*". In every case, the carrying out of a "*qitāl*" is enjoined and clearly refers to "fighting in the battlefield" or "war". This suggests to us that the word "*qitāl*" in the

Qur'an particularly refers to a form of "fighting" or a "war". Thus, the word "*qitāl*" further narrows the broad definition of *jihād*. Even here, the word *jihād* is not used. The Qur'an allows fighting to defend the religion of Islam and the Muslims are credited for this effort. It is appropriate at this point to raise the question, why was there so much war between Muslims and unbelievers in the time of the Prophet and his Companions? This will be answered by examining the verses quoted above in the following passages.

The first verse (Q3:195) tells us about the early situation of the Muslims in Mecca where the Muslim community was still being treated and tormented unjustly by the Meccan polytheists. This finally forced the Muslims to migrate, first to Abyssinia and then to Medina (this event happened on 12 Rabi' al-Awwal of the first *hijra* year/24th of September, 622).³³ It is worth stating that the *hijra* marks a number of significant developments in Islam: firstly, the Islamic calendar begins with the year in which the Prophet and his followers migrated to Medina. It is worth explaining that the Muslims date their era not from the birth of the Prophet, nor from the time of the first revelations, but from the year of the *hijra*;³⁴ secondly, the concept of worship as a religious ritual and ceremony acquired social, political and economical overtones at this point in time. It most certainly also involved the

³³ al-Ṭabarī, *The History of al-Ṭabarī*, trans. W. Montgomery Watt and M.V. McDonald, New York, 1988, 5:162; Ibn Hishām, *al-Sīra al-nabawiyya*, 2:590; Guillaume, *The Life of Muhammad*, p. 218.

³⁴ G.S.P. Freeman-Grenville, *The Muslim and Christian Calendars*, London, 1977, p. 14; see also, John L. Esposito, *The Islamic Threat: Myth or reality?*, Oxford, 1992, p. 29.

development of the concept of *jihād*.³⁵ This explains why the Medinan texts show a fundamental change in its quality and content. Before the revelation of Q22:39-40 and in the early years of the persecution, the Prophet continued to advise his followers to conduct peaceful *jihād* and to avoid any fighting. However, *jihād* finally expanded to include the military dimension soon after Q22:39-40 was revealed.³⁶

Commentators such as al-Ṭabari³⁷ and al-Wāḥidi³⁸ say that Abū Bakr al-Ṣiddiq and many Companions are reported to have complained to the Prophet that they would definitely be killed by the Meccan polytheists if they were not allowed to fight back. Therefore, Q22:39-40 was revealed which allowed the Muslims to defend themselves. A similar understanding is also shown by other commentators such as al-Zamakhshari,³⁹ al-Rāzi,⁴⁰ al-Bayḍāwi⁴¹ and Abū ‘Abd Allāh Muḥammad al-Qurṭubī (Mālikī jurist; commentator; d. 671/1273)⁴². In addition, these verses are important because it is agreed by such commentators that Q22:39-40 were the first pronouncement of military *jihād* and were revealed in the year of the Prophet’s *hijra*, or the year 622, or thirteen years after the first revelation were sent down to him.⁴³ Indeed, the permission was given to people upon whom war was being made by their

³⁵ W. Montgomery Watt, *Muhammad at Medina*, Oxford, 1956, p. 242; Michael Cook, *Muhammad*, Oxford, 1983, pp. 18-24; Fred McGraw Donner, *The Early Islamic Conquests*, Princeton, 1981, pp. 54-5.

³⁶ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 136.

³⁷ al-Ṭabari, *Jamī‘ al-bayān*, 17:171-73.

³⁸ al-Wāḥidi, *Asbāb al-nuzūl*, p. 177.

³⁹ al-Zamakhshari, *al-Kashshāf*, 3:15.

⁴⁰ al-Rāzi, *Tafsīr al-kābīr*, 23:39.

⁴¹ al-Bayḍāwi, *Anwār al-tanzīl*, 2:93.

⁴² Abū ‘Abd Allāh Muḥammad b. Aḥmad al-Qurṭubī, *al-Jāmi‘ li aḥkām al-Qur‘ān*, Beirut, 1987, 2:68-9.

⁴³ Muqātil, *Tafsīr*, 3:129; Mujāhid, *Tafsīr*, p. 482.

enemies, but it was not a permission to make war in general, but only against people who made war on them.

According to al-Māwardī, Q22:39 specifies that *jihād* at this stage is imperative for the *Muhājirūn* (the emigrants) but need only be voluntarily be entered into by others.⁴⁴ However, others disagree and this text has been misunderstood. In my point of view, this revelation refers to both the *Muhājirūn* and the *Anṣār* (the helpers), though it was only the *Muhājirūn* who had been wronged by the Meccan polytheists when they had been driven from their homes in Mecca. But, in Islamic tradition, all Muslims are regarded as one *umma*.⁴⁵ Because of this concept, Islam promotes strong ties amongst the members of the *umma* who should look upon themselves as brethren under God. Therefore, it is the duty of the *Anṣār* to give protection, food and any other possible assistance to the *Muhājirūn*. The revelation, however, should not be understood to indicate that the Prophet was thinking of an absolute war to meet the Meccan polytheists in the open. Instead, the Prophet was launching several *sariyya* (smaller expeditions) as the modest form of fighting.⁴⁶ In the Arab nomadic tradition, *sariyya* was the common practice and an accepted way to overcome economic problems when the times were hard. Indeed, if we look back to the life of the Prophet and the first Muslims especially the *Muhājirūn*, they had few opportunities of earning living expenses in Medina. According to Armstrong, the

⁴⁴ Muṣṭafā Wahbah al-Zuḥaylī, *Āthār al-ḥarb fī fiqh al-Islāmī*, Beirut, 1962, p. 88.

⁴⁵ For more detailed information on *umma*, see, for example, Jaffary Awang, 'The Notion of Ummah in Islam: The response of Malay Muslim intellectuals in Malaysia', unpublished PhD thesis, University of Birmingham, 2000 (see Chapter Three and Four); Khan, *The Political Thought of Ibn Taymiyya*, pp. 109-25; Donner, *The Early Islamic Conquests*, pp. 55-62.

⁴⁶ Armstrong, *Muhammad: A Biography of the Prophet*, p. 169.

Muhājirūn were mostly merchants and bankers and they knew nothing about farming.⁴⁷ So, it was not easy for them to begin their own agricultural ventures in the land provided. In Medina, the opportunity for trade was too little for their needs and furthermore Mecca held a strong monopoly in the business area. In this hard time, the *Muhājirūn* really needed the *Anṣār* in order to survive. Despite of all these difficulties, the Prophet believed that the *sariyya* could be the way to secure a fair circulation of the available wealth during the nomadic period. Here, one can say that the concept of *sariyya* taken by the Prophet was to restore the Muslims's ailing economy, after they had been transgressed by the Meccan polytheists.⁴⁸ So, in my opinion, the *sariyya* was a defensive form of *jihād*.

In connection with this, Q2:190-91 clearly tell the Muslims that someone who does not inflict any oppression on them must not be fought. In these verses, the Muslims shall not be the first to attack, they can fight but only against those who attack them first, aggression was expressly prohibited. So Islam is against aggression and permission is given only for war in self-defense.

In other words, if non-Muslims interact peacefully with the Muslims, there can be no ground or justification to declare war on them. According to al-Wāḥidī, Q2:190-91 were revealed in the year 6/628, just after the occasion of the peace agreement between the Prophet and the Meccan polytheists at al-Ḥudaybiya (a place

⁴⁷ Armstrong, *Muhammad: A Biography of the Prophet*, p. 169.

⁴⁸ Armstrong, *Muhammad: A Biography of the Prophet*, p. 169.

bordering on the Sacred Precinct or *ḥarām* of Mecca).⁴⁹ The agreement said that the Prophet and his followers were not allowed to enter Mecca for pilgrimage that year but would be allowed to return for the pilgrimage in the following year. Nonetheless, the Prophet and his followers still feared that they would be killed if they returned to Mecca. For this reason, Q2:190-91 were revealed and allowed them to fight if attacked. Another point is that the *ḥarām* of Mecca was a sacred place. According to pre-Islamic Arabic tradition, any battle within the area was strictly forbidden. This matter puzzled the Prophet and his Companions for a time. First, they understood that Q2:190 told them it is a duty to fight in defense of the Muslims. Second, what would they do if battle happened in the *ḥarām* of Mecca? If Q2:190 is read in with Q2:191, it gives the Prophet the solution: “And do not fight them (*wa lā tuqātilūhum*) at the *ḥarām* mosque until they fight you there. But if they fight you, then kill them”. The verse suggests that because the *ḥarām* of Mecca is a place in which fighting is prohibited, Muslims were not allowed to initiate the fighting therein against the enemies. Nonetheless, they were permitted to fight at the *ḥarām* of Mecca only if the enemies extended the fighting to that place. Once the enemies have stopped hostilities in the *ḥarām* of Mecca, the Muslims must cease fighting there immediately. Therefore, this verse was revealed to give the Prophet the permission of fighting in self-defense if attacked at the *ḥarām* of Mecca.⁵⁰

⁴⁹ al-Wāḥidī, *Asbāb al-nuzūl*, p. 29; Muqātil, *Tafsīr*, 1:167; Ibn Hishām, *al-Sīra al-nabawiyya*, 3:321; Guillaume, *The Life of Muhammad*, pp. 499-503.

⁵⁰ al-Zamakhsharī, *al-Kashshāf*, 1:223.

A similar context is shown by Q2:217. This verse, however, is particularly related to the event that involved a raid at a place to the south of Mecca, namely Nakhla.⁵¹ The raid was led by ‘Abd Allāh b. Jaḥsh al-Asadī in the prohibited month of fighting. This raid took place either on the last day of Jumāda al-Ākhira or the first day of Rajab in the year 2/ December 623. According to pre-Islamic Arabic tradition, Rajab was one of the four sacred months in which fighting was strictly prohibited. (Some commentators maintain that the sacred months mentioned in the verse are Muḥarram, Rajab, Dhū al-Qa‘da and Dhū al-Ḥijja).⁵² In this incident, a Meccan polytheist named ‘Amr b. al-Ḥaḍramī was killed.⁵³

2.3.2.1. The *sariyya* to Nakhla: Some opinions of the commentators

It is worth reflecting for a little on some of the details in order to understand what lies behind this incident. Therefore, it is useful to mention the report given by Ibn Ḥajar al-Asqalānī in *Fatḥ al-bāri*. He mentions that Ibn Jaḥsh with other eight men of the *Muhājirūn* were sent in one *sariyya* to Nakhla, solely in order to assess the latest news about the Meccan polytheists. But they intercepted a trade caravan run by Meccan polytheists, killed Ibn al-Ḥaḍramī and seized two prisoners, taking them back to Medina. The incident had a serious impact on both the city dwellers and the

⁵¹ “Nakhla” is the name of two valleys on the way from Mecca Tā’if, distinguished as Sha’maniyya (northern Syria) and Yamāniya (southern Yemen); see *EI* (2), 7:924.

⁵² al-Ṭabarī, *Jamī’ al-bayān*, 14:234-42; al-Zamakhsharī, *al-Kashshāf*, 2:261; al-Qurṭubī, *al-Jāmi’*, 8:133; Abū Muḥammad al-Ḥusāyn b. Mas‘ūd al-Farā’ al-Baghawī, (commentator; d. 516/1122), *Tafsīr al-Baghawī*, Beirut, 1986, 2:289.

⁵³ For more detailed information of this story, see al-Ṭabarī, *Jamī’ al-bayān*, 2:299-315; Guillaume, *The Life of Muhammad*, pp. 286-89; Ibn Hishām, *al-Sīra al-nabawiyya*, 2:601-05; al-Qurṭubī, *al-Jāmi’ li aḥkām al-Qur’ān*, 3:40-5; al-Zamakhsharī, *al-Kashshāf*, 1:258.

desert nomads, because it broke a tradition established in the Arabian Peninsula long before Islam. When Ibn Jaḥsh returned to Medina, he wanted to hand over the booty, but the Prophet refused to accept it and said: “I did not order you to fight during the sacred month”.⁵⁴ When Q2:217 was revealed, the Prophet took the booty and ransomed the prisoners to their tribe. Nonetheless, al-Ḥakām b. Kaysan, one of the two prisoners, was reported to be so impressed by what he saw of the Muslim community in Medina that he eventually decided to remain in the city and convert to Islam.⁵⁵ A similar version of the story also can be found in the report of Ibn Ishāq and al-Ṭabarī.⁵⁶

Meanwhile, Muḥammad b. ‘Umar al-Wāqidī (Medinan historian; d. c. 207/822)⁵⁷ gives a different version of the story. He claims that Ibn Jaḥsh was told to march to the valley of Nakhla and set an ambush for the Arab polytheists.⁵⁸ Here, I prefer to use the story as reported by Ibn Ishāq and al-Ṭabarī, which I believe to be more reliable than that of al-Wāqidī.⁵⁹

According to al-Ṭabarī and Ibn Taymiyya, this incident cannot be considered to have overruled the Qur’anic concept of defensive *jihād*, nor did it undermine the authority of the Prophet. (Before the revelation, the Prophet was said to give the ancient prohibition some respect. In other words, the Prophet did not allow the

⁵⁴ Ibn Hishām, *al-Sīra al-nabawiyya*, 2:603.

⁵⁵ Armstrong, *Muhammad: A Biography of the Prophet*, p. 172.

⁵⁶ al-Ṭabarī, *The History of al-Ṭabarī*, 7:18-23; Guillaume, *The Life of Muhammad*, pp. 286-89.

⁵⁷ For a biographical note on al-Wāqidī, see, *EI (I)*, 1:1104-05.

⁵⁸ Armstrong, *Muhammad: A Biography of the Prophet*, p. 170.

⁵⁹ For details of the reliability of Ibn Ishāq, see Watt, ‘The Materials used by Ibn Ishāq’, *Muslim World*, 13, Hartford Conn., 1952, pp. 164-71.

Muslims to wage any fight during the sacred months). It is definitely applicable to the context of the incident. As a result of these events, the Muslims were now in a state of conflict with the Meccan polytheists. Also, the Muslims began to feel it essential to make attempts to weaken the Meccan polytheists' economic power. Therefore, the verse was revealed which extended the permission for defensive fighting to apply to all Meccans and all other Arab polytheists without being compromised by time or place; even the ancient Arab prohibition of the Sacred Months was overridden.⁶⁰

Here, it is useful to mention the opinion given by Watt. For Watt, the sacredness of the month is not denied. He claims that the violation of the sacred months is less serious than the opposition by the Meccan polytheists to the Islamic religion.⁶¹ As mentioned above, the Meccan polytheists were keeping the Muslims away from Islam by making the expulsion and persecution of the Muslims. Therefore, it is not true to say that the Muslims were responsible for initiating the provocation against the Meccans and other Arab polytheists.

In other words, if enemies of Islam violate one of the sacred months and attack Muslims, Q2:217 clearly instructs the Muslims to retaliate within that month only. The Muslims must not continue hostilities into another sacred month unless their enemies start new hostilities in that month. The verse states that measuredness and proportionality must characterize all retaliatory acts by Muslims.

⁶⁰ al-Ṭabarī, *Jamī' al-bayān*, 2:349-53; MF14:88-90; *al-Tafsīr*, 3:52-4.

⁶¹ Watt, *Muhammad: Prophet and Statesman*, Oxford, 1961, p. 111; Armstrong, *Muhammad: A Biography of the Prophet*, p. 171.

2.3.3. The significance of the Prophet's *jihād*

After having examined the evolution of *jihād* in the Qur'an, it can be divided into two phases: the first is *jihād* in the Meccan period or revelation. This phase only recommended a peaceful or non-military *jihād*; the second is *jihād* in the Medinan period where its dimension expanded to military *jihād*. In particular, one can divide *jihād* in the early days of Islam into four stages: in the beginning, *jihād* was not legislated during the Meccan period, i.e. "Have you not seen those who were told to hold back their hands and perform regular prayers and give *zakāh* (Q4:77)". This was the approach taken by the Muslims when the missions of Islam were still new. If the Muslims had confronted the Meccan polytheists by force at that time, the Meccan polytheists would have uprooted and destroyed Islam at the outset. Therefore, it was important for the Muslims to concentrate on improving their faith by performing worship and struggling with their own *nafs* (soul) and inviting others to Islam. The second stage was marked when the Muslims migrated to Medina and they got a support from the *Anṣār*. At this time, the Muslims had territory which was under their own administration. In this respect, *jihād* was permitted only in self-defense as mentioned in Q22:39. The third stage came into being when the Muslims were ordered to fight in the protection of their beliefs, family and property (i.e. Q2:190). Here, the purpose of *jihād* was highlighted which forbade all kinds of transgression. The last stage concluded that the Muslims were finally ordered to fight the Meccan polytheists using military force (i.e. Q8:39).

The above suggests that *jihād* against the Meccan polytheists was legislated under the specific conditions which existed after the Prophet had migrated from Mecca to Medina. In Medina, he secured a pact with the Jewish and Arab tribes of the city, who accepted him as the *imām* of their community.⁶² Under the Prophet's *imāma*, Islam attained the status of a nation with its co requisite territory and the accompanying need to protect its self-interests. The conditions that covered the background of the *jihād* legislation can also be divided into four: first, the Prophet faced the persistent refusal of the Meccan polytheists to allow the Islamic *da'wah* in Mecca; second, the Prophet also witnessed the continuous persecution of the Muslims who remained at Mecca after the Prophet's migration to Medina; third, the Meccan polytheists themselves initiated the military campaigns against the Muslims at Medina and lastly a number of tribes allied to the Prophet broke the key security covenant and forced the Prophet into a defenseless position. Thus, this gives us the picture that the permission to wage *jihād* against the Meccan polytheists was given in relation to the all specific conditions mentioned above and it is not true to claim military *jihād* is an acts of transgression.

With respect to this defensive form of *jihād*, the modern writer Muhammad Hamidullah claims that there are many hadiths that mention the precarious life in the early days of the Muslims in Medina after the *hijra*. Hamidullah also says that the Muslims used to guard the city and sleep at night in full war-kit.⁶³ He, furthermore,

⁶² For more detailed information of "The Medina Agreement", see, for example, Firestone, *Jihad: The Origin of Holy War in Islam*, pp. 117-21.

⁶³ Muhammad Hamidullah, *Muslim Conduct of State*, p. 167.

asserts that several examples of the expeditions and battles such as the expedition of Tabūk,⁶⁴ the Battles of Badr,⁶⁵ Uḥud,⁶⁶ Trench⁶⁷ and Ḥunayn⁶⁸ were also defensive.⁶⁹

Further, Hamidullah quotes one hadith that itemizes the kinds of defensive wars:

Whoever fights in defense of his person and is killed, he is a martyr. Whoever is killed in defense of his property, is a martyr. Whoever fights in defense of his family and is killed, is a martyr and whoever is killed for the cause of God is a martyr.⁷⁰

Watt, furthermore, claims that all the expeditions taken by the Muslims in the times of the Prophet were defensive. Let me quote here below some statements made by

Watt (I have made some clarifications on several terms used by Watt):

The emigrants (this refers to the *Muhājirūn*) went on *razzias* (expeditions) because they thought they had been badly treated by their fellow-Meccans. One verse describes them as “those who after persecution emigrated, then strove and patiently endured” (this refers to Q16:110 but not 111 as stated in the book); “strove” here implies “went on *razzias*”. Another passage (Q22:40) makes their treatment by the Meccans the justification for their hostile activity: “Permission is given to those who are fighting because they have been wronged...those who were driven from their homes for no reason but they say that God is our Lord”. It is conceivable, however, that this verse was an answer to the complaint of some of the more nominal Muslims in Medina that the *razzias* were endangering the safety of all Medina; the answer would consist in saying that they have been ill-treated because of their belief in God, and that God approves of their striking back.⁷¹

⁶⁴ This expedition took place in the year 9/631.

⁶⁵ This battle took place in the year 2/624.

⁶⁶ This battle took place in the year 3/625.

⁶⁷ This battle took place in the year 5/627.

⁶⁸ This battle took place in the year 8/630.

⁶⁹ Hamidullah, *Muslim Conduct of State*, p. 167.

⁷⁰ Hamidullah, *Muslim Conduct of State*, p. 168.

⁷¹ Watt, *Muhammad: Prophet and Statesman*, pp. 107-8.

The above are examples of the remarks given by the modern writers in regard with the issue of defensive *jihād*. It is thus obvious that those expeditions carried out by the Muslims in the early days of Islam could reasonably be considered to be defensive.

Returning to the aforementioned Qur'anic verses, one can say that Meccan texts concentrate on defensive *jihād*. In Medinan texts, however, it seems likely arouse controversy if one were to say that these verses focused on defensive *jihād* as well. But if one made a careful study, as done in this chapter, we see that *jihād* in Medinan texts is a response to aggression and oppression committed against the Muslims at the time of the Prophet, whether by the Arab polytheists, some of the Jewish tribes in Medina, or by some Christians, and therefore could also be considered defensive. It is also worth noting that in this respect; the Medinan texts provide a lengthy discussion on military *jihād* and focus on specific battles; for instance, the Battles of Badr, Uḥud, Trench, Ḥunāyn and the expedition of Tabūk.

The above discussion should help us formulate the general principles and motives that guide *jihād*. To sum up, *jihād* in the sense of fighting in the battlefield or war, should only be regarded as a last resort after all other possible approaches have been exhausted in an attempt to solve whatever problems that one faces. While other means exist untried to solve disputes, quarrels or squabbles, they should be used before war is even considered. Diplomatic means, negotiations, mediations and dialogue often are the best means to overcome problems. These efforts may look

to be slow and tedious, but they can definitely save many innocent lives.

Another point noteworthy here is that the Muslim community who had dominated the town of Medina since *hijra*, constituted a well-defined political unit. This political unit was established to maintain the town's internal peace and order, and to protect it against outside aggression. At the beginning, it was a small unit, that is, "a city-state" and then it became the first "Islamic state" in Islamic history. As a result of the success of the Muslims' battles against their enemies, the territories of the Islamic state extended to the land outside of Medina. In connection with the above, the Islamic state of Medina basically divides its land into two: first is *dār al-Islām* (land of Islam) and second is *dār al-ḥarb* (land of war). The topic receives scholarly attention especially in the classical literature. In order to acquire an adequate understanding of the Qur'anic *jihād*, there is value in looking at how *jihād* is implemented in *dār al-Islām* and *dār al-ḥarb*. This is the subject of discussion in the following section.

2.4. The concept of *dār al-Islām*, *dār al-ḥarb* and *dār al-'ahd*

Ibn Taymiyya says: "It is a duty of the Muslims to consolidate their power in their own lands (*dār al-Islām*) and make a thorough preparation (*jihād*) to resist the foreign invader (*dār al-ḥarb*)".⁷² Al-Māwardī states: "If *dār al-Islām* is a border land adjacent to the enemy (*dār al-ḥarb*), *jihād* against the neighbouring army becomes

⁷² *Thalāth rasā'il*, pp. 127-28.

obligatory”.⁷³ To take another example, a modern writer, John Ralph Willis says: “The Muslim *umma* was under obligation to declare *jihād* against those who refused to submit or pay the tax of humiliation until all peoples were brought within the fold of Islam. Thus the *jihād* came to be looked upon by the *umma* as the instrument by which *dār al-ḥarb* would be transformed into *dār al-Islām*”.⁷⁴ Rudolph Peters states: “Closely connected with the concept of *jihād* is the division of the surface of the world into *dār al-Islām* and *dār al-ḥarb*”.⁷⁵ For Ibn Taymiyya and al-Māwardī, *jihād* in the military sense plays a crucial part in establishing the hegemony of Islam, and this fact stimulated their discussion of the classical concept of *dār al-Islām* and *dār al-ḥarb* in the Islamic system. I believe such discussion is useful in helping us to understand the relationship between *jihād* and *dār al-Islām*. This chapter is divided into three sections: the first discusses the concept of *dār al-Islām*; the second explains the concept of *dār al-ḥarb* and the final section discusses the concept of *dār al-‘ahd*.

The Qur’an and hadith do not go into details about the concept of *dār al-Islām* and *dār al-ḥarb*. But the concept can be traced by identifying the result of *ijtihād* from the Qur’an and hadith. As discussed previously, the term *jihād* had two different connotations: the first is *jihād* as an inward spiritual struggle or a non-military *jihād* which aims to attain perfect faith; the second is *jihād* as an outward

⁷³ al-Māwardī, *al-Aḥkām al-sulṭāniyya*, trans. Asadullah Yate, London, 1996, p. 48.

⁷⁴ John Ralph Willis, ‘*Jihād fī sabīl Allāh*: Its Doctrinal Basis in Islam and Some aspects of its Evolution in Nineteenth-Century West Africa’, *Journal of African History*, 8, London, 1967, p. 398.

⁷⁵ Rudolph Peters, *Islam and Colonialism: The Doctrine of Jihad in Modern History*, The Hague: Mouton, 1979, p. 11.

material struggle to promote Muslims' defense and justice in the Islamic social system, in which it can be a military *jihād*. These two concepts are closely identified with various pronouncements in the Qur'an, in which the Prophet and his followers are asked to command right and forbid wrong. These pronouncements occur in the Qur'an on three occasions, i.e. Q16: 125-27; 25:52; 22:77-8. A similar pronouncement is also shown in the hadith that a Muslim must strive to avert injustice first by actions, and if that is not possible, by words, and if that is not possible, at least by intentions.

If one of you sees something wrong, let him change (*fa al-yughayyiruhu*) it with his hand; and if he is not able to do so, then with his tongue; and if he is not able to do so, then with his heart and that is the weakest of faith.⁷⁶

During the period of the Qur'anic revelation while the Prophet was in Mecca, *jihād* meant essentially a non-violent struggle to spread Islam. Following his *hijra* from Mecca to Medina, and the establishment of an Islamic state, fighting in self-defense was sanctioned by the Qur'an on several occasions, i.e. Q22:39-40; 2:190-91.

After the *hijra*, the term *jihād* generally referred to a divinely sanctioned struggle to establish Muslim hegemony over non-Muslims as a prelude to the propagation of the Islamic religion, that is, it acquired the second of the above two connotations. Therefore, in classical legal doctrine, the world at large can be divided

⁷⁶ This hadith is taken from Yahyā b. Sharāf al-Nawawī (hadith-scholar; Shāfi'ī jurist; d. 676/1277), *Riyāḍ al-Ṣāliḥīn*, Beirut, 1970, hadith no. 189.

into two spheres: the first is *dār al-Islām* and the second is *dār al-ḥarb*.⁷⁷ Jurists such as Abū Yūsuf Ya‘qūb b. Ibrāhīm (Kufan *faqīh* and Ḥanafī jurist; d. 182/798)⁷⁸ and al-Shāfi‘ī introduce another category, which is *dār al-‘ahd* (the land of covenant).⁷⁹ It would be of great significance to examine whether the construction of the conceptual of *dār al-Islām* contributed to the rise of the development of *jihād* in the Islamic thought. The discussion of this issue will be explored in the following passages.

2.4.1. The concept of *dār al-Islām*

It is worth noting that the idea of *dār al-Islām* as the whole territory in which the law of Islam prevails, was formulated in classical Islamic thought by the jurists, as a result of their interpretation of Qur’anic texts that recommend the Muslims to a duty of *jihād*. The general concept of *dār al-Islām* can be traced in the Qur’an, especially in the following verses:

You are the best of peoples ever raised up for mankind; you enjoin the right and forbid the wrong and you believe in Allah. (Q3:110)

And if anyone of the idolaters seeks your protection (O Muḥammad), then protect him so that he may hear the word of

⁷⁷ Shams al-Dīn al-Sarakhsī (d. c. 483/1090), *Sharḥ li siyar al-kabīr*, Cairo, 1957-1960, 1:94; Khadduri, *War and Peace*; p. 75; Khaled Abou El-Fadl, ‘Islamic Law and Muslim Minorities: The Juristic Discourse on Muslim Minorities from the Second/Eight to the Eleventh/Seventeenth Centuries’, *Islamic Law and Society*, 1-2, Leiden, 1994, p. 146.

⁷⁸ For a biographical note on Abū Yūsuf, see *EI* (2), 1:164-65.

⁷⁹ Abū Yūsuf, Ya‘qūb b. Ibrāhīm, *Kitāb al-kharāj*, trans. Abid Ahmad Ali, Lahore, 1979, p. 54; al-Shāfi‘ī, *al-Umm*, ed. Ismā‘īl b. Yaḥyā al-Muzani, Cairo, 1904, 4:258-60, 265, 268-75.

Allah; and afterward convey him to his place of safety. That is because they are a people who do not know. (Q9:6)⁸⁰

Fight those who do not believe in Allah or in the Last Day and who do not consider unlawful what Allah and His Messenger have made unlawful and who do not adopt the religion of truth from those who were given the Scripture – (fight) until they give *jizya* willingly while they are humbled. (Q9:29)

Had it been a near adventure and an easy journey they would have followed you, but the distance seemed too far for them. Yet will they swear by Allah: “If we were able, we would have gone forth with you”. They destroy their souls, and Allah knows that they truly are liars. (Q9:42)⁸¹

There is no clear mention in the Qur’an of *dār al-Islām*. Nonetheless, from the verses above, one can say that the idea of the establishment of *dār al-Islām* is implied from the Qur’anic encouragement for Muslims to spread the religion of Islam all over the world (Q9:29, 42). On another occasion, the Qur’an introduces the concept of a “middle community” (*ummatan wasatān*):

Thus We have appointed you a middle nation (*ummatan wasatān*), that you may be witnesses over mankind (*shuhadā’a ‘alā al-nās*) and that the Messenger may be a witness over you. (Q2:143)

The phrase “*ummatan wasatān*”, if it is read in the context of the following phrase “*shuhadā’a ‘alā al-nās*”, suggests to us that Q2:143 refers to the meaning of a global Islamic political system. In other words, it implies the concept of the establishment of *dār al-Islām*. Commentators, such as al-Ṭabarī and al-Zamakhsharī mention that the pronoun “*ummatan wasatān*” refers to “*ummatan ‘udūlān*” (community of

⁸⁰ According to al-Zamakhsharī, this verse referred to the story of a polytheist who approached to ‘Alī to get protection, see *al-Kashshāf*, 2:248.

⁸¹ al-Ṭabarī mentions that this verse referred to the incident of Tabūk, see *Jamī’ al-bayān*, 14:271.

justice) and “*ummatan kھیārān*” (chosen community) respectively.⁸² Ibn Taymiyya explains that *ummatan wasaṭān* implies that the Muslim community is the most beneficial type of nation for all mankind. This can be observed by looking at the statement that the Muslims is enjoined to perform *jihād* of *al-amr bi al-ma’rūf* (enjoining good) and *al-nahy ‘an al-munkar*.⁸³

The phrase “*ummatan wasaṭān*” above also draws attention to the jurists’ discussion of the Islamic political framework. The first fundamental feature of the political framework is that the Muslims must establish the *imāma* to take care of their welfare, to maintain peace and order, to implement justice, to settle disputes, to protect the frontiers and to see to it that the dictates of the *sharī’a* are duly implemented. As mentioned in the previous section, after the Muslims migrated to Medina, they constituted the *umma* and established a political system. The community and its political system eventually formed one independent nation or the so-called *dār al-Islām*.

In the early years of Medina, the Prophet took up the challenge and took adequate measures to protect the community and promote its well-being. Also, the Prophet himself implemented the concept of *imāma*, which is vital for the community. The necessity of establishing *imāma* is instructed by the Qur’an:

(And they are) those who, if We give them power in the land,
establish prayer and give *zakāh* and enjoin the right and forbid

⁸² al-Ṭabarī, *Jamī’ al-bayān*, 3:141-45; al-Zamakhsharī, *al-Kashshāf*, 31:198.

⁸³ *al-Amr bi al-ma’rūf*, p. 12; *al-Istiqāma*, pp. 286-91.

the wrong. And to Allah rests belongs the outcome of (all) matters. (Q22:41)

O you who have believed! Obey Allah, and obey the Messenger and those of you who are in authority (*ulū al-amr*). (Q4:59)

The command to obey those in political authority, mentioned in this verse by the word “*ulū al-amr*” suggests the necessity, even the obligation of having the *imām* to maintain peace and order, to settle disputes, to protect the frontiers and to see to it that *sharīʿa* is complied with. Commentators, such as al-Ṭabarī and al-Zamakhsharī maintain that the phrase “*ulū al-amr*” refers to “*umarāʾ*” (rulers).⁸⁴ Similarly, this concept is glossed by hadith: “If you happen to be traveling as a group of three persons, make one of you the leader (*amīr*) over you”.⁸⁵ The pronoun “*amīr*” here means a person with “*imāra*” or “*imām*”.⁸⁶ So, the greater the number of the group the greater the need for the *imām* to take care of the interests of the group, and the more complex the form of the power and its authorization. With regard to the *umarāʾ*, as explained in the first chapter of this thesis, Ibn Taymiyya says that the *imām* must implement *sharīʿa* and organize *jihād* to defend the survival of Islam.⁸⁷

The second distinctive feature of *dār al-Islām* is that the establishment of an *imāma* must be a legitimate process, with the willing acceptance of the society or *bayʿa*. The *imāma* of Muḥammad was willingly accepted because it derived from his unquestionably higher status as the Prophet. But when the Prophet died, the

⁸⁴ al-Ṭabarī, *Jamīʿ al-bayān*, 8:502-04; al-Zamakhsharī, *al-Kashshāf*, 1:524.

⁸⁵ This hadith is taken from *Sunan Abū Dawūd*, 14:2602.

⁸⁶ The word used in the hadith is “*yuʿammar*”, which is derived from word “*ammara*”. It means “appointed him”, “commander”, “governor”, “lord”, “prince” or “king”. See Lane, *Lexicon*, 1:96.

⁸⁷ *al-Siyāsa al-sharʿiyya*, p. 172.

community felt there was a vacuum that had to be filled, and looked for someone to succeed the Prophet as a temporal *imām*. The top companions in Medina selected Abū Bakr al-Ṣiddīq. In view of their immense prestige, the decision of the Medinan leaders was eventually accepted by the *Muhājirūn* and *Anṣār* after a little disagreement took place between them (this event happened in year 11/632).⁸⁸ When Abū Bakr was on his deathbed, he appointed ‘Umar b. al-Khaṭṭāb as his successor after a two years reign. The appointment of ‘Umar was taken after due consultation with the leading Companions in Medina (this event happened in year 13/634).⁸⁹ The excellent quality of *imāma* and the political administration in the early years of *dār al-Islām* in Medina was undisputable and Islam achieved the status of a full sovereign independent state. There is no doubt that the state needs a national defense system in order to protect its self-interest. This may suggest to us that the implementation of *jihād* receives a significant change due to the establishment of *dār al-Islām* whereby the peaceful *jihād* is expanded to the military *jihād*.

In order to trace this development, it is necessary to first identify the nature of *dār al-Islām*. *Dār al-Islām* can be defined by the following criteria: the first is the *imām* must enforce and administer the *sharī‘a* in the territory; and the second is the people who live in the territory, Muslims and non-Muslims both must enjoy full protection as to their lives, property and religious freedom. In other words, *dār al-*

⁸⁸ Guillaume, *The life of Muhammad*, pp. 686-87; Ibn Hishām, *al-Sīra al-nabawīyya*, 4:310-11; al-Ṭabarī, *The History of al-Ṭabarī*, 2:244.

⁸⁹ al-Ṭabarī, *The History of al-Ṭabarī*, 2:352; William Muir, *The caliphate its rise, decline and fall: From original sources*, ed. T. H. Weir, Edinburgh, 1924, pp. 77-8; Philip K. Hitti, *History of the Arabs*, London, 1970, p. 178; Esposito, *Islam: The Straight Path*, pp. 37-9.

Islām is not inherently a territorial concept. Rather, it is a legal construct that has a territorial dimension and a territorial expression of the *umma*; which itself has a political component. Therefore, *dār al-Islām* is the political and territorial land of the Muslim community, in which *sharīʿa* is practised and where it is protected by the *imām*.

In order to compare between *dār al-Islām*, *dār al-ḥarb* and *dār al-ʿahd*, it is also essential to describe the nature of the land that is seized by the Muslims. This topic will be discussed in the following section.

Al-Māwardī divides the land taken by the Muslims into three categories:⁹⁰

- (i) Lands or territories that have been taken by force of arms when its inhabitants abandon it by their own deaths, or they are taken captive, or they emigrate. According to al-Shāfiʿī, the land becomes *dār al-Islām* when it is divided up as booty. Mālik b. Anas al-Aṣḥabī (Madinan *faqīh* and hadith-scholar; founder of Mālikī School; d. 179/795),⁹¹ however, points out that the land must be treated as *waqf* (endowment) as soon as it is seized; while Abū Ḥanīfa maintains that the *imām* has the choice of either dividing the land up as booty or

⁹⁰ al-Māwardī, *al-Aḥkām al-sulṭāniyya*, pp. 200-02.

⁹¹ For a biographical note on Mālik, see *EI* (2), 6:262-65; see also, Dutton, *The Origin of Islamic Law*, pp. 11-6.

returning it to the unbelievers and imposing *kharāj* (land tax)⁹² on them; or to turn the land into *waqf*.⁹³

- (ii) Lands that have been taken without fighting and after the flight of their previous owners. The land must be treated as *waqf*.⁹⁴
- (ii) Lands that have been taken by a treaty (*ṣulḥ*). The land must be treated in one of two ways: either the land must be given as a right to the *imām* as *waqf*, or the land must be under treaty designating that the first owners may keep their lands and pay *kharāj* from its revenues. In this case, al-Māwardī maintains that the land becomes neither *dār al-Islām* nor *dār al-ḥarb*, but becomes *dār al-ṣulḥ* or *dār al-'ahd*.⁹⁵

In another case, it is worth noting that Abū Bakr b. Mas'ūd al-Kāsānī (Ḥanafī jurist; d. 484/1091) claims *dār al-Islām* may lose its status as *dār al-Islām* if non-Islamic law rather than *sharī'a* is enforced by the *imām*.⁹⁶ Al-Kāsānī's opinion suggests to us that the authorities in *dār al-Islām* must implement *sharī'a* and all the people of *dār al-Islām* are bound by its legislation. Another important element is the

⁹² For more detailed information of *kharāj* see al-Māwardī, *al-Aḥkām al-sulṭāniyya*, pp. 213-26; Abū Yūsuf, *Kitāb al-kharāj*, pp. 41-50; see also, Hossein Modarressi Tabataba'i, *Kharaj in Islamic Law*, London, 1983, p. 2.

⁹³ al-Māwardī, *al-Aḥkām al-sulṭāniyya*, pp. 200-02.

⁹⁴ al-Māwardī, *al-Aḥkām al-sulṭāniyya*, pp. 200-02.

⁹⁵ al-Māwardī, *al-Aḥkām al-sulṭāniyya*, pp. 200-02; 207-12.

⁹⁶ Abū Bakr b. Mas'ūd al-Kāsānī, *Badā'i' al-ṣana'i' fī tartīb al-sharā'i'*, Beirut, 1997, 7:130.

sovereignty over the territory. In Islamic classical political theory, sovereignty belongs to God.⁹⁷ The concept of sovereignty in Islam is described by the Qur'an:

There the authority is completely for Allah, the Truth. (Q18:44)

In Medina, the Prophet as a statesman ruled on behalf of God to execute God's command as revealed to him. Muslim rulers after the Prophet sought to rule as the Prophet had, executing God's command as spelled out in the *sharī'a*. In the case of a gap, the rulers, in collaboration with the people's spokesman or their representatives, sought solutions guided by the *sharī'a*. Therefore, *dār al-Islām* must be founded upon the laws laid down by God. The Qur'an gives the principle as follows:

And whoever does not judge by what Allah has revealed - then it is those who are disbelievers. (Q5:44)

And whoever does not judge by what Allah has revealed - then it is those who are the wrongdoers. (Q5:45)

And whoever does not judge by what Allah has revealed - then it is those who are the defiantly disobedient. (Q5:47)

Legislation is not but for Allah. He has commanded that you worship not except Him. That is the correct religion, but most of the people do not know. (Q12:40)

To sum up, the discussion above tells us that if the land belongs to the Muslims and they apply *sharī'a*, the land would definitely be considered as *dār al-Islām*. If the land does not possess any of the elements above, it would become *dār al-ḥarb*.

⁹⁷ For more detailed information on sovereignty in Islam, see, for example, Abu al-A'la al-Mawdudi, *The Islamic Law and Constitution*, trans. and ed. Khurshid Ahmad, Lahore, 1975, pp. 69-71; Muhammad Asad, *The Principles of State and Government in Islam*, California, 1961, pp. 13-5.

2.4.2. The concept of *dār al-ḥarb*

The concept of *dār al-ḥarb* gets its indication from the following verse:

Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes, that you should show them kindness and deal justly with them. Indeed! Allah loves those who act justly; Allah only forbids you from those who fight you because of religion and expel you from your homes and aid in your expulsion, that you make allies of them. Whoever makes friends of them, and then it is those who are the wrongdoers. (Q60:8-9)

Dār al-ḥarb is a land inhabited and controlled by non-Muslims where non-Islamic law is enforced therein. There is no relationship or bilateral agreement between *dār al-Islām* and *dār al-ḥarb*. In other words, *dār al-ḥarb* is a place where non-Islamic law is enforced; the *imāma* is not in the hands of Muslims; and peace has not been proclaimed between Muslim and non-Muslim rulers. In the early days of Islam, *dār al-Islām* and *dār al-ḥarb* referred to Medina and Mecca respectively. In the verse quoted above, I argue that it implies the classical concept of *dār al-Islām* and *dār al-ḥarb*, and the Prophet himself, who was the first *imām* of *dār al-Islām* in Medina, created the political basis of it.

As a matter of fact, land could be transformed from *dār al-Islām* to *dār al-ḥarb* or *vice versa* according to the manner by which that land was acquired. For instance, if the Muslims conquer the land, it becomes a part of *dār al-Islām*. On the contrary, if the land is occupied and controlled by non-Muslims, it becomes *dār al-ḥarb*, and if the land is acquired by a peaceful agreement or treaty it becomes *dār*

al-‘ahd.

2.4.3. The concept of *dār al-‘ahd*

Dār al-‘ahd is a land which has entered into diplomatic agreements and covenants with *dār al-Islām*. It is also called *dār al-ṣulḥ* (the land of peace), or *dār al-hudnā* (the land where a truce is in effect).⁹⁸ The concept of *dār al-‘ahd* is obtained from the judicial rulings of manslaughter, as outlined in the Qur’an:

And never is it for a believer to kill a believer except by mistake. And whoever kills a believer by mistake – then the freeing of a believing slave and a compensation payment presented to his family, unless they remit it as a charity. But if he (the deceased) was from a people at war with you and he was a believer - then the freeing of a believing slave; and if he was from a people with whom you have a treaty (*min qaumin bainakum wa bainahum mīthāq*) - then the compensation payment presented to his family and the freeing of a believing slave. And whoever does not find – then, a fast for two months consecutively, (seeking) acceptance of repentance from Allah. Allah is ever Knowing and Wise. (Q4:92)

Commentators such as al-Ṭabarī and al-Zamakhsharī demonstrate that the words “*qaum*” and “*mīthāq*” in the phrase *min qaumin bainakum wa bainahum mīthāq* refer to “the group or folk or country” and “the covenant or agreement” respectively. In other words, they refer to the people who live in *dār al-‘ahd*.⁹⁹

A similar understanding is also shown by Q9:4: “Excepted are those with whom you made a treaty among the polytheists (*‘āhadtum min al-mushrikīn*) and

⁹⁸ al-Shāfi‘ī, *al-Umm*, 4:258-60, 265, 268-75; Abū Yūsuf, *Kitāb al-kharāj*, p. 54; al-Māwardī, *al-Aḥkām al-sulṭāniyya*, p. 137; *al-Ikhtiyārāt*, p. 315.

⁹⁹ al-Ṭabarī, *Jamī‘ al-bayān*, 9:39-40; al-Zamakhsharī, *al-Kashshāf*, 1:550.

then they have not been deficient toward you in anything or supported anyone against you; so complete for them their treaty until their term (has ended). Indeed, Allah loves the righteous.” The word ‘*ahd*’ in the phrase ‘*āhadtum min al-mushrikīn*’ refers to “the covenant” that was agreed upon with the polytheists. In particular, al-Ṭabarī mentions that Q9:4 refers to the incident of Ḥudaybiya when the Prophet set up the agreement with the Meccan polytheists.¹⁰⁰ The same word ‘*ahd*’ is also used in Q9:7: “How can there be for the polytheists a treaty (‘*ahd*’) in the sight of Allah and with His Messenger, except for those with whom you made a treaty (‘*ahd*’) at the *ḥarām* mosque? So as long as they are upright toward you, be upright toward them. Indeed, Allah loves the righteous.” From this verse (Q9:7), al-Ṭabarī says that the word ‘*ahd*’ refers to Meccan polytheists who had a peaceful agreement with the Prophet.¹⁰¹

At another level, al-Māwardī points out that if the inhabitants of *dār al-‘ahd* violate a treaty, the status of the land changes. Al-Māwardī gives two opinions regarding with this question: the first is that, if *dār al-‘ahd* is taken by a Muslim force, it becomes *dār al-Islām*, but, if it is not, it becomes *dār al-ḥarb*; the second is that if the land is merely resided in by the Muslims, it thereby becomes *dār al-Islām*. Also, if *dār al-‘ahd* is adjacent to both *dār al-Islām* and *dār al-ḥarb*, it becomes *dār*

¹⁰⁰ al-Ṭabarī, *Jamī‘ al-bayān*, 14:132-33.

¹⁰¹ al-Ṭabarī, *Jamī‘ al-bayān*, 14:144; see also al-Ṭabarī, *Kitāb al-jihād wa kitāb al-jizya wa aḥkām al-muḥāribīn min kitāb ikhtilāf al-fuqahā’*, ed. Joseph Schacht, Cairo, 1933, pp. 14-5.

al-Islām and the “*mu‘āhadin*” or the people in *dār al-‘ahd* who broke the treaty may then be treated as *bughāh*.¹⁰²

It is worth noting that in *dār al-‘ahd*, the agreement is usually made for the non-Muslims to pay *kharāj* in order to ensure their security, life and property from any aggression or violation.¹⁰³ Al-Shāfi‘ī and Abū Ya‘lā Muḥammad b. al-Ḥusayn al-Farrā’ (Ḥanbalī jurist; Iraqi *qāḍī*; d. 458/1066)¹⁰⁴ maintain that only *kharāj* can be collected by the *imām*. Also, they prohibited any increase of the amount of *kharāj* and any extra taxes such as *jizya*. Similarly, *jizya* are not allowed to be collected from the *mu‘āhadin* since they are not living under the jurisdiction of *dār al-Islām*. *Jizya*, however, can be legalized in a new agreement made and agreed to between the *imām* and the *mu‘āhadin*.¹⁰⁵

In another case, al-Sarakhsī states that if a new law made by mutual agreement between the *imām* and the *mu‘āhadin* is enforced; the territory becomes *dār al-‘ahd*. If the law of *sharī‘a* or the non-Islamic laws only are enforced, the *mu‘āhadin* are treated under the rules of *dār al-Islām* or *dār al-ḥarb* respectively.¹⁰⁶ Unlike al-Sarakhsī, al-Shāfi‘ī prohibits any interference by the *imām* in the local and internal affairs of *dār al-‘ahd*. This means that the *mu‘āhadin* can still maintain their laws, customs and religious practices. This state of affairs continues so long as the contracting parties respect, observe and abide by the original terms of their

¹⁰² al-Māwardī, *al-Aḥkām al-sulṭāniyya*, p. 202.

¹⁰³ al-Shāfi‘ī, *al-Umm*, 4:258-60.

¹⁰⁴ For a biographical note on Abū Ya‘lā, see, *EI* (2), 3:765-66.

¹⁰⁵ al-Shāfi‘ī, *al-Umm*, 4:258-60; Abū Ya‘lā, *al-Aḥkām al-sulṭāniyya*, Cairo, 1938, p. 133.

¹⁰⁶ al-Sarakhsī, *Sharḥ li siyar al-kabīr*, 4:8.

agreement. Despite all the privileges given to *dār al-'ahd* by law, *dār al-'ahd* could not be considered as a full sovereign independent entity. This is because the existence of a bilateral agreement puts *dār al-'ahd* into a tribute giving relationship with *dār al-Islām*, in which *dār al-'ahd* must pay *kharāj*.¹⁰⁷ Al-Māwardī does not accept that *dār al-'ahd* is a separate entity outside the realm of Islam, since its people have concluded a treaty. Rather, they should be considered as *dhimmīs* (non-Muslims subject to the contract of protection upon their accepting to live under Islamic governance) and liable for *jizya*. Also, their territory should be included under the domain of *dār al-Islām*.¹⁰⁸

It is worth stating that the argument between the jurists about the tax which is to be imposed on the people of *dār al-'ahd* is believed to originate from their understanding of what the Prophet did in his time. The Prophet himself had concluded a treaty with the Christians of Najrān guaranteeing them security for their life and property. I quote here, for example, part of the agreement made by the Prophet with the Najrāns:

The inhabitants of Najrān and those in their neighborhood are hereby assured the guarantee of Allah and the commitment of Muḥammad, to protect their wealth, their denomination and their houses of worship and all that their hands possess, little or much.¹⁰⁹

¹⁰⁷ al-Shāfi'ī, *al-Umm*, 4:258-60.

¹⁰⁸ al-Māwardī, *al-Aḥkām al-sulṭāniyya*, p. 138.

¹⁰⁹ Aḥmad b. Yaḥyā al-Baladhurī (historian, d. 279/892), *Kitāb futūḥ al-buldān*, trans. Philip K. Hitti, Beirut, 1966, p. 71.

This treaty levied from them a certain tribute or payment as a token of protection.¹¹⁰ The type of payment, however, was not mentioned in detail. As a result, jurists such as al-Shāfi‘ī and al-Sarakhsī say it was *kharāj* while al-Māwardī maintains that it was *jizya*. Nonetheless, I argue that this disagreement does not affect the status of *dār al-‘ahd* as the land of agreement with *dār al-Islām*.

Khadduri finds that if the People of the Book agree to pay *jizya*, they suffer disabilities that down-grade them to second-class citizens.¹¹¹ A different opinion has been reached by other two Muslim modern scholars, Yūsuf al-Qaraḍāwī and ‘Abd al-Karīm Zaidān. They suggest that *jizya* is collected from non-Muslims as a token for their protection inside the Islamic state. They quoted the opinion of al-Shirāzī that claims Islam exempts non-Muslims from the defense of the Islamic State. Likewise, *jizya* is not imposed on women, the disabled, monks and those who are unable to perform military service.¹¹² It should be noted that while a Muslim woman should pay *zakāh* if she has the minimum required wealth, a non-Muslim woman is exempted from paying any tribute.

It is also helpful to quote the statement given by al-Qaraḍāwī where he says: “All citizens should pay tax to the *imām* to set up the public hospitalities, such as courts, police, military, public works (repairing roads and bridges) and others which can ensure safety and provide enjoyment to the residence. The *dhimmī*, one the other

¹¹⁰ al-Baladhurī, *Kitāb futūḥ al-buldān*, p. 71.

¹¹¹ Khadduri, *War and Peace*, p. 80.

¹¹² Yūsuf al-Qaraḍāwī, *Non-Muslims in the Islamic Society*, trans. Khalil Muhammad Hamad and Sayed Mahboob Ali Shah, Indianapolis, 1985, pp. 19-21, 23, 38; ‘Abd al-Karīm Zaidān, *Aḥkām al-dhimmiyyān wa al-musta‘minn fī dār al-Islām*, Baghdad, 1976, pp. 121, 129-31.

hand, are not required to pay *zakāh* and take part in *jihād*. Therefore, *jizya* is applied on them and the obligation of paying *jizya* will be terminated if somehow the *dhimmī* needs to take part in *jihād*".¹¹³ Other reasons for demanding this *jizya* were that the Muslims undertook to protect the tax payer and guarantee his security and freedom in a way equal to that of a Muslim because any danger to him was a danger to his fellow Muslims. In most cases, to defend the Muslims, the *imām* had to defend the non-Muslims. Also, the *imām* wanted to be certain the non-Muslims were not hostile to them and their fellow Muslims.

I do not think it is wise to regard the *dhimmīs* as second-class citizens. The *dhimmīs* deserve certain special considerations or rights by virtue of their religion that is different from that of the Muslims. In fact, the *dhimmīs* are not obliged to follow the Islamic law governing marriage, divorce, child custody and inheritance. Instead, they should be left to conduct these personal affairs according to their religious belief and court procedure. Also, it is important to state here that the blood and the properties of the *dhimmīs* must be protected by the *imām* and by their fellow Muslims citizens against any violations.¹¹⁴ The *dhimmīs* who rejected Islam and refused to pay *jizya* to support the state made it hard for themselves. They became hostile from the beginning and created trouble for the state and the Muslims. I rather believe that their attitude was treacherous, careless, mean and provocative.

¹¹³ al-Qaradāwī, *Non-Muslims in the Islamic Society*, pp. 19-21.

¹¹⁴ Zaydān, *Aḥkām al-dhimmiyyān*, pp. 306-08; Muhammad 'Abd Rauf, *Ummah the Muslim Nation*, Kuala Lumpur, 1991, pp. 32-3; Ismail R. al-Faruqi and Lois L. al-Faruqi, *The Cultural Atlas of Islam*, New York, 1986, p. 199.

Returning to the concepts of *dār al-Islām*, *dār al-ḥarb* and *dār al-'ahd*, one point that emerges clearly from the above analysis is that the world was divided by the classical Muslim jurists into three realms: the first was that of *dār al-Islām*; the second was that of *dār al-ḥarb*; and the third was that of *dār al-'ahd*. *Dār al-Islām* is the land where the Islamic religion is practiced and which is protected by the *imām*. Similarly, *dār al-ḥarb* is the land where Islam might be practiced but the Muslims do not enjoy the privileges as full as *dār al-Islām*. In *dār al-'ahd*, Islam also might be practiced and the Muslims are given the similar privileges as *dār al-Islām*. The principal duty of *dār al-Islām* is to reduce *dār al-ḥarb* through peaceful means if possible or through war if necessary until it has been incorporated into *dār al-Islām* or it becomes *dār al-'ahd*. This suggests that *dār al-Islām* employed *jihād* to reduce the pressure of *dār al-ḥarb*, hence giving rise to the expansion of *dār al-Islām*.

It is also interesting to include a brief explanation of the division of the world according to the contemporary Muslim scholar, Ṭaha Jabīr al-Alwānī. He divides the world into two realms: *dār al-ijāba* (the land whose people have accepted Islam and Islamic values are practised) and *dār al-da'wah* (the land to which *da'wah* has been presented and its people are invited to Islamic values and practices).¹¹⁵ I believe al-Alwānī agreed that the world is divided into two spheres but refused to use the classical terms of *dār al-Islām* and *dār al-ḥarb*. Here, al-Alwānī points out that both the terms *dār al-ijāba* and *dār al-da'wah* are appropriate for use in modern time. The terms are important to avoid any misconception that Islam is necessarily spread by

¹¹⁵ Ṭaha Jabīr al-Alwānī, 'Globalization: Centralization not Globalism', *The American Journal of Islamic Social Sciences*, Washington D. C., 1998, 15:7.

military force. More specifically, he attempts to extend a sense of normalcy to the Islamic presence in the west by introducing a novel understanding of *dār al-ijāba* and *dār al-da‘wah*. However and surprisingly, al-Alwānī claims that the idea of *dār al-ijāba* and *dār al-da‘wah* is nothing new, but it was given by al-Rāzī. In his claim, he states that al-Rāzī replaced the term *dār al-Islām* with *dār al-ijāba* and the term *dār al-ḥarb* with *dār al-da‘wah*. The people who live in *dār al-ijāba* are called *umma al-ijāba*, instead of *umma al-Islām* and *umma al-da‘wah* can be used instead of *kuffār* or *ḥarbiyyūn* for the people who lives in *dār al-ḥarb*. Al-Alwānī also asserts that the terms *dār al-ijāba* and *dār al-da‘wah* represents Islam more correctly than the others part because the whole earth has been created by God as humanity’s home. The only difference between the two is that in *dār al-ijāba*, the message of Islam has already been established and in *dār al-da‘wah*, the message has yet to be spread.¹¹⁶

From al-Alwānī’s point of view, I argue that the term was in order to avoid any misunderstanding or misinterpretation of Islamic *da‘wah* in the modern western world. Its implicit goal is to normalize the presence of the Muslims as a minority living under non-Muslims ruler. What is more, I argue that al-Alwānī’s opinion clearly acknowledges a world reality based on the nation-state system and not one world Muslim-state. His explanation of al-Rāzī’s *dār al-ijāba* and *dār al-da‘wah* is interesting but equivocal and needs further study. Nonetheless, I believe the discussion is too long and goes off the point. What is more, in this section, I have no

¹¹⁶ al-Alwānī, ‘Globalization: Centralization not Globalism’, p. 7.

interest in defending or criticizing al-Alwānī's decision. My interest here is in examining the process by which *jihād* is employed in the political development of *dār al-Islām*.

To sum up, *jihād* in the sense of fighting on the battlefield is only allowed where essential to remove oppression and transgression which could inflict harm on the Muslims and to protect the well-being of *dār al-Islām*. Therefore, it indicates the relationship between *jihād* and *dār al-Islām*. The next chapter will be discussing *jihād* in Islamic law with special reference to Ibn Taymiyya.

CHAPTER THREE

CHAPTER THREE

JIHĀD IN ISLAMIC LAW AND THE THINKING OF IBN TAYMIYYA

3.1. Introduction

The subject matter of this chapter is confined to the opinion of the classical Sunnī jurists regarding Ibn Taymiyya and his views of *jihād*. The limitations of this chapter should be stated at the outset. The main focus here will be on the arguments of the Sunnī jurists. Other schools of thought (i.e. the Shi‘a) will not be discussed.¹ In addition, while the juristic discussion on matters concerning *jihād* covers a wide range of issues, this chapter focuses only on certain important issues. The chapter is descriptive and some interpretative comments will be made.

This chapter is divided into six sections. The first is a brief explanation of the classical methodology of *jihād*. The second is the legal definition of *jihād*. The third is the relationship between *jihād* and *‘ibāda* (worship). The fourth is an overview of the greater and lesser *jihād* according to the Ṣūfīs. The fifth is the legal status of *jihād*. The final is the legality of *jihād* against the enemy (the polytheists, the people of the book, apostates and rebels). Structuring the chapter into these particular sections can, I believe, help us to readily discern the style of Ibn Taymiyya’s debate on *jihād*.

¹ For more detailed information of the Shi‘a doctrine of *jihād*, see, for example, Karen Armstrong, *Holy War*, pp. 223-57; see also, Abdulaziz A. Sachedina, ‘The Development of *Jihād* in Islamic Revelation and History’, in *Cross, Crescent and Sword: The Justification and Limitation of War in Western and Islamic Tradition*, ed. James Turner Johnson and John Kelsay, New York, 1990, pp. 40-6.

3.2. *Jihād* in the classical texts

It should be stressed that the discussion of *jihād* in the classical texts is entirely based on the Qur'an, hadith and the opinion of *khulafā' al-rāshidūn*. As Hillenbrand rightly claims, the classical discussion of *jihād* follows the above sources and does not appear to have been influenced by the Crusaders' concept of holy war. What is more, the classical jurists were motivated by their deep understanding of Islam to develop their own *jihād* methodology framework.² All the major books of *Fiqh* and *Uṣūl al-Fiqh* contain a chapter on the subject. *Jihād* is discussed under the topic of *siyar* and sometimes it is discussed under the topic of *Fiqh*. Sometimes, it is discussed separately under its own specific heading. For instance, al-Sarakhsī in *al-Mabsūt* examines *jihād* under the main topic of *Siyar*. This topic also includes the issues of *ṣulḥ*, matters regarding *jihād* against the polytheists and matters related to *kharāj* and *ghanīma*. Al-Shāfi'ī's *al-Risāla*, one of the major works on *Uṣūl al-Fiqh*, contains a chapter on *jihād* under the title 'On legal knowledge'. Ibn Qudāma in *al-Mughnī*, one of the major books of Ḥanbalī *Fiqh*, deals separately with *jihād* under its own specific heading. Jurists who wrote books advising the ruler or *imām* on the administration of political affairs, such as al-Māwardī and Abū Ya'lā also dealt with *jihād* in their books, both of which are entitled *al-Aḥkām al-sulṭāniyya*. Apart from dealing with *jihād* as an exegete in his own work on *tafsīr*, al-Ṭabarī discusses the subject more systematically in one of his juridical works, *Kitāb al-jihād wa kitāb al-jizya wa aḥkām al-muḥāribūn min kitāb ikhtilāf al-fuqahā'* (Differences of opinion among the jurists on the question of *jihād* and *jizya*). In this book, al-Ṭabarī compiles the

² Hillenbrand, *The Crusades*, p. 94.

opinions of all the major jurists one by one. He focuses on the differences of opinion amongst the jurists from the Ḥanafī, Mālikī, Shāfi‘ī Schools and so forth.

In general, there is uniformity of opinion and method in the classical texts. The jurists usually present and interpret certain Qur’anic verses and hadiths that are concerned with *jihād*, followed by an explanation of the legal status of *jihād* and the people whom *jihād* must be waged against. Nonetheless, Hillenbrand observes that the discussion altered its tone slightly after the tenth century and in particular when some of the Abbasid caliphate’s territories fragmented.³ It is hard to disagree with Hillenbrand’s opinion. However, one must acknowledge that this situation does not change the principal idea of the classical *jihād*, but only reflects certain technical issues: the first modification, as Hillenbrand claims, is the formation of *dār al-‘ahd*, as explained in Chapter Two of this thesis; the second modification is the establishment of *ribāṭ*, as will be explained below;⁴ another issue is that of the identification of the greater *jihād* (*al-jihād al-akbar*) and the lesser *jihād* (*al-jihād al-aṣghar*). It is generally accepted that *jihād* against the lower self is the greater *jihād* and more meritorious than *jihād* in the battlefield.⁵ Nonetheless, it is quite wrong to say that only *jihād* against the lower self must be carried out and *jihād* in the battlefield must be abandoned. This is because the earlier jurists agree that both *jihāds* are essential. Then there are numerous Qur’anic verses and hadiths in which God and the Prophet extol the merit of *jihād* against the lower self and *jihād* in the battlefield. It will be sufficient to say that the idea of lesser and greater *jihād* has been

³ Hillenbrand, *The Crusades*, p. 98.

⁴ Hillenbrand, *The Crusades*, p. 98.

⁵ Hillenbrand, *The Crusades*, p. 97; see also, Kamali, ‘Issues in the Understanding of *Jihād* and *Ijtihād*’, pp. 617-18.

expanded by the later jurists, especially the Ṣūfīs. Once this fact has been accepted, the entire idea of abandoning *jihād* in the battlefield becomes untenable. The explanation of the greater and lesser *jihād* will be discussed again later in this chapter.

3.3. The legal definition of *jihād*

The definitions of *jihād* given by the jurists were conceived in two contexts. First, *jihād* is defined as fighting in the battlefield and second as striving hard to one's utmost power or ability to give God pleasure. With respect to the first context, I would like to quote definitions given by Muḥammad b. 'Alī al-Shaukānī (Ḥanafī jurist and hadith-scholar; d. 1255/1839), Aḥmad b. Muḥammad al-Qaṣṭallānī (Ḥanafī jurist and hadith-scholar; d. 850/1447) and Ibn Ḥajar.

Al-Shaukānī defines *jihād* as “striving hard in fighting against the polytheists, the desires and against tyranny”.⁶ According to al-Qaṣṭallānī, *jihād* is “fighting the polytheists and striving hard to spread the religion of Islam on earth”⁷ while Ibn Ḥajar says that *jihād* is “struggling hard against the polytheists”.⁸

In the second context, I limit myself only to the definitions given by al-Kāsānī and Abū Muḥammad 'Alī b. Aḥmad b. Ḥazm (cited as Ibn Ḥazm; Andalusian Ḍāhiri scholar; d. 456/1064)⁹. According to al-Kāsānī, *jihād* in the terminology of law “is used for expending ability and power in fighting in the path of God by means

⁶ Muḥammad b. 'Alī al-Shaukānī, *Nayl al-auṭār: Sharḥ al-muntaqā al-akḥbār min aḥādīth sayyīd al-akhyār*, ed. Isām al-Dīn Sababī, Cairo, 1993, 7:220.

⁷ Aḥmad b. Muḥammad al-Qaṣṭallānī, *Irshād al-sārī lī sharḥ Ṣaḥīḥ al-Bukhārī*, ed. Muhammad 'Abd al-Aziz Khalīdī, Beirut, 1996, 5:31.

⁸ Aḥmad b. 'Alī b. Ḥajar al-'Asqalānī, *Fatḥ al-bārī bī sharḥ Ṣaḥīḥ al-Bukhārī*, Beirut, 1993, 6:2.

⁹ For a biographical note on Ibn Ḥazm, see, *EI* (2), 3:790-99.

of life, property, tongue and other than these”.¹⁰ Ibn Ḥazm defines *jihād* as “an effort directed against any object of disapprobation by use of the heart, the tongue, the hands and the sword.”¹¹

It is also helpful to bring up the definition given by Ibn Qayyim al-Jawziyya. He particularly divides *jihād* into four major types. The first is *jihād* against the lower self. Ibn Qayyim, furthermore, divides this first *jihād* into four stages: the struggle to acquire and understand knowledge of divinity, to practise this knowledge, to disseminate and preach this knowledge to people in order to invite them to the worship of the oneness of God, and to prepare oneself with patience, courage, perseverance and steadfastness for other duties in Islam. The second is *jihād* against Satan. The third is *jihād* against the polytheists, and the fourth is *jihād* against the *munāfiqūn* (the hypocrites).¹² An almost similar classification of *jihād* was also noted by Ibn Ḥajar, but his classification of *jihād* against *munāfiqūn* was more general and he instead termed it as *jihād* against the disobedient (*fāsiq*).¹³ This classification of *jihād* shows that the enemies of the Muslims can be divided into two: visible enemies and invisible enemies. The visible enemies are the polytheists and the disobedient, while the invisible ones are one’s self and Satan. Further discussion of these four types of *jihād* will be highlighted in Subsection Six.

¹⁰ al-Kāsānī, *Badā’i’ al-ṣanā’i’*, 7:97.

¹¹ Abū Muḥammad ‘Alī b. Aḥmad b. Ḥazm, *Kitāb al-faṣl fī al-milal wa al-aḥwā’ wa al-niḥal*, Cairo, 1903, 4:135.

¹² Ibn Qayyim al-Jawziyya, *Zād al-ma’ād fī hady khayr al-’ibād*, Cairo, 1951, 2:38.

¹³ Ibn Ḥajar, *Fath al-bārī*, 6:3.

3.4. Ibn Taymiyya's definition of *jihād*

The first thing that needs to be done is to identify Ibn Taymiyya's definition of *jihād*.

It is probably worth mentioning in this context a very interesting hadith quoted by

Ibn Taymiyya:

Every religion has a kind of monasticism; and the monasticism of my religion is the *jihād*.¹⁴

Ibn Taymiyya defines the notion of *jihād* as the struggle to remove *fitna* and until the religion, all of it, is for Allah (*wa qātilūhum ḥattā lā takūna fitna wa wayakūna al-dīnu kulluhu lillāh*).¹⁵ The definition of *jihād* drawn by Ibn Taymiyya above is found in the Qur'an:

And fight them until there is no *fitna* and until the religion, all of it, is for Allah (*wa qātilūhum ḥattā lā takūna fitna wa wayakūna al-dīnu kulluhu lillāh*). (Q8:39)

An essential aspect of Ibn Taymiyya's definition above is the word *fitna*. The word *fitna* is mentioned in Q8:39 and elsewhere in the Qur'an (e.g. Q2:191; 3:7 and 9:47) and is generally translated by the English-Qur'anic translators, for example, Pickthall and Khan as "persecution", "disbelief" and "polytheism".¹⁶ The word *fitna* derives from the Arabic root *fatana* which literally means "civil war", "conflict", "castigation", "punishment" and "chastisement".¹⁷

¹⁴ Only Aḥmad recorded this hadith. He recorded it from Ānas b. Mālik. See Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 141; See also Ibn Kathīr, *Tafsīr*, (Q57:27).

¹⁵ MF28:355; *al-Siyāsa al-shar'īyya*, p. 123; *al-Jihād*, 1:62, 246.

¹⁶ Muhammad Marmaduke Pickthall, *The Meaning of the Glorious Qur'an*, ed. Arafat K. El-Ashi, Beltsville, 2002, 8:39; Muhammad Muhsin Khan and Muhammad Taqi-ud-Din al-Hilali, *Interpretation of the meanings of the Noble Qur'an in the English language*, Riyadh, 2001, 8:39.

¹⁷ Lane, *Lexicon*, 1:2335; Riḍā, *Mu'jam al-lughah*, 1:357; Ibn Manẓūr, *Lisān al-'Arab*, 13:317-19.

Classical commentators, such as al-Ṭabarī, al-Zamakhsharī and Ibn Kathīr point out that *fitna* in Q8:39 refers to the *kuffār*. It also refers to *al-shirk* (attribution of partners to God) and *baghy*.¹⁸ It is interesting to consider what Muḥammad Rashīd Riḍā, the modern commentator, says about this *fitna*. He defines *fitna* as “oppressing people on account of their faith by trying to force them out of it. This is the *fitna* which is to be prevented, if necessary by means of armed struggle”.¹⁹ From this explanation, it seems reasonable to assume that the word *fitna* here refers to “polytheism”, regardless of the aforementioned lexical meanings.²⁰

Ibn Taymiyya defines *fitna* as the “*fitna* of the *kuffār*” and the “*fitna* of *sharr* (evil)”.²¹ It is worth reflecting for a little on the “*fitna* of the *kuffār*” and the “*fitna* of *sharr*”. In the Qur’an, the word “*kufr*” is used in many contexts. In a positive sense a believer can also be a *kāfir*, as the Qur’an says: “Whoever rejects (*yakfur*) *tāghūt* (false objects of worship) and believes in Allah has grasped the most trustworthy handhold with no break in it” (Q2:256). The word *kufr* can also be applied to a Muslim when he is doing something wrong, but not necessarily something that would place him outside the state of belief in Islam. For example, a Muslim who is able to go on a pilgrimage but does not go, without denying the need to go, would be committing an act of *kufr*. That is, a sense of ungratefulness to Allah: “And to Allah from the people is a pilgrimage to the House - for whoever is able to find thereto a way. But whoever refuses (*kafara*) – then indeed, Allah is free from need of the

¹⁸ al-Ṭabarī, *Jamī’ al-bayān*, 13:537; al-Zamakhsharī, *al-Kashshāf*, 2:220; Ibn Kathīr, *Tafsīr al-Qur’ān al-‘Azīm*, Cairo, n.d., 1:227-28.

¹⁹ Muḥammad Rashīd Riḍā (Syrian scholar; d. 1935), *Tafsīr al-Qur’ān al-ḥakīm al-mustahir bi-ism tafsīr al-manār*, Cairo, 1961, p. 255.

²⁰ Lane, *Lexicon*, 1:2335; Riḍā, *Mu’jam al-lughah*, 1:357; Ibn Manẓūr, *Lisān al-‘Arab*, 13:317-19.

²¹ MF28:355; *al-Siyāsa al-shar’iyya*, p. 123.

worlds” (Q3:97). *Kufr* is also used in the Qur’an as the opposite of *shukr* (gratefulness): “And whoever is grateful is grateful for himself. And whoever denies (*kafara*) – then indeed, Allah is free of need and praiseworthy” (Q31:12).

Ibn Taymiyya’s “*fitna* of the *kuffār*” is similar to the explanation given by al-Ṭabarī, al-Zamakhsharī and Ibn Kathīr, in which the word *kuffār* adopted here undoubtedly refers to the polytheists. Ibn Taymiyya’s full explanation of the term *kuffār* will be highlighted in Subsection Six. The word *sharr* must be defined in order to understand what lies behind this special term. Thus, it is useful to mention a few definitions of *sharr* given by Ibn Taymiyya: firstly, *sharr* can be defined as what is “blameworthy (*iṣyān*)”, “imperfect (*ghafla*)” and “defective (*fujūr*)”;²² secondly, as “transgression (*ẓulm*)”, “disobedience (*fisq*)”;²³ thirdly, as “ignorance (*jahl*)” or “lack of knowledge”;²⁴ and finally, *sharr* can also be described as a turning away from the carrying out of the obligation of *jihād*, as illustrated by the story of al-Jadd b. Qays.²⁵ The Prophet had instructed him to prepare for a military expedition against the Byzantines. But he refused to go and said he was unable to resist the lure of women, and that he believed the Byzantine women would cause him to fall into *fitna* (the temptation of women). He said: “Will you allow me to stay behind and not tempt me, for everyone knows that I am strongly addicted to women and I am afraid that if I see

²² MF14:277-87.

²³ *al-Amr bi al-ma’rūf*, p. 36; *al-‘Ubūdiyya*, p. 117.

²⁴ MF14:296; a modern study that discusses the concept of evil according to Ibn Taymiyya has been done by Jon R. Hoover in his PhD thesis entitled ‘An Islamic theodicy: Ibn Taymiyya on the wise purpose of God, Human agency and problems of evil and justice’, University of Birmingham, 2002.

²⁵ *al-Amr bi al-ma’rūf*, p. 63; *al-Jihād*, 1:175; for the full story, see, for example, Ibn Hishām, *al-Sīra al-nabawiyya*, 4:159-60; *al-Istiqāma*, pp. 287-89.

the Byzantine women I shall not be able to control myself”.²⁶ Al-Jadd’s excuse was denounced in the Qur’an. God says:

“And amongst them is he (al-Jadd) who says: “Permit me (to remain at home) and do not put me to trial”. Unquestionably, into trial they have fallen. (Q9:49)

The verse quoted above explains that al-Jadd’s refusal to carry out the duty of *jihād* was in itself a grievous *fitna*. In other words, the *fitna* of the temptation of women which al-Jadd imagined allowed the cowardice that infected his heart to throw him into a far more serious *fitna*, that is, disobeying God’s commands; in other words, it was an act of *al-nifāq* (a hypocrite).²⁷ Ibn Taymiyya, furthermore, claims that those who refuse to fight are sinful, like those who are *‘ālim* but refuse to pass this knowledge on to others.²⁸ In this respect, Ibn Taymiyya cites certain hadiths to support his claim.²⁹

He who deliberately abandons the duty of *jihād* will die as a *munāfiq*.

He who reads the Qur’an and then forgets it will meet God as a leper.

He who learns archery then forgets it is not one of us.

Amongst the various definitions of *sharr* given by Ibn Taymiyya, however, the most accurate definition that suits the context of this present study is that of transgression, disobedience and ignorance. In support of this claim, it is useful to look back to the situation at the time of Ibn Taymiyya in Damascus. Ibn Taymiyya was definitely

²⁶ Ibn Hishām, *al-Sīra al-nabawiyya*, 4:159; see also, Guillaume, *The Life of Muḥammad*, p. 602.

²⁷ *Thalāth rasā’il*, p. 75.

²⁸ *al-Ḥisba*, p. 188 (= *The Institution of the Ḥisba*, p. 73); *al-Jihād*, 1:192.

²⁹ *al-Ḥisba*, p. 188 (= *The Institution of the Ḥisba*, p. 131); *al-Jihād*, 1:190; *Thalāth rasā’il*, p. 75.

applying himself to *jihād* in Damascus through *da'wah* and military fighting. Indeed, he strove hard to improve his fellow Muslims' understanding of Islam, to propagate Islam to the polytheists and to remove all *fitnas*.³⁰

Thus, it should be stressed that *fitna* according to Ibn Taymiyya is that of the polytheists and that of injustice or transgression. This goes to show that Ibn Taymiyya defines *jihād* as fighting against the *kuffār* and *fitna*. On this basis, Ibn Taymiyya believes that a just society could be established if both of these *fitnas* were removed.³¹ Acceptance of all this, he explains, is obligatory for all Muslims, and these functions cannot be realized without power and authority.³² To establish this authority God has sent down the Scriptures and created iron:

We have sent Our messengers with clear evidences and sent down with them the Scripture and the balance so that the people may maintain justice. And We sent down iron, wherein is great military might and benefits for people. (Q57:25)

Indeed, Ibn Taymiyya maintains that no religious duty, such as *ṣalāh*, *ḥajj*, justice, the enforcement of the *ḥudūd* or *jihād*, can be fulfilled without power and authority.³³ This does not only mean that the *imām* must protect the religion, but that it is a duty on the whole *umma*, and that the protection of religion must be accomplished by the participation of the whole *umma*.³⁴ What is more, he asserts that the religion must

³⁰ For more detailed information of Ibn Taymiyya's social and political background, see Chapter One of this thesis.

³¹ MF28:355; *al-Siyāsa al-shar'iyya*, p. 123; *al-Amr bi al-ma'rūf*, pp. 53, 63-5.

³² *al-Siyāsa al-shar'iyya*, p. 173.

³³ *al-Siyāsa al-shar'iyya*, p. 173; *al-'Aqā'id al-wāsiṭiyya*, p. 27.

³⁴ *Minhāj al-sunna al-nabawiyya*, 1:270. For more detailed information on Ibn Taymiyya's *umma*, see, for example, Khan, *The Political Thought of Ibn Taymiyyah*, pp. 107-24.

possess “the guiding Scripture and the helping sword” (*al-kitāb al-hādy wa al-sayf al-nāṣir*).³⁵

On another level, the phrase “*wa yakūna al-dīn kulluhu lillāh*” indicates the complete submission to Islam as a social order (*wilāya amr al-nās*). Ibn Taymiyya says: “The good of mankind cannot be realized except in a social order, because everyone is dependent on others, and society requires, indispensably, someone to direct it”.³⁶ He, furthermore, defines “*al-dīn*” in the phrase above as the Muslims’ relationship with God and with his fellow Muslims (*ḥabl min Allāh wa ḥabl min al-nās*). This concept is vigorously maintained by Ibn Taymiyya, particularly in *Dar’ ta’āruḍ al-‘aql wa al-naql*, *Kitāb ma’ārij al-wuṣūl ilā ma’rifā ‘anna uṣūl al-dīn wa furū‘ahu qad bayyanahu al-rasūl* and *Kitāb al-nubuwwa*.³⁷ Ibn Taymiyya clarifies that man’s relationship with God is originally based on the concept of man’s *fiṭra* (natural constitution). The textual basis of this doctrine is found in the hadith “every newborn is born with the natural constitution”.³⁸ In explaining the hadith, Ibn Taymiyya relates this to the covenant God made with all Mankind in primeval times. It is noticeable that the Qur’an specifically draws attention to this mutual covenant in Q7:172:

And when your Lord took from the Children of Adam, from their loins, their descendants and made them testify about themselves, (saying to them): “Am I not your Lord?” They said: “Yes, we have testified.”

³⁵ *al-Ḥisba*, p. 80; *al-Siyāsa al-shar‘iyya*, p. 178; *Minhāj al-sunna al-nabawiyya*, 1:142.

³⁶ *al-Siyāsa al-shar‘iyya*, p. 178; MR, p. 36.

³⁷ *Dar’ ta’āruḍ*, pp. 27-8; *Ma’ārij al-wuṣūl*, pp. 155-202; *al-Nubuwwa*, pp.58-9, 214-5; for recent study, see, for example, Rushdi b. Ramli, ‘The Qur’anic Method of Man’s Relationship with God with special reference to the thought of Ahmad ibn Taymiyya (1263-1328 C.E.)’, unpublished PhD thesis, University of Birmingham, 1999 (see Chapter One and Two).

³⁸ See *Ṣaḥīḥ Bukhārī*, ‘Kitāb al-janā’iz’, 1270, 1296.

So, it would appear that Ibn Taymiyya defines *jihād* as the struggle to remove polytheism and persecution and to make way of a world with the Islamic system. Before moving onto a new topic of discussion, it is worth concluding this section by quoting the following remarks made by Ibn Taymiyya in *Ḥasana*:

Muḥammad and his nation undertake *jihād* in the way of God in order that the word of God be highest and all religion be for God, and they kill whoever obstructs them from that.³⁹

3.4.1. *Jihād makkī* and *jihād madanī*

More specifically, Ibn Taymiyya divides *jihād* into two categories: the first is “*jihād makkī*” and second is a combination of “*jihād makkī*” and “*jihād madanī*”. *Jihād makkī* is *jihād* with ‘ilm (knowledge) as exemplified in the Prophet’s *da‘wah* in Mecca. Ibn Taymiyya explains that *jihād* with ‘ilm is a “*bayān*” or “*jihād bi al-ḥujja*” (*jihād* with argument).⁴⁰ Ibn Taymiyya thinks *jihād* with ‘ilm or *da‘wah* is a fundamental duty of the Muslims, but he refuses to use the word *da‘wah* because the Khawārij called themselves *ahl al-da‘wah*. It should not be forgotten that Ibn Taymiyya condemns the Khawārij as misguided people and *bughāh*, who left behind a few misleading ideas which are constantly criticized by the *ahl al-sunna*.⁴¹ Instead, he prefers the phrase *al-amr bi al-ma‘rūf* and *al-nahy ‘an al-munkar*.⁴² The words “*jihād*”, “*al-amr bi al-ma‘rūf*” and “*al-nahy ‘an al-munkar*” and “*da‘wah*” found in

³⁹ *Ḥasana*, p. 300.

⁴⁰ MF28:38; *al-Jihād*, p. 74.

⁴¹ Laoust, *Essai*, p. 282; E. J. Rosenthal, *Political Thought in Medieval Islam*, Cambridge, 1958, p. 52. For more detailed information of Ibn Taymiyya’s concept of *ahl al-sunna wa al-jamā‘a* and his refutation of the Khawārij, see *al-‘Aqāida al-wāsiṭiyya*, pp. 29, 36-47.

⁴² Laoust, *Essai*, p. 363; Khan, *The Political Thought of Ibn Taymiyyah*, p. 156.

the classical literature and are often used interchangeably. The duties of *al-amr bi al-ma'rūf* and *al-nahy 'an al-munkar*, as explained by Ibn Taymiyya, are prescribed upon the Muslims in order to enjoin good and prevent wrong in the *umma*. This sort of *jihād* is based on the following hadiths:⁴³

If one of you sees something wrong, let him change (*fa-l-yughayyiruhu*) it with his hand; and if he is not able to do so, then with his tongue; and if he is not able to do so, then with his heart and that is the weakest of faith.⁴⁴

I was sent to complete the noble qualities of character.⁴⁵

The likeness of me and the other Messengers is like that of a man who built a house. He completed the building, except for a single stone, in the place of which there was a void. When people visited it they expressed their admiration of its beauty; but they used to say: "If only it were not for this empty space". I am this completing stone.⁴⁶

From the first hadith quoted above, it can be seen that the Prophet has used the word "*taghyīr*" which means to change wrong into goodness. It is generally accepted that the word *da'wah* includes *al-amr bi al-ma'rūf* and *al-nahy 'an al-munkar* because *al-amr bi al-ma'rūf* is a call or invitation to do good and to stick with it, while *al-nahy 'an al-munkar* is a call or invitation to keep away from evil, mischief, calamity and so on.⁴⁷ So, Ibn Taymiyya's "*jihād* with '*ilm*'" can be interpreted as the activity of the perfection of Islam amongst the Muslims and the invitation to Islam amongst non-Muslims and the encouragement of Muslims to obey the Islamic teachings without deviation. If we look back to the time of Ibn Taymiyya, he claims that the

⁴³ *al-Amr bi al-ma'rūf*, pp. 10, 12, 15, 44, 53, 65; *al-Jihād*, pp. 96-7, 143; *al-Istiqāma*, pp. 292-93; *al-Siyāsa al-shar'iyya*, p. 40.

⁴⁴ See *Ṣaḥīḥ Muslim*, 'Kitāb al-īmān', 380; al-Nawawī, *Riyāḍ al-ṣāliḥīn*:189;

⁴⁵ See *Musnad*, 2/381; *Muwaṭṭā'*, 'Good Character', 8.

⁴⁶ See *Musnad*, 2/244.

⁴⁷ *al-Ḥisba*, p. 70; (= *The Institution of the Ḥisba*, pp. 73-4).

community at that time was corrupt and filled with social and ideological trends that ran counter to *sharīʿa*. In other words, he thinks that the core of the issue is moral. This explains why he introduces the idea of “*jihād* with ‘*ilm*’ in order to educate people and to revive the role of *sharīʿa*. Ibn Taymiyya cites certain Qur’anic verses to support this claim:

It is who has sent His Messenger with guidance and the religion of truth to manifest it over all religion, although they who associate others with Allah dislike it. (Q9:33)

So do not obey the unbelievers; and strive against them with the Qur’an (*wa jāhidhum bihī*) a great striving. (Q25:52)

Q25:52, as explained in Chapter Two, is part of a text that was revealed in Mecca, and some classical commentators, such as al-Ṭabarī and al-Bayḍāwī, suggest that the word *bihī* in Q25:52 refers to the Qur’an.⁴⁸ A similar opinion is held by Ibn Taymiyya, and he furthermore adds that the phrase *wa jāhidhum bihī* indicates the significance of *jihād makkī* or *jihād bi al-lisān* and *al-bayān*.⁴⁹

Ibn Taymiyya’s idea of *jihād makkī* can be explained partly from his deep religious concern to disseminate knowledge and partly from the theme of *jihād* in the Qur’an itself, in particular, from the Meccan texts concerning *jihād*, as explained in Chapter Two of this thesis. In this respect, Ibn Taymiyya suggests that the ‘*ulamā*’ have a duty to preach and teach others about Islam.⁵⁰ Ibn Taymiyya cites one Qur’anic verse to support his claim:

⁴⁸ al-Ṭabarī, *Jamīʿ al-bayān*, 10:22-3; al-Bayḍāwī, *Anwār al-tanzīl*, 2:148.

⁴⁹ *al-Jihād*, p. 74; *al-Ikhtiyārāt*, p. 310.

⁵⁰ *al-Jihād*, p. 75.

And amongst mankind is he who disputes concerning Allah, without knowledge and follows every rebellious devil. For him it is decreed that whosoever follows him, he will mislead him and will drive him to the hellfire. (Q23:3-4)

With regard to the theme of *jihād* in the Meccan revelations, the verses give guidance to the individual soul and to Muḥammad in his capacity as a prophet and as a messenger of God. As a matter of fact, *jihād makkī* suggests a peaceful *jihād* or *jihād* in the sense of *al-amr bi al-ma'rūf* and *al-nahy 'an al-munkar*. A number of modern scholars, most notably Alfred Morabia, Abdullah Schleifer and Kamali note that this type of *jihād* may also be called *jihād* against the lower self (*nafs*) or inward *jihād*.⁵¹ Sa'īd Hawā, on the other hand, says that it is called *jihād bi al-ta'līm* or *jihād bi al-tablīgh*.⁵² Regardless of the various names given to this *jihād*, it can be observed that Ibn Taymiyya recognized a peaceful *jihād* or a non-military *jihād*. In the same way, Ibn Taymiyya acknowledges a military *jihād*. This claim will be explained in the following passages.

The second category is a combination of “*jihād makkī*” and “*jihād madanī*”. *Jihād madanī* is *jihād* with strength or physical means, as exemplified in the Prophet's mission in Medina. The idea of *jihād madanī* may have also come from the theme of *jihād* in the Medinan texts, as explained in Chapter Two of this thesis. What this category means is that the true and excellent *jihād* is the combination of both

⁵¹ Alfred Morabia, 'Ibn Taymiyya, Dernier Grand Théoricien Du Ĝihād Médiéval', *Bulletin D'Etudes Orientales*, Paris, 1978, 30:85-100; S. Abdullah Schleifer, 'Understanding *Jihād*: Definition and Methodology', *Islamic Quarterly*, 26, London, 1983, pp. 121-29; Kamali, 'Issues in the Understanding of *Jihād* and *Ijtihād*', pp. 617-34.

⁵² Sa'īd Hawā (Syrian scholar; d. 1989), *Jund Allāh Saqafa*, Beirut, n.d., pp. 359-413.

da'wah and military fighting. Ibn Taymiyya provides certain Qur'anic verses to support this claim:

You are the best nation produced for mankind. You enjoin what is right and forbid what is wrong and believe in Allah. If only the People of the Book had believed, it would have been better for them. Among them are believers, but most of them are defiantly disobedient. (Q3:110)

The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give *zakāh* and obey Allah and His Messenger. (Q9:71)

In the first place, one has to acknowledge that both verses quoted above can be related to verse Q25:52. If we look back to the verse, the word *jihād* in Q25:52 does not necessarily mean “fighting in the battlefield”, but it first recommends the Muslims to take a peaceful method of *jihād* in defending the religion of Islam. For Ibn Taymiyya, fighting was only permissible when someone else had initiated hostilities against Islam and in self-defense and the protection of faith, family and property.⁵³

Let us now look a little closer at verses Q3:110 and Q9:71. These verses show that God attributes noble qualities to the Islamic *umma*. Here, Ibn Taymiyya explains that the Islamic *umma* is the most beneficial type of nation for all mankind.⁵⁴ This can be observed by looking at the statement that the *umma* is enjoined to perform *jihād* of *al-amr bi al-ma'rūf* and *al-nahy 'an al-munkar*. He, furthermore, claims that none of the nations that existed before the Islamic *umma* had

⁵³ Laoust, *Essai*, p. 364.

⁵⁴ *al-Amr bi al-ma'rūf*, p. 12; *al-Istiqāma*, pp. 286-91.

enjoined good or forbidden wrong.⁵⁵ What Ibn Taymiyya is saying is that the previous nations never undertook *jihād* in the sense of *al-amr bi al-ma'rūf* and *al-nahy 'an al-munkar*. By way of illustration, Ibn Taymiyya says that the Children of Israel had not undertaken *jihād* as a means for calling people to the good and forbidding the wrong, but had only fought to repel attackers from their land.⁵⁶ In support of this theory, Ibn Taymiyya quotes certain Qur'anic verses that particularly mention the Children of Israel:

O my people enter the Holy Land which Allah has assigned to you and do not turn back and become losers. They said: "O Moses, indeed within it is a people of tyrannical strength, and indeed, we will never enter it until they leave it, but if they leave it, then we will enter". Said two men from those who feared upon whom Allah had bestowed favor: "Enter upon them through the gate, for when you have entered it, you will be predominant. And upon Allah rely, if you should be believers". They said: "O Moses, indeed we will not enter it, ever, as long as they are within it; so go, you and your Lord, and fight. Indeed, we are remaining right here". (Q5:21-24)

In connection with all the above definitions, one can say that *jihād* in the view of Ibn Taymiyya is the lawful effort that is used to spread the religion of Islam or an effort of the heart, tongue or hands directed against any object that is disapproved of in Islam. *Jihād* of the heart is directed against the lower self and is to be accomplished by fighting temptation through purification of the soul. The *jihād* of the tongue or so-called *da'wah* or *bayān*, as Ibn Taymiyya remarks, is undertaken by commanding good and forbidding wrong and the *jihād* of the hand is employed by military means. What Ibn Taymiyya means is *jihād makkī* or *da'wah* precedes *jihād madanī* or

⁵⁵ *al-'Aqīda al-wāsiṭiyya*, p. 26.

⁵⁶ *al-'Aqīda al-wāsiṭiyya*, p. 26; *al-Jihād*, p. 141.

military fighting. In other words, *da'wah* is necessary before undertaking to engage in military fighting.

The above discussion should be enough to help us formulate most of the general principles and ideas of *jihād* in the classical discourse and in particular, the thinking of Ibn Taymiyya. Given that statement, we can now consider the relationship between *jihād* and *'ibāda*.

3.5. The relationship between *jihād* and *'ibāda*: Ibn Taymiyya's view

It is agreed by most jurists that *jihād* is one of the important acts of *'ibāda* in Islam. From the Islamic point of view, *'ibāda* is valued as the most essential duty of man towards God.⁵⁷ Generally, the teachings of Islam can be divided into three parts: the first part is called *'aqā'id* (Islamic beliefs). These constitute the issues that must be understood and believed in, such as the Unity of God, the Divine Attributes, the nature of a prophet and so forth; the second part is called *akhlāq* (morals). These are concerned with the commands and teachings relating to the spiritual and moral characteristics of human beings, such as justice, *taqwā* (God-fearingness), courage, chastity, wisdom, endurance, loyalty, truthfulness and trustworthiness; the last part is *sharī'a* and it can be technically divided into four main categories: *'ibāda*, *mu'āmalāt* (Islamic civil law, i.e. politics and economics), *munākaḥāt* (Islamic marriage law) and *jināyāt* (Islamic criminal law).

⁵⁷ Q51:56: "And I did not create *jinn* and mankind except to worship me". This tells us that humans were created to worship Allah and it is their duty to concern themselves with *'ibāda* for which they were created.

The modern Muslim thinker, al-Mawdudi, defines *sharīʿa* as “the detailed code of conduct or the canons comprising ways and modes of worship, standards of morals and life and laws that allow and proscribe, that judge between right and wrong”.⁵⁸ The term *sharīʿa*, for which the English expression “Islamic Law” is a convenient rendering, occupies a central position in Islamic society and thought. According to Ibn Taymiyya, the rulings of *sharīʿa* describes all daily actions of Muslims as falling into one of five categories: the first is *farḍ* or *wājib* (that which is prescribed) which is further divided into *farḍ ‘ayn* (an individual obligation) and *farḍ kifāya* (a communal obligation); the second is *mandūb* or *mustaḥabb* (recommended); the third is *mubāḥ* (permissible); the fourth is *makrūḥ* (disliked); and lastly is *ḥarām* (unlawful).⁵⁹

There are five types of *‘ibāda* which are regarded as the fundamental religious duties or the basic obligatory acts: the confession of faith (*shahāda*), *ṣalāh*, *zakāh*, fasting (*ṣiyām*) and *ḥajj*. Amongst these five, *shahāda* is commonly discussed by the theologians under the science of faith (*‘aqīda*). *Ṣalāh* undoubtedly occupies the most important position and is given the greatest prominence in the Qur’an while *zakāh* comes next to it.⁶⁰ There are several reasons why *ṣalāh* has been given such importance. In Islamic doctrine, *ṣalāh* is really the first step in the onward progress of man, and yet it is also the man’s highest spiritual ascent. Likewise, *ṣalāh* is direct communication between man and God.

⁵⁸ al-Mawdudi, *Towards Understanding Islam*, p. 95.

⁵⁹ MF10:389-91.

⁶⁰ MF35:37.

What is more, Ibn Taymiyya says that *'ibāda* is not limited only to such rituals, but includes every activity done to please God. Therefore, it can include remembrance (*dhikr*), reciting the Qur'an, keeping a good relationship with others, showing respect to parents and teachers, commanding good and forbidding wrong and taking part in *jihād*.⁶¹ Ibn Taymiyya, furthermore, suggests that the Prophet emphasized the relation between *jihād* and *ṣalāh*.⁶² There are a considerable amount of hadiths that show this relation:

The basis of the business is Islam, its pillar is *ṣalāh*, and its culmination is *jihād*.⁶³

'Abd Allāh b. Mas'ūd asked the Prophet: "What is the best deed?" He replied: "To offer the prayers at their early stated fixed times". I asked: "What is next in goodness?" He replied: "To be good and dutiful to your parents". I further asked: "What is next in goodness?" He replied: "To participate in *jihād* in Allah's cause". I did not ask the Prophet anymore and if I had asked him more, he would have told me more.⁶⁴

A man came to the Prophet and said: "Instruct me as to such a deed that is equal to *jihād* (in reward)". He replied: "I do not find such a deed". Then the Prophet added: "Can you, while the Muslim fighter (*mujāhid*) is in the battlefield, enter your mosque to perform prayers without cease and fast and never break your fast?" The man said: "But who can do that?" Abū Huraira added: "The *mujāhid* is rewarded even for the footsteps of his horse while it wanders about (for grazing) tied with a long rope."⁶⁵

Not only does Ibn Taymiyya think that *jihād* is significantly related to *ṣalāh*, but it is also able to save someone from sin. In this respect, Ibn Taymiyya suggests that *jihād*

⁶¹ *al-Jihād*, p. 244-45; *al-'Ubūdiyya*, pp. 118-19.

⁶² MF35:36.

⁶³ See *Sunan al-Tirmidhī*, 'Kitāb al-īmān', 2541; *Sunan Ibn Mājah*, 'Kitāb al-fitan', 3963, see also, *al-Jihād*, p. 280.

⁶⁴ See *Ṣaḥīḥ Bukhārī*, 'Kitāb al-jihād', 41; *Ṣaḥīḥ Muslim*, 'Kitāb al-īmān', 151.

⁶⁵ See *Ṣaḥīḥ Bukhārī*, 'Kitāb al-jihād', 44; see *Muwatṭā'*, 'Jihād', 1.

is something which frees someone from the consequences of sin and evil.⁶⁶ Ibn Taymiyya cites certain Qur'anic verses to support his claim:

It is that you believe in Allah and His Messenger and strive in the cause of Allah with your wealth and your lives. That is best for you, if you should know. He will forgive for you your sins and admit you to gardens beneath which rivers flow and pleasant dwellings in gardens of perpetual residence. (Q61:11-2)

To take another argument, Ibn Taymiyya says that in the time of the Prophet and the Companions, most of the military commanders, such as Khālīd b. al-Walīd (Companion; d. 21/642)⁶⁷ and 'Amr b. al-'Āṣ (Companion: d. c. 43/663)⁶⁸ were also *imām* or leaders of the prayers.⁶⁹ To summarise, as Ibn Taymiyya expresses it, *jihād* is *'ibāda* and rewarded by God, and it is able to save someone by freeing them from sin and evil.

As mentioned above, the prescribed *'ibāda* is divided into two categories: *farḍ 'ayn* and *farḍ kifāya*. *'Ibāda* in the category of *farḍ 'ayn* consists of the five fundamental religious duties (*shahāda*, *ṣalāh*, *zakāh*, *ṣiyām*, *ḥajj*), and *'ibāda* in the category of *farḍ kifāya* like the funeral prayer and *jihād*.⁷⁰

Another classification is also made with regard to the relationship with God and with human beings. The first is known as private *'ibāda* (*'ibāda khuṣūṣiyya*), such as the five fundamental religious duties, *dhikr*, reciting the Qur'an and other

⁶⁶ *Thalāth rasā'il*, p. 47.

⁶⁷ For a biographical note on Khālīd al-Walīd, see, *EI* (2), 4:928.

⁶⁸ For a biographical note on 'Amr b. al-'Āṣ, see, *EI* (2), 1:451.

⁶⁹ MF35:38.

⁷⁰ For more detailed information on the obligation of *jihād*, see, for example, Muḥammad al-Mubārak, *Niẓām al-Islām: al-'Aqīda wa al-'ibāda*, Beirut, 1973, p. 360; Muṣṭafā Wahba al-Zuḥaylī, *Āthār al-ḥarb*, pp. 84-7.

recommended *'ibāda*. The second is known as general *'ibāda* (*'ibāda 'umūmiyya*) which concerns matters of law, politics, society, economics, education, *jihād* and so forth.⁷¹

The two classifications of *'ibāda* above are the most common method used by the jurists, there are other classifications using different terms, but it is not necessary for us to discuss them here. One noteworthy point is that whatever the classification may be, the concerns are the same and it is clear that *jihād* is regarded as *'ibāda* in Islam and a ritual activity which is done for the reward and the pleasure of God.

3.6. The greater and lesser *jihād*: the Ṣūfīs' response

3.6.1. The doctrinal principle

The Ṣūfīs' perception of *jihād* is apparently unique. Amongst the Ṣūfīs, the meaning of *jihād* differs technically from what is understood by the term in its general use. Basically, the Ṣūfīs divide *jihād* into two kinds, namely *al-jihād al-akbar* and *al-jihād al-aṣghar*. *Al-jihād al-akbar* is against the lower self and *al-jihād al-aṣghar* is against the visible enemy in the battlefield. For the Ṣūfīs, the lower self is seen as the greatest enemy because of its corrupting addictions. The Ṣūfīs believe that the damage caused by the enemy in the battlefield is temporary and limited to this world while the damage caused by the carnal soul is unlimited. They also hold that *jihād* in the battlefield was not a religious duty during the Meccan period of the Qur'anic

⁷¹ al-Mubārak, *Niẓām al-Islām: al-'Aqāida wa al-'ibāda*, p. 364.

revelation.⁷² By contrast, *jihād* against the lower self has constantly been maintained to be an individual Muslim's obligation, since the first *da'wah* begun by the Prophet.⁷³ The corollary is that *jihād* against the lower self is emphasized by the Ṣūfīs because its field of struggle is unlimited and it is timeless and boundless. This struggle is hard because its essence is man against himself and the enemy is unseen and cannot be detected by the five senses.

3.6.2. The sources of the doctrine

To look at this classification, without doubt the hadith currently most quoted by the Ṣūfīs is:

The Prophet said: “We have returned from *al-jihād al-aṣghar* to *al-jihād al-akbar*”. A man asked: “What is the greater *jihād*?” The Prophet answered: “It is *jihād* against lower self.”⁷⁴

What is most interesting about the hadith quoted above is that it is not mentioned in any of the most authoritative hadith collections such as *Ṣaḥīḥ Bukhārī*, *Ṣaḥīḥ Muslim*, Aḥmad b. Ḥanbal's *al-Musnad* and Mālik's *al-Muwatṭā'*.⁷⁵ Instead, it first appeared in al-Hujwīrī's *Kashf al-maḥjūb*, the earliest Persian work on Ṣūfism. This hadith is also quoted by al-Rāzī and al-Zamakhsharī and thereafter in the literature.⁷⁶ Apart from the hadith mentioned in *Kashf al-maḥjūb*, there are also hadiths related by Abū

⁷² For more detailed information on *jihād* in Meccan texts, see Subsection “The Meccan revelations” in Chapter Two of this thesis.

⁷³ Willis, ‘*Jihād Fī Sabīl Allāh*’, p. 407.

⁷⁴ ‘Alī b. ‘Uthmān al-Hujwīrī (Persian Ṣūfī, d. c. 465/1072), *The Kashf al-maḥjūb: The Oldest Persian Treatise on Ṣūfism*, trans. and ed. R. Nicholson, London, 1959, p. 200; for a biographical note on al-Hujwīrī, see, *EI* (2), 3:546.

⁷⁵ Peters, *Islam and Colonialism*, p. 118.

⁷⁶ al-Rāzī, *Tafsīr al-kābir*, 13:73; al-Zamakhsharī, *al-Kashshāf*, 3:173; see Subsection “The Meccan revelations” in Chapter Two of this thesis.

Bakr Aḥmad b. ‘Alī Khāṭīb al-Baghdādī (Shāfi‘ī historian and hadith-scholar; d. 463/1071)⁷⁷ in *Tārīkh Baghdād*, Ibrāhīm al-Bājūrī (Shāfi‘ī hadith-scholar; d. 1276/1860)⁷⁸ in *Hāshiyat al-Bājūrī ‘alā sharḥ ibn Qāsim*, ‘Abd al-Raḥman al-Mubārakfūrī (Shāfi‘ī hadith-scholar; d. 1282/1866) in *Tuḥfat al-Aḥwadhī bī sharḥ Jāmi‘ al-Tirmidhī* and by Najm al-Dīn Rāzī Dāya (Persian Ṣūfī; d. 654/1256)⁷⁹ in *Mirṣād al-‘ibād min al-mabdā’ ilā al-ma‘ād*, which states that:

The Prophet at the time he returned from a battle said: “We have all just returned to the best of places, and you have returned from *al-jihād al-aṣghar* to strive in *al-jihād al-akbar*.” The companions asked: “What is the greater *jihād*?” He answered: “It is *jihād* against lower self.”⁸⁰

The *mujāhid* is the one who wages a struggle against himself.⁸¹

Your most hostile enemy is your *nafs*, enclosed between your two sides.⁸²

As regards the *jihād* against the lower self, Mālik and Aḥmad mention a few hadiths.

These hadiths are about controlling anger and fighting against Satan:

A strong person is the person who contains himself when he is angry.⁸³

Indeed Satan waits to deter mankind, so Satan waits in the way of *jihād*. He says to the person who intends *jihād*: “Do you want to perform *jihād*, when *jihād* destroys the soul and finishes off your wealth? Do you want to fight, when you can be killed, your wife can remarry and your wealth be divided?”⁸⁴

⁷⁷ For a biographical note on al-Baghdādī, see, *EI* (2), 4:1111-12.

⁷⁸ For a biographical note on al-Bājūrī, see, *EI* (1), 1:867.

⁷⁹ For a biographical note on Najm al-Dīn Rāzī Dāya, see, *EI* (1), 6:15, 8:539.

⁸⁰ Abū Bakr b. Aḥmad b. ‘Alī Khāṭīb al-Baghdādī, *Tārīkh Baghdād*, Cairo, 1931, 13:493; Ibrāhīm al-Bājūrī, *Hāshiyat al-bājūrī ‘alā sharḥ Ibn Qāsim*, n.p.p. 1889, 2:268.

⁸¹ ‘Abd al-Raḥman al-Mubārakfūrī, *Tuḥfa al-aḥwadhī bī sharḥ jāmi‘ al-Tirmidhī*, ed. ‘Abd al-Wahhāb ‘Abd al-Laṭīf, Medina, 1963, p. 250.

⁸² Najm al-Dīn Rāzī Dāya, *Mirṣād al-‘ibād min al-mabdā’ ilā al-ma‘ād*, trans. Hamid Algar as *The path of God bondsmen from origin to return*, Delmar N. Y., 1982, 35:15.

⁸³ See *Muwaṭṭā’*, ‘Good Character’, 3; *Saḥīḥ Bukhārī*, ‘Kitāb al-ādāb’, 135.

⁸⁴ See *Musnad*, 3/483.

Apart from the hadith quoted above, a kind of *jihād* against desires also exists in the Qur'an. Certain verses below show that the *mujāhid* fights against his lower self:

Fighting (*qitāl*) has been enjoined upon you while it is hateful to you. But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you. Allah knows but you do not know. (Q2:216)

Those who believe fight in the cause of Allah, and those who disbelieve fight in the cause of *tāghūt*. So fight against the allies of Satan. Indeed, the plot of Satan has ever been weak. (Q4:76)

But as for he who feared the position of his Lord and prevented the soul from inclination. (Q79:40)

This section is not going to examine in detail the hadiths quoted above as to whether they are sound (*ṣaḥīḥ*), weak (*ḍa'īf*) or fabricated (*mauḍū'ī*), because the form of the examination provides an extensive and complex study which needs new discussion, namely *muṣṭalaḥ al-ḥadīth* (the classification of hadith). It is beyond the scope of this study to discuss every aspect of this problem.⁸⁵ All the hadiths above are quoted only to indicate the sources commonly used by the Ṣūfīs as proof for establishing that *jihād* against the lower self is *al-jihād al-akbar* and that the focus given for *jihād* against the visible enemy is not as difficult as struggling against the lower self. As a result of that, *jihād* against the enemy in the battlefield is regarded as *al-jihād al-aṣghar*. To conclude this section, it is worth mentioning the story about 'Alī b. Abī Ṭālib. In one battle, 'Alī found himself straddling his enemy. The enemy, seeing his end was near, spit violently at 'Alī's face. 'Alī quickly got up and withdrew from the fight. The spared enemy look relieved and exasperated. 'Alī said: "I was fighting you

⁸⁵ *Muṣṭalaḥ al-ḥadīth* is associated with the study of the *matan* (text), *isnād* (the chain of the reporters) and *rijāl al-ḥadīth* (the reporters of hadith).

for the sake of God. When you spit at my face I felt anger rise up within me, and I realized that I was going to smite you, not in the name of justice, but out of revenge for your insult”.⁸⁶

3.6.3. Some opinions of the Ṣūfīs and Ibn Taymiyya’s view

Al-Mubārakfūrī holds the opinion that the Ṣūfīs have taken the hadith reported by al-Hujwīrī above as the foundation for their belief. Al-Mubārakfūrī makes the following brief comments concerning the Ṣūfīs’ perspective on *jihād* against desires:

Jihād against the lower self in the first hadith (here, it also refers to the first hadith in this section) is described as the struggle to subjugate the temptation to sin within oneself, the constant striving to obtain the pleasure of God. This is the foundation of all *jihād*, for fighting an external enemy would not be possible without a successful engagement in this inner *jihād*. The Ṣūfīs of Islam have taken this hadith as the main authority for their doctrines.⁸⁷

Apart from al-Mubārakfūrī’s opinion that has been noted above, another intriguing perception also exists in the works of the great classical Ṣūfīs, most notably Abū Hamīd al-Ghazālī (d. 505/1111)⁸⁸ and ‘Abd al-Karīm b. Hawāzīn al-Qushayrī (d. 466/1074),⁸⁹ namely that *dhikr* plays a crucial role in protecting the *mujāhid* from affliction and danger. They, furthermore, claim that by constantly performing *dhikr*, one’s soul will be purified, perfected and cleansed. The *mujāhid* who is deemed to possess a high quality of soul and dies in the battlefield will share a high rank of

⁸⁶ See ‘Alī b. Abī Ṭālib, *Nahj al-balāgha: sermons, letters and sayings of Hazrath ‘Alī*, trans. Syed Mohammed Askari Jafery, Karachi, 1960, pp. 14-5.

⁸⁷ al-Mubārakfūrī, *Tuḥfa al-aḥwadhī*, p. 250.

⁸⁸ For a biographical note on al-Ghazālī, see, *EI* (2), 2:1038-41.

⁸⁹ For a biographical note on al-Qushayrī, see, *EI* (2), 5:526-27.

shahīd (martyr).⁹⁰ The same theme is echoed by Ibn Qayyim al-Jawziyya, who observes that striving against the lower self is the first stage of *jihād* before taking part in fighting against visible enemies. Abd Hamid Siddiqi, the modern Muslim thinker, demonstrates that in the view of Ibn Qayyim al-Jawziyya, this is the principal concern on which *jihād* can be successfully launched.⁹¹

The using of the hadiths above, intentionally or not leads one to suppose that *jihād* is divided into *al-jihād al-akbar* and *al-jihād al-aṣghar*. That is to say the true *jihād* is *al-jihād al-akbar* or the struggle within one's self to become a better Muslim by resisting the temptations and lures of lust and sin. In this respect, Ibn Taymiyya answers that the hadith of al-Hujwiri above is weak and therefore bears no implication on the early concept of *jihād*.⁹² He, furthermore, maintains that *al-jihād al-akbar* is fighting against the *kuffār*.⁹³ Ibn Taymiyya gives certain Qur'anic verses to support his claim, for instance:

Have you made the providing of water for the pilgrim and the maintenance of the *ḥarām* mosque equal to one who believes in Allah and the Last Day and strives in the cause of Allah? They are not equal in the sight of Allah. And Allah does not guide the wrongdoing people. The ones who have believed, emigrated and striven in the cause of Allah with their wealth and their lives are greater in rank in the sight of Allah. And it is those who are the attainers. (Q9:19-20)

⁹⁰ For more detailed information on al-Ghazālī's opinion, see, for example, Schleifer, 'Understanding *Jihād*: Definition and Methodology', p. 126; see also, Mustafa Abu Sway, *Al-Ghazzaliyy: A study in Islamic Epistemology*, Kuala Lumpur, 1996, pp. 12-5; and on al-Qushayri's opinion, see, for example, Schimmel, *Mystical Dimension of Islam*, p. 167.

⁹¹ Abd Hamid Siddiqi, '*Jihād* in Islam: A Comprehensive View', *Criterion*, Lahore, 1968, 3:28.

⁹² *Awliyā' al-raḥman*, pp. 197-99.

⁹³ *Awliyā' al-raḥman*, pp. 197-99.

On the other hand, I tend to believe that Ibn Taymiyya suggests that there is no fundamental difference or contradiction between *al-jihād al-akbar* and *al-jihād al-aṣghar*, as they complement one another and always in agreement with one another.⁹⁴ He rejects the distinction made between *al-jihād al-aṣghar* and *al-jihād al-akbar* and acknowledges the significance of *jihād* against the lower self and *jihād* against a visible enemy in the battlefield. To take one example, he clearly says that *jihād* against the lower self is *farḍ ‘ayn* while *jihād* in the battlefield is *farḍ kifāya*.⁹⁵ Here, I do have a little bit of reservation about his statement and it is worth reflecting more on this issue.

As indicated before, *jihād* is fundamentally regarded as *farḍ kifāya*. The primary question that can be raised again here is what type of *jihād* is *farḍ kifāya*? Three possibilities exist: One may say it is *jihād* against lower self or *jihād* against a visible enemy or say it includes both types of *jihād*. In view of the Ṣūfīs and Ibn Taymiyya’s explanation, it can be seen that *jihād* against lower self is *farḍ ‘ayn* and *jihād* against a visible enemy is *farḍ kifāya*.

The context in which *jihād* against lower self occurs in the Qur’anic verses and the hadiths of Mālik and Aḥmad above, simply proves that under all circumstances people should fight against the lower self. As already mentioned, Ibn Taymiyya follows the Sunnī method of inquiry. The Qur’an and hadith clearly mention the idea of *jihād* against lower self; hence there is a valid juridical concept of *jihād* against lower self.

⁹⁴ MF28:38.

⁹⁵ MF10:635.

Now the question remains: why did Ibn Taymiyya define *al-jihād al-akbar* as fighting in the battlefield, when he agrees that *jihād* against the lower self is *farḍ ‘ayn* and *jihād* in the battlefield is *farḍ kifāya*? The answer is not far to seek. My own view is that one should not be confused about Ibn Taymiyya’s definition of *al-jihād al-akbar*. Ibn Taymiyya lived in the age of war and invasion resulting mainly from the Mongols. He felt it necessary to convince the people to take up arms against the Mongols. He is, therefore, more interested in military *jihād* than in emphasizing the fact that *jihād* against lower self must also be taken into practise as it was indicated by numerous Qur’anic verses and hadiths.

3.6.4. The Şūfīs’ participation in *jihād*: A view on *ribāṭ*

The word *ribāṭ* derives from the root *r-b-ṭ* and is a verbal noun of the third Arabic form of the verb *rābaṭa* that literally means “to tie” or “to bind”.⁹⁶ The word *ribāṭ* is a noun and its singular past tense verb is *rabaṭa* (male) or *rabaṭat* (female). The singular active participle of *ribāṭ* is *murābiṭ* (male) or *murābiṭa* (female). The word *ribāṭ* has assumed a large number of disparate meanings: the first is a thing whereby one is kept off acts of disobedience (e.g. “Remember when He overwhelmed you with drowsiness security from Him and sent down upon you from the sky, rain by which to purify you and remove from you Satan and to make steadfast [*waliyarbiṭa*] your hearts and plant firmly thereby your feet” Q8:11, and elsewhere, see Q18:14 and Q28:9);⁹⁷ the second is the horses or the people that are taken to be tied up for

⁹⁶ Lane, *Lexicon*, 1:1013; Riḍā, *Mu’jam matn al-lughah*, 2:533.

⁹⁷ Lane, *Lexicon*, 1:1014.

keeping post on the enemy's frontier (e.g. "And prepare against them whatever you are able of power and of steeds of war [*ribāṭ al-khayl*]" Q8:60, see also Q3:200);⁹⁸ and lastly is a public place for the accommodation of travellers and their horses.⁹⁹ A *ribāṭ* is also often considered to be synonymous with a *zāwiya* (a small Ṣūfī teaching mosque).¹⁰⁰ Meanwhile *murābiṭ* signifies the one who abstains from worldly pleasures, and another related definition is a company of men having their horses tied at the frontier in preparation for the enemy.¹⁰¹ The *murābiṭ* is also used to describe the volunteers and the Ṣūfīs who associate themselves with the activities organized in the *ribāṭ*.¹⁰²

As explained above, there are many usages of *ribāṭ*. For instance, there is *ribāṭ* in restraining oneself from forbidden deeds. In other words, it is an action of *ribāṭ* for Muslims to perfect a good character. *Ribāṭ* also applies in the military context; for example, it is a place of the *mujāhids* who were stationed at the frontier in preparation for the enemy. Another form of *ribāṭ* is a place of temporary accommodation for travellers.

Ribāṭ in the sense of a place for army and traveller originated in Persia. Such accommodation was constructed on the frontiers of *dār al-Islām* or along the seacoast and served as a place of religious retreat as well as a fortress for military defence to resist the enemy and to signal a warning of their approach. Peters defines

⁹⁸ Lane, *Lexicon*, 1:1014.

⁹⁹ Lane, *Lexicon*, 1:1014.

¹⁰⁰ Lane, *Lexicon*, 1:1014.

¹⁰¹ Lane, *Lexicon*, 1:1014.

¹⁰² See *EI (I)*, 3:1151; Schleifer, 'Jihād and Traditional Islamic Consciousness', *Islamic Quarterly*, 27, London, 1983, pp. 191; Khadduri, *War and Peace*, p. 81.

ribāṭ as “remaining for some time at the frontiers of the Islamic territory with the intention of defending Islam against the unbelievers”.¹⁰³ To illustrate the issues discussed here, it is helpful to examine reports by Abū Ya‘lā Ḥamza b. Asad al-Qalānisī (d. 554/1160) recorded in *The Damascus Chronicle*.¹⁰⁴ This chronicle maintains that the Ṣūfīs took part in both spiritual and physical *jihād*. A.J. Wensinck claims that the formula of organizing the *ribāṭ* basically refers to the Qur’an (e.g. Q8:60) and hadith: “Spending one night in *ribāṭ* is worth more than a thousand in prayer”¹⁰⁵

The *murābiṭ* who entered the *ribāṭ* were at first required to purify their soul and intent (*niyya*). That is, they had to make sure that everything they brought with them had been acquired honestly and that all they ate was legitimate. After renewing their repentance for past transgression and asking pardon for neglecting anything obligatory, they laboured daily in pious works. The volunteers spent their time in the *ribāṭ* taking devotional exercise and military training under the instructions of the Ṣūfīs leader who served as military commander of the *ribāṭ*.¹⁰⁶ This devotional practise was regarded as the first stage of *jihād* before taking part in a military expedition.¹⁰⁷

With regard to the issue of *ribāṭ* above, it is worth reflecting a little on Ibn Taymiyya’s point of view. Ibn Taymiyya says that the *ribāṭ* is essentially part of

¹⁰³ Peters, *Islam and Colonialism*, p. 11.

¹⁰⁴ Abū Ya‘lā Ḥamza b. Asad al-Qalānisī, *The Damascus Chronicle of the Crusaders*, trans. H.A.R. Gibb, London, 1932, pp. 32-42.

¹⁰⁵ *Ṣaḥīḥ Bukhārī*, ‘Kitāb al-jihād wa al-siyar’, 2578; *Ṣaḥīḥ Muslim*, ‘Kitāb al-imāra’, 3501.

¹⁰⁶ *EI (I)*, 3:1151.

¹⁰⁷ For more detailed information on *ribāṭ*, see, for example, ‘Alī b. ‘Abd al-Raḥman b. Ḥudhayl, *Tuḥfa al-anfus washī‘ār sukkān al-Andalūs*, ed. Louis Mercier, Paris, pp. 128-29.

jihād. To some extent, he agrees that the hadith above indicates that the reward of establishing a *ribāṭ* is greater than performing voluntary prayer.¹⁰⁸

In other words, the *ribāṭ* is connected with the obligation of *jihād*. *Ribāṭs* were built either by the government or the *Ṣūfīs* and staffed by new volunteers or recruits for the *jihād*. For instance, the first *ribāṭ* which belonged to the government was built in 795 C.E. by the ‘Abbasid governor Harthama b. A‘yan in Ifrīqiyya (in present-day Tunisia). Another *ribāṭ* is the *ribāṭ* of Sūs founded by the Aghlabid Ziyādat Allāh in 821 C.E. Given this, one has to acknowledge that the formation of *ribāṭ* is, as Hillenbrand claims, the inevitable consequence of the territorial break up of the ‘Abbasid caliphate. So, the *Ṣūfīs* took the initiative into their own hands to establish the institution of *ribāṭ*.

Further confirmation of the *Ṣūfīs* participation in *jihād* is supplied by the enthusiasm of its exponents for carrying Islam beyond the boundaries of the Islamic world. The Islamization process in India, Africa, and South East Asia was carried out largely at the hands of *Ṣūfīs*. Likewise, the Islamic obligation of *jihād* has been borne with especial zeal by the *Ṣūfī* orders. All the great nineteenth century *Ṣūfīs*, such as Muḥammad al-Sanūsī (Libya; d. 1859),¹⁰⁹ ‘Abd al-Qādir al-Jazā’irī (Algeria; d. 1883),¹¹⁰ and Muḥammad Aḥmad al-Mahdī (Egypt; d. 1885)¹¹¹ were active practitioners of *Ṣūfīsm*, writing extensively on it while on their campaigns. Other *Ṣūfī* leaders, most notably, Sheikh Abū Ḥasan al-Shādhilī, Sheikh Ibrāhīm

¹⁰⁸ *al-Jihād*, 1:47; *Thalāth rasā’il*, p. 39.

¹⁰⁹ Peters, *Islam and Colonialism*, pp. 84-9.

¹¹⁰ Peters, *Islam and Colonialism*, pp. 53-62.

¹¹¹ Peters, *Islam and Colonialism*, pp. 63-74.

Dessouki and Sheikh al-Qūnawī gathered the army and called for *jihād* in Egypt.¹¹² Such great eagerness in participating in *jihād* became of paramount importance when the Western colonialist expanded their military threat and defeated almost all of the Islamic governments in Africa. Sheikh Aḥmad al-Tijānī, ‘Uthmān dan Fodio and al-Ḥajj ‘Umar Tāl undoubtedly called for *jihād* in their respective territories of West Africa, Northern Nigeria and Western Sudan.¹¹³

To sum up, it is clear that the Ṣūfīs do not detach *jihād* against the lower self from *jihād* against the visible enemy. In other words, the Ṣūfīs do not recommend a separation between both types of *jihād*, but regard *jihād* against the lower self as the first step of striving, which must be taken into account by the *mujāhid* before fighting against the visible enemy in the battlefield. It should also be stressed that, *jihād* against the lower self can also be applied while fighting in the battlefield. Any suggestion that detaches *jihād* against the lower self from *jihād* in the battlefield is simplistic and therefore erroneous. It is not only the visible enemy that the *mujāhid* fights against in the battlefield. He must also fight against his desires that always call him towards wrong. His own desires can call on him in various and wicked ways to desert the battlefield such as through fear, doubt, hardship or sadness. Moreover, the *mujāhid* continuously fights with his desires that always yearn to be fulfilled. Yet he faces being far away from his family, eating little and strange food, sleeping on the ground instead of on his bed and many other trials that are not in accordance with his

¹¹² J. Spencer Trimingham, *The Sufis Orders in Islam*, Oxford, 1971, pp. 84-90, 240.

¹¹³ Bernard Lewis, *The Emergence of Modern Turkey*, London, 1967, pp. 11-13; Willis, ‘*Jihād Fī Sabīl Allāh*’, pp. 405-15; Trimingham, *A history of Islam in West Africa*, London, 1978, pp. 181-86, 195-206; H.A.R. Gibb and Harold Bowen, *Islamic Society and the West*, London, 1957, pp. 181-84.

desires. For this reason I find Ibn Taymiyya's claim to be perfectly clear and I see no reason to suppose it is wrong.

3.7. *Jihād* as a duty: Ibn Taymiyya's opinion

As a rule, most classical jurists, such as al-Shāfi'ī, al-Sarakhsī, Ibn Qudāma and Abū al-Walīd Muḥammad b. Aḥmad b. Rushd al-Ḥafīd (cited as Ibn Rushd; Andalusian Mālikī *qāḍī*, *faqīh* and philosopher; d. 595/1198),¹¹⁴ to name but a few, assert that the duty of *jihād* (henceforth, *jihād* here refers to fighting in the battlefield) is *farḍ kifāya*.¹¹⁵ That means that although not everyone need assume this responsibility, at least enough people have to undertake it to get the job done. And the job, as articulated by Ibn Taymiyya, is to establish a just society. Ibn Taymiyya insists that *jihād* is extremely important, on a level with voluntary prayer, voluntary fasting and pilgrimage.¹¹⁶ He maintains that the Qur'anic verse quoted above (Q9:19-20) is relevant and cites another verse to support this claim:¹¹⁷

Fighting has been enjoined upon you although it is hateful to you.
But perhaps you hate a thing and it is good for you; and perhaps
you love a thing and it is bad for you. And Allah knows, while you
know not. (Q2:216)

¹¹⁴ For a biographical note on Ibn Rushd, see, *El* (2), 3:909-20.

¹¹⁵ al-Shāfi'ī, *Islamic Jurisprudence: Shāfi'ī's Risāla*, trans. Majid Khadduri, Baltimore, 1961, pp. 84-5; *al-Umm*, 5:182-83; al-Sarakhsī, *Kitāb al-Mabsūṭ*, Beirut, 1986, 10:3; Ibn Qudāma, *al-Mughnī*, Riyadh, 1999, 13:6-7; Ibn Rushd, *The Distinguished Jurist's Primer: Bidāya al-mujtahid*, trans. Imran Ahsan Khan Nyazee, Reading, 1994, 1:454; MF28:126, 232; *al-Īmān*, pp. 162, 203, 226; *al-Siyāsa al-shar'iyya*, p. 128.

¹¹⁶ MF28:26; *al-'Ubūdiyya*, p.119; Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 138; *al-Jihād*, p. 64; *Thalāth rasā'il*, p. 38; *al-Istiḳāma*, p. 291.

¹¹⁷ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, pp. 136-37; see also, Q9:19-20.

Ibn Taymiyya, furthermore, gives several hadiths to describe the position of *jihād*, for example:

The Prophet was asked: “What deed could be an equivalent of *jihād* in the way of Allah?” He answered: “You do not have the strength to do that deed”. The narrator said: “They repeated the question twice or thrice”. Every time he answered: “You do not have the strength to do it”. When the question was asked for the third time, he said: “One who goes out for *jihād* is like a person who keeps fast, stands in prayer (constantly), (obeying) Allah’s (behests contained in) verses (of the Qur’an), and does not exhibit any lassitude in fasting and prayer until the *mujāhid* returns from *jihād* in the way of Allah”.¹¹⁸

A night of fighting on behalf of Allah is better than night prayers and fasting for one thousand nights.¹¹⁹

On another level, Ibn Taymiyya explains that *jihād* must be done on behalf of God and as a tool of *da‘wah*. Islam rejects *jihād* that is carried out for personal interests.¹²⁰ The Qur’an says:

So let those fight in the cause of Allah who sell the life of this world for the Hereafter. And he who fights in the cause of Allah and is killed or achieves victory, We will bestow upon him a great reward. (Q4:74)

In this respect, Ibn Taymiyya also quotes one hadith:

The Prophet was asked: “A man fights for displaying courage, one for enthusiasm and one for showing off. Which of them is on Allah’s path?” The Prophet answered: “He who fights so that Allah’s word may be exalted, is on Allah’s path”.¹²¹

¹¹⁸ *Ṣaḥīḥ Muslim*, in “Kitāb al-imāra”, 4636; *al-Siyāsa al-shar‘iyya*, p. 122.

¹¹⁹ *al-Siyāsa al-shar‘iyya*, p. 122; MF28:418.

¹²⁰ *al-Siyāsa al-shar‘iyya*, p. 122; *al-Amr bi al-ma‘rūf*, p. 98; *al-Jihād*, p. 61; *al-‘Ubūdiyya*, p. 117.

¹²¹ *al-Amr bi al-ma‘rūf*, p. 61.

Ibn Taymiyya, furthermore, insists that all mankind will die, and, through *jihād* they will be rewarded as *shahīds* in which is the best of all forms of death.¹²² As the hadith says: “The highest level and reward in paradise belongs to the *mujāhids*”.¹²³ What is more, like al-Shāfi‘ī, al-Sarakhsī, Ibn Qudāma and Ibn Rushd, Ibn Taymiyya agrees with other scholars that the duty of *jihād* is only *farḍ kifāya*.¹²⁴ In the same way, Ibn Taymiyya explains that the duty of *jihād* is a duty imperative upon every human being according to his capacity.¹²⁵ He quotes in support of this the hadith quoted above: “If one of you sees something wrong, let him change it with his hands...”.¹²⁶ In other words, *jihād* is technically required but may be ignored by many if enough others are willing to fight. The ruling of *jihād* as *farḍ kifāya* is primarily referred to the following Qur’anic verses:

Those of the believers who sit (at home), other than those who are disabled, are not on an equality with those who strive in the way of Allah (the *mujāhids*) with their wealth and lives. Allah has conferred on the *mujāhids* a rank above those who sit (at home). And to both Allah has promised reward (*wa kullān wa’ada Allāh al-ḥusnā*), but Allah has preferred the *mujāhids* over those who sit (at home) with a great reward. (Q4:95)

And the believers would not all go forth (*jihād*) together. Of every group of them, a party only would go forth, that they (who are left behind) may gain sound knowledge in religion, and that they may warn their folk when they return to them, so that they may beware (of evil). (Q9:122)

So fear Allah as much as you are able and listen and obey and spend out. (Q64:16)

¹²² Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 140; *Thalāth rasā’il*, pp. 36-7.

¹²³ See *Musnad*, 2/292.

¹²⁴ *al-Īmān*, p. 228; MF28:126, 232; *al-Jihād*, pp. 96, 107-08; Laoust, *Essai*, p. 363.

¹²⁵ *al-‘Ubūdiyya*, p. 119.

¹²⁶ For the full text of this hadith, see Subsection “*Jihād makkī* and *jihād madanī*” in this chapter.

Al-Shāfi‘ī claims that the phrase “and to both Allah has promised reward” or (*wa kullān wa‘ada Allāh al-ḥusnā*) in Q4:95 and the whole text in Q9:122 are the proof of his opinion that *jihād* is *farḍ kifāya*. In his *Risāla*, he says: “The indication in the verses is that it is not permissible that all men should fail to go forth; but that if some go forth, so that a sufficient number fulfils (the collective duty), the others do not fall into error, because the going forth by some would fulfill the duty.”¹²⁷

In this respect, Ibn Taymiyya explains that the obligation of *jihād* is similar to the funeral prayers and to replying to a salutation.¹²⁸ Ibn Taymiyya mentions a story about ‘Alī b. Abī Ṭālib and others who stayed at home while the Prophet and some of the Companions went to the Battle of Tabūk. If *jihād* is *farḍ ‘ayn*, ‘Alī and others would definitely not have been allowed to stay home during the battle.¹²⁹ Another example which may be mentioned here is the opinion of Ibn Ḥajar. He claims that some Muslims were left behind in almost all of the Prophet’s battles and the Prophet himself did not participate in every battle.¹³⁰ A similar opinion is held by Ibn Rushd. He claims that the Prophet never went out to the battlefield without having left some of the Muslims behind.¹³¹ These practices of the Prophet indicate that *jihād* is a *farḍ kifāya*.

According to al-Sarakhsī, the Muslims should not abandon their work in farms, markets and so forth to go for *jihād*. He insists that some of the Muslims must

¹²⁷ al-Shāfi‘ī, *Risāla*, p. 86; see also *al-Umm*, 5:182-83.

¹²⁸ *al-Jihād*, pp. 107-8; for more detailed information of *farḍ kifāya*, see Section “The relationship between *jihād* and ‘*ibāda*: Ibn Taymiyya’s view” in this chapter.

¹²⁹ *al-Jihād*, pp. 107-8; Jalāl al-Dīn al-Suyūṭī, *The history of the Khalifahs who took the right way*, trans. ‘Abdassamad Clarke, London, 1996, p. 176.

¹³⁰ Ibn Ḥajar, *Fatḥ al-bārī*, 2:378.

¹³¹ Ibn Rushd, *Bidāya al-mujtahid*, 1:455.

stay at home to get the work done while others go to fight on the battlefield.¹³² This opinion is glossed by one hadith:

The Prophet said: “A prophet amongst the prophets carried out a holy military expedition, and he said to his followers that anyone who has married a woman and wants to consummate the marriage, and has not done so yet, should not accompany me, nor should a man who has built a house but has not completed its roof, nor a man who has sheep or she-camels and is waiting for the birth of their young ones.”¹³³

This hadith is important because it marks that *jihād* is *farḍ kifāya*. One can see that the hadith above mentions that some groups were allowed to stay at home while others went out to fight on the battlefield.

3.7.1. The pre-requirements of *mujāhid*

It is also worth mentioning that, according to Ibn Rushd and al-Shāfi‘ī, *jihād* is obligatory on men. They emphasize several prerequisites: the men who go must not be slaves, they must have attained puberty, they must be able to get the equipment for going to war and they must be in good health.¹³⁴ Regarding the status of the men, Ibn Rushd and al-Shāfi‘ī mention certain Qur’anic verses that indicate the obligation of fighting for men:

There is not upon the weak (*al-ḍu‘afā’*) or upon the ill (*al-marḍā*) or upon those who do not find anything to spend (*lā yajidūna mā yunfiqūna*) any discomfort, when they are sincere to Allah and His Messenger. There is not upon the doers of good any cause (for blame). And Allah is Forgiving and Merciful. Nor (is there blame) upon those who, when they came to you that you might give them

¹³² Ibn Rushd, *Bidāya al-mujtahid*, 1:455.

¹³³ *Ṣaḥīḥ Bukhārī*, ‘Kitāb al-jihād’, 3124.

¹³⁴ Ibn Rushd, *Bidāya al-mujtahid*, 1:455; al-Shāfi‘ī, *al-Umm*, 5:180.

mounts, you said: “I can find nothing for you to ride upon”. They turned back while their eyes overflowed with tears out of grief that they could not find something to spend (*allā yajidū mā yunfiqūn*). (Q9:91-92)

There is not upon the blind (*al-a‘mā*) any guilt or upon the lame (*al-a‘rāj*) any guilt, or upon the ill (*al-marīḍ*) any guilt (that they go not for fighting). (Q48:17)

The verses above demonstrate three kinds of people who are not obliged to fight. There are “*al-ḍu‘afā*” or “the weak”, “*al-marḍā*” or “the ill”, which indicates old men, children, women and men who are disabled respectively. Also, the phrase *lā yajidūna mā yunfiqūna* or “those who find no resources to spend” refers to poor men or slaves who are not able to get equipment for *jihād*.¹³⁵ According to commentators, such as al-Ṭabarī and al-Wāḥidī the verse (Q48:17) was revealed after the Prophet was approached by a blind man called ‘Abd Allāh b. Umm Maktūm (Companion; d. ?).¹³⁶ He complained that his disability would keep him from taking part in *jihād*.¹³⁷ So, the verses quoted above tell us that *jihād* is *farḍ kifāya* on men who have good health.

Ibn Taymiyya, furthermore, adds that the task of *jihād* cannot be completed without courage and generosity.¹³⁸ In other words, the *mujāhid* must have good health and be mentally and physically strong. This is because fighting requires fitness, physical strength and courage. As explained before, Ibn Taymiyya believes that the

¹³⁵ Ibn Rushd, *Bidāya al-mujtahid*, 1:455; al-Shāfi‘ī, *al-Umm*, 5:180.

¹³⁶ For a biographical note on ‘Abd Allāh b. Umm Maktūm, see, Ibn Ḥajar, *al-Iṣāba fī tamyīz al-ṣaḥāba*, Baghdad, 1971, 4:284-85.

¹³⁷ al-Ṭabarī, *Jamī‘ al-bayān*, 5:228-30; al-Wāḥidī, *Asbāb al-nuzūl*, pp. 100-01.

¹³⁸ *al-Jihād*, p. 64.

strongest is he who able to control himself when provoked to anger and enjoin the right thing with knowledge and understanding.

In this respect, Ibn Taymiyya generally divides people into four types: first, those who strive in the way of God with courage and generosity and they deserve the reward of Paradise; secondly, those who strive with courage and generosity but not in the way of God and they benefit from their actions in this life but not in the hereafter; thirdly the *munāfiqūn* who strive in the way of God without courage and generosity; and finally, those who strive without courage and generosity and not in the way of God.¹³⁹ Ibn Taymiyya gives certain Qur'anic verses to support his view:

And Allah will surely support those who support Him. Indeed, Allah is Powerful and Exalted in Might. And those who, if We give them authority in the land, establish prayer and give *zakāh* and enjoin what is right and forbid what is wrong. And to Allah belongs the outcome of matters. (Q22:41)

Indeed, they would be those given victory. And indeed, Our soldiers will be those who overcome. (Q37:172-73)

At a certain level *jihād* can also be *farḍ 'ayn*. With regarding to this, al-Sarakhsī quotes two Qur'anic verses:

O you who have believe, what is the matter of with you that when you are asked to go forth in the cause of Allah, you adhere heavily to the earth? Are you satisfied with the life of this world rather than the hereafter? But little is the enjoyment of the life of this world as compared to the hereafter. (Q9:38)

Go forth, whether light or heavy, and strive hard with your wealth and your lives in the cause of Allah. This is better for you, if you only knew. (Q9:41)

¹³⁹ *al-Jihād*, p. 174.

From the two verses quoted above, al-Sarakhsī maintains that in a case where there is an insufficient number of Muslims to fight on behalf of the community or when the Muslim state is under attack, *jihād* becomes *farḍ ‘ayn*.¹⁴⁰

Ibn Taymiyya agrees with al-Sarakhsī that *jihād* becomes *farḍ ‘ayn* when the enemy enters and attacks the Muslim state. Ibn Taymiyya, furthermore, adds other four situations:

- (i) *Jihād* becomes *farḍ ‘ayn* to every capable Muslim,¹⁴¹ including the *imām*, if others do not appear to fulfill this duty. The corollary is that the obligation of *jihād* is determined by capability.¹⁴²
- (ii) *Jihād* becomes *farḍ ‘ayn* when the Muslims encounter a surprise attack by the enemy, for example in an ambush.¹⁴³ Here, Ibn Taymiyya claims that the Muslims are obliged to help their fellow Muslims against the enemy. A case in point is the Battle of Trench in which the Prophet directed all the Muslims in Medina to take part in the fighting in the protection of their faith, family and property.¹⁴⁴ As the Qur’an says:

And when a faction of them said: “O people of Yathrib, there is no stability for you, so return”. And a party of them asked permission of the Prophet, saying: “Indeed, our houses are exposed”, while they were not exposed. They did not intend except to flee. (Q33:13)

¹⁴⁰ al-Sarakhsī, *al-Mabsūṭ*, 10:3.

¹⁴¹ *al-Jihād*, pp. 96, 230; for other jurists’ opinion, see, for example, al-Ṭabarī, *Kitāb al-jihād wa kitāb al-jizya*, pp. 11-3.

¹⁴² *al-Ḥisba*, p. 80; *Risāla* 4, pp. 241-43.

¹⁴³ *al-Ikhtiyārāt*, pp. 308-9, 311.

¹⁴⁴ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 147.

Believers! When you meet an army, hold firm and be mindful of God that you may succeed. (Q8:45)

Similarly, Ibn Taymiyya quotes certain Qur'anic verses that imply that it is an obligation for every Muslim, including women, the elderly and the young to take part in the fighting, even though they are not *murtaziqa* (professional soldiers):¹⁴⁵

Indeed, those who have believed and fought with their wealth and lives in the cause of Allah and those who gave shelter and aided, they are allies of one another. But those who believed and did not emigrate, there is no protection of them until they emigrate. And if they seek help of you for the sake of the religion, then you must help, except against a people between yourselves and whom is a treaty. (Q8:72)

O you who have believed, when you meet those who disbelieve advancing, do not turn to them your backs. And whoever turns his back to them on such a day, unless swerving for war or joining company, has certainly returned with anger from Allah, and his refuge is Hell and wretched is the destination. (Q8:15-16)

- (iii) *Jihād* becomes *fard 'ayn* when the *imām* calls a people to march forward or requires full participation from the Muslims to go for *jihād* and it is the duty of every Muslim to march forward or to take part in the *jihād*.¹⁴⁶ For Ibn Taymiyya, this instruction is justified from the Qur'an (as in Q9:38) and the hadith: "When you are asked to set out you should do so".¹⁴⁷

¹⁴⁵ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 146.

¹⁴⁶ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, pp. 187-88; *al-Jihād*, p. 113.

¹⁴⁷ See *Ṣaḥīḥ Muslim*, "Kitāb al-imāra", 4597; *Musnad*, 1/226.

(iv) *Jihād* becomes *farḍ 'ayn* for the *murtaziqa* who receive booty.¹⁴⁸

This is to be explained partly by the booty itself and partly by its significance for the *umma*. It is true that the booty is given to the army as a reward for fighting and they are duty bound to serve in the *jihād*. In other words, it is a contract between the soldier and God and the *imām*, which involves doing *jihād* for a stated sum of money. To take one analogy, an employee is obliged to work when he receives his payment or the seller must hand the goods over to the buyer once the price has done. Apart from that, failure in carrying out *jihād* is seen as a great wrong. The soldier is obliged to guarantee the defense of the Muslims in return for their pay. Failure to do so will endanger the Muslims' lives and properties, and therefore, the punishment for this negligence is more serious than for other private offences, for example, consuming wine or other acts of immorality. Ibn Taymiyya asserts that these private offences are wrongs that he does to himself and affect only him. By contrast, the offence of abandoning *jihād* affects both him and others.¹⁴⁹ Ibn Taymiyya cites a Qur'anic verse to support this claim:

And what Allah restored to His Messenger from the people of the towns, is for Allah and for the Messenger and for near relatives and orphans and travelers. So that it will not be a perpetual distribution amongst the rich from amongst you. And whatever the Messenger has given you, take it; and whatever he has forbidden

¹⁴⁸ MF28:184, 274-7; *al-Jihād*, pp. 189, 255-62.

¹⁴⁹ *al-Ḥisba*, p. 70.

you, refrain from it. And fear Allah; indeed, Allah is severe in penalty. (Q59: 6-7)

History abounds with examples demonstrating how man has neglected the call of *jihād* because of all the difficulties he has had to endure. Despite all these difficulties, Ibn Taymiyya believes that the obligation of *jihād* is relevant and consistent with human nature and capabilities. In this connection, as said earlier in Chapter One, it is worth mentioning again that Ibn Taymiyya proclaimed an interesting *fatwā* in which he allowed the *mujāhids* to shorten the prayers (*al-qaṣr*) and to be excused from the Ramaḍān fast. As this *fatwā* demonstrates, Ibn Taymiyya refers to his *ijtihād* that fasting would weaken the *mujāhids* and compromise the success of the *jihād*. If the *mujāhids* were excused from the fast, they would be able to fight the enemy more effectively.¹⁵⁰

The key to Ibn Taymiyya's argument is that the duty of *jihād* is technically *farḍ kifāya* and it becomes *farḍ 'ayn* for the capable Muslims, including the *imām*, for *murtaziqa* and for everyone when necessary. One point noteworthy here, as Ibn Taymiyya said is that *jihād* is assigned to the Muslims in order to remove the *fitna* of the *kuffār*. Although killing is harmful, *fitna* caused by the *kuffār* is more harmful.¹⁵¹

On balance, Ibn Taymiyya asserts that *jihād* can be carried out by one's body or by one's wealth. If one is not able to perform *jihād* by his physical strength, he may contribute financial aid to support the *jihād*.¹⁵² With regards to the financial

¹⁵⁰ *al-Ikhtiyārāt*, p. 107; MF25:209.

¹⁵¹ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 141.

¹⁵² *al-Jihād*, p. 113; *al-Ikhtiyārāt*, p. 308.

contribution, as Ibn Taymiyya asserted, it becomes a duty for the women.¹⁵³ The basic ingredient here is found in verse Q9:41 and other Qur'anic verses, for instance:

Allah does not charge a soul except with its capacity (*illā wus'ahā*). (Q2:286)

So fight, in the cause of Allah; you are not held responsible except for yourself. And encourage the believers that perhaps Allah will restrain the might of those who disbelieve.(Q4:84)

The phrase *illā wus'ahā* in Q2:286 clearly signifies that God does not burden a person beyond his scope. Or in other words, God does not ask a person to carry out what is beyond his ability. This demonstrates God's kindness, compassion and generosity towards His creation. In Q43:32, the whole text implies that God apportions out between mankind their livelihood and this means that some employs others in their work, because one needs the other, and vice versa.

3.8. *Jihād* and the enemy: Ibn Taymiyya's opinion

Before we go into further details about enemy persons, it is useful to present the statement given by Sufyān b. 'Uyayna: "Allah gave Muḥammad four swords: the first against the polytheists, whom Muḥammad himself fought with; the second against apostates, whom Abū Bakr fought with; the third against the People of the Book, whom 'Umar fought with; and the fourth against the *bughāh*, whom 'Alī fought with".¹⁵⁴

¹⁵³ *al-Ikhtiyārāt*, p. 308.

¹⁵⁴ al-Sarakhsī, *Sharḥ li siyar al-kabīr*, 1:14.

There has been a lot of debate about the object of *jihād*, that is, the people whom must be fought. On the whole, these are divided into five groups: polytheists, the People of the Book, apostates, *muḥāribīn* (brigands) and *bughāh*.

3.8.1. The polytheists

The words “*mushrikīn*” and “*kuffār*” are often used interchangeably in the Qur’an. Both refer to polytheists, unbelievers or infidels. Muslims must strive to put under control the efforts of the polytheists. This is done in several ways, including by means of debates or even by physical means if they have the capacity to do so within their jurisdiction. Khadduri says the polytheists are given a limited option either to accept Islam or fight. He, furthermore, claims that all the jurists agree that the polytheists must be fought until they accept Islam.¹⁵⁵ As the Qur’an says:

Fight the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush.
(Q9:5)

With regard to the verse quoted above, I rather think it refers to the incident of Ḥudaybiya when the Prophet set up the *ṣulḥ* or peace treaty with the Meccan polytheists. If one reads Q9:1 to Q9:4 and continues with Q9:6, then one will see that Q9:5 refers to the polytheists who made a treaty which was later broken by hostile acts towards the Muslims. Q9:4 makes it clear that this does not apply to those polytheists that have not broken their treaties with the Muslims. Rather, verse 6

¹⁵⁵ Khadduri, *War and Peace*, p. 75.

instructs the Muslims to give protection to any polytheists seeking it. The verses are as below:

This is a declaration of disassociation, from Allah and His Messenger, to those with whom you had made a treaty among the polytheists. So travel freely throughout the land during four months but know that you cannot cause failure to Allah and that Allah will disgrace the disbelievers. And it is an announcement from Allah and His Messenger to the people on the day of the greater pilgrimage that Allah is disassociated from the disbelievers, and so is His Messenger. So if you repent, that is best for you; but if you turn away then know that you will not cause failure to Allah. And give tidings to those who disbelieve of a painful punishment. Excepted are those with whom you made a treaty amongst the polytheists and then they have not been deficient toward you in anything or supported anyone against you; so complete for them their treaty until their term has ended. (Q9:1-4)

And if anyone of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah. Then deliver him to his place of safety. That is because they are a people who do not know. (Q9:6)

It is worth quoting some of al-Sarakhsī's and Ibn Rushd's opinions in order to understand what lies behind this reason. Al-Sarakhsī argues that the failure to accept Islam is a serious crime (*al-kufr min a'zām al-jināyāt*), but this is not the reason why the polytheists are killed. The state of disbelief, as al-Sarakhsī argues, is a matter that is between a person and his Lord (*al-kufr bayn al-'abd wa rabbihi*). Instead, the polytheists are seen as enemies because their refusal to accept Islam can be dangerous to the Muslims (*li daf'i sharrihim*).¹⁵⁶ Ibn Rushd, furthermore, explains that the jurists basically disagree on the legal cause (*al-'illa*) for killing the polytheists. Ibn Rushd says:

The reason leading to the jurists' disagreement, on the whole, arises from their dispute about the effective underlying cause of

¹⁵⁶ al-Sarakhsī, *Sharḥ li siyar al-kabīr*, 4:186.

slaying. Thus, those who maintain that the effective underlying cause for this is disbelief (*kufr*), do not exempt anyone out of the polytheists, while those who maintain that the underlying cause in it is the ability to fight, there being a prohibition about the killing of women though they be non-believers, exempt those who do not have the ability to wage war, or those who have not affiliated themselves with it, like peasants and serfs.¹⁵⁷

The principal idea of the legal cause for killing the polytheists seems likely to derive from the following hadith:

If thou encounterest (you encounter) an enemy from among the Associators (polytheists and the People of the Book), then offer them three alternatives. Whichever of these they may accept, agree to it and withhold thyself (yourself) from them - call them to embrace Islam. If they accept, then agree to it and withhold thyself (yourself) from them. Then ask them to quit their territory in order to immigrate into the territory of the migrants (*dār al-Islām*), and inform them that if they do that they will have the same rights as the migrants (Muslims) and the same obligations as they (them). If they refuse to migrate, then inform them that they will be considered as bedouin Muslims (foreign Muslims), the same Divine laws being obligatory on them as on other Believers (Muslims), except that they will not benefit by booty and other State income unless they join forces and fight along with the Muslims. If, however, they refuse, then call them to pay the *jizya*. If they accept, then agree to it and withhold yourself from them. If they refuse, then seek help from God and combat (fight) them”.¹⁵⁸

It is also important to mention Hamidullah's opinion on the text above. For Hamidullah, the text is misunderstood by some jurists¹⁵⁹ when they understand the text as the general policy of the Islamic state and use it simply to invite foreign non-Muslims to the three options stated above. Instead, the text concerns the instructions

¹⁵⁷ Ibn Rushd, *Bidāya al-mujtahid*, p. 460.

¹⁵⁸ Hamidullah, *Muslim Conduct of State*, p. 299. (In order to avoid any misconceptions, some amendments have been made to several technical terms in the text). The hadith is found in several collections, for example, *Ṣaḥīḥ Muslim*, 'Kitāb al-Jihād wa al-siyar', 3261; *Sunan Abū Dāwūd*, 'Kitāb al-ādāb', 4470; *Musnad*, 1/262.

¹⁵⁹ Here, Hamidullah does not refer to any particular jurists. In my opinion, it may refer to his contemporaries. See Hamidullah, *Muslim Conduct of State*, p. 170.

given to the commander of a war expedition and it is in the case of reprisal. Hamidullah quotes the story of the assassination of the Muslim ambassadors in Byzantine territory. As a response to the violation made by Heraclius, the emperor of Byzantium, the Prophet drafted the text and sent it to him.¹⁶⁰ In fact, the hadith not only refers to the polytheists. Instead, it draws attention to all non-Muslims.

According to Ibn al-Qayyim al-Jawziyya, the polytheists are given three options: the first is to accept Islam and enjoy full citizenship. They are entitled to the same rights and duties as other Muslims; the second is that they refuse to accept Islam and incline to peace then the Muslims should also incline to peace. Here, they are required to pay *jizya* and then become *dhimmi*. Third, if they choose to oppose the Muslims or carry out an assault against the Muslims, then the Muslim authority has the right to counter their attack.¹⁶¹

Let us now consider the opinion given by Ibn Taymiyya. In the first place, Ibn Taymiyya agrees with al-Sarakhsi that the polytheists are to be fought because they have rejected the concept of monotheism and refused to give *jizya*.¹⁶² The second thing that needs to be done is to understand how Ibn Taymiyya organizes his argument. He begins his view by quoting many Qur'anic verses which justify the killing of polytheists.¹⁶³ Some of these verses are explained in Chapter Two and it has been concluded that the Prophet's *jihād* against the polytheists was in self-defense. What Ibn Taymiyya is saying is that the polytheists who do not inflict any

¹⁶⁰ Hamidullah, *Muslim Conduct of State*, p. 170.

¹⁶¹ Ibn Qayyim al-Jawziyya, *Aḥkām al-dhimma*, ed. Ṭaha 'Abd al-Ra'ūf Sa'd, Beirut, 1995, 1:21-2.

¹⁶² MF28:352-56; *al-Siyāsa al-shar'iyya*, p. 123; *Risāla al-qitāl li Ibn Taymiyya*, p. 116; Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 135.

¹⁶³ MF28:352-53.

injustice and create *fitna* against the Muslims should be left free and if they refuse to accept Islam and incline to peace then the Muslims should also incline to peace.¹⁶⁴

In conclusion, it can be said that Ibn Taymiyya holds to the classical theory of *jihād* concerning polytheists. The state of disbelief is a grave crime, but it is not sufficient cause for being killed. Rather, the polytheists can only be killed after they have shown hostility to the Muslims.

3.8.2. The People of the Book

It is generally accepted, as implied in the Qur'an and the hadith, that the People of the Book, or *ahl al-kitāb*, are the Christians, Jews and Sabians.¹⁶⁵ The Qur'an recognizes the major beliefs of the Christians as distorted and thus their beliefs are rejected. Nonetheless, the rejected beliefs of Christianity do not prevent the Qur'an from giving them certain privileges that distinguish them from the polytheists. In the time of the Prophet and the *khulafā' al-rāshidūn*, as explained in Chapter Two of this thesis, the Prophet offered equal status to the Jews in Medina, as concluded in the Constitution of Medina (*Ṣaḥīfā al-Madīna*),¹⁶⁶ and to the Christians of Najrān.¹⁶⁷ To take another example, 'Umar entered the city of Jerusalem and concluded a treaty with the Bishop.¹⁶⁸ This leads one to suppose that the classic juridical position allows religious toleration and welcomes the People of the Book to join the army and

¹⁶⁴ MF28:353-55; *Thalāth rasā'il*, p. 30.

¹⁶⁵ Khadduri, *War and Peace*, p. 80; Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 142.

¹⁶⁶ Guillaume, *The Life of Muhammad*, pp. 231-35.

¹⁶⁷ al-Balādhurī, *Futūḥ al-buldān*, p. 71.

¹⁶⁸ Khan, *The Political Thought of Ibn Taymiyya*, p. 124.

government. History shows that the Prophet welcomed the support of the Jews of Banū Qainuqā' in the attack on Khaybar and rewarded them with allowances for their helpful support.¹⁶⁹ What is more, in the early campaign against the Persians and Byzantines, the Muslims constituted a huge army which included Christian Arabs of Syria and southern Iraq.¹⁷⁰ The Prophet, nonetheless, could not tolerate the treachery of the Jews and led the army to carry out *jihād* against them. This suggests to us that if war or treachery has been forced on the Muslims, it is the Muslims' duty to counter the attack. This is the best possible reason to answer why the duty of *jihād* is also prescribed for the Muslims against the People of the Book.

Ibn Taymiyya writes at great length on the Franks and their beliefs. He devotes his considerable intellectual ability to countering the belief of the Franks and inviting them to Islam. His most important piece of writing about the Franks is entitled *Risāla al-qubrūṣiyya*.¹⁷¹ Other discussions about the People of the Book and in particular Christianity occur in *al-Jawāb al-ṣaḥīḥ li man baddala dīn al-Masīḥ* and *Iqtidā' al-ṣirāṭ al-mustaqīm mukhālafat aṣḥāb al-jaḥīm*. Ibn Taymiyya does not deny the classical juridical position that the People of the Book can pay *jizya* and live peacefully in *dār al-Islām*.¹⁷² He cites a Qur'anic verse to support his claim:

Fight those who do not believe in Allah or in the Last Day and who do not consider unlawful what Allah and His Messenger have made unlawful and who do not adopt the religion of truth from those who were given the Scripture – (fight) until they give the *jizya* willingly while they are humbled. (Q9:29).

¹⁶⁹ al-Shāfi'ī, *al-Umm*, 4:177; al-Sarakhsī, *Sharḥ li siyār al-kabīr*, 1:172.

¹⁷⁰ al-Balādhurī, *Futūḥ al-buldān*, pp. 136, 182.

¹⁷¹ *Risāla* 3, pp. 601-29.

¹⁷² MF28:621; Ibn Qayyim al-Jawziyya, *Aḥkām al-dhimma*, 1:21-2; Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 142.

As a result of the pressure of circumstances, however, Ibn Taymiyya shifts the concept and seems to be very hard on the Franks. It is significant to mention a few stories that influenced Ibn Taymiyya's attitude towards them. History indicates that the People of the Book of Egypt and Syria had served as Frankish army spies and put the Muslims' safety at risk. In the time of conflict between the Muslims and the Mongols, the Franks actively persuaded and supported the Mongols in killing the Muslims.¹⁷³ These combined forces, as Ibn Taymiyya suggested, are similar to the alliance of the Arab polytheist tribes against the Muslims in the Battle of Trench.¹⁷⁴

This incident compelled Ibn Taymiyya to believe that the People of the Book of Egypt and Syria were the worst traitors during the Frank and the Mongol incursions. In other words, this had proved that they were never loyal and sincere.¹⁷⁵ As a result, Ibn Taymiyya modified earlier policy and suggested that Christians and Jews must be excluded from the government and also be kept out of the army.¹⁷⁶ Ibn Taymiyya cites Qur'anic authority to support his claim:

O you who believe, do not take the Jews and the Christians as allies. They are allies of one another. And whoever is an ally to them amongst you - then indeed, he is one of them. Indeed, Allah guides not the wrongdoing people. (Q5:51)

On the other hand, Ibn Taymiyya concerns himself with the rights and safety of the People of the Book who becomes *dhimmi*. By way of illustration, Ibn Taymiyya sent a letter to Sultān Ghāzān al-Nabak asking him to release the prisoners of war. Yet the

¹⁷³ Ibn Kathīr, *al-Bidāya*, 14:8.

¹⁷⁴ *Thalāth rasā'il*, pp. 69-70, 120.

¹⁷⁵ MF28:355, 480, 621; 8:100; 14:92; 7:624; *Thalāth rasā'il*, p. 30-1; *Risāla* 3, pp. 620, 622.

¹⁷⁶ *al-Ikhtiyārāt*, p. 311.

king agreed to release the Muslim prisoners only and retain the Christians and the Jewish prisoners in Jerusalem. Ibn Taymiyya insisted on their release too because they were *dhimmīs*.¹⁷⁷

In the last analysis it can be said that Ibn Taymiyya holds the classical theory of *jihād* concerning the People of the Book. The basic foundation in permitting *jihād* against the People of the Book is not the difference of belief. The Qur'an itself emphasizes that one of the main objectives of *jihād* is to stop non-Muslims from transgressing against Muslims and not because of difference of religion (as in Q22:39).¹⁷⁸ But, as mentioned earlier, Ibn Taymiyya regarded the Franks as representing the same level of threat as the Shi'a and the Mongols.¹⁷⁹ It should be stressed that, as Ibn Taymiyya explains, the Franks were fought not because of their rejection of Islam, rather, because they transgressed and endangered the Muslims.¹⁸⁰

3.8.3. Apostates

In Islamic jurisprudence, apostasy has always been linked to the concepts of unbelief, blasphemy and heresy. It usually refers to a Muslim who has officially converted to another faith and refuses to believe in the basic articles of the Islamic religion. The majority of classical jurists claim that a case of apostasy occurs when a person blasphemes against God and the Prophet, destroys the Qur'an and denies the duties that fall into the category of the fundamentals of religion, such as prayer,

¹⁷⁷ *Risāla* 3, pp. 617-18.

¹⁷⁸ For more detailed information of this verse, see Chapter Two of this thesis; see also al-Zuhaylī, *al-'Alāqat al-dauliyya fī al-Islām*, Beirut, 1981, p. 100.

¹⁷⁹ MF28:617-18.

¹⁸⁰ *Thalāth rasā'il*, p. 126.

pilgrimage, *zakāh* and fasting.¹⁸¹ Such a person is to be distinguished from one who does not pray or fast because he is lazy, yet does not deny the requirement of prayer itself.

The jurists claim that apostasy from Islam is a crime carrying the God-prescribed penalty of death.¹⁸² Therefore, Muslims who leave Islam for any other religion must be sentenced to death (unless they repent and return to Islam). Jurists like al-Sarakhsī and Abū Yūsuf emphasize that before prosecuting an apostate, it is necessary for the authority to hold a discussion with him in order to remove any anxiety and scepticism on the matter concerned.¹⁸³ In other words, an apostate is given the chance to repent for a certain period of time before the authorities can finally proceed with punishment.¹⁸⁴

Having briefly examined apostasy in the context of Islamic jurisprudence, it is important to relate it to the context of *jihād*. It has also been claimed that the legality of waging *jihād* against the apostates was in large measure due to the activities of some Jewish and Muslim hypocrites in the early years of Islam who conspired to create *fitna* in the Muslim community by professing to convert to Islam and then renouncing it.¹⁸⁵ The objective of this alleged conspiracy was entirely

¹⁸¹ al-Sarakhsī, *al-Mabsūṭ*, 9:98-124; al-Māwardī, *al-Aḥkām al-sulṭāniyya*, p. 83; al-Kāsānī, *al-Badā'ī' al-ṣanā'i'*, 7:134; Abū Ya'lā, *al-Aḥkām al-sulṭāniyya*, Cairo, 1938, pp. 51-3.

¹⁸² al-Sarakhsī, *al-Mabsūṭ*, 9:98-124; al-Māwardī, *al-Aḥkām al-sulṭāniyya*, p. 83; al-Kāsānī, *al-Badā'ī' al-ṣanā'i'*, 7:134.

¹⁸³ al-Sarakhsī, *al-Mabsūṭ*, 9:98-124; Abū Yūsuf, *Kitāb al-kharāj*, p. 110.

¹⁸⁴ For more detailed information of the treatment of an apostate in Islam, see, for example, al-Sarakhsī, *al-Mabsūṭ*, 9:98-124; al-Māwardī, *al-Aḥkām al-sulṭāniyya*, pp. 83-7; Ibn Qudāma, *al-Mughnī*, 8:123-26; see also, Hamidullah, *Muslim Conduct of State*, pp. 174-77.

¹⁸⁵ Abdul Hameed Abu Sulayman, 'Al-dhimma and related concepts in historical perspective', *Journal Institute of Muslim Minority Affairs*, 9, Jeddah, 1988, pp. 18-9; Ṣubhī Maḥmassānī, *Arkān ḥuqūq al-insān*, Beirut, 1979, pp. 123-24.

political. In other words, *jihād* in the context of apostates was linked to an act of political betrayal. As a result, the Prophet ordered those responsible for the treachery to be fought.

It seems to me that the basic reason for the application of *jihād* against apostates is that apostasy is seen as treason. The historical origins of the concept can be seen in the actions of those Muslims who refused to pay *zakāh* in the time of Abū Bakr. They were regarded as apostates and fought by Abū Bakr. This story is mentioned in one hadith:

When the Prophet died and Abū Bakr became his successor and some of the Arabs became apostates, ‘Umar said: “O Abū Bakr! How can you fight these people although Muḥammad said that he has been ordered to fight people till they witness that there is no God but Allah and that he is the Prophet of Allah, and establish the prayer and pay the *zakāh*. And when they have done this they have saved their blood and possessions from him, unless they do something for which they receive legal punishment justly, and their account will be with Allah?” Abū Bakr said: “By Allah! I will fight whoever differentiates between prayers and *zakāh*”.¹⁸⁶

Some contemporary jurists find no room for the death penalty for apostasy. Kamali and Mohammad S. El-Awa, for example, mention that there is not a single instance in history when the Prophet treated personal apostasy with capital punishment. No one was executed only for renunciation of faith unless this was accompanied by hostility and treason or was linked to an act of political betrayal.¹⁸⁷ Because Islam is seen as a total way of life with no separation of religion from politics and the state, and because Islam is accepted as the basis of the legitimate state and its legal system,

¹⁸⁶ See *Ṣaḥīḥ Bukhārī*, ‘Kitāb al-zakāh’, 1127, ‘Kitāb al-riḍḍa’, 59; *Ṣaḥīḥ Muslim*, ‘Kitāb al-īmān’, 29.

¹⁸⁷ Kamali, *Freedom of Expression in Islam*, Kuala Lumpur, 1998, pp. 87-107; Mohamed S. El-Awa, *Punishment in Islamic Law: A Contemporary Study*, Indianapolis, 1982, pp. 54-64.

desertion from Islam is dealt with as political treason. Kamali points out one hadith and interprets it as a clear evidence that apostates must be those who are also boycotting the community (*mufariq li al-jamā'a*) and challenging its legitimate leadership in order to be inflicted with the capital punishment.¹⁸⁸ The hadith is as below:

It is not permissible to shed the blood of a person who bears witness that there is no god but Allah and that I am the Messenger of Allah except in three cases: a life for a life, a previously married person who commits adultery, and one who leaves Islam and forsakes the community (*mufariq li al-jamā'a*).¹⁸⁹

Apart from this, El-Awa claims that the Qur'an is silent on the question of death as a punishment for apostasy and therefore, the punishment should fall under the category of *ta'zīr* (discretionary punishment) rather than the *ḥadd* category. For El-Awa, this allows distinction between a simple change of religion, in which case no punishment needs to be inflicted, and cases in which harm is caused to the population when the punishment must be applied. He also claims that there is a small minority of jurists holding to this position, including Ibn Taymiyya.¹⁹⁰

Ibn Taymiyya, in particular, divides apostates into three: first, those people who reject Islam; secondly, those people who reject part of Islam, by for instance, performing the prayer but denying the obligation of *zakāh*, such as the Mongols;¹⁹¹ and finally those people who reject the prophethood of Muḥammad, such as

¹⁸⁸ Kamali, *Freedom of Expression in Islam*, p. 96.

¹⁸⁹ See *Sunan Abū Dāwūd*, 'Kitāb al-ḥukm fī man irtadda', 3788.

¹⁹⁰ El-Awa, *Punishment in Islamic Law*, p. 54; Kamali, *Freedom of Expression in Islam*, pp. 87-107.

¹⁹¹ MF3:355-57; 4:441-43; 28:467-553; for more detailed information of the Mongols, see Chapter One of this thesis.

Musaylima al-Kadhdhāb.¹⁹² For Ibn Taymiyya, apostates are far worse than polytheists and this explains why he agreed apostates must be fought.¹⁹³ He maintains hadith quoted above to support his argument. Ibn Taymiyya, furthermore, explains that the hadith used by Abū Bakr to justify his military action against the tribes who refused to pay *zakāh*.

With regards to this issue, Ibn Taymiyya argues that apostates should only be fought by means of *jihād*, if they became a great danger to society, spreading harm and *fitna* amongst the population.¹⁹⁴ For instance, he mentions the story of the Qadariyya (the group who believed in total free will, in contradiction to the Jabriyya who believed in total predestination).¹⁹⁵ Ibn Taymiyya agrees with Mālik that the Qadariyya should be put to death, for the *fitna* caused.¹⁹⁶

As El-Awa rightly claims, Ibn Taymiyya asserts that the punishment for personal apostasy should be treated under the *ta'zīr* category. *Ta'zīr* takes different forms of punishments: it can be taken in the form of rebuke, imprisonment, expatriation, beating and banishment.¹⁹⁷ What is more, Ibn Taymiyya acknowledges that the early jurists disagreed whether a man who abandons the prayer becomes an infidel, apostate or a half believer. In this respect, Ibn Taymiyya does not share the view that such a person is an infidel or half believer; rather he becomes an apostate.

¹⁹² *Thalāth rasā'il*, pp. 27-9.

¹⁹³ *Thalāth rasā'il*, p. 31; *al-Ikhtiyārāt*, p. 307.

¹⁹⁴ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 143, *al-Jihād*, 1:280; *Thalāth rasā'il*, p. 29.

¹⁹⁵ *al-'Aqāida*, p. 21.

¹⁹⁶ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 131.

¹⁹⁷ *al-Ḥisba*, p. 108; *al-Jihād*, 1:128.

Over and above this, we return to the issue of *ta'zīr*. As Ibn Taymiyya points out, personal apostasy deserves *ta'zīr*. Furthermore, Ibn Taymiyya divides *ta'zīr* into two categories: first is *ta'zīr* for crimes such as bribery, defamation, and failure to honour liabilities;¹⁹⁸ second is *ta'zīr* for crimes such as refusing to perform prayer and any other prescribed duties. This second type of *ta'zīr* is more serious and the punishment should be severer than that of the first category. Ibn Taymiyya, therefore, suggests that the guilty person can be flogged ten stripes or more but that this should not exceed the flogging for a *ḥadd*.¹⁹⁹ This punishment can be administered over and over again until the guilty person performs the duties. Ibn Taymiyya cites a hadith to support his claim:

Nobody should be given more than ten stripes except in the case of overstepping one of the limits set up by Allah.²⁰⁰

If the guilty person still refuses to perform prayer after the punishment has been given for a certain period of time, it is then allowed for the *imām* to execute him.²⁰¹

From the aforementioned arguments, it appears that Ibn Taymiyya suggests that apostasy can be divided into two categories: the first are apostates who do not oppose the *imām*, that is those who can be called “personal apostates”,²⁰² and the second are those who form a large group and possess a force and political power to oppose the *imām*, such as the Mongols. In my view, since the punishment of apostasy

¹⁹⁸ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 127; *al-Ḥisba*, p. 108.

¹⁹⁹ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, pp. 129, 133; *al-Ḥisba*, p. 109.

²⁰⁰ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 133.

²⁰¹ Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 147.

²⁰² The term “personal apostate” is also used by Muhammad Abd al-Rahman Alsumaih. See his PhD thesis ‘The Sunni Concept of Jihad in Classical Fiqh and Modern Islamic thought’, University of Newcastle upon Tyne, 1998, especially in Chapter Two. The purpose of the usage is only to show the distinction between both categories.

is not clearly mentioned in the Qur'an, the execution of apostates must be considered as a last resort. Ibn Taymiyya's idea of this division may be taken from the general meaning of certain hadiths:

Whoever changes his religion, execute him.²⁰³

During the last days there will appear some young foolish people who will say the best words but their faith will not go beyond their throats and will go out from (leave) their religion as an arrow goes out of the game. So, wherever you find them, kill them, for whoever kills them shall have reward on the Day of Resurrection.²⁰⁴

To put it another way, I rather think the death punishment is prescribed to protect Islam from the defamation of liars and to protect the faith of its adherents. If execution can serve as a prevention to protect human systems against certain crimes which may cause the disintegration of society, for instance, the crime of drugs, then it is more appropriate that Islam as a religion should be protected from falsehood, and so the *imām* is able to punish those who commit acts of aggression against it and who fabricate lies against it to justify their apostasy and deviation. On another level, apostasy from Islam means boycotting the community of Muslims. Whoever joins the main body of the Muslims is required to be completely loyal and to protect it against anything that may lead to *fitna*.

Therefore, I would say that execution is the last punishment to be meted out for both forms of apostasy mentioned above. But, they are technically different. In order to find the distinction between them, it is helpful to highlight again the nature

²⁰³ *Ṣaḥīḥ Bukhārī*, 'Kitāb al-riḍḍa', 57; *Sunan Abū Dāwūd*, 'Kitāb al-ḥukm fī man irtadda', 3787.

²⁰⁴ *Ṣaḥīḥ Bukhārī*, 'Kitāb al-riḍḍa', 64.

of the punishment applied in both categories. In the first category, apostates are found guilty of the crime in a law court and are to be executed as a last resort. The second category, however, suggests more serious punishment where the *imām* has the right to fight apostates on the battlefield.

3.8.4. The *muḥāribīn*

The crime of *ḥirāba* or *qaṭʿ al-ṭarīq* includes highway robbery, banditry, forced expropriation of possessions and unreasoned killing of innocent blood. In modern English, the word *ḥirāba* is sometimes translated as international highwaymen and pirates, deserters, robbers and gangsters.²⁰⁵ The word *ḥirāba* comes from the root *ḥaraba*, which means “to rob” or “to commit armed robbery”.²⁰⁶ Ibn Taymiyya defines *ḥirāba* as “waiting by the way or highway to steal property from travelers or people in the city or remote place by force and offensive weapons”.²⁰⁷ It appears from this definition that *ḥirāba* consists of three major elements: the first is the act of robbery and terrorizing people; the second is the site of commission of *ḥirāba*, and the third is the use of weapons. The punishment for this crime is expressly stated in the Qur’an:

Because of that, We decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption in the land – it is as if he had slain mankind entirely. And whoever saves one – it is as if he had saved mankind entirely. (Q5:32)

²⁰⁵ Khadduri, *War and Peace*, p. 43; Hamidullah, *Muslim Conduct of State*, p. 188.

²⁰⁶ Hārith Sulaymān al-Fārūqī, *al-Muʿjam al-qānūnī*, Beirut 1983, p. 136.

²⁰⁷ *al-Jihād*, 1:281; *al-Siyāsa al-sharʿiyya*, p. 117.

Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth to cause corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. (Q5:33)

Jurists, such as al-Sarakhsī, Ibn Rushd, al-Māwardī and Ibn Taymiyya agree that *jihād* must be carried out against the *muḥāribīn*, because, according to Ibn Taymiyya, *ḥirāba* is a crime against the public at large.²⁰⁸ In particular, Ibn Taymiyya asserts that it is a duty for all Muslims to oppose them by any counter-measures, including fighting them in the battlefield.²⁰⁹

In verse Q5:33 mentioned above, the punishment for *ḥirāba* is divided into four types: the first and the most serious punishment is execution by crucifixion for a *muḥārib* who is convicted of killing his victims and robbing them of their possessions; the second is execution for a *muḥārib* who is convicted of killing and not robbing; the third is amputation or cutting off of the hands and feet from opposite sides for a *muḥārib* who robs people's possessions but does not kill his victims; and fourth is banishment or exile or imprisonment for a *muḥārib* who has terrorized people but did not kill or rob them.²¹⁰ Ibn Taymiyya holds an opinion that is different from the classical jurists. He says that the sequence of the punishments indicated in Q5:33 does not necessarily have to be followed by the *imām*. A case in point is if a *muḥārib* robs people without killing him, the *imām* may still sentence him to death.

²⁰⁸ *al-Jihād*, 1:289; MF28: 311; 34:241-42. al-Sarakhsī, *al-Mabsūṭ*, 9:195-205; Ibn Rushd, *Bidāya al-mujtahid*, p. 545; al-Māwardī, *al-Aḥkām al-sultāniyya*, pp. 93-7.

²⁰⁹ *al-Siyāsa al-shar'iyya*, p. 117; *al-Jihād*, 1:281, 286.

²¹⁰ Ibn Rushd, *Bidāya al-mujtahid*, p. 549; al-Shāfi'ī, *al-Umm*, 5:172; al-Sarakhsī, *al-Mabsūṭ*, 9:198; al-Kāsānī, *Badā'i' al-ṣana'i'*, 9:370-71.

If a *muḥārib* terrorizes people without robbing him, the *imām* may still cut off his hands and feet. These punishments, as Ibn Taymiyya explains, are taken by looking at the general interest of the community, for example: in order to prevent a *muḥārib* from further killing and robbing.²¹¹

Ibn Taymiyya pays special attention to the site of commission of *ḥirāba*. According to al-Sarakhsī, if the crime occurs in a city or in a populated district, it is not considered as *ḥirāba*, but only if it is committed in an uninhabited or in a remote place.²¹² Ibn Taymiyya argues that a *muḥārib* must be fought whether the crime occurs inside or outside a city, or whether a *muḥārib* is a Muslim or a non-Muslim, or whether the victim is a Muslim or a non-Muslim.²¹³ Building on the logic of Q5:32 above, which follows the verse prohibiting the killing of innocent people, Ibn Taymiyya suggests that the absolute sanctity of human life entails the universal applicability of *ḥirāba*.

Ibn Taymiyya, furthermore, explains that when a man is attacked in his own house, it is normally all his possessions that are taken away, while a traveler often carries with him only a part of his belongings. Likewise, a city is naturally a place for safety and peace. Therefore, if a *muḥārib* attacks his victims in a city, he will suffer a more severe punishment.²¹⁴ In the time of Ibn Taymiyya, for example, there were two groups of *muḥāribīm* who notoriously terrorize people in Syria and Egypt.

²¹¹ *al-Jihād*, 1:281; *al-Siyāsa al-shar‘iyya*, p. 117; some modern jurists say it is also the opinion of some Mālikī jurists, see, for example, Sherman A. Jackson, ‘Domestic Terrorism in the Islamic Legal Tradition’, *The Muslim World*, 91, Hartford, 2001, p. 300.

²¹² al-Sarakhsī, *al-Mabsūṭ*, 9:195.

²¹³ MF28:311.

²¹⁴ MF34:242-44.

These groups were known as *Mansar* (band of brigands) and ‘*Ayyārūn* (stragglers).²¹⁵ Ibn Taymiyya asserts that there is no special consideration to be given to the place where the crime is committed and a person who commits a crime in a town may well be a more dangerous character than a person who commits one elsewhere.

It is certain that the use of weapons is significant in *hirāba*. In this respect, Ibn Taymiyya seems uninterested in the type of weapons used; he is only concerned with the disaster caused by the attack. In other words, he argues that if a man attacks others to plunder their property, no matter how he does it, even if he uses only his physical strength in committing the crime, he may also be considered a *muḥārib*.²¹⁶ He further states that if renters, doctors or craftsmen hire people into their workplaces in order to kill or rob them by stealth (*ghīla*), then these crimes may also be considered as *hirāba*.²¹⁷

Another issue at stake here is that Ibn Taymiyya distinguishes between the *mujāhids*, the *muḥāribīm* and the fighters for the sake of racial zeal (*‘aṣabiyya*). The first group, as explained before, are the best fighters and they will be rewarded with paradise. A *muḥārib*, as mentioned above, is a criminal who deserves the aforementioned punishments, while the last group are those who fight in defense of their own tribes or lineages. Ibn Taymiyya does not approve of this tribal fighting

²¹⁵ *al-Jihād*, 1:285; *al-Siyāsa al-shar‘iyya*, p. 121. (The words ‘band of brigands’ and ‘stragglers’ here are quoted from Farrukh’s work. *Mansar* and ‘*Ayyārūn* are poor people who prefer not to have an occupation but to earn their living by procuring the things they need gratis either gently or otherwise. See Farrukh, *Public and Private law in Islam*, p. 96).

²¹⁶ *al-Jihād*, 1:285; *al-Siyāsa al-shar‘iyya*, p. 121.

²¹⁷ MF28:315-16.

and suggests that all the parties involved should be killed. He, furthermore, mentions the war of the tribes of Qays (tribes of Northern Syria) and Yemen (tribes of Southern Arabia) as an example of such unjust fighting.²¹⁸ In this respect, Ibn Taymiyya cites a hadith to support his claim:

When two Muslims confront each other in fighting and one kills the other, then both the killer and the killed are in hell-fire. Someone said: "We understood that the killer is in hell, why then the one who is being killed? The Prophet said: "Because he also intended to kill the other person".²¹⁹

It is also necessary to mention another argument before drawing any conclusion. Ibn Taymiyya takes up the inquiry once again on the classical view of the execution of 'Uthmān b. 'Affān (Companion; third caliph, 24-35/644-656; d. 35/655)²²⁰ and 'Alī by the rebels. Are the criminals to be regarded as *muḥāribīn* or *bughāh*.²²¹ It is generally accepted in the classical standpoint that killing or fighting the *imām* leads to a general disruption. This issue, however, will be explained in the next section.

So it would appear that Ibn Taymiyya maintains that *ḥirāba* represents the most serious crime because it causes corruption and transgression amongst people and the community. What is more, as Ibn Taymiyya suggests, fighting the *muḥāribīn*, the polytheists and apostates are equally important.²²²

²¹⁸ *al-Jihād*, 1:282; *al-Siyāsa al-shar'īyya*, p. 118.

²¹⁹ MF35:52; see also, *Ṣaḥīḥ Bukhārī*, 'Kitāb al-īmān', 30; *Ṣaḥīḥ Muslim*, 'Kitāb al-fitan', 5139; *Musnad*, 5/41, 43, 46.

²²⁰ For a biographical notes on 'Uthmān, see, *EI (I)*, 3:1008-11.

²²¹ *al-Jihād*, 1:286; *al-Siyāsa al-shar'īyya*, p. 123.

²²² *al-Jihād*, 1:286; *al-Siyāsa al-shar'īyya*, p. 123; MF34:241.

3.8.5. The *bughāh*

The crime of *baghy* is considered to be one of the worst and most serious crimes against life and property because of its evil purpose and adverse consequences. In most cases this crime will lead to other crimes like homicide, to the extent that some *bughāh* may kill close friends or family during the commission of their offence. The punishment for this crime is death; however, it is worth mentioning that the punishment for the crime of *baghy* is not included in the *ḥadd* category. The basic idea of *baghy* is found in the Qur'an:

And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses (*baghāt*) the other, then fight against the one that oppresses until it returns to the ordinance of Allah. And if it returns, then make settlement between them in justice and act justly. Indeed, Allah loves those who act justly. (Q49:9)

From the verse quoted above, the jurists are generally agreed that the *imām* has the right to fight *bughāh*. It also appears from the verse above that the crime of *baghy* consists of two main elements: firstly, the *bughāh* are Muslims; secondly, fighting *bughāh* is necessary to put an end to their rebellion and to protect the life and property of the public where the purpose of this fighting is not merely to kill or eliminate the *bughāh*.

In classical Islamic literature, the topic of *baghy* necessitates a long and complicated discussion. The topic alone would represent the whole system of the classical Islamic International Law. Ibn Taymiyya's discussion of this relates mostly

to the fights against the heretic Shi'a (the Druzes and Nuṣayrīs) of his time.²²³ Ibn Taymiyya tends to believe that they are similar to the hypocrites and even worse because they transgress and violate the *sharī'a*.²²⁴ Whether they are *bughāh* or apostates, there is an equivocal argument given by Ibn Taymiyya and needs to be identified. This raises another fundamental question, what does Ibn Taymiyya say about the Druzes and the Nuṣayrīs? This analysis contains something of value to this study. As outlined before, apart from *jihād*, the second purpose of this study is to examine the concept of *baghy* in Islamic law. Thus, the next chapter will be devoted specifically to a discussion of this matter.

²²³ *Risāla* 2, pp. 398- 407; *Risāla* 3, pp. 601-30; *al-Ikhtiyārāt*, pp. 315-16; MF28:553-55, Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 143.

²²⁴ *al-Jihād*, p. 224; *Thalāth rasā'il*, pp. 126-32.

CHAPTER FOUR

CHAPTER FOUR

***BAGHY* IN ISLAMIC LAW AND THE THINKING OF IBN TAYMIYYA**

4.1. Introduction

The chapter focuses on the opinion of the jurists about the concept of *baghy* and its significance in the Islamic law. The objective of this chapter is to provide a comprehensive review of the issue of *baghy* and the thinking of Ibn Taymiyya within the context of *jihād*. The chapter starts with a brief explanation of the lexical meaning of *baghy* and its position in classical texts. The chapter continues with the discussion about the legal status of *baghy* in Ibn Taymiyya's view. Later, it attempts to shed some light on the issue of *baghy* and *jihād* against unjust or corrupt *imāms*, and what is the relationship between them from the perspective of the two prime sources of Islam: the Qur'an and hadith, with special focus on Ibn Taymiyya's point of view. This topic is treated in detail in the present study, and most of this problem is as pertinent to the *umma* today as it was in the time of Ibn Taymiyya. It is hoped that the following exposition will have some valuable impact on the on-going debate about *baghy* and *jihād*. It bears noticing, however, that this chapter is only concerned with the views of the jurists of the four major Sunnī schools. The views of other schools including Shi'a, although interesting, will not be discussed.

4.2. The definition of *baghy*

Baghy, according to Islam, is a punishable crime and is different from *ḥirāba*. As explained in Chapter Three, *ḥirāba* refers to highway robbery, terror or spreading of fear, while the word *baghy* is usually used by Muslim jurists to describe an act of rebellion or political resistance. The word *baghy* comes from the root *baghā*, which means “to desire or to seek something”, “to cause corruption”, “to envy” or “to commit injustice”.¹ A rebel is called “*bāghī*”, and the plural form is “*bughāh*”.² In this study, and as stated earlier, I will use the word *baghy* in its most general form; that is, as the act of resisting the authority in power, through disregard of the law, for political reasons.

What I would like to examine in this section is the confusion between the usage of the terms *baghy* and *ḥirāba*. In modern usage, it is inaccurate to describe both *baghy* and terrorism as an act of violence in the common sense. Therefore we must decide what acts constitute acts of terrorism and who should be described as a terrorist, and what acts are *baghy*. Technically, they are different because the term terrorism can refer to “any use of violence or putting the public or any section of the public in fear, for political purposes”³ while the term *baghy* has a more specific meaning, namely, “the taking up of arms or opposition by a substantial group of persons against the lawfully constituted authority in a state and making an attempt to

¹ Lane, *Lexicon*, 1:231; Riḍā, *Mu'jam al-lughah*, p. 320; Ibn Manẓūr, *Lisān al-'Arab*, 14: 78-9.

² Ibn Manẓūr, *Lisān al-'Arab*, 14:79.

³ E.R. Hardy Ivamy and G. Whiteley, *Mozley and Whiteley's Law Dictionary*, London, 1988, p. 469; Elizabeth A. Martin, *A Concise Dictionary of Law*, Oxford, 1983, p. 362.

overthrow that authority”.⁴ In the new development of modern Arabic usage, terrorism is sometime translated as *irhāb*.⁵ So, it would be appear that *irhāb* is an armed or other form of attack against civilians or the public and the perpetrators are regarded as terrorists.⁶ *Baghy*, however, is an armed attack only against the authority, not the civilians, and it is always carried out for certain political purposes. If civilians are accidentally caught in the crossfire, a *bāghi* is not labeled as an *irhābī* (terrorist). Terrorism can also be translated as *ḥirāba*. With regard to this, Abou El Fadl refuses to adopt the word terrorism as a translation of *ḥirāba*, which he believes to be an anachronism. He further states that *ḥirāba* deals with common criminals motivated by private gain.⁷ Therefore, he believes that terrorism exists as a result of the emergence of the political crime and national liberation in the modern age.⁸ Al-Qaradāwī, however, adopts the word *ḥirāba* to express terrorism. He vigorously uses *ḥirāba* in his recent *fatwā* to refer the perpetrators of the public attacks.⁹ Commenting on *ḥirāba*, Sherman A. Jackson asserts that the crime of *ḥirāba* in the Islamic legal tradition has a relationship with modern terrorism.¹⁰ To take another example, al-Zuhaylī states that *bāghi* opposes the legitimate ruler on the basis of

⁴ Ivamy, *Law Dictionary*, p. 382; David M. Walker, *The Oxford Companion to Law*, Oxford, 1980, p. 1040; Bryan A. Garner, *A Dictionary of Modern Legal Usage*, New York, 1987, p. 304.

⁵ See, for example, ‘Abd al-Rahman Sulaymān al-Maṭrūdī, ‘al-Irhāb wa ra’y al-Qur’ān fīhi’ (Terrorism in the view of the Qur’an), *Journal of Qur’anic Studies*, 6, London, 2004, pp. 187-95.

⁶ al-Maṭrūdī, ‘al-Irhāb wa ra’y al-Qur’ān fīhi’, p. 188.

⁷ Abou El Fadl, ‘Aḥkām al-Bughāt: Irregular Warfare and the law of Rebellion’, in *Islam, Cross, Crescent and Sword: The Justification and Limitation of War in Western and Islamic Tradition*, ed. John Turner Johnson and John Kelsay, New York, 1990, p. 151.

⁸ Abou El Fadl, *Rebellion and Violence in Islamic law*, p. 6.

⁹ This fatwa gave permission to American Muslim soldiers to take part in the military campaign against terrorism, even if that involved the declaration of war against a Muslim country. See Basheer M. Nafi, ‘Fatwa and War: On the allegiance of the American Muslim soldiers in the aftermath of September 11’, *Islamic Law and Society*, 11, Leiden, 2004, pp. 80-2.

¹⁰ For more detailed information of *ḥirāba* and modern terrorism, see Jackson, ‘Domestic Terrorism in the Islamic Legal Tradition’, pp. 295-99.

tā'wīl (it is a type of thinking or ideology followed by the *bāghī*), while *muḥārib* does so without any such pretense.¹¹

The issue regarding the confusion of the usage of the terms *baghy* and *ḥirāba* has also been dealt with by the jurists. In fact, according to Abou El Fadl, the confusion kept occurring and being debated by jurists until the end of fifteenth century.¹² Nevertheless, this chapter cannot allocate more space to discuss that issue. For the purpose of this chapter, focus will only be given to *baghy* in relation to political revolt against the leader. In other words, the discussion above suggests to us that *baghy* is more suitable in reference to political uprising by specific groups of people against the *imām*, and with this brief explanation I believe that the difference between the basic usage of *baghy* and *ḥirāba* has been made.¹³

Abou El Fadl and Jackson, furthermore, observe that the Islamic law of *baghy* is a concept based on the process of *ijtihād* in classical *fiqh* thought. It then is applied in the legal system that existed at that time based on local factors.¹⁴ Therefore it is not impossible if the technical forms in the concept of *baghy* can evolve with the passing of time and different eras. The gist of this chapter is also to examine the *baghy* that occurred during the Mamluk era or, to be more precise, during the era of Ibn Taymiyya, and to find the answer as to whether the groups that he has carried out *jihād* against can be considered as *bughāh*.

¹¹ al-Zuhaylī, *al-Fiqh al-Islāmī wa adillatuh*, Beirut, 1996, 6:128.

¹² Abou El Fadl, *Rebellion and Violence in Islamic law*, p. 135.

¹³ For more detailed information of the difference between *ḥirāba* and *baghy*, see, for example, Jackson, 'Domestic Terrorism in the Islamic Legal Tradition', pp. 301-02.

¹⁴ Abou El Fadl, 'Aḥkām al-Bughāt', pp. 153-60; Jackson, 'Domestic Terrorism in the Islamic Legal Tradition', p. 302.

4.3. *Baghy* in the classical texts

Most of the major books of *fiqh* contain a chapter on *baghy* and this suggests to us that its discussion has had close attention from the classical jurists. The majority of the jurists, such as Ibn Rushd, al-Shāfi‘ī, al-Māwardī, Abū Ya‘lā and Ibn Qudāma have allocated a place in their works for the discussion of the concept of *baghy*.¹⁵ There is a uniformity of method in the classical literature where the jurists usually present and interpret certain Qur’anic verses and hadiths that are concerned with *baghy*, followed by the explanation of the legal status of *baghy*. A slight disagreement, however, occurs on its categorization, since the topic *baghy* is commonly discussed under one of three major chapters, either criminal law, or *siyar* or *jihād*.¹⁶

4.3.1. The elements of *baghy*

Al-Māwardī and Ibn Qudāma state that the *imām* must ensure that a rebel group must possess three crucial elements to be considered as *baghy*:

- (i) The first element is that the group must commit *khurūj*. *Khurūj* is any action that exhibit rebellion or treason against the *imām*. For example, when a group refuses to obey an official directive from the *imām*, they can be considered as having committed *khurūj*.¹⁷ Nonetheless, al-Shāfi‘ī

¹⁵ Ibn Rushd, *Bidāya al-mujtahid*; 2:458-59; al-Shāfi‘ī, *al-Umm*, 4:133-39; al-Māwardī, *al-Aḥkām al-sulṭāniyya*, pp. 69-71; Abū Ya‘lā, *al-Aḥkām al-sulṭāniyya*, pp. 53-4, Ibn Qudāma, *al-Mughnī*, 8:104-06.

¹⁶ Abou El Fadl, ‘Aḥkām al-Bughāt’, pp. 154-55.

¹⁷ al-Māwardī, *al-Aḥkām al-sulṭāniyya*, p. 73; Ibn Qudāma, *al-Mughnī*, 8:423.

believes that if *khurūj* is committed against a cruel and unjust *imām*, the party who opposes cannot be considered as committing *khurūj*,¹⁸ but they are considered as fulfilling their responsibility towards the principle of *amr bi al-ma'rūf* and *nahy 'an al-munkar*. Abū Bakr Aḥmad b. al-Ḥusayn b. al-Bayhaqī (Shāfi'ī *faqīh*; d. 458/1066),¹⁹ furthermore, asserts that if one directed a complaint against the *imām* by using rude language he will not be punished. Al-Bayhaqī relies on the story of 'Umar b. 'Abd al-'Azīz (the eighth of the Umayyad caliph; reign 99-101; d. 101/720)²⁰ who did not punish the man who was found cursing him publicly in the market.²¹

(ii) The second element is *tā'wīl*. *Tā'wīl* is a type of thinking or ideology followed by the *bāghi*. This ideology, furthermore, is deviant from the mainstream thought of the *imām*. *Tā'wīl* must be something baseless or illogical according to rational thinking. In other words, *tā'wīl* must be unpopular or considered erroneous among the majority of other Muslims. If *tā'wīl* is something rational and logical, it is considered valid and it fulfils the concept of *al-amr bi al-ma'rūf* and *al-nahy 'an al-munkar*.²² In this case, the *imām* does not have any right to punish the *bāghi*. On the other hand the *imām* has the obligation to listen and act upon the

¹⁸ al-Shāfi'ī, *al-Umm*, 4:135.

¹⁹ For a biographical note on al-Bayhaqī, see, *EI* (2), 1:1130.

²⁰ For a biographical note on 'Umar b. 'Abd al-'Azīz, see, Ian Richard Netton, *A popular dictionary of Islam*, London, 1992, p. 50.

²¹ Abū Bakr Aḥmad b. al-Ḥusayn b. al-Bayhaqī, *Kitāb al-sunan al-kubrā*, Haydarabad al-Dakkān, 1936, 8:184.

²² al-Bayhaqī, *Kitāb al-sunan al-kubrā*, 8:175; Ibn Qudāma, *al-Mughnī*, 8:536.

criticism. Only when everything has been fulfilled and the *bāghi* still go against the *imām*, only then the group is trouble and must be fought.²³

(iii) The third element is *shawka*. It means that every *bāghi* has to consist of an organisation that has its own influence and political powers. Ibn Qudāma firmly believes that *shawka* is essential in characterising a *baghy* in order to differentiate it from other groups. According to him, without this element, confusion would arise when one party exploits the situation by claiming that certain individual has committed *tā'wīl* and from then on claims that the person as *bāghi*.²⁴ Nevertheless, al-Shāfi'ī has a different opinion regarding this. He does not clarify the minimum number of members of the group. This means that even if the group has one member and it fulfils the three elements, it will still be considered as *bāghi*. Al-Shāfi'ī uses the example of 'Alī b. Abī Ṭālib's assassination by 'Abd al-Raḥman b. Muljām (Khārijī; d. 40/661).²⁵ Al-Shāfi'ī claims that Ibn Muljām has committed *baghy* and 'Alī himself moments before he died commanded that Ibn Muljām was put to death for his crime.²⁶

The concept of *baghy* in addition to being determined through the Qur'an and hadith also has a very close relationship to the history of *baghy* that occurred in the early era of Islam. The jurists have succeeded in identifying that *baghy* has occurred since the era of the Companions and this will be explained later. Nonetheless, there is

²³ al-Bayhaqī, *Kitāb al-sunan al-kubrā*, 8:175; Ibn Qudāma, *al-Mughnī*, 8:536.

²⁴ Ibn Qudāma, *al-Mughnī*, 8:424.

²⁵ For a biographical note on 'Abd al-Raḥman b. Muljām, see, *EI (I)*, 3:887.

²⁶ al-Shāfi'ī, *al-Umm*, 4:216; al-Suyūṭī, *The history of the Khalifahs*, pp. 182-83.

still some debate in determining if the Companions involved in the uprising in that era committed *baghy* or not. Abou El Fadl is of the opinion that if *baghy* is considered as a criminal transgression, logically, those involved are criminals. Therefore, Abou El Fadl claims that jurist like Ibn Taymiyya who conceded that *baghy* is not a criminal transgression actually is reluctant to convict the Companions involved as criminals.²⁷ Nonetheless, the discussion in this chapter, is not focused on this issue, whereas, Abou El Fadl has posited this issue as the objective of his writing. Thus, to obtain further information regarding the discrepancy in the opinions of the jurists, direct reference to his book is recommended. However, in the larger part of this chapter, I will frequently refer to Abou El Fadl's writing, for the approach he has taken in commenting on the issue of *baghy* is highly relevant to this chapter. Abou El Fadl has analysed *baghy* cases that occurred between the years 59/680 to 209/825. In this case, I will not repeat the facts gathered by Abou El Fadl from the classical historical texts, but I will analyse only specific cases of *baghy*. The interesting thing in examining his writing is the information on the involvement of famous Companions like 'Uthmān, 'Alī, Mu'āwiya b. Abī Sufyān (Companion; Umayyad caliph, 41-60/661-680; formerly governor of Syria under 'Umar and 'Uthmān; d. 65/685)²⁸, Ṭalḥa b. 'Abd Allāh (Companion; governor of Medina, c. 70-72/ c. 689-691; d. c. 97/715)²⁹ and al-Zubayr b. al-'Awwām (Companion; d. 73/692).³⁰

²⁷ Abou El Fadl, *Rebellion and Violence in Islamic law*, pp. 20-1, 32.

²⁸ For a biographical note on Mu'āwiya, see, *EI* (2), 7:263-68.

²⁹ For a biographical note on Ṭalḥa, see Muḥammad b. Khalāf Wakī' (d. 305/918), *Akhbār al-quḍāh*, Cairo, 1947-50, 1:120.

³⁰ For a biographical note on al-Zubayr, see *EI* (2), 1:54-5.

‘Alī is not the first caliph in Islamic political history to handle a *baghy* case. ‘Uthmān also faced with the *bughāh* and was finally assassinated by them. In addition to that, Abū Bakr himself was involved in a war with the groups who refused to pay *zakāh*. Nonetheless, the jurists, including Ibn Taymiyya do not posit the case of *baghy* in Abū Bakr era as the main source of reference in forming the concept of Islamic law of *baghy*, but instead referred more to the conflicts that occurred in the era of ‘Alī. From what I explained of Abū Bakr’s military campaign against the groups in Chapter Three, it is clear that the main reason why the jurists did not refer to the case of Abū Bakr because the groups were considered apostates.³¹ On the other hand, Ibn Taymiyya agrees to include the Medinan rebellion that occurred in the year 35H/655M in Islamic law of *baghy*. In this incident, some Medinan extremists revolt against ‘Uthmān. The story clearly showed that ‘Abd Allāh b. Sabā’ (founder of Sabā’iyya; d ?)³² has initiated opposition against ‘Uthmān’s leadership and this opposition ended with the assassination of ‘Uthmān.³³ Therefore, as Ibn Taymiyya remarks, Ibn Sabā’ and his followers are found to have committed *baghy*.³⁴

4.3.2. The punishment of *baghy*

The principle concept employed by the jurists in determining the punishment of *baghy* is to maintain peace and public harmony. This principle is clearly indicated in

³¹ For more detailed of information on Abū Bakr’s fighting against apostates, see Chapter Three of this thesis, p. 167.

³² For a biographical note on Ibn Sabā’, see, *EI (1)*, 1:29-30.

³³ al-Suyūṭī, *The History of Khalifahs*, p. 168; see also, Esposito, *Islam: The Straight Path*, p. 39.

³⁴ MF3:279.

the Qur'an: "And if two factions amongst the believers should fight, then make settlement between the two (Q49:9)". This means that the ruler must first attempt to the best of his ability to prevent bloodshed and war is only allowed as the last resort when all efforts towards peace have failed.

Jurists, including Ibn Taymiyya say that the fitting punishment for the offender is not mandatory as in the other crimes that stipulated *ḥadd* or *qiṣās*. The ruler can only shed the blood of the *bāghī* only in the course of battle. Or rather, when the *bāghī* start to form a militant group and prepare arms and artillery, the *imām* must first command the group to be disbanded immediately. Only when this order is ignored can the *imām* initiate military actions against them.³⁵ According to al-Māwardī, the ruler has to first give a warning to the offender in regards to the consequences and punishment that would befall them if they continue the uprising.³⁶ As I have explained before, the concept of the punishment for crimes of *baghy* is not only for bloodshed and battle but the main purpose is to maintain the harmony of a nation.

Al-Sarakhsī explains that a *bāghī* arrested by the *imām* is given all the chance to confess to the crime and to pledge loyalty to the *imām*. If the *bāghī* refuses, the *imām* can sentence the *bāghī* to death.³⁷ Another issue touched by al-Sarakhsī is the involvement of women and slaves under the *baghy* group. According to him, women

³⁵ MF3:353-54; 4:441-42; 35:80; for Abū Ḥanīfa's opinion see Muḥammad Abū Zahra, *al-Jarīma wa al-'uqūba fī al-fiqh al-Islāmī*, Cairo, 19-- , p. 57.

³⁶ al-Māwardī, *al-Aḥkām al-sultāniyya*, p. 97.

³⁷ al-Sarakhsī, *al-Mabsūṭ*, 10:126.

and slaves are not exempted from a death punishment if they are found guilty of *baghy*.³⁸

It is clear from the discussion above that the jurists basically agree that *baghy* is a serious offence and punishable by imprisonment or death. Thus the jurists agree that the *bāghi* needs to be put behind bars or be put to death. It is generally accepted that the objective of fighting *baghy* is to resolve a conflict peacefully and to prevent any bloodshed at all. If there is a murder during a revolt, and after that the *bāghi* surrenders and repents, it is not necessary to add to the number of death toll by sentencing them to death.

There is another interesting question posited by the jurists, which is the issue of a non-Muslim *bāghi*. Al-Sarakhsī states that a non-Muslim *bāghi* is punished by the same punishment as an ordinary Muslim *bāghi*. Further explanation regarding this issue has been made by Hamidullah. He states further that non-Muslim *bughāh* are divided into two categories: first, those who live in a region surrounded by *dār al-Islām*; second, those who live in a region that shares a border with *dār al-ḥarb*. The first group may be sentenced like Muslim *bughāh*. The second group considered the same as an army of *dār al-ḥarb*. Thus, the second group may be fought by the *imām*. In this case, Hamidullah believes that there is a possibility that the second group is conspiring with the enemy to threaten the Muslims and for this they should be attacked.³⁹

³⁸ al-Sarakhsī, *al-Mabsūṭ*, 10:130.

³⁹ Hamidullah, *Muslim Conduct of State*, p. 356.

4.4. The legal status of *baghy*: Ibn Taymiyya's opinion

Before continuing the discussion of *baghy* and its relationship with *jihād*, there is a need to examine the basis of the usage of the term *baghy*. Confusion occurs with the reports in the classical *fiqh* texts that do not distinguish between *baghy* and *hirāba*. As explained in Chapter Three, Ibn Taymiyya believes that whoever goes against God and the Prophet is a *muḥārib*. If the conflict involves murder and the destruction of public property, every convict should be crucified and put to death. By contrast, Sa'īd b. al-Jubayr (Kufan *faqīh*; d. 95/714)⁴⁰ extended the concept of *hirāba* not only to robbery but also to other crimes, including revolt. Ibn al-Jubayr's view is of considerable weight when it is examined in relation to the text of the Qur'an (Q5:33) that touches on the issue of *hirāba*. One agrees that the context of the verse is too broad and can invite multiple interpretations. Therefore, it can be assumed that Ibn al-Jubayr's action of not distinguishing *baghy* from *hirāba* is due to his interpretation of Q5:33 which is general in nature.

In order to ensure a clear definition of *hirāba* and the context of its usage in *fiqh* and to distinguish it from *baghy*, it is advisable to examine briefly the status of *hirāba* in Islamic legal thought. As stated elsewhere, the term *hirāba* as quoted in Q5:33 is more specific in reference to robbery cases that often turn into homicide cases. In discussing this issue, there are two other terms frequently used by the jurists: the first one is *qaṭ' al-tarīq*; and the second one is *sariqa al-kubrā*. Further explanation regarding the usage of the term *hirāba* in relation to the crime of robbery

⁴⁰ For a biographical note on Ibn al-Jubayr, see, *GAS*, 1:28-9.

has been discussed extensively by El-Awa in his book *Punishment in Islamic Law*.⁴¹ The classical jurists like al-Shāfi‘ī, Ibn Rushd, Ibn Qudāma and Ibn Taymiyya agree that *ḥirāba* refers to the crime of robbery when it involves the use of weapons as a threat.⁴²

Baghy was distinguished from other offences after the Great Fitna. In this respect, al-Shāfi‘ī, al-Sarakhsī and Ibn Qudāma explain that the term *baghy* was used consistently in reference to cases of uprising or revolt.⁴³ We have mentioned before that the concept of *baghy* has a close relationship with the cases of *baghy* in the early era of Islam. Thus, it is believed that this source has been utilised by the jurists as the basis for building the concept of *baghy* in the Islamic legal system.

After the death of the Prophet, the Muslims experienced an era of *fitna*. It is useful to quote the views of Ibn Taymiyya regarding *fitna*. As explained in Chapter Three, Ibn Taymiyya feels that in many genres of the Qur’anic verses and hadiths, the term *fitna* refers to “*fitna* of the *kuffār*” and “*fitna* of *sharr*”.⁴⁴

4.5. *Baghy* in the Qur’an and hadith: Ibn Taymiyya’s opinion

In the Qur’an, the term *baghy* has been used largely to refer to the meaning of “transgression”, “oppression” or “rebellion” (i.e. Q2:173; 3:19; 6:145; 6:146; 10:23, 90; 16:90; 42:14; 45:17). The legal basis of *baghy* is Q49:9:

⁴¹ El-Awa, *Punishment in Islamic Law*, pp. 20-32.

⁴² al-Shāfi‘ī, *al-Umm*, 6:140; Ibn Rushd, *Bidāya al-mujtahid*, p. 547; Ibn Qudāma, *al-Mughnī*, 8:288; *al-Siyāsa al-shar‘iyya*, p. 117.

⁴³ al-Shāfi‘ī, *al-Umm*, 4:133-39; al-Sarakhsī, *al-Mabsūṭ*, 9:125-32; Ibn Qudāma, *al-Mughnī*, 8:424-28.

⁴⁴ MF28:355; *al-Siyāsa al-shar‘iyya*, p. 123.

And if two factions amongst the believers (*al-mu'minīn*) should fight, then make settlement between the two. But if one of them rebels (*baghat*) the other, then fight against the one that rebels (*tabghī*) until it returns to the ordinance of Allah. And if it returns, then make settlement between them in justice and act justly. Indeed, Allah loves those who act justly.

Generally, this verse suggests to the *imām* to offer a pact of peace to conflicting parties. The *imām* has the right to declare war on the party who refuses to fulfil the covenants of peace that both parties have agreed upon.

According to Abou El Fadl, there is another source that is not given prominence by the jurists, which is the *Ṣahīfa al-Madina*. In the clauses of that constitution, the Prophet has used the term *baghā* in a phrase that refers to unfairness or transgression: “‘*ala man baghā minhum*” that means that the Muslims are required to be tolerant in regards to the unfairness of the Arab polytheists.⁴⁵ In this chapter, I will not discuss in detail the constitution and the policies employed by the Prophet. What I would like to show is only that the term *baghy* is found in that constitution. Nonetheless, the jurists, including Ibn Taymiyya, rarely refer the use of *baghy* in this constitution as compared to the reference made to Q49:9. In view of that, this discussion is focused only on this verse.

An examination of the full meaning of Q49:9 shows that this verse refers to two conflicting parties and the form of punitive measures that can be taken against parties who refuse to maintain peace. But this text is seen as too general and that gives room for doubts regarding the characteristics of the conflict. There have been

⁴⁵ Abou El Fadl, *Rebellion and Violence in Islamic law*, p. 37; for more detailed information of the Constitution of Medina, see, for example, Watt, *Islamic Political Thought*, Edinburgh, 1998, p. 131; Guillaume, *The Life of Muhammad*, pp. 231-34.

numerous interpretations that it might refer to conflict between the Muslims and non-Muslims or the conflict between groups of Muslim with the government. In order to understand the context of Q49:9 more deeply, it is advisable to examine its *asbāb al-nuzūl*.

Commentators like al-Ṭabarī, al-Qurṭubī and Ibn Kathīr report that Q49:9 was revealed after a conflict between the followers of ‘Abd Allāh b. Ubayy b. Salūl (Medinan; d. 9/631)⁴⁶ and the followers of ‘Abd Allāh b. Rawāḥa (Companion; d. 8/629).⁴⁷ The report is as such: “The Prophet was riding a donkey passing Ibn Ubayy, when the donkey suddenly stopped and passed faeces in front of Ibn Ubayy. Ibn Ubayy covered his nose and roughly commanded the Prophet to go away. Upon witnessing the incident, Ibn Rawāḥa who was passing by became angry and retorted that the smell of the Prophet’s donkey was much preferable to that of Ibn Ubayy”. The argument soon escalated into a serious feud where each had his own followers. The Prophet tried to persuade them to make peace but he failed. Following that incident, Q49:9 was revealed.⁴⁸

In another variation, al-Ṭabarī reports that the verse was revealed when the Prophet passed Ibn Ubayy while he was doing his missionary duties with a group of the Meccan polytheists and a group of Jews. Ibn Ubayy rudely told the Prophet to

⁴⁶ For a biographical note on ‘Abd Allāh b. Ubayy, see, *EI* (2), 1:53.

⁴⁷ For a biographical note on ‘Abd Allāh b. Rawāḥa, see, *EI* (2), 1:50-1.

⁴⁸ al-Ṭabarī, *Jamī‘ al-bayān*, 25:82; Ibn Kathīr, *Tafsīr*, 4:222; al-Qurṭubī, *al-Jāmi‘ li aḥkām al-Qur‘ān*, 16:316-17.

stop his teaching. Ibn Rawāḥa became angry with Ibn Ubayy, and an argument broke out between them.⁴⁹

The verse quoted above clearly indicates that enmity gives negative effects on the peace and harmony of the citizens as a whole. Thus, the Qur'an suggests that the *imām* ends the conflict with war if peace discussions are not successful. The more interesting part of the discussion states that any effort in handling the *baghy* crisis, including war, is allowed in Islam. In other words, the action taken is in the name of sovereignty and the security of the citizens. Generally, the jurists, such as al-Shāfi'ī, Ibn Qudāma and al-Sarakhsī, posit two basic principles derived from Q49:9. The first principle is that the *bughāh* maintain their status as Muslims; and the second principle, which is the ultimate aim of the concept of *baghy* is to end conflicts peacefully and not only through war.⁵⁰ In addition, Ibn Taymiyya says that the word “*al-mu'minīn*” in the verse above clearly indicates that both parties are Muslims.⁵¹ In connection with this, it is certain that both Ibn Ubayy and Ibn Rawāḥa were Muslims, and it is clear that *baghy* in the verse refers to conflict amongst Muslims.

Logically, this effort is a significant action and every party that works towards solving the conflict should be given credit for its efforts. Therefore in their discussions on Islamic political thought, the jurists, including Ibn Taymiyya, consider all efforts towards the solution of the conflict of *baghy* to be *jihād*.⁵²

⁴⁹ al-Ṭabarī, *Jamī' al-bayān*, 25:82; see also *Ṣaḥīḥ Bukhārī*, 'Kitāb al-ṣabr', 567; *Ṣaḥīḥ Muslim*, 'Kitāb al-jihād', 4431.

⁵⁰ al-Shāfi'ī, *al-Umm*, 4:144; Ibn Qudāma, *al-Mughnī*, 8:423, 527; al-Sarakhsī, *al-Mabsūṭ*, 9:270.

⁵¹ MF35:72; *al-Tafsīr*, 4:10-1.

⁵² MF34:225-27.

Another source is the Q3:104 apart from Q49:9:

And let there be from you a nation inviting to good, enjoining what is right and forbidding what is wrong, and those will be the successful.

This verse is seen as reinforcement of the concept of *amr bi al-ma'rūf* and *nahy 'an al-munkar*. As explained by Ibn Taymiyya in Chapter Three, the verse indicates that the Muslims have the responsibility to promote righteousness and to prevent disobedience. The call to promote *amr bi al-ma'rūf* has been stressed by the Prophet in the hadith that specifies that any carelessness in the execution of this duty can bring about wrath from God. Thus, this verse teaches that every Muslim, especially those holding authority, has the obligation to ensure the well-being and security of the citizens and to prevent all transgressions, including *baghy*, that can threaten public security.

That leaves one unexamined source, which is the hadith. With regard to the hadith of *baghy*, Ibn Taymiyya says that Aḥmad mentions only the hadiths about fighting against the Khawārij. In Bukhārī's collection, the hadiths are about fighting against apostates and the Khawārij. In *Muwattā'*, Mālik gathers similar hadiths but entitles the chapter, "fighting apostates and the cult" (*qitāl ahl al-riḍḍa wa ahl al-ahwā'*).⁵³ There are a number of hadiths that quotes by Ibn Taymiyya regarding *baghy*. The example of the hadiths are as follows:

During the construction of the mosque of the Prophet, the companions carried the adobe of the mosque, one brick at a time while 'Ammār b. Yāsir used to carry two at a time. The Prophet

⁵³ MF4:450-51.

passed by ‘Ammār and removed the dust off his head and said: “May Allah be merciful to ‘Ammār. He will be killed by a rebellious aggressive group (*al-fi’a al-bāghiya*). ‘Ammār will invite them to obey Allah and they will invite him to the hellfire”.⁵⁴

During the last days there will appear some young foolish people who will say the best words but their faith will not go beyond their throats (i.e. they will have no faith) and will go out from (leave) their religion as an arrow goes out of the game. So, wherever you find them, kill them, for whoever kills them shall have reward on the Day of Resurrection.⁵⁵

The first hadith indicates the *fitna* in which the Companions involved. This *fitna* or rebellion was led by Mu‘āwiya and Ṭalḥa. This fact was later found by Ibn Taymiyya to be inaccurate. Ibn Taymiyya has listed several hadiths that denied Mu‘āwiya and Ṭalḥa involvement in the said rebellion and his testimonial on Mu‘āwiya, Ṭalḥa and other Companions will be explained later. Rather, Ibn Taymiyya maintains that the rebellion was led by Ibn Sabā’ against ‘Uthmān.⁵⁶ The second hadith refers to the Khawārij’s uprising and this is undisputably true.⁵⁷

4.6. Ibn Taymiyya’s opinion on Ṭalḥa, al-Zubayr, ‘Ā’isha and Mu‘āwiya

From my analysis, the example frequently cited in the literatures is the case amongst four main parties.⁵⁸ The first party is represented by ‘Alī as the fourth caliph of the Islamic state. The second party is represented by three main companions: Ṭalḥa, al-Zubayr and ‘Ā’isha bint Abī Bakr al-Ṣiddīq (One of wives of the Prophet; d.

⁵⁴ MF21:119; 35:74; see *Ṣaḥīḥ Bukhārī*, ‘Kitāb al-ṣalāh’, 428; *Ṣaḥīḥ Muslim*, ‘Kitāb al-fitan’, 67; *Musnad*, 3/5, 22.

⁵⁵ MF35:54, see *Ṣaḥīḥ Bukhārī*, ‘Kitāb al-adāb’, 3342; *Ṣaḥīḥ Muslim*: ‘Kitāb al-zakāh’, 1761; *Musnad*, 3/332, 353.

⁵⁶ MF35:74, 76.

⁵⁷ MF35:54.

⁵⁸ al-Shāfi‘ī, *al-Umm*, 4:133-39; al-Sarakhsī, *al-Mabsūṭ*, 9:125-32; Ibn Qudāma, *al-Mughnī*, 8:424-28.

58/678).⁵⁹ The third party is represented by Mu‘āwiya and the last one is the revolts by a group called the Khawārij against ‘Alī. The conflict between Mu‘āwiya and ‘Alī tends to lean towards political dispute. In fact, the uprising of the Khawārij against ‘Alī is also an example of a case of *baghy* that has been encouraged by political factors.

It is worth reflecting a little on some of the details in order to understand what lies behind them. The conflict started after ‘Uthmān was murdered by an Arab fundamentalist. Mu‘āwiya and his followers demanded that ‘Alī brings the murderer to justice but when ‘Alī did not react, Mu‘āwiya started to form an army against ‘Alī. This conflict ended with two battles called the Battle of the Camel (this battle took place in the year 36/656) and the Battle of Şiffīn (this battle took place in the year 37/657). In the Battle of Şiffīn, ‘Alī and Mu‘āwiya finally agreed to a peace agreement but there was a group called the Khawārij that rose against the agreement and considered it null and void.⁶⁰

Nonetheless, Ibn Taymiyya expresses some disagreement on the cases quoted above. This disagreement can be observed from his denial that Mu‘āwiya, Ṭalḥa, al-Zubayr and ‘Ā’isha committed *baghy*. It is hard to disagree with Ibn Taymiyya’s opinion, and one must acknowledge that his disagreement changes the principal idea of the classical notion of *baghy*, and this will be explained later. Ibn Taymiyya thinks that Mu‘āwiya, Ṭalḥa, al-Zubayr and ‘Ā’isha are not *bughāh*, rather it is said in the

⁵⁹ For a biographical note on ‘Ā’isha, see *EI* (2), 1:307-08.

⁶⁰ Abou El Fadl, ‘Aḥkām al-Bughāt’, pp. 157-58; al-Suyūṭī, *The history of the Khalifahs*, pp. 181-82; Armstrong, *Islam: A Short History*, London, 2002, pp. 29-31; see also, Esposito, *Islam The Straight Path*, pp. 39-40.

Qur'an and hadiths that they are amongst the best Companions, the best of this *umma*, the most righteous and the deepest in knowledge.⁶¹ For example, the Qur'anic verse and hadiths are as follows:

And those came after them, saying: "Our Lord, forgive us and our brothers who preceded us in faith and put not in our hearts resentment toward those who have believed. Our Lord, indeed you are Kind and Merciful". (Q59:10)

The best people are those living in my generation, and then those who will follow them, and then those who will follow the latter. Then there will come people who will bear witness before taking oaths, and take oaths before bearing witness.⁶²

The stars are a source of security for the sky and when the stars disappear there comes to the sky what it has been promised. And I am a source of safety and security to my Companions and when I go away there would fall to my Companions what has been decreed for them. And my Companions are a source of security for the *umma*; as they go there would fall to my *umma* what has been decreed for them.⁶³

In this respect, Ibn Taymiyya also says that it is sinful to insult the Companions.⁶⁴ In the following hadith, the Prophet warns those who harm and rebuke his Companions:

Do not rebuke my companions. If any of you spend as much gold as the mount of Uḥud, he will not reach the reward of a handful of any of them, nor half of it.⁶⁵

Ibn Taymiyya, furthermore, says the Muslims should accept all virtues and grades that have been ascribed to the Companions in the Qur'an, hadith and *ijmā'*. Muslims should believe that the Prophet gave glad tidings of paradise to some of the

⁶¹ MF35:75.

⁶² See *Ṣaḥīḥ Bukhārī*, 'Kitāb al-aimān', 820; *Ṣaḥīḥ Muslim*, 'Kitāb al-faḍā'il al-ṣaḥāba', 6140.

⁶³ See *Ṣaḥīḥ Muslim*, 'Kitāb al-faḍā'il al-ṣaḥāba', 6147.

⁶⁴ MF3:409.

⁶⁵ MF35:58; 3:409; see also *Ṣaḥīḥ Bukhārī*, 'Kitāb al-al-ṣaḥāba', 3421; *Ṣaḥīḥ Muslim*, 'Kitāb al-faḍā'il al-ṣaḥāba', 6167.

Companions, such as Abū Bakr, ‘Umar, ‘Uthmān, ‘Alī, Ṭalḥa and al-Zubayr, and Muslims should also not believe that every Companion is innocent of minor or major sins, but rather that it is possible in general that they commit sins. For instance, the sin of taking part in the battle against ‘Alī, and it is also possible that they repent for something wrong that they have done. In addition to this, they have such superior and virtuous deeds to their credit that they are pardoned the errors committed by them. In this respect, Ibn Taymiyya quotes a hadith: “If two Muslims encounter each other with swords in their hands, the killer and the killed both go to hellfire”,⁶⁶ and as Ibn Taymiyya remarks: “If the killer and the killed repent, they do not go to hellfire”.⁶⁷

Ibn Taymiyya suggests that the Muslims should keep themselves uninvolved in the conflicts that arose amongst the Companions, particularly after the assassination of ‘Uthmān and the *fitna* that took place between ‘Alī, Mu‘āwiya and Ṭalḥa, and believe that the majority of reports narrated about the shortcomings of the Companions were either false or have been exaggerated, or reduced, or perverted.⁶⁸

For Ibn Taymiyya, the right stand in this connection is to be silent, because the Companions are *mujtahids*, and *mujtahids* cannot be treated as common criminals if they grasped the correct position by *ijtihād* or they committed a mistake.⁶⁹

As I have mentioned before, the jurists argued as to who has made a right *ijtihād* between ‘Alī and Mu‘āwiya. In contrast, Ibn Taymiyya says that both ‘Alī

⁶⁶ For the full text of the hadith, see Subsection “the *muḥāribīn*” in Chapter Three of this thesis.

⁶⁷ This refers to the situation before the battle takes place, see MF35:52, 84.

⁶⁸ MF35:58, 75.

⁶⁹ MF35:78; *al-‘Aqāda al-wāsiṭiyya*, pp. 23-6.

and Mu‘āwiya are right in their *ijtihād*. Mu‘āwiya believed that ‘Alī was trying to protect ‘Uthmān’s assassins by not bringing them to the court. In this case, ‘Alī had a different rationale to justify his actions. According to ‘Alī, ‘Uthmān’s assassins had a large number of followers and this group would revolt if one of its members was arrested by the ruler. ‘Alī was worried that the nation would be dragged into chaos and the people would suffer. Mu‘āwiya disagreed and lodged a protest against ‘Alī and this protest led to the battle. According to Ibn Taymiyya, this battle was a *fitna* amongst the Muslims.⁷⁰

4.7. Ibn Taymiyya’s opinion on the Khawārij

In the ensuing conflict, the Khawārij disagreed against ‘Alī pact of peace with Mu‘āwiya. According to the Khawārij, ‘Alī has acted based on his own will instead of the teachings of the Qur’an. The Khawārij rebelled against ‘Alī, accusing him of compromising God’s sovereignty by accepting arbitration that was supposed to resolve a political dispute between ‘Alī and Mu‘āwiya. The Khawārij were the earliest group of fanatics who separated themselves from the Muslim community.⁷¹ They slung accusations of blasphemy and apostasy against ‘Alī and Mu‘āwiya and those who followed them, and they justified shedding blood of all Muslims. Or, to put it another way, the Khawārij make *takfīr* of the main body of believers. Then they in turn split from their original allegiance and set up a further, more extreme ideology to fight against unjust *imām* and its followers.⁷²

⁷⁰ MF34:51.

⁷¹ Khan, *The Political Thought of Ibn Taymiyah*, p. 165.

⁷² MF4:436; Khan, *The Political Thought of Ibn Taymiyah*, p. 166.

Ibn Taymiyya says that the Khawārij was the group who first threw accusations of blasphemy on ‘Alī and Mu‘āwiya.⁷³ He also claims that the Khawārij was the group who first made an innovation which deviated from the teaching of Islam (i.e. accusing *takfīr* to other fellow Muslims) and rebelling ‘Alī (*ahl al-bid‘a wa ahl al-baghy*).⁷⁴

Ibn Taymiyya agrees that *jihād* must be carried out against the Khawārij. In particular, Ibn Taymiyya asserts that the Khawārij possessed the elements of *baghy*: *khurūj*, *tā’wīl* and *shauka*.⁷⁵ Therefore it becomes a duty for all Muslims to fight them in the battlefield.⁷⁶ With this respect, Ibn Taymiyya maintains the hadith quoted above to support his claim: “Wherever you find them, kill them, for whoever kills them shall have reward on the Day of Resurrection”.⁷⁷

So, it would appear that there are three elements that becomes the basis of Ibn Taymiyya’s understanding of *baghy*: first is the incidents or battles which took place between ‘Alī, Mu‘āwiya and Ṭalḥa were regarded as *fitna*. Therefore, the incidents stress no relation to the development of *baghy* and the companions were not *bughāh*; second is the verses Q49:9 and Q3:104 indicate the obligation to obey the *imām* and to obey God’s orders, and to fulfil the concept of *amr bi al-ma’rūf* and *nahy ‘an al-munkar*; and third is the Khawārij were *bughāh*. So, Ibn Taymiyya argues that it was necessary upon ‘Alī to fight them. Also, it was necessary upon Muslims to support ‘Alī against the Khawārij. Still another approach would allow the Muslims to use the

⁷³ MF3:279; 28:356-57; 35:50.

⁷⁴ MF4:437, 452; 35:50.

⁷⁵ MF3:282; 4:452; 28:488.

⁷⁶ *al-Siyāsa al-shar‘iyya*, p. 117; *al-Jihād*, 1:281, 286.

⁷⁷ MF35:54-7.

same verse (Q3:104) for justifying *baghy* against the unjust *imāms*. This, in turn, has raised a complex legal question, which is if *jihād* against the unjust *imāms* is admissible or not. This polemic will be discussed in the later section.

4.8. Ibn Taymiyya's opinion on the Druzes and the Nuṣayrīs

As I explained in Chapter One and Three, not only did Ibn Taymiyya say that the Mongols were to be fought, but also said the same of the heretic Shi'a: the Druzes and the Nuṣayrīs.⁷⁸ Ibn Taymiyya's *jihād* against the Mongols is based on two stands: firstly, the Mongols came to Muslim territories as invading army; and secondly, they transgressed against the *sharī'a* (i.e. they neglected the duty of daily prayers and Ramaḍān fasting).⁷⁹ In this section, the focus is only given to the Druzes and the Nuṣayrīs. Ibn Taymiyya's *jihād* against the Druzes and the Nuṣayrīs is based on three stands:

- (i) Ibn Taymiyya rejects their heretical manifestations in theology and *'ibāda*. The Druzes and the Nuṣayrīs believed that 'Alī b. Abī Ṭālib as an incarnation of God. They also believed that "five prayers" (*as-ṣalawāt al-khams*) is an expression referring to five names: "'Alī, Ḥasan, Ḥusayn, Muḥsin and Fāṭima", and that mentioning these five names suffices one, instead of washing or bathing (*ghusl*) from major impurity, or ablution, or fulfilling other conditions and obligatory actions of the five daily prayers; they also believe that 'Alī is the creator of the heavens and the earth, and

⁷⁸ Ibn 'Abd al-Hādī, *al-Uqūd al-durriyya*, pp. 206-07.

⁷⁹ MF28:510-11.

that ‘Alī is their God in heavens and *imām* on the earth.⁸⁰ Apart from this, they do not believe in the Day of Resurrection, Paradise and Hellfire.

(ii) Ibn Taymiyya argues that the Druzes and the Nuṣayrīs were *bughāh* because they accused *takfīr* and killed the Muslims who refused to follow their creed.⁸¹ The Sunnī jurists, including Ibn Taymiyya, agree that it is prohibited to accuse *takfīr* to any Muslims or the sinners, unless the person declares to disobey the Islamic law. Ibn Taymiyya affirmatively says in *Majmū‘ Fatāwā* that his *jihād* against the Druzes and the Nuṣayrīs was exemplified from the issue of the Khawārij. As explained above, the Khawārij claimed that ‘Alī was wrong in his decision to reconcile with Mu‘āwiya in the Battle of Ṣiffīn. The Khawārij then seceded from the main body of the Muslims and tried to create and maintain their own political entities. They rebelled ‘Alī in a belief that the decision made by ‘Alī was against the Qur’an, and accused *takfīr* to any Muslims who do not accept their belief.

(iii) Ibn Taymiyya also argues that the Druzes and the Nuṣayrīs were *bughāh* because they were allied to the Mongols and the Franks in transgressing the Muslims.⁸²

⁸⁰ MF3:345.

⁸¹ MF4:162; 28:554.

⁸² MF35:135; 4:162, 320; 28:554; Ibn ‘Abd al-Hādī, *al-‘Uqūd al-durriyya*, pp. 206-07.

4.9. *Jihād* against the unjust *imām*: Ibn Taymiyya's opinion

Before we go into further details about Ibn Taymiyya's view on the unjust *imām*, it is useful to discuss a little the Islamic political leadership in the classical view. Al-Māwardī posits six criteria which are fairness, the knowledge capability for *ijtihād*, no handicap of the senses or any physical handicap, knowledge of politics and administration, courage and bloodline of Quraysh descent.⁸³ Ibn Khaldūn is of the opinion that there are four criteria commonly used: knowledge, fairness, competence and no physical handicap of the senses. On the other hand, he asserts that there is one criteria that does not receive the consensus from the jurists which is of the Quraysh bloodline.⁸⁴ According to the view of the modern jurist, Abū Zahra who thinks that the jurists basically put forth three criteria that receive consensus from all which are fairness, *shūrā* and *bay'a* as the conditions of true leadership of a true caliph or as he terms as "the caliph with prophet-like attributes".⁸⁵

As I mentioned earlier in Chapter One, Ibn Taymiyya is a great political thinker in Islam who brought some novelty into the contentions inherent in the classical political discourse.⁸⁶ In this section, I will not repeat the information given in Chapter One, but I will analyse only his opinion about *jihād* against the unjust *imām*. This issue is dealt with extensively by Ibn Taymiyya. Basically, he thinks that the *imām* must implement Islamic law, establish a system of education and enhance

⁸³ al-Māwardī, *al-Aḥkām al-sulṭāniyya*, p. 12.

⁸⁴ For Ibn Khaldūn's view, see, Abū Zahra, *Tārīkh al-madhāhib al-Islāmiyya*, Cairo, 1976, 1:80.

⁸⁵ Abū Zahra, *Tārīkh al-madhāhib al-Islāmiyya*, 1:80; see also, Khan, *The Political Thought of Ibn Taymiyyah*, p. 162.

⁸⁶ For more detailed of information on Ibn Taymiyya's political view, see Chapter One of this thesis, pp. 46-50.

military power to order to defend the survival of Islam.⁸⁷ *Imām* that fulfils these criteria is endorsed by Ibn Taymiyya as legal and sovereign. What if the *imām* appointed does not fulfil the criteria and status stipulated? The question that rises is when there is a forceful action against the *imām* that does not fulfil the criteria. Can it be considered as *baghy*? The following passages try to answer this question.

In this kind of conflicts, Ibn Taymiyya recommends the Muslims to practise patience. This is because there are several hadiths that reflect the Prophets' prediction of the political unrest that would happen in the *imāma* that came after his own *imāma* ended. The hadith consistently calls for patience in facing the corrupt and cruel leadership. In line with the requirements of the hadith, Ibn Taymiyya is of the opinion that the *imām* cannot be stripped of his post due to corruption and cruelty.⁸⁸ He, furthermore, forbids rebellion even against a non-Muslim ruler as long as he enforces the *sharī'a* to the Muslims and he does not order disobedience to God.⁸⁹ Ibn Taymiyya also stipulates that the people are forbidden from committing *khurūj* and strictly prohibited from assassinating the *imām*. This decision is based on his awareness to prevent *fitna*, bloodshed and other public disturbance and destruction.⁹⁰ He, furthermore, thinks that *khurūj* causes greater ill-effects compared to accepting the *imām*'s cruelty.

Ibn Taymiyya, furthermore, states that the Prophet stressed the importance of political stability in Islamic ruling. The examples of the hadiths are as follows:

⁸⁷ *al-Siyāsa al-shar'īyya*, pp. 77, 172.

⁸⁸ Khan, *The Political Thought of Ibn Taymiyyah*, p. 169.

⁸⁹ *Minhāj al-sunna al-nabawiyya*, 2:86-7.

⁹⁰ MF35:9-11.

It is obligatory upon a Muslim that he should listen to the ruler and obey him whether he likes it or not, except that he is ordered to do a sinful thing. If he is ordered to do a sinful act, a Muslim should neither listen to him nor should obey his orders.⁹¹

One who found in his leader something which he disliked should hold his patience, for one who separated from the main body of the Muslims even to the extent of a handspan and then he died would die the death of one belonging to *jāhiliyya* (the time of ignorance).⁹²

When two Muslims confront each other in fighting and one kills the other, then both the killer and the killed are in hell-fire. Someone said: “We understood that the killer is in hell, why then the one who is being killed? The Prophet said: “Because he also intended to kill the other person”.⁹³

These hadiths are seen in two contexts: firstly, the hadiths teach Muslims to maintain cohesiveness; and secondly, the hadiths indicate that Islam does not tolerate *baghy*.

Ibn Taymiyya believes that in the issue above, that there has been a mixture of harmless (*maṣāliḥ*) and harmful (*mafāsīd*). He states that an unjust *imām* brings negative effects to the government of a nation due to the corruption of power. However, the act of divesting him of *imāma* is seen as bringing more negative effects to public interest because the process of divesting of power normally happens under a very aggressive uprising and that it causes a major public damage. Therefore, in this case, Ibn Taymiyya tends to allow the appointment of an unjust *imām* because it is considered to be less harmful.⁹⁴ He quotes a hadith to support this claim:

The best of your *imāms* are those whom you love and who love you, and for whom you pray and who pray for you; and the wicked of

⁹¹ MF35:8; see also *Ṣaḥīḥ Bukhārī*, ‘Kitāb al-jihād’, 2735; *Ṣaḥīḥ Muslim*, ‘Kitāb al-imāra’, 3423; *Musnad*, 2/9, 17, 62.

⁹² MF35:7; see also *Ṣaḥīḥ Bukhārī*, ‘Kitāb al-fitan’, 6530-6531; *Ṣaḥīḥ Muslim*, ‘Kitāb al-imāra’, 3438; ‘Kitāb al-janna’, 4555; *Musnad*, 1/275, 297.

⁹³ For the source of the hadith, see Subsection “the *muḥāribīm*” in Chapter Three of this thesis.

⁹⁴ MF35:8, 10, 11, 16; *Minhāj al-sunna al-nabawiyya*, 2:85-7.

them are those of whom you are jealous and who are jealous of you, and whom you condemn and who condemn you. The men asked: “Should we not then fight them on this?” The Prophet answered: “No, as long as they pray. Beware! If anyone is ruled by the *imām* and he sees him doing something that is a disobedience to God he should disapprove this disobedience but should not rebel against the *imām*”.⁹⁵

Nonetheless, Ibn Taymiyya’s view does not negate at all the principle of *al-amr bi al-ma’rūf* and *al-nahy ‘an al-munkar* promoted by Islam. In other words, it does not make one passive toward the acts of *munkar* and it is the responsibility of the Muslims to change the negative environment.⁹⁶ In this context, it does not diminish the rights of the *imām* to obtain the advice of the people, but the execution of this responsibility is considered as a significant *jihād*. A hadith states that the responsibility of upholding the truth before a cruel *imām* is a *jihād*: “The best *jihād* is to speak a word of justice to an oppressive *imām*”.⁹⁷

This is not an easy task that can be carried out by everyone as it is a risky undertaking that normally will bring on a psychological dilemma between hope and fear if the truth is accepted or not. The process of giving criticism to the *imām* depends on the many approaches taken including the consideration of the current situation and the acceptance of the *imām* himself. In other words, this responsibility is a process of *da’wah* that requires a variety of unique approaches and the creativity of the *dā’i*.⁹⁸

⁹⁵ Khan, *The Political Thought of Ibn Taymiyyah*, p. 167; see *Ṣaḥīḥ Muslim*, ‘Kitāb al-janna’, 4570, 4574.

⁹⁶ *Minhāj al-sunna al-nabawiyya*, 2:86-7; Khan, *The Political Thought of Ibn Taymiyyah*, p. 164.

⁹⁷ See *Abū Dawūd*, ‘Kitāb al-jihād’, 4330.

⁹⁸ Khan, *The Political Thought of Ibn Taymiyyah*, p. 163.

The above discussion should help us formulate the general principles that guide *baghy*. To sum up, according to Ibn Taymiyya, *baghy* is a serious crime and punishable by death. He maintains that the Qur'an mandate in this issue is clear that *jihād* or fighting against *bughāh* should only be regarded as a last resort after all other possible approaches have been taken in an attempt to solve whatever problems that one faces.

CONCLUSIONS

The following conclusions can be deduced from this research. Ibn Taymiyya lived in an era known for its political and social upheaval. He was subjected to various detentions and persecutions but nonetheless succeeded in achieving an elevated status as *faqīh* and *mujāhid*. Ibn Taymiyya played a noticeable role in expanding the concept of *jihād* and *baghy*. His influence has been detected in several issues and important findings have been noted, some of which are:

- i) Ibn Taymiyya asserts that *jihād* can be of two types: *makkī* and a combination of *makkī* and *madani*. The first type concerns *jihād bi al-lisān*, *jihād bi al-da‘wah* and *al-amr bi al-ma‘rūf* and *al-nahy ‘an al-munkar* as exemplified in the Prophet’s *da‘wah* in Mecca. The second type concerns *jihād* on the battlefield, as exemplified in the Prophet’s *da‘wah* in Medina. It has been shown in this study that the Meccan verses of *jihād* signify *da‘wah* and other peaceful ways of *jihād*. The Medinan verses of *jihād* indicate the obligation of *jihād* on the battlefield.
- ii) Ibn Taymiyya resolves the problematical issue regarding *al-jihād al-aṣghar* and *al-jihād al-akbar*. He rejects the distinction made between *jihād al-aṣghar* and *jihād al-akbar* and acknowledges the significance of *jihād* against the lower self and *jihād* against a visible enemy on the battlefield. Rather, in accordance with the Qur’an and hadith, *jihād* against the lower self is regarded as *farḍ ‘ayn* and *jihād* against a visible enemy is regarded as *farḍ kifāya*. Ibn Taymiyya also asserts that there is

no contradiction between these two *jihāds*, as they are always in agreement with one another.

- iii) Another interesting point is *jihād* against *bughāh*. *Baghy* is a punishable crime in Islamic law. A *bāghi* is a Muslim who isolates himself from the majority community, adopts a deviant point of view and rebels against the ruler. Ibn Taymiyya clarifies that the ruler must attempt reconciliation (*iṣlāḥ*) with the rebels (*bughāh*). If they refuse and continue to fight, they are subject to *jihād*. The incident of the Great Fitna was selected as a case of study. A study of the Qur'an and hadith and Ibn Taymiyya's treatises affirms that the Companions were not *bughāh*. In contrast, the Khawārij were *bughāh* and subject to *jihād*.
- iv) The discussion of *baghy* in Islamic law is wide and complicated. This study does not clarify the whole issue of *baghy* which is beyond its scope. This research has only examined some of the jurists' opinions on *baghy*. Ibn Taymiyya analyses these various opinions and concludes that the jurists are confused with regard to the difference between fighting the Khawārij and fighting the Companions.

Having discussed all these, it is suggested that further study of Ibn Taymiyya's thinking on *baghy* should be undertaken in order to establish his views in greater detail. One would expect this to include consideration of his efforts to prove that al-Shāfi'ī's rulings on *baghy* are incorrect, which would in turn lead to the question of Ibn Taymiyya's role in clarifying and correcting this same issue in the Ḥanbalī School. But that is the subject of another thesis.

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