

What is New about Al-Qaradawi's Fiqh of Jihad? *

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The importance of this topic is due to its focus on the most critical concept in contemporary Islamic thought - that of *Jihad*, which occupies an important position in the edifice of Islam. Jihad is "the summit of Islam and its pinnacle" according to the *hadith*, and is the subject of widely divergent views and stances from within and outside Islam, views which have serious consequences for international relations, in view of Islam's growing role internationally. Those views, moreover, have an effect on relations between Muslims themselves, with their governments, and with non-Muslims, in view of the awakening witnessed across the Muslim world, both at the level of faith and the level of practice. This has led to a greater connection between Islam as a religion (creed, rituals, morals) and an ideology of great influence on the thought and behaviour of Muslims, socially and politically, or what is known as "political Islam", in which jihad occupies a central position in one way or another.

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This paper owes its importance to the position of the figure whose views on this crucial concept it attempts to present - that is Sheikh Yusuf al-Qaradawi, who occupies an important position in contemporary Islam, as testified by his role at various levels: at the intellectual level, his writings have exceeded 150 works, covering all aspects of Islamic thought. In addition to his membership of the major intellectual and juristic councils, he was elected President of the International Union of Muslim Scholars, as well as being the chairman of the European Council for Fatwa and Research and a number of charity organisations, and a member of various Islamic Studies academic committees, including the Oxford Centre for Islamic Studies. As for "political Islam", he grew up inside one of its groups, the "Muslim Brotherhood", occupying leading positions within it. He is also a rising star in the world of modern media, through his patronage of the most important Muslim website Islam-online, and through his famous weekly programme on Aljazeera channel "Shari'ah and Life" which is followed weekly by over 60 million viewers.

Al-Qaradawi has developed a principal theory in contemporary Islam, from which all his views and stances emanate, and to which he tirelessly calls, widening its appeal and marginalising its opponents - that is the principle of Islamic *Wasatiyya* or moderation. This was inspired by the verse in the second chapter of the Qur'an, "And thus we made you into a middle (*wasat*) nation". Thus, he presents Islam as the

middle position between opposing and conflicting rigid positions; as the middle ground that brings all together, a middle position between materialism and spiritualism, between individualism and collectivism, between idealism and realism, etc. Starting from this *wasati* viewpoint, he presents all his *ijtihad*s in all aspects of Islamic thought, including his *ijtihad* on the question of *jihad*, as revealed in his latest book "*The Fiqh of Jihad: A Comparative Study of its Rulings and Philosophy in Light of the Qur'an and Sunnah*". This study was described by its author as one which "took several years of continuous work, and occupied his thought for decades". The fruits of this work are presented in a momentous book of two volumes, in which he puts forward, from the *wasati* perspective, his views on this critical issue, elaborating his theory on *jihad*, which he hopes will contribute towards forming consensus on this grave matter. The book springs from the conviction that "it is dangerous and wrong to misunderstand *jihad*, to shed inviolate blood in its name, to violate property and lives and to taint Muslims and Islam with violence and terrorism, while Islam is completely innocent of such an accusation. However, our problem in such grave matters is that the truth gets lost between the two extremes of exaggeration and laxity."

Our exposition of this momentous work will focus on clarifying the general view of *jihad* in Islam according to Sheikh Qaradawi based on the Qur'an and the Sunnah and their interaction with the *tafsir* and *fiqh* heritage as seen in the historical contexts in which it emerged, and through the current state of the Muslim *Ummah* as it is engaged in major conflicts with the forces of despotism or with external forces, under the current power balances, a modern culture that glorifies the value of freedom, and an international law that recognises state sovereignty and limits legitimate war to self-defence. Within these contexts, Al-Qaradawi's view of *jihad* was formed. What we wish to explore is not its details, but the general picture - what is novel in it, particularly in relation to major questions, such as *jihad*'s relation to freedom, and to relations between Muslims and others, whether it is inside or outside Muslim societies. So, what are the foundations of this methodology? What is *jihad*? What are its forms? What are its goals? Defensive or preemptive? Between *Dar al-Islam* and *Dar al-Kufr*? What are the rulings regarding captives in Islam? Is there *jihad* within the *Ummah*? Where is *jihad* in the *Ummah*'s current causes?

Issues of Methodology

In the introduction, the author defined the foundations for his study thus:

- a. Relying on the Qur'an as the absolutely authentic text which serves as the criterion for other sources including the Prophetic Sunnah. It is to be understood using the logic of its original language, Arabic, without forcing meaning onto the text, and on the basis that all its verses were revealed to be applied, "thus we questioned at length the claim of those who say that there is a verse in the Qur'an, which they called *Ayat al-Sayf* (the verse of the sword), which has allegedly abrogated one hundred and forty verses or more, although they differed over which verse that is". The author almost entirely invalidates the principle of abrogation in the Qur'an, depriving the extremists of a sharp weapon with which they have disabled hundreds of verses promoting kindness, forgiveness, dealing with non-Muslims with wisdom and beautiful preaching and distinguishing between a hostile unjust minority amongst non-Muslims with which defensive *jihad* can be used, and a peaceful majority towards which justice and kindness are due.

- b. Relying on authentic Sunnah which does not contradict stronger evidence, such as the Qur'an. Thus the author judges as weak sayings such as "I was sent with the sword" and others, using the tools of the science of *Hadith*. He also interprets an authentic *hadith* which commands fighting against people until they say "there is no God but Allah", by taking the generic word "people" as being used to mean a specific group, that is the hostile Arab polytheists.
- c. Benefiting from the rich heritage of *fiqh*, without bias towards a particular school, and without restricting oneself to the well-known schools, basing himself on the methods of comparative law, analysis, critique and selecting the most suitable opinion. He distinguishes between *Fiqh* and *Shari'ah*: the latter being of divine origin, and the former the product of intellectual effort to deduce the rulings of *Shari'ah*. True *fiqh* is not what is copied from books, but rather the jurist's own *ijtihad* (intellectual exertion) to produce something suitable for his specific time and place, particularly as in our time, major changes have taken place.
- d.
- e. Using the method of comparison between Islam and other religions and legal systems. We can live, under Islam, in a world that promotes peace and security rather than fear, tolerance rather than fundamentalism, love rather than hatred
- f. Relating *fiqh* to the current reality: The Muslim *faqih* (jurist) when speaking about *jihad* must realise the fixed principles in this matter, such as the law of *tadaafu`* (mutual checking), the obligation to prepare all possible sources of power to ward off the enemies, and to fight against those who initiate fighting against the Muslims, the prohibition of transgression, etc. There are, however, other matters that have emerged (considered *mutaghayyirat*, or changing factors), such as condemnation of war, seeking peace, and the emergence of international law, human rights conventions, the United Nations, and the sovereignty of states. In this respect, the author affirms that "we can live, under Islam, in a world that promotes peace and security rather than fear, tolerance rather than fundamentalism, love rather than hatred. We can live with the United Nations, international law, human rights conventions and environmentalist groups. In truth, our main problem with our rigid brothers, who have closed all doors and insisted on a single viewpoint, is that they live in the past and not the present, in books rather than reality".
- g. Adopting the methodology of *wasatiyya* (moderation) in *da'wah* (preaching), teaching, *ifta'* (issuing legal edicts), research, reform and revival. Among the principles of this methodology in *fiqh* is to revive religion from within, through new *ijtihads* for our time, just as our previous scholars did for their time, through understanding secondary texts in the light of primary objectives, being firm when it comes to *usool* (fundamentals) and flexible in *furu`* (secondary matters), seeking wisdom whatever its source, and balancing between contemporary changes and *Shari'ah* fundamentals.
- h. While studying "*Fiqh al-Jihad*", one can easily perceive its author's care not to present himself as the sole proponent of the above views amongst jurists. Instead he is very keen to refer to supporting views amongst old and contemporary scholars, even if such views were neglected or ignored, removing the dust that had collected and shedding light on them, presenting them in a more attractive appearance, and thus giving them new life. He is also careful to support his views with relevant values and expertise from modern culture, benefiting from his profound knowledge of the sources of Islamic culture and his familiarity with modern culture. Thus he constructs a

new, coherent, well-rooted yet contemporary view of Islamic *jihad*, one which shares a wide common space with contemporary culture in relation to war and peace. What is new in this view is not the details, for its parts are scattered and buried deep inside books, but rather the whole picture, making this work a meeting point and a point of consensus, wherein all - or most - parties can find something familiar that facilitates their acceptance of what is unfamiliar. This ability to build consensus is a traditional characteristic of the great scholars. Thus the author does not exaggerate when describing the dire need among jurists, lawyers, Islamists, historians, Orientalists, diplomats, politicians, military men, and the educated masses for such a study.

The Essence of *Jihad* and its Forms

No Islamic concept has been the target of a continuous flow of attacks, and has brought a constant flow of attacks to Islam and Muslims, as much as that of *jihad*. It has fallen into the two extremes of exaggeration and laxity. The latter is promoted by a group that wants to abolish *jihad* from the life of the *Ummah*, spreading the spirit of submission and surrender, under the guise of various calls such as tolerance and peace, described by the author as "agents of colonialism whose hostility to jihad is such that it has gone as far as creating groups which fabricated an Islam without *jihad*, and devoted themselves to promoting it, such as Baha'is and Qadianis... At the other extreme, there is another group that makes of the concept of *jihad* a raging war it wages against the whole world, taking the natural state of things in relation to non-Muslims to be that of war, and regarding all people as enemies of Muslims, as long as they are not Muslim". This latter group may agree with those Orientalists who define *jihad*, as in the encyclopaedia of Islam as "spreading Islam by the sword, an individual duty upon all Muslims, such that it is almost a sixth pillar of Islam" (Encyclopaedia of Islam, Arabic Translation, p. 2778).

The author tackles this extremism on both sides, The word *jihad* is much wider than through the linguistic analysis of the word *jihad*, just fighting which essentially means exerting oneself, making an effort, and through its occurrence in the Qur'an and Sunnah and its use by Muslim jurists. He concludes that there is a clear distinction between *jihad* and *qital* (fighting), as the command to engage in *jihad* was revealed in Makkah where there was no fighting, but rather *jihad* of *da'wah* (preaching) through the Qur'an, (**And strive against them with the utmost endeavour with it (the Qur'an)**) (Al-Furqan 25:52) (p. 50-52). The word is also used in the Qur'an and Sunnah with various meanings, including exerting oneself in resisting the enemy, resisting the devil, resisting one's desires, etc. Thus the word *jihad* is much wider than just fighting, for *jihad*, as the author quotes from Ibn Taymiyya, "can be with the heart, by calling to Islam, by countering invalid arguments, by advising or facilitating what is beneficial to Muslims, or by one's body, that is fighting".

The author further seeks support from a fourteenth century scholar, the eminent Ibn al-Qayyim, student of Ibn Taymiyya, in order to clarify the vast scope of *jihad*, which makes every Muslim a *mujahid* - but not a *muqatil* (fighter) by necessity. Ibn al-Qayyim concluded from his study of the process of Islamic *da'wah* that there are 13 levels of *jihad*: first, *jihad al-nafs* (*jihad* of the self) which comprises 4 levels, exerting oneself to learn the guidance, to act upon it, to call to it, and to persevere on those actions; second, *jihad* against *shaytan*, which includes 2 levels, struggling against the doubts in one's faith which Satan

instigates, and resisting the desires and corruption to which he calls; third, *jihad* against the non-believers and hypocrites, including 4 levels: with one's heart, tongue, wealth, and self; and fourth, *jihad* against the oppressors and the corrupt, comprising 3 levels: with one's hand if possible, if not then with one's tongue, if not then with one's heart. The author differs in regarding *jihad* against oppression and corruption as preceding *jihad* against disbelief and external transgression, while stressing that peaceful confrontation is to be adopted against oppressors "profiting from the reasonable forms which others have developed in confronting unjust rulers, such as elected parliaments, parties, and the separation of powers" (p. 198).

The author also stresses the importance of intellectual and cultural *jihad* "through the establishment of specialist Islamic academic centres, catering for exceptional youth - academically and morally - in order to prepare them academically and intellectually in a methodology that unites our heritage and modern culture... We do not call for isolation from the rest of the world, but rather to cultural and civilisational interaction. We choose what to take or leave based on our own philosophy and criteria, just as they had borrowed from us in the past concepts and inventions which they then developed and used to build their civilisation. What we take will be imbued with our own spirit, character and moral heritage such that it becomes a part of our intellectual and moral system, losing its original character" (p. 190-192).

The author concludes in his study of the *fiqh* of *jihad* in Islam that there are two types of *jihad*: civil and military - meaning fighting against enemies who attack Muslims, which necessitates preparing for it when there is a need; this type is a matter for states. Spiritual civil *jihad* "encompasses the academic, scientific, cultural, social, economic, educational, health, medical, environmental and civilisational fields. The objective of this civil *jihad* is to exert oneself for Allah's sake in order to educate the ignorant, employ the unemployed, train workers, feed the hungry, clothe the naked, house the homeless, treat the ill, achieve self-sufficiency for the needy, build schools for pupils, universities for students, mosques for worshippers, clubs for sports lovers to practice their hobbies" (p. 215).

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Objectives of Jihad

Islam is a call to peace; it abhors war, but cannot prevent it, hence it prepares for it, but does not wage it unless it is forced upon it, which is due to Islam's realistic nature and its recognition of *sunnat al-tadafu`*, the law of mutual checking. However it has sought to limit its consequences by surrounding it with rules and ethics. Islam has not been the exception in recognising war of necessity amongst other religions, including Christianity, whose followers have been among the most frequent participants in conflicts and wars, both against other Christians and against others. Luke's Gospel reads "I have come to bring fire on the earth... Do you think I came to bring peace on earth?". The Old Testament contains numerous calls to genocide, against 7 nations that inhabited Palestine that had to be completely eradicated - such that the modern calls to "transfer" and massacres committed by modern Zionist gangs are but miniature versions.

Jihad in Islam has specific objectives which Al-Qaradawi summarises as repelling transgression; preventing *fitna* - that is guaranteeing freedom of faith for Muslims and others; saving the oppressed; punishing those who break treaties, and enforcing internal peace within the *Ummah*. Thus, expansion and appropriation are not amongst the objectives of *jihad*, nor is the eradication of disbelief from this world, for that is against God's law of difference and mutual checking. Nor do the objectives of *jihad* include imposing Islam on those who do not believe in it, for that contravenes God's law of diversity and pluralism (pp. 423).

Military *Jihad*: Between *Daf'* and *Talab* (Defensive and Preemptive Jihad)

Following the tradition of classical and contemporary jurists, Al-Qaradawi questions the nature of *jihad* and its status in Islam: Is it of a religious nature, meaning it is obligatory upon Muslims to fight non-believers until they embrace Islam or submit to its authority, which they call *jihad al-talab*, that is voluntary preemptive *jihad*? Or is it of a political nature, necessitated by the need to defend the lands of Islam against transgressors and to defend Muslims against those who prevent them from freedom of faith, and the oppressed generally - which they have termed *jihad al-daf'*, that is necessary defensive *jihad*, which, if Muslims must engage it, should be engaged in with pure intentions, for God's sake, and following strict ethical guidelines which cannot be neglected.

Classically, and in the modern era, jurists have been divided between two groups, which al-Qaradawi calls the *hujumiyyin* (proponents of preemptive *jihad*) and *difa'iyyin* (proponents of defensive *jihad*), proclaiming his proud adherence to the second group. The *hujumiyyin* consider it an obligation for the Muslim nation to attack the land of the non-believers at least once a year in order to call to Islam and expand its territories. They hold disbelief per se as a sufficient reason to initiate war and legitimate killing, even if non-believers do not attack or harm Muslims, to the extent that Muslims would be sinful if they do not do so. The proponents of this view, a large number of jurists, most prominent of which among classical scholars is Imam al-Shafi'i, and among contemporary thinkers are Sayyid Qutb and al-Mawdudi, support their view with evidence from the Qur'an and the Sunnah, and from historical practice. The Qur'anic texts used call for fighting against all polytheists, such as verse 36 of surat al-Tawba (**And wage war on all of the idolaters as they are waging war on all of you.**), (At-Tawbah 9:36), (**slay the idolaters wherever ye find them**) (At-Tawbah 9:5), and (**Fight against such of those who have been given the Scripture as believe not in Allah nor the Last Day ... until they pay the tribute readily, being brought low**) (At-Tawbah 9:29). They differed as to which of those verses is the one they called *Ayat al-Sayf*, or verse of the sword, which, according to them, abrogated all contradicting verses, over 200 such verses calling for mercy, forgiveness and freedom of belief, prohibiting compulsion in faith and severity, and considering the judgment of people's faith a matter to be left to God alone. They also sought support from prophetic sayings such as "I have been commanded to fight people until they say 'there is no God but Allah'" (narrated by Bukhari). They also consider the early Islamic conquests as evidence for their view that war, rather than peace, is the natural state in Muslims' dealings with others.

Al-Qaradawi's disagreement with the above group does not prevent him from looking for excuses for them, particularly classical scholars, due to the relations between states at their time, which were based on power and war, and due to the existential threat to which Islam had been subjected since its birth in the Arab peninsula.

Al-Qaradawi stresses, alongside classical and contemporary scholars, the consensus that *jihad* becomes obligatory upon every Muslim if a Muslim land is attacked, or Muslims suffer *fitna* (are prevented from freedom of faith), and that every Muslim must practice some form of jihad, be it striving against one's desires, against evil and corruption, and striving to promote good and support religion, as much as one is able to. However, Al-Qaradawi, through his study and analysis of the various texts related to jihad and the views of classical and contemporary scholars, concluded the following:

1. That Qur'anic verses, particularly those of surat al-Tawba commanding fighting against all polytheists, are to be understood as a reaction and an equal retribution, just as the verse says "as they fight you all together", and not a general command or a basis for dealing with all non-Muslims, but was rather concerning a specific group of the Arab polytheists which declared war on Islam since its emergence, chased it out and followed it to its new home, broke treaties and mobilized everyone to eradicate it (**Will ye not fight a folk who broke their solemn pledges, and purposed to drive out the messenger and did attack you first?**) (At-Tawbah, 9:13). Within the same chapter, as well as in other chapters, there are limits and conditions restricting the above –seemingly general- command: (**And if they incline to peace, incline thou also to it**) (Al-Anfal, 8:61). There is no need to set one verse of the Qur'an against another; rather one should look at all relevant verses and hadith, all of which confirm the rule that Islam seeks peace with those who are peaceful towards it, and fights those who fight it.
2. Military *jihad* is not an individual obligation upon every Muslim, of the same level as the obligations of the testimony of faith, prayer, fasting, alms giving and pilgrimage, for despite its importance within Islam, it was not included in the inherent characteristics of the God-conscious in surat al-Baqara, nor in the characteristics of the believers as described in surat al-Anfal or surat al-Mu'minun, nor in the characteristics of those with true understanding as described in surat al-Ra'd, nor in the characteristics of the servants of the Most Merciful as described in surat al-Furqan, nor in the characteristics of the pious in surat al-Dhariat, nor of the righteous ones described in surat al-Insan. Thus, the practice of military *jihad* only becomes an obligation upon Muslims when its conditions arise such as an attack on Muslims, their land or their religion. Preparing for such an incidence, on the other hand, is an obligation upon them, according to their ability, in order to deter enemies and maintain peace.
3. There is no obligation upon Muslims to invade the lands of non-Muslims, if they are safe from them. It is sufficient for them to have a powerful army in possession of the latest weapons and trained soldiers guarding their borders and deterring enemies such that the latter do not think of attacking Muslims, for the collective duty to be fulfilled (p. 91). It is worth noting that Al-Qaradawi prefers using the term non-Muslims instead of *kuffar* or disbelievers, for that is the way of the Qur'an which uses the terms "O people of the Book", "O people", "O Man", "O Children of Israel", "My people", "O

Children of Adam". It never addressed non-Muslims as disbelievers, except in a few exceptional cases where there were negotiations regarding creed.

4. Islam recognized freedom of belief and each individual's responsibility for his belief before God. On that basis, its societies, on the whole, did not experience religious wars. Under it, various monotheistic and pagan religions coexisted and continue to coexist, under the system of *Dhimma* which granted citizenship to non-Muslims regardless of religion. All they needed to do in order to enjoy the rights of protection by the Muslim state alongside Muslims was for those able to pay the *jizyah* tax to do so, which is equivalent to the military service tax in some modern systems. According to Al-Qaradawi, unifying the tax rate and generalizing military service make such a system which has been misunderstood and misused unnecessary.
- 5.
6. It was historical conditions, rather than the texts of Islam, that made many jurists believe preemptive *jihad* to invade non-Muslim lands to be obligatory. The *Ummah* was constantly threatened by its powerful neighbours, the Persians and Romans (p. 82), and there were no international laws based on mutual recognition of state sovereignty and prohibition of hostility as is the case today - despite their contravention by the powerful.
7. The natural state of affairs in relations between Muslim and others is peace and cooperation in goodness. Islam abhors war and only engages in it unwillingly and as a necessity "Fighting is prescribed for you, though it is hateful to you" (Qur'an, 2:216). Peace is the essential character of Islam; it is the greeting of Muslims, the greeting of the people of Paradise, it is one of the names of Allah. The most hated name in Allah's sight is *Harb* - which means war, one of the ancient Arab names, as Arabs were warriors. However, when the Prophet, blessing and peace be upon him, was told by his son-in-law that his daughter Fatimah had given birth to a boy and that he called him *Harb*, he commanded him to name him *Hasan* (meaning good).
8. Islam welcomes international conventions that prohibit transgression and promote peace between nations, and welcomes international bodies that protect such laws, such as the United Nations, UNESCO, etc. However, the West still maintains its belief in the principle of power in its relation with other states and other nations. An example of that is the exclusive enjoyment of its major states of the right to veto, in a flagrant disregard for the principle of equality, thus guaranteeing the protection of their interest and the avoidance of any condemnation of its violations, as the US and UK did in their invasion of Iraq, without any legitimacy, with full impunity from any condemnation, and similarly with their continuous protection of the Zionists' various forms of hostility against Palestine and its people.
9. Under international recognition of human rights, including freedom of belief and preaching, as well as freedom to establish institutions and protect minorities, one of the principal justifications of *jihad al-talab* becomes redundant, that is invasion in order to enable the call to Islam by dismantling oppressive regimes which used to prevent their people from thinking freely or



choosing beliefs that are different to those of their rulers, such as the Pharaoh who reprimanded the Children of Israel for believing without his permission: (**Ye put faith in him before I give you leave.**) (Ta-Ha 20:71). In contrast, today, unprecedentedly, in any previous era of Islam history, mosques and Muslim minorities are found everywhere, making our need greater for "huge armies of competent preachers, teachers, media experts, all suitably trained and able to address the world in its different languages, and using methods of this modern age, which, unfortunately, we possess less than a thousandth of what is required", (p.16). Al-Qaradawi laments that you may find many who are ready to die for Allah's sake, but very few who are willing to live for His sake.

10. The sources of Islam reveal that, according to Islam, the world is three abodes: *dar al-Islam*, the abode of Islam, where its law reigns, where its rituals are publicly practiced, and where its adherents and preachers are secure; *Dar al-`ahd*- the abode of accord, that is states between which and the Muslim state there is mutual recognition and prohibition of hostility; and finally *dar al-harb*, or the abode of war. Al-Qaradawi regards Muslims, in view of their being part of the system of the United Nations, as being in a state of accord/pact with other states, except with the Zionist state, because of its usurpation of the land of Palestine and its dispossession of its people, which unfortunately took place with the support of major states. Thus Al-Qaradawi considers the greatest problem in our relation with the West to be its constant and unlimited support of Israel and its continuous aggression against Palestine and its people.
11. Al-Qaradawi distinguishes between *jihad* and *irhab* - terrorism, or between legitimate *irhab* - being feared by the enemy to deter it from any aggression, and illegitimate *irhab*, that is terrorizing innocent people as done by groups using the name of Islam, which declare war on the whole world in an illegitimate use of *jihad* in an inappropriate setting, terrorizing innocent people - Muslims and non-Muslims - in order to achieve alleged political ends inside or outside Muslim lands, flagrantly contravening the principles and ethics of *jihad* in Islam. Hence Al-Qaradawi condemned violent acts committed by extremist groups in Muslim and non-Muslim countries against innocent people, whether tourists or others. He further stripped the indiscriminate killing and shedding of innocent lives committed by these groups of any legitimacy.
12. Al-Qaradawi is extremely careful to distinguish between extremist groups that declare war on the whole world, killing indiscriminately, tainting the image of Islam and providing its enemies with fatal weapons to use against it, on the one hand, and on the other groups resisting occupation. And as much as he condemns the former and delegitimizes its foundations, he defends the latter, and calls on the *Ummah* to support them, particularly in Palestine, as long as their operations are against military targets. He does not hesitate to justify martyrdom operations, considering them to be the weapon of one with no other options, who is deprived of equivalent weapons to those of the enemy, in order to defend his home and his land. God's justice does not allow the weak to be completely deprived of any weapon, hence the latter's use of his own body as a deterrent weapon. In any case, the ethics of *jihad* must always be respected, and only combatants can be targeted.
13. As he stresses that the first *jihad* to be obligatory upon the *Ummah* in this age is liberation from colonialism, particularly in Palestine, Al-Qaradawi warns and stresses the fallacy of those who wrongly believe that the conflict

between us and Zionists is due to the fact that they are Semites - for we are also Semites, both of us coming from the progeny of Abraham - or that it is a religious conflict - for Muslims regard Jews as People of the Book, whose food is lawful, with whom marriage is lawful, and who have lived amongst Muslims in safety and have sought refuge in our lands when Spain and other European countries expelled them, finding refuge nowhere but among Muslims. In reality, the conflict between us and Zionists started for one single reason: their appropriation of the land of Palestine, dispossessed its people, and imposed their presence with violence. The conflict will continue as long as its causes remain. No one can give up any Muslim land, but it is possible to have a truce with Israel for an agreed period of time. As for the principle of "Land for Peace", it is indeed a bizarre principle imposed by the logic of the enemy's brute force, for the land is our land, not the enemy's, so that it can bargain it in return for peace (p. 1090).

14. Just as he, and his mentor Sheikh Muhammad al-Ghazali, had a leading role in confronting those extremist groups and preventing them from hijacking Islam and diverting it from its mainstream towards the margins, through stripping their actions of any legitimacy based on *jihad*, both inside and outside Muslim lands, Al-Qaradawi praised the important revisions made by the most important of those groups, which found great support in his writings - after having attacked and rejected his views - in order to engage in their revisions, which he described as brave and enlightened (p. 1168).

Ethics of Jihad

For Muslims, war is governed by a moral code, because morals are not an option, but rather an essential part

"War in Islam is ethical, just like politics, of religion. economics, science and work, none which is divorced from ethics, in contrast to war in western civilisation, which is not necessarily bound by ethics." For Muslims, war is governed by a moral code, because morals are not an option, but rather an essential part of religion. That includes: a) Islam's prohibition of the use of unethical methods to infiltrate the enemy and obtain their secrets - including sex, intoxicants, etc. b) prohibition of transgression, as the Qur'an commands (**Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors.**) (Al-Baqarah 2:190). The author interprets transgression to mean killing non-combatants, by killing women, children, the elderly, the ill, farmers, and others not engaged in fighting (p. 728). The ethics of *jihad* also include the prohibition of mutilation of the enemy. c) the fulfillment of agreements and prohibition of treachery and betrayal. d) Prohibition of cutting down trees and demolishing buildings. e) The non-legitimacy, islamically, of what is called weapons of mass destruction, such as chemical, biological or nuclear weapons which kill thousands or millions at once, without discriminating between the guilty and innocent, destroying life and all living beings. Islam prohibits the use of such weapons, because Islam prohibits the killing of non-combatants, as the Prophet, peace be upon him, strongly condemned the killing of one woman in one battle. However, that does not prevent the *Ummah* from seeking to acquire such deterrent weapons, since others are in possession of them and can threaten Muslim nations with those weapons, particularly as the Zionist enemy which has usurped its land is in possession of such weapons, and their scripture legitimises the obliteration of all their neighbours. What is astonishing is that America and other great nations prohibit other nations from possessing these weapons, while they themselves possess them. They prevent Arab and Muslim states from

acquiring them, while Israel possesses over two hundred nuclear heads. The mutual deterrence between the western and eastern blocks had contributed to the maintenance of world peace, and similarly between India and Pakistan. Such weapons cannot be used, except in the most exceptional circumstances, when a nation is subject to an existential threat (p. 592). f) Islam enjoins its *mujahidin* to treat captives kindly. After a detailed discussion of all texts and all juristic opinions concerning war captives, particularly on the question of whether they can be killed, the author concluded that the final ruling is that revealed in surat Muhammad "either set them free as a favor or let them ransom (themselves)" (47:4), possibly with the exception of war criminals. On the whole, the author approves the articles of the Geneva Convention regarding the treatment of captives.

In conclusion: Al-Qaradawi's study on the *fiqh of jihad* can be regarded as an authentic Islamic *ijtihad*, upholding the principle of *jihad* as an eternal Islamic mechanism of defence in its wider meaning, one which has suffered a great number of misrepresentations leading to tainting the image of Islam. Al-Qaradawi recuperates the effectiveness and moderation of this mechanism, taking it out of the hands of extremists. His courage in standing up to the campaigns waged against the concept of Islam has been just as great as his courage in rejecting the arguments of extremist groups who declare war against the entire world. He did not shy away from criticizing the great number of jurists who uphold the principle of preemptive war (*jihad al-talab*), nor was he ashamed of his proud adherence to the group believing in *jihad* as defensive only. He continues to counter the arguments of the former group, without fear or hesitation, without injustice, undermining or misrepresenting the views of those he disagrees with, but rather he seeks excuses for them. He has continued to do so, until he almost destroyed what is known as *jihad al-talab*, establishing instead defensive jihad in its wider meaning, jihad with no trace of relation to the charge of terrorism - which he clearly distinguishes from legitimate resistance of occupation-, a jihad with ethics that agree with international conventions and their principles, values and laws prohibiting aggression, occupation, the use of weapons of mass destruction and the torture of captives; a jihad that welcomes an open world in which ideas and persons move freely, dealing through proofs and arguments rather than violence and power, until the most valid triumphs. Through such a presentation of jihad, Al-Qaradawi has opened a vast space for dialogue, tolerance, agreement and coexistence between Islam and other religions, human values, and international accords, enabling a response to the eternal Qur'anic call (**O mankind! Lo! We have created you male and female, and have made you nations and tribes that ye may know one another. Lo! the noblest of you, in the sight of Allah, is the best in conduct. Lo! Allah is Knower, Aware.**) (Al-Hujurat 49:13)

Al-Qaradawi's Fiqh of Jihad (Book Review 1/7)

Part 1: Introduction

By [Dr. Rajab Abu Maleeh](#)

Consultant to Living Shari`ah Section

Title: Fiqh of Jihad

Author: Dr. Yusuf Al-Qaradawi

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[Why Al-Qaradawi? And Why Jihad?
Between Fiqh of Zakah and Fiqh of Jihad
Importance of Jihad in the Fiqh of Al-
Qaradawi](#)

[Sheikh Al-Qaradawi's Moderateness and the Fiqh of Jihad](#)

[Whom Does This Book Address?](#)

[Al-Qaradawi's Approach in Introducing the Fiqh of Jihad](#)

The book entitled Fiqh of Jihad written by the mujahid and scholar Sheikh Yusuf Al-Qaradawi has been published in more than 1,400 pages of average size by Wahbah Bookshop, Cairo. Many readers have been anxiously awaiting the publication of this book for a long time. However, the sheikh deliberated and postponed it until it was fully developed, and then, after being satisfied with its contents, he released it as a guiding light that dispels the clouds of darkness looming over this bewildered Ummah.

Why Al-Qaradawi? And Why Jihad?

In recent times, many scholars called for enlarging the scope of *ijtihad* regarding issues related to jihad, since topics covering acts of worship or transactions, especially financial transactions, have received their due share of individual and collective *ijtihad*. However, jihad has not received an equal share (of effort) in spite of its significance and of people's need for it in all ages, especially the present age in which many nations invite one another to collaborate against this Ummah just as people seated around a platter of food invite one another to eat.

On the other hand, others were afraid to open the door for research and writing on the topic of jihad in the present age lest *ijtihad* might appear to be justificatory and weak, resembling the status of our Ummah. They feared that *ijtihad* might breed submissiveness and justification of our bitter reality, inviting the Muslims to be advocates of peace in an age that only recognizes the language of aggression.

In his prime, this man was neither frightened nor

They also feared that *ijtihad* might become draconian as a reaction to blood shed at the hands of our enemies, the violation of sanctities, and the usurpation of our sacred sites. Hence, it would be retaliatory *ijtihad* that respects neither ties of kinship nor that of covenants and that honors neither obligations nor sanctities, having as its motto the saying of Ibn Zuhayr, "He who does not harm people is harmed." tempted by either the sword or the wealth of the ruler, despite the fact that the comforts of life were within his grasp.

However, Almighty Allah opened the heart of the erudite sheikh and facilitated the means for him to undertake this great burden and carry out this task so that it would be neither justificatory nor retaliatory *ijtihad*. Thus, the book came to light when the sheikh passed his eightieth year (born 1926). In his prime, this man was neither frightened nor tempted by either the sword or the wealth of the ruler, despite the fact that the comforts of life were within his grasp.

He was even in need of being furnished with some of these comforts so that he could utilize them to fulfill the projects for which he had worked and aspired. With all the more reason, he did not pay heed to any blame along his way concerning his Lord after a long life of perseverance and jihad. Though he suffered much annoyance and harm both inside and outside his country, he persisted and persevered, seeking the reward of Almighty Allah, until he obtained a high rank that turned the hearts and minds of people towards him.

Moreover, no one can cast doubts on the efforts and jihad carried out by the sheikh for the sake of maintaining the religion, in his keenness on adhering to it, and in his defense of its boundaries throughout his long life. He never fluctuated in quest of mundane pleasures, never flattered anybody at the expense of his salvation in the afterlife, and never paid heed to any blame he received along his way to his Lord.

Moreover, no one can accuse him of either bigotry or extremism since he is the leader and theorist of moderateness in the modern age as well as the preacher and advocate of the middle path in his thought and fiqh.

In addition, we find his juristic talent, knowledge about reality, firm attachment to juristic heritage, and competence to deal properly with the texts of the Qur'an and the Sunnah. So, in the light of the aforementioned, we hope that many people would agree with his *ijtihad* and thought.

Between Fiqh of Zakah and Fiqh of Jihad

The erudite sheikh wrote his book *Fiqh of Zakah*, from which he obtained a Ph.D. degree, in 1973. Thirty-six years later, he published his book *Fiqh of Jihad*, and in the introduction of this book he stated,

I found it incumbent to undertake writing on this topic after Allah has opened my breast to it. How many times, since I finished my book, *Fiqh of Zakah*, has the idea to write a similar book on *Fiqh of Jihad* crossed my mind. And, how many times have honorable fellows asked me to write on this issue about which people are divided. Yet, I would apologize to them, giving the excuse that I lacked the spirit to undertake such a task.

However, I wrote sporadic pieces about it in the past, waiting for the right time to write about it in a regular, uninterrupted manner. This is because it is one of the basic topics that must be addressed through systematic writing due to the need of the Muslims, in particular, and the world, in general, to have proper knowledge about it, far removed from the immoderation of extremists and the undutifulness of the negligent.

Though *Fiqh of Zakah* basically addresses Zakah as one of the obligations imposed by Islam upon the Muslims and one of its fundamental pillars, it is also considered a type of jihad; it is jihad with money. This type of jihad is highly regarded and indispensable, both in this age and at any other time.

Importance of Jihad in the Fiqh of Al-Qaradawi

From the very first line of the introduction, Sheikh Al-Qaradawi illustrates the importance of this relinquished obligation and the resultant danger to the present and the future of the Ummah. He says,

Without jihad, the Ummah's boundaries will be violated, the blood of its people will be as cheap as dust, its sanctuaries will be less worthy than a handful of desert sand, and it will be insignificant in the eyes of its enemies. As a consequence, the coward will take heart to attack it, the servile will look down upon it with arrogance, and the enemies will conquer its land and dominate and control its people. This is because Almighty Allah has taken away fear from the hearts of the enemies toward the Ummah.

Far into the past, this Ummah would be granted victory over its enemy on account of the awe instilled by Almighty Allah into the enemies' hearts for a distance of one month's journey. More serious than that – or let's say, one of the reasons behind that – is the fact that the Ummah has neglected jihad, or perhaps even dropped it from its agenda. It has dropped it in all its aspects: physical, spiritual, intellectual and cultural.

Sheikh Al-Qaradawi's Moderateness and the Fiqh of Jihad

Sheikh Al-Qaradawi speaks about people's stance on jihad, dividing them into three categories. About the first category, he says,

It is a category that seeks to cast a veil of oblivion on jihad and drop it from the life of the Ummah. They, instead, assume as their major concern and role raising the Ummah – as they claim – spiritual values and behavioral virtues, considering this to be the major jihad: ongoing struggle against Satan and one's vain desires.

They believe that whenever the Muslims have the capability, they are obligated to fight the disbelievers merely on account of their disbelief...

Regarding the second category, he says,

As opposed to this category, there is another one that perceives jihad as a "fight against the whole world". They do not differentiate between those who fight against the Muslims, stand in the way of their *da`wah* or tempt them away from their religion, and those who extend the bridges of peace to the

Muslims and offer reconciliation and rapprochement with them, raising no sword to them and supporting no enemy in its fight against them.

According to this category, all disbelievers are alike. They believe that whenever the Muslims have the capability, they are obligated to fight the disbelievers merely on account of their disbelief, which they regard as sufficient reason for fighting them.

He then opts for the moderate approach that is represented by the third category, saying,

The third category is the "moderate Ummah" which Almighty Allah has guided to the approach of moderation and granted knowledge, wisdom, and deep understanding of the Shari`ah and reality. Hence, it has not slipped into the negligence of the first category that seeks to keep the right of the Ummah unarmed with power, its Qur'an unguarded by the sword, and its home and sanctuaries with no guards to protect and defend them.

Likewise, it has not fallen into the excess and extremism of the second group that seeks to fight those who are peaceful and declare war against all people without discrimination; white and black, in the East or in the West. Their alleged aim by doing so is to shepherd people to (the way of) Almighty Allah, drive them shackled toward Paradise and take them coercively by the hand to the Straight Path.

They further add that their aim is to remove the obstacles set in front of those people by despotic regimes that do not allow them to convey the Word of Allah and the Call of His Messenger to the people, so that they can hear it loud and clear and free from all stains.

Whom Does This Book Address?

Imam Al-Qaradawi lists the categories of people who are in need of this book in order to obtain an accurate understanding of the issue of jihad in a way that is free of both negligence and excess. It is as if he has assimilated the categories of the entire society, Muslims and non-Muslims, rulers and the ruled, civilians and military men, and thinkers and intellectuals. He mentions ten categories that I consider cover the categories of the whole society.

1. Shari`ah scholars: The first category that needs such a study are the scholars of Shari`ah and the imams of fiqh, as most of them entertain fixed concepts and inherited culture about jihad. They, for example, hold that jihad is a collective duty on the Ummah and that this duty requires that we invade non-Muslim countries at least once a year, even if they show no act of hostility toward us, yet, instead, they extend the hand of peace and reconciliation. Although this opinion contradicts many clear Qur'anic verses, the effect of such verses – as we have indicated above – is nullified in their view on the grounds that they were abrogated!

2. Scholars of Jurisprudence: Likewise, this study is needed by legists and specialists in international law, many of whom have formed their own views about Islam and the Shari`ah, especially as regards jihad, war and peace. They derived their views from particular famous quotations from books as well as from information circulated by writers and that which is passed from mouth to mouth. Such people are to some

extent not to blame, since the scholars of Shari`ah themselves are confused in this regard. What then would be the case with ordinary people?

3. Islamists: More than any other, this study is needed by Islamists. By "Islamists" I mean the different Islamist groups that work in support of Islamic causes, and which are called by some as "the groups of political Islam." These groups usually include the youth of the Islamic awakening under their banner in various countries, both inside and outside the Muslim world. Hence, such groups, with their different inclinations and attitudes, whether moderate or extremist, are in dire need of such a study; especially those who are known as "violent groups."

4. Historians: Historians are also in need of this study, especially those who are interested in the Prophet's biography and Islamic history, and those who incorrectly and unjustly interpret the battles of the Prophet (peace and blessings be upon him) incorrectly and unfairly, considering that it was the Messenger who started attacking and fighting the polytheists. They gave as examples the Battle of Badr, the Conquest of Makkah, and the Battle of Hunayn. They also mentioned that the Prophet (peace and blessings be upon him) initiated the invasion against the Jews in their sites and fortresses, citing the Battles of Banu Qaynuqa` and Banu An-Nadir, as well as the Battle of Tabuk in which he commenced the fight against the Romans.

5. Intellectuals: The study is also necessary for men of thought, research and meditation, especially those who are interested in Islamic thought and Islamist movements, both moderate and extremist, that arose from it, as well as the acts of violence — or terrorism as they are described — that some of these groups engage in. This, as a result, drove some people to hurl the accusation of violence and terrorism exclusively at Islam, as if all acts of violence and all forms of terrorism are Islamic. Indeed, this is incorrect and untrue.

6. Orientalists: Non-Muslims, such as Orientalists and those interested in Islamic studies, also need this kind of study. This applies to those whose interest is primarily aimed at seeking knowledge and discovering the truth, or those with a politically motivated interest that is intended to serve certain purposes of a particular country, or the West in general. This is also true for those who have religious motives to serve the church and the idea of "Christianization."

7. People Engaged in Dialogue: This study is essential for those interested in inter-faith dialogue or inter-cultural and inter-civilizational dialogue. From my viewpoint, this study represents a significant brick in the structure of such dialogue, which is strong at times and weak at others; progressing and stumbling from time to time. The reason for this lies in the narrow-mindedness of some toward the others, the bigotry that dominates the minds and the preference given to inherited thought over unconstrained thought. Undoubtedly, people cannot hold dialogue if they lack knowledge about each other.

8. Politicians: Moreover, politicians and decision-makers around the world also need this study. They make fateful decisions that have a crucial impact on the destinies of nations, human lives, potentials of peoples, and sanctities of religions. Their attack on religion is based on their mental conceptions about that religion. They, in reality, do not know it, have not read its scriptures or become acquainted with the biography of its Prophet (peace and blessings be upon him); they have not studied this religion's history or even acquired any significant information about its creed and Shari`ah.

9. The Military: As politicians need this study to form a correct and well-judged opinion about jihad, so does the military, whether Muslim or non-Muslim. Those who misunderstand the reality of jihad among Western military leaders, such as American politicians, most of the generals in Europe; rather — unfortunately — the whole world, should read this book. On our part, we should translate it for them so that they can read and understand it in their own language. Undoubtedly, most of them, when sound logic is presented clearly to them, submit to it, and do not debate. Even if they debate in public, they would be defeated internally, and this is a considerable gain.

10. The Intellectual Public: Finally, this study is also required for the common readership and ordinary, unclassified intellectuals, Muslim and non-Muslim. Such people represent the large masses of people in any nation. They need to know the reality of Islam's world view and the reality of jihad in the Way of Allah.

Al-Qaradawi's Approach in Introducing the Fiqh of Jihad

His Eminence, scholar, Al-Qaradawi, speaking about his approach in his — hopefully — pleasurable and beneficial book, says that it rests on six pillars: namely, the Glorious Qur'an, the purified Sunnah, and the treasures of Islamic fiqh. Moreover, he says that his approach is also built on making comparisons between divine legislation and positive systems, taking into consideration the contemporary reality in which people are living. Thus, he has adopted the moderate approach as he always has in his books, researches and fatwas. In this regard, the sheikh says,

Among the aspects of this approach to fiqh, understanding and *ijtihad*, is that we should renew the religion from within and perform *ijtihad* that is compatible with our life and age.

The approach which I have adopted in writing this book depends on a group of elements:

First, relying primarily on the texts of the Glorious Qur'an, since it is the first and foremost source of Islam, which is indubitable and indisputable. It has been conclusively proven to be authentic through a reliable, uninterrupted chain of transmission, memorized in the hearts, recited by the tongues, and inscribed in the *mushafs* (copies of the Qur'an). There is no disagreement whatsoever regarding this among scholars.

From the Qur'an, we derive the authenticity of all the other sources, including the prophetic Sunnah itself. Thus, the authenticity of the Sunnah is established through the verses of the Qur'an. Furthermore, we understand the Qur'an in the light of its modes of expression, with its literal and metaphorical language, considering order and context, avoiding affectation and arbitrariness, and conciliating texts, being sure that the verses of this noble book attest to the truthfulness of each other, and interpret each other.

Second, drawing on sound Sunnah narrations proven to be authentically reported from the Prophet (peace and blessing be upon him). This includes his sayings, deeds and approvals that were transmitted in hadiths with a sound chain of narration, with no missing links, bizarreness or undermining factors.

Moreover, such hadiths should not contradict that which is stronger and more authentic: verses from the Qur'an, other hadiths, or that which is established by knowledge and reason. Thus, they should be illustrative of, not at odds with, what has been revealed in the Qur'an, and should proceed in line with the Book and the Balance (of justice) sent down by the Almighty.

Third, benefiting from the treasures of Islamic fiqh and drawing on its abundant resources, with no bias in favor of the fiqh of a certain *madhhab* against another, or exclusively clinging to one imam while neglecting another. Rather, we should consider this a great legacy to be possessed by every researcher, so that they can delve into its depths, fathom its secrets, and utilize its hidden stores.

While doing so, a researcher should compare different views and proofs, without adopting a fanatical position in support of a certain opinion, or permanently imitating a particular *madhhab*. Yet, we can adopt Abu Hanifah's opinion in one case, Malik's in another, and Ash-Shafi'i's, Ahmad's and Dawud's in other cases, and so on. We may even, in some particulars, refer to non-Sunni *madhhabs*, such as the Zaydi, Ja'fari or Ibadī *madhhabs*, if they provide the required solution. Moreover, we may adopt the approach of some obsolete *madhhabs*, such as that of Al-Awza'i, Ath-Thawri or At-Tabari.

Fourth, it is not sufficient for us merely to compare the *madhhabs* and opinions within Islamic fiqh and its schools. Rather, we may also compare the fiqh of Islamic Shari'ah as a whole with Western positive laws. The aim of such comparison is to illustrate the extent of the originality of the Shari'ah, the firmness of its principles, its independence from other laws, and its conciliation between idealism and realism, and between the divine and the human.

Fifth, linking fiqh to the contemporary reality lived by the Ummah and by the world. This is because fiqh is made to solve the problems of the Muslim individual, the Muslim family, the Muslim community, the Muslim state and the Muslim Ummah through the tolerant rulings of the Shari'ah.

Thus, it searches for cures or treatment of the diseases of the Muslims within — not outside — the treasures of this honorable Shari'ah. It also answers any question that is raised by the individual or the community as regards religion and life. Fiqh also leads the civilizational march of the Ummah in the light of the rulings of the honorable Shari'ah.

Sixth, as is the case with all our books and researches, in this book we have adopted the approach that Almighty Allah has guided us to choose and prefer in *da'wah*, education, *iftaa'*, research, reform and renovation, namely the approach of moderateness and mildness.

Among the aspects of this approach to fiqh, understanding and *ijtihad*, is that we should renew the religion from within and perform *ijtihad* that is compatible with our life and age just as our preceding imams performed *ijtihad* that was compatible with their life and age. We should use the sources of knowledge from which they derived their views, understand the partial texts within the framework of the overall objectives, and trace ambiguous issues back to those that are clear, the conjectural to the conclusive, and the particular to the general.

Moreover, we should be strict when it comes to the basics and make things easy when it comes to secondary issues, reconcile between the fixities of the Shari`ah and the variables of the age, and link the authentic texts with manifest reasonableness.

It also behooves us to avoid partiality toward an old opinion or exaltation of a new thought; to adhere to the principle that the objectives are unchanging, yet the methods can be flexible; and to benefit from whatever is beneficial from the old views just as we welcome any useful new thought.

In addition, we should seek inspiration from the past, live the present, and look to the future, probe for wisdom in any vessel from which it comes forth, and measure the achievements of others against the values we have, and thus, accept what suits us and dismiss what does not benefit us, and so on.

His Eminence, the great scholar, Sheikh Al-Qaradawi has divided the book *Fiqh of Jihad* into an introduction, nine sections and a conclusion. So, *in sha 'Allah*, we will have additional reviews of others issues that are raised by the Imam in each of the sections of his study. We ask Almighty Allah for guidance and help.

Al-Qaradawi's Fiqh of Jihad (Book Review 2/7)

Part 2: A Comparative Study of Jihad, its Rulings and Philosophy

By [Dr. Rajab Abu Maleeh](#)

Consultant to Living Shari`ah Section

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Dr. Yusuf Al-Qaradawi

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Introduction

After the introduction and preliminary definitions, Sheikh Yusuf Al-Qaradawi discusses the reality of jihad, as well as its concept and rulings.

The core issue in the first chapter is the ruling of jihad and whether it is an obligation

at all times and in all situations, or whether it is an obligation only in the case of self-defense, not as in the case of preemptive jihad.

Supported by a number of scholars, many Muslims are convinced that jihad is an obligation in both self-defense and preemption, and that the imam (community leader) of the Muslims has to perform jihad at least once a year. The Sheikh took on the huge task of convincing people of an opinion that greatly differed to what the youth learn in their early years and the elderly have been adopting throughout their lives.

The Sheikh examined every aspect of Islamic jurisprudence to provide what he considers the proper opinion, then he corroborates his stance with convincing evidence. Before delving into this important issue, he concentrates on some of the definitions related to the fiqh of jihad, because a precise understanding of these definitions leads to the correct understanding of this issue.

Difference Between Jihad and Fighting

Many people and scholars are confused about the difference between jihad and fighting. Every time the word *jihad* is mentioned it is misunderstood and thought to mean fighting or engaging in battle. In fact, jihad has a broader and more comprehensive meaning than simply fighting, which is only one type of jihad. The comprehensive meaning of jihad extends to spending one's wealth, to jihad by the word, internal jihad, and so on.

Expanding the meaning of jihad and not confining it to "fighting" provides every Muslim, male or female, capable or incapable, with the opportunity to play an important role in the realm of jihad.

The term *jihad* has a broader meaning than *fighting*

The Sheikh says, "So, we see that the term jihad has a broader meaning than fighting, even though it has been established in the convention of Islamic jurisprudence that it means fighting. That is what has been normally acceptable and it is not subject to contention."

Although the term comprises one's personal struggle, jihad against oneself and against Satan, one's jihad by calling for virtue and prohibiting vice, speaking the truth to a despotic ruler, and so on, Jihad also involves fighting for Allah's sake.

Scholars have juristically designated it as "Legitimate fighting against the disbelievers or aggressors." Some scholars defined it as "Calling people to the right religion and fighting against those who do not accept it." Others defined it as, "Exertion of all effort and capability in fighting for Allah's sake, whether physically, by spending from one's wealth, by opinion, by speech, or by adding to the magnitude of the Muslims' militant power, and so on."

If the distinction between these two types of jihad is not clearly understood, Muslims will be led to error.

This last definition is probably the most acceptable as it includes most of the types of jihad referred to in the Noble Qur'an and Sunnah. Moreover, the definition does not confine jihad to fighting the disbelievers, but it also comprises all those who reject a well-established ritual of Islam such as ritual Prayer, zakah, prohibition of *riba*, adultery, and drinking alcohol.

Defensive Jihad and Preemptive Jihad

If the distinction between these two types of jihad is not clearly understood, Muslims will be led to error. The Sheikh defines defensive jihad as resisting the enemy that enters a Muslim land, and occupies part of it, regardless of how small this area is; or the enemy that launches an assault against Muslim lives, property, or sanctities even without entering or actually occupying their land.

Jihad is necessary against those who persecute Muslims because of their faith, or those who plot to dissuade Muslims away from their faith or deprive them of their right to choose their own religion, or force them to renounce it through harm and torture.

On the other hand, preemptive jihad is directed against the enemy whom Muslims pursue and target in their own land, in order to expand and secure the land of Islam.

In this case, we surprise the enemy before the enemy surprises us. We may do that to enable the enemy to listen to the new call of Islam as these barriers must be removed to enable Muslims to convey Allah's call to all people, or to liberate nations from the tyrants who dominate and harm them.

Jihad Ruling: Obligatory or Voluntary?

After the introduction, the Sheikh defines the ruling on the important issue of jihad. In doing so, the Sheikh presents the views of early jurists before offering his own opinion in order to avoid being accused of disbelief. Some Muslims believe that any unique opinion is an innovation and that all innovations are false.



Opinion of Imam Al-Jassass

The Sheikh cites the statements of Imam Al-Jassass concerning the *tafseer* (exegesis of Qur'an and Sunnah) and related rulings of Ibn Shubruma, Al-Thawry, and others that jihad is voluntary and not obligatory. The same view is said to be shared by `Abdullah ibn `Umar and `Amr ibn Dinar. After Al-Jassass discusses this view, he says,

It is believed by all Muslims that if the inhabitants on the frontier with the enemy fear being attacked and they do not have the means of resistance and they are concerned about their lands, their lives, and their offspring, jihad becomes obligatory on the entire Muslim *Ummah* (nation). The enemies must be fought so that the Muslims can be saved from their aggression. This is a matter of consensus among the

whole Ummah. No Muslim has ever said it is permissible to let the enemy shed Muslim blood or capture Muslim offspring. However, the point of disagreement among them is, "If there is adequate Muslim resistance and the Muslims do not fear being defeated, can the Muslims stop their jihad until the enemies surrender or pay the *jizyah*?" Ibn `Umar, `Atta', `Amr ibn Dinar, and Ibn Shubruma say that the imam and the Muslims may stop fighting the enemy and wait.

There are others who say that the Imam and Muslims must invade them at all times until they either embrace Islam or pay the *jizyah*. This is the view of our contemporary jurists as well as the predecessors we have already mentioned: Al-Miqdad ibn Al-Aswad, Abu Talhah, and other Companions and the first generation after Prophet Muhammad.

The Sheikh comments on the foregoing by saying, "It is not only our right but our duty to highlight the importance of such views, which Imam Al-Jassass cited from some of the Ummah's jurists, including the Companions, such as Ibn `Umar, and the first generation after Prophet Muhammad, such as `Ataa' and `Amr ibn Dinar, and imams such as Al-Thawry and Ibn Shubruma, stating that it is the Muslims' duty to invade the disbelievers even if they are protected against them. Jihad is necessary when their evil and aggression against the Muslims is feared."

Opinion of Imam Abu Ja`far An-Nahas

The Sheikh then mentions the opinion of Abu Ja`far An-Nahas concerning the abrogating and the abrogated verses when Almighty Allah's words are interpreted:

(Fighting is prescribed for you, and you dislike it.)
(Al-Baqarah 2:216)

Then, he cites all the relevant views of the predecessors and discusses them one by one.

A group of people say, "This verse abrogates disallowing fighting against them since they were ordered to be tolerant and forgiving in Makkah." Another group says, "It is abrogated." They say the same about Almighty Allah's words

(Go you forth, (whether equipped) lightly or heavily, and strive and struggle, with your goods and your persons, in the cause of Allah.) (At-Tawbah 9:41)

The abrogating verse is

(Nor should the believers all go forth together: If a contingent from every expedition remained behind, they could devote themselves to studies in religion and admonish the people when they return to them — that thus they (may learn) to guard themselves (against evil).) (At-Tawbah 9:122)

A third group says, "It is recommended, not obligatory." A fourth group says, "It is obligatory, and jihad is an obligation." `Ataa' says, "It is obligatory for others, not for us," meaning it was addressed to the Companions.

Abu Ja`far says that there are five views on this issue. Then, he chose to call it an abrogating verse, and that jihad is an obligation which must be performed.

Opinion of Al-Hafez Ibn Hajar

As far as people are concerned, jihad applies to two cases; one was in the lifetime of the Prophet (peace and blessings be upon him), and a second after his death. After jihad was legislated, was it an individual or a collective duty?

The first case was when jihad was legislated: after the Prophet's (peace and blessings be upon him) Hijrah (emigration from Makkah) to Madinah by consensus. However, after jihad was legislated, was it an individual or a collective duty? There are two well-known scholarly opinions in this respect. They both pertain to the Shafi`i school of fiqh.

Al-Mawardi said, "It was an individual duty imposed on the emigrants from Makkah, and no one else." He corroborates this view by referring to the obligation of emigration to Madinah on every Muslim convert before the conquest of Makkah to defend Islam."

Al-Suhaily says, "It was an individual obligation imposed on the Ansar (Muslims of Madinah) and no one else." He corroborates this view by their pledging allegiance to Allah's messenger (peace and blessings be upon him) on the night of Al-'Aqaba, promising to shelter and protect him. From these two sayings we conclude that it was an individual obligation for both parties and a collective duty for the others. However, generalization is not applicable to both parties. It was the duty of the Ansar if an enemy attacks Madinah, and it was the duty of the emigrants if it was a preemptive war against the disbelievers. This is supported by the event of Badr as related by Ibn Ishaq, which is explicitly indicative in this respect.

The second case is as follows: After the Prophet (peace and blessings be upon him), passed away the most famous opinion is that jihad is a collective duty unless there is a necessity, like when the enemy launches an attack. It is imposed on whoever is assigned by the Imam. It is the view of the majority of jurists that a collective duty must be carried out once a year. Their argument is based on the fact that jizyah may replace it and they agree that it should not be paid more than once a year. This also applies to its replacement.

There is an overriding saying, that jihad is an obligation whenever possible. The ruling of jihad continued as it had been at the time of the Prophet (peace and blessings be upon him) till the conquest of most countries was completed, and Islam had spread in most parts of the world. At that time, its ruling changed to the views mentioned above.

It is the duty of each Muslim to do one of the kinds of jihad against the disbelievers; whether it is physical jihad, jihad by speech, jihad by spending from one's wealth, or jihad by the heart.

Opinion of Ibn Al-Qayyim

Imam Ibn Al-Qayyim says, "It is verified that jihad is an individual obligation, either by heart, by speech, by spending of one's wealth, or by hand. Every Muslim must struggle through one of these types of jihad."

Physical jihad is an individual duty, but there are two opinions regarding jihad by spending one's wealth. It is correct to say that it is an obligation, since jihad by spending one's wealth has the same ruling as physical jihad in the Noble Qur'an.

Defensive jihad is an obligation according to the unanimous agreement of both early and contemporary jurists.

In light of these citations, the Sheikh concludes his juristic opinion which is, in brief, that defensive jihad is an obligation according to the unanimous agreement of both early and contemporary jurists. There is scholarly disagreement over preemptive jihad, and he considers it is only a must when there is necessity.

The Sheikh says,

Consequently, we see that what many believed concerning preemptive jihad and conquering the enemy once a year as a commonly accepted collective duty imposed on the Ummah is not true. The consensus in this respect is over two indisputable issues:

First, What Ibn Rushd mentioned: "When the enemy invades a Muslim country, all Muslims there must struggle against that enemy and all other Muslims must support them till the enemy is defeated."

Second, Mobilization of armies and preparing to defend their sovereignty by preparing sufficient military power to deter the enemy. They should also have well-trained human power, on land, air and sea, as required. This is according to the conditions of that era as commanded by Almighty Allah:

(Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into (the hearts of) the enemies, of Allah and your enemies.)(Al-Anfal 8:60)

Then the Sheikh reviews the historical reality and links the matter to the fiqh of politics, and says, "The truth is that conquering the disbelievers' countries or deep incursion into their lands once a year, as suggested by scholars who consider it a collective duty imposed on the entire Ummah represented by its caliphs or emirs, who are responsible for dealing with all that relates to such imposed invasion (conquest), is subject to changing circumstances."

Therefore, we can appreciate that the duty of invading the enemy every year depends, in reality, on the fiqh of politics. This is a wide branch of fiqh characterized by flexibility, liability to development, and plurality of views, as it is primarily based on the fiqh of intentions and interests; and the fiqh of prognoses, balances, and priorities.

The Sheikh suggests that Muslims do not fight those who extend peace to them

Within these areas of fiqh there is ample opportunity for constructive and selective jurisprudential deliberations as well as diversity of types and plurality of views and visions, with no team superseding the other as long as the constants are respected, and the basics of Shari`ah are observed in addition to the established regulations. nor inflict any harm on them, and his stance is absolutely flawless.

Our Comments

The Sheikh suggests that Muslims do not fight those who extend peace to them nor inflict any harm on them, and his stance is absolutely flawless. It is supported by the correct juristic vision and by the common purposes of Muslim law, which calls for the preservation of human life, whether of Muslims or non-Muslims.

However, the questions that arise here are, "Has this been the case throughout human history? Has the world ever lived with no wars that devour everything? Did the Persians and the Romans, in olden times, or the Communists, the Jews, the Christians, and Secularists, in modern times, spare the Muslims their sacrilege, violations of sanctities, and military and cultural invasions in addition to looting their wealth and lands?"

We do hope that one day mankind would enjoy peaceful coexistence. We hope that the powerful would not abuse the weak, nor would the rich subdue the poor. For this to be true, the theory of repelling stated in the Noble Qur'an will remain valid:

(By Allah's will they routed them, and David slew Goliath, and Allah gave him power and wisdom and taught him whatever (else) He willed. And were it not for Allah's repelling some men with others, the earth would certainly be in a state of disorder, but Allah is full of bounty to all the worlds.)(Al-Baqarah 2:251)

Almighty Allah says,

(Those who have been expelled from their homes without a just cause except that they say, "Our Lord is Allah." And had there not been Allah's repelling some people by others, certainly there would have been pulled down cloisters and churches and synagogues and mosques in which Allah's name is much remembered.)(Al-Hajj 22:40)

How Should a Collective Duty Be Done?

After the Sheikh discusses the collective duty according to the Hanafi and Shafi`i schools, he says,

This means that the requirements for the implementation of a collective duty are a powerful Muslim army the enemy fears, which should be equipped with the most sophisticated arms and weapons. Its soldiers must be highly trained, its forces should be deployed on all land and sea ports so that no single place is jeopardized without providing it with full protection and invulnerability. This is likely to repel the enemy and dissuade them from attacking the Muslims. This proposition is approved today by all countries of the world. Sovereignty of any state entails it having armed forces capable of

defending its borders and independence against any attack on it or on its sanctities, or any attempt to seize a small tract of its land.

When Is Jihad an Individual Duty?

Here the Sheikh says that jihad should be an individual duty in the following specific circumstances:

- 1- When the enemy attacks a Muslim country.
- 2- When the Imam commands a certain individual or group to participate in jihad.
- 3- When the army needs the expertise of a specific person.
- 4- When they are actually present on the battlefield.

The Sheikh then concludes this chapter by discussing two important issues: the first is, how the individual duty is realized in jihad, and the second is about women's jihad.

Regarding the first issue, he says, "Here we are faced with an extremely important question: What should be done if the people of a country are incapable of stopping the invading enemy or they weakened before the enemy and their neighbors refused or were unable to support them and the individual duty became their neighbors' and then the closest Muslims until it includes all Muslims around the world?"

Would it be the duty of all Muslims all over the world to move to the Muslim land that had been occupied by the enemy? Should women head to that land without the permission of their husbands, or sons without the permission of their fathers, or should subordinates go to that land without the permission of their superintendents?

After the Sheikh discusses this proposition and asserts the impossibility of its application and shows how it is generally futile, he says,

All that I can safely say here is that the people of the invaded country who are taken by surprise must exert all their power to resist the invaders. Each of them should muster all his capabilities and skills as organized or arranged by the authority in charge of the jihad, whether it is an existing state authority or one who has been elected by the majority of influential people in the absence of the state. Men should do what befits them and so should women and children, as well as the literate and the illiterate. Each person should be in their rightful place. On the other hand, if the invaded country along with its neighbors fails to resist the enemy for any reason, or if they weakened, rebelled, or disobeyed and the duty becomes the responsibility of the entire Ummah, I find that the Ummah's duty here is not for all Muslims to physically move to the battlefield, as this would be impossible and not beneficial. The duty in this case is that all Muslims should provide support and help to save their fellow Muslims and make their victory a reality. Each person should contribute according to his or her ability, and should provide them with the arms, equipment, supplies, money, and manpower they need. They should satisfy their needs as promptly as possible especially for the things they badly need.

Woman's Jihad

On this issue, the Sheikh reviews women's jihad as it was at the time of Allah's Messenger (peace and blessings be upon him) and of his honored Companions, and confirms that the role of women in the service of Islam is not inferior to that of men, since she is equally responsible. However, the Sheikh says that there are many tough tasks that are incommensurate with a woman's nature and with the characteristics Almighty Allah has singled out for her and which would help her to play her role and achieve her mission in life.

Consequently, the Sheikh distinguishes between two types of jihad; namely, defensive jihad and preemptive jihad. He sees that jihad is imposed on women as it is imposed on men as far as defensive jihad is concerned. However, preemptive jihad is not imposed on women. She could generally help men in jihad according to her nature and capabilities.

Jihad is imposed on women as it is imposed on men as far as defensive jihad is concerned

The Sheikh says, "Jurists have distinguished between two types of jihad: defensive and preemptive jihad. It is not the woman's duty to take part in preemptive jihad when Muslims invade their enemy attacking them on their own land. However, she may do it voluntarily for the sake of Allah, and in pursuit of His doubled reward for the mujahideen."

As regards defensive jihad, when the enemy attacks a Muslim country, or moves into a Muslim country to occupy it and subdue its people, it is the duty of each and every Muslim individual to defend their country and protect their sanctities with all the power and means at their disposal.

No one should try to avoid jihad; each person should contribute according to his or her ability. It is a case of general mobilization, and some scholars opine that sons may go to jihad without their parents' permission, women may go to jihad without their husband's permission, and servants may go to jihad without their master's permission, as previously mentioned. In this case, the country and its people are exposed to danger.

If there is a clash between collective and individual rights, collective rights are given priority as survival of the group means the survival of the individual, while the loss of the group means the loss of the individual.

This is the duty of jihad imposed on women, the same as that imposed on men, even though what the woman is required to do may not be the same as the man. It is the duty of both men and women to exert all their powers and potentials to repel the aggressors.

Al-Qaradawi's Fiqh of Jihad (Book Review 3/7)

Part 3: Jihad Against Local Injustice and Corruption

By [Dr. Rajab Abu Maleeh](#)

Consultant to Living Shari`ah Section

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[People's Attitudes Toward Local Jihad](#)

[Part 1](#)

[Part 2](#)



Dawn after Darkness

Introduction

In the first two parts of this series, we talked about this important book (Fiqh of Jihad) authored by the leading scholar Dr. Yusuf Al-Qaradawi. In Part 1, we drew attention to the great importance of the book and its author, along with his approach to the topic of jihad. We also explained who would benefit from the book.

In Part 2, we reviewed the two types of rulings pertaining to jihad; namely, defensive jihad and preemptive jihad, in addition to the role of women in jihad. In this third part, we address the crucial issue of jihad against local injustice and corruption to see whether this type of jihad has priority over jihad against apostasy and aggression abroad or not.

Dr. Al-Qaradawi dedicated Chapter 2 to investigating the various types and levels of jihad. He divided the chapter into seven sections, namely, "Jihad vs. Fighting," "Status of Self-Jihad," "Status of Jihad Against Satan," "Jihad Against Local Injustice and Corruption," "People's Attitudes Toward Local Jihad," "Status of Jihad by Speech (Jihad by Calling to Islam and Media Jihad)," "Status of Civil Jihad," and "Status of Military Jihad (Development of Jihad by Speech into Military Jihad)."

In this brief introduction, we will only skim through the statuses of jihad as suggested by Dr. Al-Qaradawi, and the main focus will be on the topic mentioned in the title.

In the first section, Dr. Al-Qaradawi emphasizes the fact he has already mentioned: that Jihad is more general and more comprehensive than fighting or war. He verifies this exposition by citations from Qur'anic Makkan verses revealed at a time when there was no military jihad. Dr. Al-Qaradawi says, "A proof that jihad is different from fighting is that jihad had been mentioned in the Makkan Qur'an before the breakout of fighting, which took place in Madinah. One of the verses that include reference to jihad in the Makkan Qur'an is the following verse from Surat An-Nahl:

(Then lo! Your Lord — for those who became fugitives after they had been persecuted and then fought and were steadfast — lo! Your Lord afterward is (for them) indeed Forgiving, Merciful.) (An-Nahl 16:110)

This is not the only verse in Surat An-Nahl that refers to Hijrah (migration) and Muhajireen (migrants or fugitives), as these are referred to in two previous verses:

(And [as for] those who became fugitives for the cause of Allah after they had been oppressed, We shall verily give them goodly lodging in the world, and surely the reward of the hereafter is greater, if they but knew — such as are steadfast and put their trust in Allah.) (An-Nahl 16:41–42)

A proof that jihad does not always mean fighting is Allah's words addressed to His Messenger (peace and blessings be upon him):

(O Prophet! Strive against the disbelievers and the hypocrites! Be harsh with them. Their ultimate abode is Hell, a hapless journey's end.) (At-Tawbah 9:73)

(O Prophet! Strive against the disbelievers and the hypocrites, and be stern with them. Hell will be their home, a hapless journey's end.) (At-Tahrim 66:9)

Levels and Types of Jihad

Dr. Al-Qaradawi then refers to Ibn Al-Qayyim's elaboration on the levels of jihad, in which the meaning of jihad is not confined to the meaning of fighting, saying that:

As Jihad is the topmost tenet of Islam and its affiliates have the sublimest of all abodes in Paradise as well as the most dignified status in the world, they are the most exalted in life and in the hereafter. Prophet Muhammad (peace and blessings be upon him) ranked top in the realm of jihad, as he mastered all types of jihad and he ideally struggled for the cause of Allah. He struggled by heart and mind, by call and expression, and by sword and spear. All his life, he was involved in jihad by heart, by tongue, and by hand, and therefore he was the greatest of all humans and Allah's most praised one.

If jihad is defined, it is of four types

Imam Ibn Al-Qayyim then mentions in his clear statement, which is documented with evidence, a list of 13 ranks of jihad, saying, "If jihad is defined, it is of four types: jihad

against the self, jihad against Satan, jihad against the disbelievers, and jihad against the hypocrites."

Ranks of Jihad Against the Self

1. Struggling against the self to learn the path of guidance and the religion of truth, without which the self would never be successful or happy in this life or in the hereafter. If the self fails to learn, it will suffer in both worlds.
2. Struggling against the self in order to act upon what is learned, as mere knowledge with no ensuing action yields no benefit, even if it does not cause any harm.
3. Struggling against the self to call others to Allah's guidance (right path) and to teach those who do not know it; otherwise such a person would be one of those who hold back Allah's guidance and revelations. Such people's knowledge would not benefit them or save them from Allah's torment.
4. Struggling to be patient, to endure the hardships faced during one's call for Allah's path, and to stand the harm inflicted by others. One should bear all that for the sake of Allah.

Once one achieves these four levels, one becomes of Allah's close servants. The Salaf (righteous predecessors) unanimously agree that a scholar does not deserve to be called of Allah's close servants until he or she knows the right path, acts upon this knowledge, and teaches it. Those who gain knowledge, act upon it, and teach it are called great within the realm of heavens.

Ranks of Jihad Against Satan

1. One's jihad to ward off all the suspicions and uncertainties Satan casts upon Allah's servants to impinge on their faith.
2. One's jihad to ward off all that is cast upon oneself of corrupt whims and lusts.

Ranks of Jihad Against Disbelievers and Hypocrites

1. Jihad by heart
2. Jihad by speech
3. Jihad by spending one's wealth
4. Physical jihad

Physical jihad is mainly performed against the disbelievers, and jihad by speech is mainly performed against the hypocrites.

Ranks of Jihad Against the Unjust and the Corrupt

As regards jihad against the unjust, the corrupt, and the proponents of heterodoxy and evils, there are three ranks:

One of the ranks of jihad, as specified by Islam, is the rank of jihad against injustice and corruption inside one's own country

1. Jihad by hand if possible
2. Jihad by speech if the first rank is not possible
3. Jihad by heart if the second rank is not possible

This completes the 13 ranks of jihad. Those who die without conquering or talking to themselves of conquering meet their end within one of the dimensions of hypocrisy.

Following his speech about the ranks of jihad against the self and against Satan, Dr. Al-Qaradawi talks about the rank of jihad against local injustice and corruption. He says,

One of the ranks of jihad, as specified by Islam, is the rank of jihad against injustice and corruption inside one's own country. This type of jihad is of paramount importance for the protection of society against collapse or fragmentation. A Muslim society has its own bases and characteristics that constitute its identity. If such bases are dissipated or forgotten or fought, no Muslim society would ever survive.

Fields of Jihad in Society

There is a mandatory type of jihad within society. It includes a host of fields.

Jihad Against Injustice and the Unjust

It is the field of resisting injustice and the unjust, penalizing them, and never trusting them, as Allah Almighty says,

(And incline not toward those who do wrong lest the Fire touch you, and you have no protecting friends against Allah, and afterward you would not be helped.) (Hud 11:113)

Here, Islam demands that the Muslim should do two essential things: first, not to be unjust; second, not to support an unjust person. The unjust and their followers will be thrust into Hellfire together. That is why the Qur'an condemns the tyrants' retinue as it condemns the tyrants themselves. This is evident in Almighty Allah's words:

(And the family of Pharaoh took him up [i.e., Moses] that he might become for them an enemy and a sorrow. Lo! Pharaoh and Haman and their hosts were ever sinning.) (Al-Qasas 28:8)

Allah says about Pharaoh,

(Therefore We seized him and his hosts and abandoned them unto the sea. Behold the nature of the consequence for evildoers!) (Al-Qasas 28:40)

Thus, Allah regards both the tyrants and their retainers as unjust. Allah's torture was inflicted upon them all, and He penalized them all for what they had committed.

The earth's tyrants and supercilious do not implement their oppression themselves but through those human machines they employ to overpower people and spread corruption in earth. These tyrants' controlling of such machines is usually easier than their controlling of the rings they wear!

Whether injustice is committed by the rich against the poor, by landlords against tenants, by employers against employees, by army leaders against soldiers, by superintendents against their subordinates, by men against women, by grownups against the young, or by rulers or custodians against their subjects or peoples, it is haram (prohibited by Allah). It must be resisted and combated by all means man has got: by hand, by tongue, or by heart. This is stated in Sahih Muslim (authentic book of Muslim), which cites the following hadith of the Prophet, narrated by Ibn Mas'ud:

"There was no prophet sent by Allah in an Ummah before me without him having in his Ummah disciples and friends who adopted his Sunnah and followed him. Then, they were succeeded by other people who did not do what they preached, and who did what they had not been commanded to do. Therefore, he who resists them by hand is a true believer, and he who resists them by tongue is a true believer, and he who resists them by heart is a true believer. Nothing else would add to true faith — not even a grain of mustard."

The Prophet imposed on each and every Muslim the jihad against the unjust and the tyrants using all possible means: by hand, by tongue, or by heart, and this latter is the lowest rank of jihad. Those who fail to perform this last type of jihad lose all aspects of faith, even the least level of faith. The Prophet's words grain of mustard illustrate the minute size of the lost aspect of faith. At this level, a Muslim is required to heartily hate injustice and to hate the perpetrators of injustice and vice. Such hatred cannot be stopped, as nobody can control a believer's heart but Allah, Who is the Creator of this heart.

Islam encourages and pays close attention to this type of jihad. In some hadiths, it is referred to as the best type of jihad. Tariq ibn Shihab Al-Bajali narrated that a man asked the Prophet while they were about to go into the battlefield, "Which is the best jihad?" The Prophet (peace and blessings be upon him) said, "Telling the truth to a despotic ruler" (Fiqh Al-Jihad and references, p. 173).

Point of Meditation

Under this subtitle, Dr. Al-Qaradawi said,

We had better stop here to meditate and compare. Why did the Prophet (peace and blessings be upon him) highly evaluate this type of jihad and judge it as the best, meaning that whoever is killed in it would join the master of all martyrs?

Here is the answer: If the danger of local corruption proliferates, it becomes a severe danger and a great evil for the entire Ummah. That is why Islam looks upon jihad against local injustice and corruption as having priority over external jihad against atheism and aggression. In most cases, local corruption is a prelude to external aggression.

This is explained at the beginning of Surat Al-Israa', which tells us about what befell the Children of Israel when they committed vice twice on earth and despotically soared truly high. Nobody tried to stop their corruption or resist it. Therefore, Almighty Allah made external enemies attack them, ravage their homes, destroy their temples over their heads, burn their Torah, inflict severe torment on them, and utterly annihilate what they exalted over. Truly Allah's promise must be fulfilled. Consequently, we see that internal corruption and decadence pave the way for invasion and foreign occupation. Almighty Allah warned the Children of Israel against future corruption and said,

(It may be that your Lord will have mercy on you, but if you repeat (the crime), We shall repeat (the punishment), and We have appointed Hell a dungeon for the disbelievers.) (Al-Israa' 17:8)

This is a deep level of fiqh (jurisprudence) and an accurate understanding on Dr. Al-Qaradawi's part. He sees jihad against injustice and the unjust as a jihad in the cause of Almighty Allah and that it has priority over jihad against the atheists and polytheists because injustice is more dangerous and has a deeper impact on the Ummah's progress when compared with atheism or polytheism of others. If injustice comes from abroad, it implants in the Ummah's body the spirit of resistance and bravery, along with resistance to atheism. The Ummah then quickly regains its power, recuperates, and achieves unity of thought and heart.



On the other hand, internal injustice and corruption are very much like mites; they can decay the Ummah's body and ruin it. These vices are like cancer, which the body detects when it is too late.

Concept of Change by Heart

Some people misinterpret "change by heart" and call it negative change that changes nothing and that is no more than some words the Muslims repeat in their hearts without moving their tongues. In fact, change by heart is one of the ranks of faith, and nothing negative could have this status.

Dr. Al-Qaradawi says,

Change by heart or, in other words, jihad by heart means that the heart grows wild with anger against evil, with antipathy toward injustice, and with rejection of corruption. When the heart is fully charged with such anger, antipathy, rejection, and inner revolt, this is a moral preparation for a vigorous revolution. This revolution is liable to uproot injustice and corruption when the believers witness the dominance of injustice, the prevalence of corruption, and the supremacy of evil but they cannot change any of them by hand or by tongue.

Only then, the believers' hearts melt like salt in water and fret boils inside them very much as the water boils over fire. The pot of boiling water must have a vent; otherwise it will break or explode. This emotional charge in the hearts is an important benchmark for any expected change. Change does not normally happen on its own. It must have preludes and psychological motives that give temptation and momentum to it.

Jihad against corruption is mandatory and preferable to other types of jihad for the purpose of protecting the Ummah

Change or jihad by heart is not a negative stand as some people may opine; if it were, the Prophet would not have called it change or jihad or assign it as one of the ranks of faith, regardless of the fact that it is the lowest rank of jihad beyond which not a grain of mustard could be added.

Consequently, jihad against corruption is mandatory and preferable to other types of jihad for the purpose of protecting the Ummah against the evils and consequences of corruption. It extinguishes the fire before the proliferation of its blazes, which can lead to more drastic dangers and common harms.

Resisting Corruption and Decadence

There is another field of internal jihad; namely, resisting decadence, corruption, sinning, and obsession with lusts. These are serious aberrations that can thrust the Ummah into the abyss of dissolution. If the Ummah surrendered to them, then all its affairs would be chaotic, and corruption and imbalance would preponderate in its lands and seas because of the evil deeds and stray behavior. Almighty Allah says,

(Corruption does appear on land and sea because of (the evil) that men's hands have done, that He may make them taste a part of that which they have done, in order that they may return.) (Ar-Rum 30:41)

Resisting Heterodoxy and Intellectual Aberration

This is a third important type of local jihad; namely, jihad against religious heterodoxy, which is telling people what is not in their religion; adding to their religion what human nature does not accept as a creed, doctrine, ethical principle, or tradition; or propagating concepts that contradict the religion's doctrines, beliefs, and values.

Islam, in particular, is oversensitive to heterodoxy and innovation in religion, as well as intellectual paradoxes. That is why our noble Prophet said, "Whoever innovates something in this matter of ours that is not of it will have it rejected" (unanimously agreed upon).

The phrase this matter of ours means the religion of Islam, and have it rejected means that act of innovation is refuted. The Prophet also said, "**Every invented matter is an innovation, and every innovation is an act of going astray, and every act of going astray will be in Hellfire**" (Muslim).

Well-versed scholars see that innovations are more dangerous than sins because the latter are overt and exposed to people, whereas innovations use religion as a disguise and promote their commodities among many people who do not know the real intentions behind these innovations.

Meanwhile, the innovators think that their innovating in religion is a means of getting closer to Almighty Allah. Therefore, some scholars say, "We often see people who regret their sins, repent them, and pray for Allah's forgiveness. On the other hand, innovators never repent their innovations or pray for Allah's forgiveness, because they use them to get closer to Allah, so how come they repent or ask for forgiveness?" Consequently, some scholars say, "Satan prefers an innovation to a sin. A sin corrupts man, but an innovation corrupts religion."

Resisting Apostasy and the Apostates

In Islam, jihad against corruption and evil within the Muslim society includes jihad against apostasy, which means relapsing into atheism after embracing Islam.

As stated earlier, Islam enjoins combating evil and resisting injustice and sins by hand, tongue, or heart. For the Muslim society, apostasy constitutes a danger that is more profound than all sins, even the major ones. Atheism is the greatest sin and the most grievous of all evils, yet apostasy, in particular, is the worst of all kinds of atheism. Whosoever embraces Islam through conviction and insight must consult a trustworthy religious Muslim scholar when he or she has any doubts. This scholar would then discuss these doubts with this person and remove all reasons of doubt. Such doubts are temporary, Allah willing. Whoever wishes to attain the enlightenment of the truth should know that Islam provides beliefs that are adequate to the human instinct, concepts that appeal to the mind, doctrines that achieve justice, and values and ethics that refine the soul and ameliorate life.

If such a person is still not convinced or says that he or she has lost his or her conviction about the validity of Islam or the truthfulness of its Prophet — yet he or she keeps all that hushed and asks none to follow in his or her footsteps — then this case should be left to Allah, and this person will get his or her requital in the hereafter.

The real danger of such a person lies in his or her preaching atheism or apostasy within a

Muslim society, as this constitutes a coup against the society and a breach of allegiance and affiliation to the Ummah, which amounts to high treason by any patriotic criterion. Just as the citizens are not allowed to shift their allegiance to another country or nation (especially if this other country occupies their own and reigns it), by the criterion of religion, Muslims should never shift their allegiance to any other nation or place. This is the case of the apostate. Apostasy is not a mere change of a mental stand; it is a change of identity and allegiance. It is an act of dissociation from the Muslim Ummah and association with another disparate and antagonistic one.

The Ruler's Apostasy

The ruler's apostasy is the most serious type of all apostasies. The ruler is supposed to safeguard the Ummah's creed, resist apostasy, chase the apostates, and eliminate them from the Muslim community, so what if that ruler secretly or openly apostatizes? This ruler would then secretly or openly spread corruption and protect the apostates. He or she would open the doors and windows for them and would award them decorations and titles.

"There are three categories of people with regard to [the attitudes toward] local jihad: two extreme categories and a middle category."

People's Attitudes Toward Local Jihad

Dr. Al-Qaradawi then talks about people's attitudes toward local jihad: "There are three categories of people with regard to [the attitudes toward] local jihad: two extreme categories and a middle category."

The Passive

The first party is the passive people. They tend to flee from the battlefield or never step into it in the first place. They allow the tyrants to practice what leads to the deterioration of a country and to the humiliation of its people. They also allow corruption to destroy people's manners and consciences, in the same way fire does to firewood. Mental invasion plays havoc with people's minds, deforms their vision, corrupts their culture, misrepresents their religion, and leads them off the path to their identity.

The passive are onlookers who neither take action nor help others to act. On the contrary, they impede people's actions under various pretexts that Allah has never ordained and the human mind has never accepted or proved to be valid.

The Assailants (Advocates of Armed Violence)

This is a counterparty that represents the opposite extreme. These people use violence and unwisely call for taking up arms, without preparing people for the consequences and without studying the effects: Would it work or not? Would it be useful or harmful? This is what has been adopted in today's world by some groups of Jihadists that emerged

in many Muslim countries. They started in Egypt; then they moved to Algeria and to other Arab and Muslim countries.

The Moderate Category Between the Two Extremes

There is a moderate category between those who go to the extreme of succumbing to the injustices of the rulers and those who go to the extreme of taking up arms against the unjust without taking the consequences of such confrontation into account, which might lead to tragedies. These moderate people neither condone the evil that is pervading nor turn a blind eye to the corruption that is spreading or to the injustice that is aggravating. These latter are the reasons behind the devastation of a state and the annihilation of an entire nation, be it good or bad, unless the Muslims rise against the unjust as Allah Almighty commands:

(And fear an affliction that smites not in particular (only) those of you who are unjust, and know that Allah is severe in requiting (evil).) (Al-Anfal 8:25)

Dr. Al-Qaradawi then speaks about jihad of the tongue or jihad by speech (or, in other words, jihad by calling to the way of Allah or media jihad). He proceeds to explain the types of this rank of jihad, which is imposed on Muslims. Jihad of the tongue can be performed by

- Calling others to Islam
- Highlighting the merits of Islam
- Preaching in the language spoken by the target audience
- Using proper scientific logic to refute the rejecters' arguments, rebut the fallacies of the antagonists of Islam, and remove all suspicions others weave about Islam

Dr. Al-Qaradawi then talks about "civil Jihad" and its nature. He says, "There is the civil jihad, which is the crux of this talk. It means the jihad that satisfies the different needs of society; solves its various problems; responds to its material and spiritual demands; and leads it forward in all walks of life, so that the society would assume its appropriate place. This includes various areas, such as science, culture, social activities, economy, education, health care, environmental issues, and all fields of civilization in general."

This rank of jihad is not included in Imam Ibn Al-Qayyim's 13 ranks of jihad, but it is a rank of jihad that is based on evidence derived from the Qur'an and the Sunnah. It is also based on the objectives of Shari`ah.

Dr. Al-Qaradawi then concludes this chapter with the topic of military jihad, which is the main topic of the book. He explains that military jihad went through several stages:

1. The phase of individual da`wah and warning
2. The phase of collective jihad of da`wah in the Makkan era
3. The phase of jihad of bearing harm with patience and not fighting back
4. The phase of Allah's permission for Muslims to go to war

5. The phase of enjoining military jihad
6. The phase of disagreement over preemptive military jihad

Al-Qaradawi's Fiqh of Jihad (Book Review 4/7)

Part 4: Jihad Between Defense and Attack

By [Dr. Rajab Abu Maleeh](#)

Consultant to Living Shari`ah Section

Title: Fiqh of Jihad

Author: Dr. Yusuf Al-Qaradawi

Publisher: Wahba Bookshop

Year: 2009

Number of Pages: 1,439

This part deals with the third section of the valuable book *Fiqh of Jihad*, written by the erudite scholar Sheikh Yusuf Al-Qaradawi. This is the longest section of the book, with 170 pages divided into 12 chapters.



There is consensus among Muslim scholars on defensive jihad

[Part 1](#)

[Part 2](#)

[Part 3](#)

It discusses an important substantive idea: causes of and reasons for war in Islam. Is war for attacking and invading others, with the aim of spreading Islam, and subjecting all people and compelling them to worship Allah, the Lord of the worlds? Or is it for defending Islam and Muslims, with the aim of calling others to embrace Islam and presenting it to them, giving them the freedom to choose whether to believe or disbelieve? In a word, is fighting in Islam for the purpose of defending or attacking?

In this section, Sheikh Al-Qaradawi mentions the opinions of two parties. He refers to the first party as the "defensive scholars" or the "peaceful, moderate scholars" and refers to the second party as the "preemptive scholars" or the "hard-line scholars."

[Determining the Object of Controversy](#)

[Evidence of the Advocates of War on the World](#)

[Sheikh Al-Qaradawi's Response](#)

Determining the Object of Controversy

Before clarifying the evidence of each party and their point of view, it is appropriate to first determine the object of controversy or dispute between the two parties. Both parties obligate the defensive jihad (*jihad ad-daf`*), which means repelling any attack that occurs against the lands of Muslim countries or individuals, whether at home or abroad.

This kind of jihad is obligatory, according to the consensus of the earlier and later

fuqahaa' (jurists). Also, both parties are unanimous on the obligation of some types of defensive Jihad, including

1. Securing the freedom of *da`wah* (inviting people to Islam), preventing any temptation that aims at turning Muslims back from Islam, and resisting those who prevent *da`wah* by force and, moreover, kill the *da`is* (people who invite others to Islam), as the princes of the Roman emperor did.
2. Securing the safety of Muslim states as well as the safety of their borders against threats from enemies.
3. Rescuing weak Muslims, including captives and minorities, who suffer from harassment, persecution, and torture at the hands of unjust ruling authorities that act arrogantly on the earth without right.
4. Freeing the Arabian peninsula from disbelievers who fight against Muslims and act arrogantly on the earth without right, in order to keep the Arabian peninsula a free and pure land for Islam and Muslims, and maintain it as a private stronghold of Islam, which is not shared with others. (Fiqh of Jihad, vol. 1, pp. 240-241)

However, there is one object of controversy between the two parties. This is namely the pacifist non-Muslims who do not fight against Muslims on account of religion, do not drive Muslims out of their homes, do not help others to drive Muslims out of their homes, and do not say or do any abuse or evil against Muslims. Rather, they restrain their hands and tongues and offer Muslims peace. Are those people to be fought or not?

There is no compulsion in religion; truly the right way has become clearly distinct from error

The scholars of the first party, that is, the "peaceful, moderate scholars" or the "defensive scholars," hold the view that they should not be fought, as they do not do anything that necessitates fighting them. Moreover, many Qur'anic verses explicitly forbid fighting against them. Allah (Exalted and Glorified be He) says,

[And fight in the way of Allah with those who fight with you, and do not exceed the limits, surely Allah does not love those who exceed the limits.] (Al-Baqarah 2:190)

[There is no compulsion in religion; truly the right way has become clearly distinct from error.] (Al-Baqarah 2:256)

[Say: O People of the Scripture! Come to an agreement between us and you: that we shall worship none but Allah, and that we shall ascribe no partner unto Him, and that none of us shall take others for lords beside Allah. And if they turn away, then say: Bear witness that we are they who have surrendered (unto Him).] (Aal `Imran 3:64)

(Therefore if they withdraw from you and do not fight you and offer you peace, then Allah has not

The "hard-line scholars," claim that all these verses are abrogated

given you a way against them.] (An-Nisaa' 4:90)

Conversely, the scholars of the second party, that is, the "hard-line scholars," claim that all these verses are abrogated by a verse, or a part of a verse, mentioned in Surat At-Tawbah, called the "verse of the sword." (Fiqh of Jihad, vol. 1, pp.243-245)

According to Sheikh Al-Qaradawi, there are many consequences to this hard-line ideology, including

1. Rejecting the Charter of the United Nations.
2. Criminalizing the act of joining the United Nations.
3. Opposing the Convention on the Abolition of Slavery.
4. Opposing the Geneva Convention on Prisoners of War.

He also discusses another issue, which is that their immoderate thought strengthens the error of the spread of Islam at the point of a sword, which some non-Muslims claim against Islam through injustice and aggression.

Sheikh Al-Qaradawi states, "However, the most shocking thing I saw and read was that one of my compatriots — a Muslim who has studied the religious sciences and who obtained his PhD in the 'importance of jihad' — adopts and defends the claim of the spread of Islam by the sword! Moreover, he accuses those who disprove or refute this claim of being the students of colonialism! He calls it the spread of Islam by jihad, and there is no difference between the word *jihad* and the word *sword* in this regard." (Fiqh of Jihad, vol. 1, p. 252)

In addition, this man wreaked his wrath and severely attacked Thomas Arnold, the Orientalist, researcher, and historian — who is universally considered impartial — for his convincing response, which was supported by historical evidence, to the malicious missionaries and Orientalists who claimed that Islam did not spread except by the sword.

Thomas Arnold's book, *The Spread of Islam in the World*, was translated into Arabic by three Muslims who wrote in the introduction, "The author of this book is the researcher and great scholar Sir Thomas Arnold, to whom we cannot give his due appreciation." (See: The Arabic translation of Thomas Arnold's *The Preaching of Islam*, translated and introduced by Ibrahim Husayn and others, p. 5.)

Al-`Alyani, author of *Ahamiyyat Al-Jihad (The Importance of Jihad)*, states, "His due appreciation — if those people know — is to be struck by the sword many a time until it blunts, if he did not embrace Islam or pay *jizyah* (tribute)." (`Ali Al-`Alyani, *Ahamiyyat Al-Jihad* [Importance of Jihad], p. 262.)

What a shame! What stupidity! There is no greater stupidity than adopting the accusations and lies of the enemy, trying to attest and prove them, and attacking and opening fire on those who deny such claims. The peak of ignorance and

impudence are revealed in his words, "His due appreciation is to be struck by the sword."

This writer and his like cause greater harm to Islam than that the apparent enemies cause, and unwittingly serve the enemies of Islam more than the missionaries. They cause harm and destruction, where they intend to benefit and build. Hence, an old proverb reads: A wise enemy is better than a stupid friend!(Fiqh of Jihad, vol. 1, pp. 253-254)

Also, Sheikh Al-Qaradawi discusses the ruling on fighting against the pacifist non-Muslims, and tackles the ongoing *fiqhi* (jurisprudential) disagreement on this issue between the old and contemporary jurists. He states that there are two opinions regarding this issue:

1. Some scholars are of the view that the foundation of relationships between Muslims and non-Muslims is based on war, whether they are peaceful or belligerent.
2. Some others say that the foundation of relationships between Muslims and others is based on peace, and Muslims should only fight those who fight against them.

Evidence of the Advocates of War on the World

Those who advocate the legitimacy of fighting all people, both those who fight us and those who are at peace with us, quote much evidence from the Glorious Qur'an, Hadith, *seerah* (biography of the Prophet), history, sayings of the jurists, and ideology of Islam. We will list their evidence on the whole, and then look at Sheikh Al-Qaradawi's comment about it.

We will list their evidence on the whole, and then look at Sheikh Al-Qaradawi's comment about it. They quote the following evidence:

1. Allah (Exalted and Glorified be He) says, [**And fight with them until there is no persecution, and religion should be only for Allah**] (Al-Baqarah 2:193). He also says, [**And fight them until persecution is no more**] (Al-Anfal 8:39). They believe that the word *fitnah*, which is mentioned in these two verses, means disbelief and polytheism, according to some exegetes.
2. The verse of the sword, which abrogated about 114 verses or 140 verses. This verse, according to their point of view, obligates fighting all disbelievers. The closest thing that has been said in this regard is that it is the verse that reads [**Then, when the sacred months have passed, slay the idolaters wherever ye find them, and take them (captive), and besiege them, and prepare for them each ambush**] (At-Tawbah 9:5).
3. The hadith that reads "**I was sent with the sword just before the Hour.**" They state that this honorable hadith indicates the permissibility of using force against all disbelievers.
4. The hadith that reads, "**I have been ordered to fight people until they say: There is no god but Allah.**" Its meaning is very clear. It gives no other reason for fighting, except to make others say: There is no god but Allah, that is, embrace Islam.

5. In most of the Prophet's battles, he (peace and blessings be upon him) initiated attacks against the disbelievers, as what happened in the Conquest of Makkah, the Battle of Tabuk, and others.
6. The conquests of the rightly-guided Caliphs and the Companions of the Prophet (peace and blessings be upon him) — whom we should follow to attain guidance — were offensive wars.
7. The consensus of the jurists that jihad is a collective duty on the Ummah. This means the obligation of fighting and invading the lands of the disbelievers at least once a year.
8. Disbelief is enough reason for fighting if there are no other reasons, such as aggression against Islam and Muslims.
9. The ideology of subjecting tyrant authorities and unjust systems to the system and rule of Islam, so that people are able to see and recognize Islam and its teachings. Hence, they will be affected by Islam, and consequently, will embrace it. (Fiqh of Jihad, vol. 1, p. 257)

Sheikh Al-Qaradawi's Response

Sheikh Al-Qaradawi discussed the above mentioned evidence in detail, and dedicated a chapter for every piece of evidence.

Regarding the first evidence, which is the verse that reads [**And fight with them until there is no persecution, and religion should be only for Allah**], Sheikh Al-Qaradawi states that the exegetes are in disagreement regarding the interpretation of the word *fitnah*, as to whether it means *disbelief and polytheism* or *turning Muslims back from their religion and returning them to disbelief*. After mentioning the opinions of Al-Jassas, Ar-Razi, and Al-Qasimi, he chose the second opinion, that is, fighting the disbelievers to end any temptation that aims at turning Muslims, especially the weak among them, back from Islam, and returning them to disbelief after Allah has guided them to the light of faith.



Regarding the second evidence, which is the "verse of the sword" (which some scholars say abrogates more than 140 verses from the Qur'an), Sheikh Al-Qaradawi comments on this evidence, saying,

What is strange about this claim is the fact that those scholars have differed in specifying this verse, that is, the verse of the sword, which they claimed to be an abrogating verse. So, what is this verse? However, they agreed that the meant verse is stated in Surah At-Tawbah. So, is it the verse that reads [**So when the sacred months have passed away, then slay the idolaters wherever you find them, and take them captives and besiege them and lie in wait for them in every ambush**] (At-Tawbah 9:5), or the one that reads [**and fight the polytheists all together as they fight you all together**] (At-Tawbah 9:36), or the one that reads [**Go forth light and heavy, and strive hard in Allah's way with your property and your persons; this is better for you, if you know**] (At-Tawbah

9:41), or the one that reads [**Fight those who do not believe in Allah, nor in the latter day, nor do they prohibit what Allah and His Messenger have prohibited, nor follow the religion of truth, out of those who have been given the Book, until they pay the tax in acknowledgment of superiority and they are in a state of subjection**] (At-Tawbah 9:29)? Yet, the majority of scholars support the view that it is the first verse we mentioned in this context, namely the 5th verse in Surat At-Tawbah. (Fiqh of Jihad, vol. 1, pp. 268-269)

Sheikh Al-Qaradawi tackles this issue from three main aspects:

- The issue of abrogation between the proponents and opponents.
- When do we need to say that the verse in question is abrogated?
- Can we say that the "verse of the sword" abrogated all the above mentioned verses?

After reviewing the proofs of the scholars who are of the view that the "verse of the sword" abrogated the other verses, and the refutation of the majority of scholars to this claim, Sheikh Al-Qaradawi stated,

What is important for us to decide, point out, and prove in this respect are the strong limitations of the abrogation claims in the Glorious Qur'an. Almighty Allah has revealed His Book only to be a source of guidance for all mankind where they can follow its commands, shun away from its prohibitions, and work in accordance with its rulings. Hence, all allegations mentioned about the abrogation of any verse of the Qur'an, or part of it, are in conflict with the origin and consensus of Muslim scholars.

Thus, any issue that contradicts the origin can be accepted only through strong evidence that prove the opposite and remove all doubts and suspicions. Hence, if we apply the rules, disciplines, and conditions laid down by the scholars of the principles of religion, the principles of fiqh, the principles of *tafseer* (exegesis of the Qur'an), and the principles of Hadith, we will barely find a single Qur'anic verse that is definitely abrogated, or find none at all. Thus, what is not definitely abrogated has to maintain its rule as constant and obligatory, as it was revealed by Almighty Allah. Therefore, we should not abrogate its rule and invalidate its judgment by means of pure conjecture, since conjecture can be of no avail against the truth. (Fiqh of Jihad, vol. 1, pp. 281-282)

Sheikh Al-Qaradawi mentioned an important condition for accepting abrogation from its supporters and claimers. He stated, "One of the main conditions for accepting abrogation is the presence of a true and real conflict between the abrogating and the abrogated texts where it is impossible to reconcile the two texts by any means. Yet, if it is possible to bring the two texts in agreement with each other, even in a single case, then abrogation will not be proven because it contradicts the origin."

Sheikh Al-Qaradawi quoted from Imam As-Suyuti the method of recognizing abrogation. He stated,

One of the main conditions for accepting abrogation is the presence of a true and real conflict between the abrogating and the abrogated texts where it is impossible to reconcile the two

In his book entitled *Al-Itqan Fi `Ulum Al-Qur'an*, Imam As-Suyuti has quoted from the prominent scholar, Ibn Al-Hassar, the method through which one can recognize the abrogated verses. Ibn Al-Hassar said: "For abrogation to be established, references must be obtained from the Prophet (peace and blessings be upon him) himself or from one of the Companions — references saying, 'Verse so and so abrogated verse so and so.' At times it is needed to reconcile a clear conflict in history, that is, to know what came first, and what later... In matters pertaining to abrogation, it is impermissible to seek recourse in the views of the common exegetes, or even in such independent judgments of the jurists, without the presence of authentic narrations or clear contradictions. This is because abrogation overturns or establishes a rule legislated during the time of the Prophet (peace and blessings be upon him). Hence, the authority for such action must be narration and history, and not independent reasoning and opinion ... In this regard, there are two main opposing views: a party argues that even the sound singular narrations are not acceptable, and another party accepts the opinion of an exegete or a jurist. However, the correct view goes against both these views. (Fiqh of Jihad, vol. 1, p. 282-283)

Then, Sheikh Al-Qaradawi discussed the verses that are said to be the "verse of the sword." He also discussed some of the verses that some scholars claim are abrogated by this verse. Thus, he came to the conclusion that this issue is controversial among Muslim jurists concerning designating the "verse of the sword," as well as the other verses that it abrogated. Some of these verses deal with ethics and morals, and the Prophet (peace and blessings be upon him) was sent to complete moralities.

It is an obvious mistake to consider all the commands of the Qur'an, which call upon Muslims not to fight or harm the disbelievers, as being abrogated by the "verse of the sword"

Sheikh Al-Qaradawi stated, "It is an obvious mistake to consider all the commands of the Qur'an, which call upon Muslims not to fight or harm the disbelievers, as being abrogated by the "verse of the sword." This is because this is a part of the ethical guidance mentioned in the Glorious Qur'an, which forms the ethical side in the Islamic personality. Hence, such issues are not to be abrogated." (Fiqh of Jihad, vol. 1, p. 282-283)

Regarding the third evidence, which is the hadith that reads **"I was sent with the sword just before the Hour so that Allah be worshipped alone without partners. My provision was placed under the shadow of my spear, and those who defy my order were disgraced and humiliated, and he who imitates a people is one of them"** and upon which the advocates of war (who claim that Muslims' relations with non-Muslims are originally based on war) base their opinion, Sheikh Al-Qaradawi discusses its chain of narrators and its text. He comes to the conclusion that this hadith cannot be saved from criticism by one of its narrators. In this case, the hadith would be ranked among the weak hadiths, not the authentic ones. Further, Al-Qaradawi deals with the text and content of the hadith to conclude that it is in conflict with what is mentioned in the Glorious Qur'an, namely the fact that Prophet Muhammad (peace and blessings be upon him) was sent as a mercy for all mankind.

He stated,

If we ignore the chain of transmission of the hadith and consider its content, we will find that it is also rejected and denounced, since it

contradicts what the Qur'an has decreed regarding what Prophet Muhammad (peace and blessings be upon him) was sent for. The Glorious Qur'an does not mention in any of its verses that Prophet Muhammad (peace and blessings be upon him) was sent with the sword. Rather, the Qur'an asserts many a time that the Prophet (peace and blessings be upon him) was sent with guidance, the religion of truth, mercy, cure, and good admonition.

Allah (Exalted and Glorified be He) says, **[He it is Who sent His Messenger with guidance and the religion of truth, that He might cause it to prevail over all religions, though the polytheists may be averse.]**(At-Tawbah 9:33 and As-Saff 61:9)

And We have not sent you but as a mercy to the worlds.

And, **[He it is Who sent His Messenger with the guidance and the true religion that He may make it prevail over all the religions; and Allah is enough for a witness.]** (Al-Fath 48:28)

The two abovementioned verses were revealed in Madinah. Also, the following verses were revealed in Makkah and assert the same meanings. Allah (Exalted and Glorified be He) says,

[And We have not sent you but as a mercy to the worlds.] (Al-Anbiyaa' 21:107)

[O men! there has come to you indeed an admonition from your Lord and a healing for what is in the breasts and a guidance and a mercy for the believers.] (Yunus 10:57)

[We have revealed the Book to you explaining clearly everything, and a guidance and mercy and good news for those who submit.] (An-Nahl 16:89)

[And with truth have We revealed it, and with truth did it come; and We have not sent you but as the giver of good news and as a warner.] (Al-Israa' 17:105)

(Surely We have sent you with the truth as a bearer of good news and as a warner, and you shall not be called upon to answer for the companions of the flaming fire.) (Al-Baqarah 2:119)

Hence, all of these verses, whether revealed in Makkah or Madinah, assert that the Prophet (peace and blessings be upon him) was not sent except with guidance, the religion of truth, glad tidings, warnings, clarification, remedy, and mercy to all mankind. Also, they assert that he (peace and blessings be upon him) was not sent with the sword, as the above-mentioned hadith indicated. There is nothing more truthful or eloquent than the verses of the Glorious Qur'an, from which the real concepts and basic principles of this religion are taken. (Fiqh of Jihad, vol. 1, pp. 315-326)

Regarding the fourth evidence, which is the Prophet's saying **"I have been ordered to fight people until they say: There is no god but Allah,"** Sheikh Al-Qaradawi discussed it, quoting the sayings of the jurists and the traditionalist and

modern scholars of Hadith. He came to the conclusion that this hadith is categorized as one of the general hadiths, which target dealing with private issues. He then quoted the comment of Sheikh Al-Ghazali on this hadith, who said,

Ibn Taymiyah dealt with this hadith in his thesis entitled, *A Rule in Fighting Against the Disbelievers*

The main goal of fighting people, then, is not to make them testify that none has the right to be worshipped but Allah. If the People of the Book are excluded from the above mentioned hadith, then does the hadith deal with all polytheists and idolaters? The answer is definitely "no"! In another authentic hadith, the Magians are included with the People of the Book, as the hadith states, **"Treat them as you treat the People of the Book"** (reported by Malik, Al-Bayhaqi, and others. It was deemed weak by Sheikh Al-Albani). Hence, the fact is that this hadith is pertinent to the Arab polytheists who were reluctant to respect Islam and its followers, seeking to destroy them completely, and who also failed to respect any concluded treaty or given covenant. Those people were granted four months to reconsider their situation and rectify their stance. If they insisted upon obliterating Islam, then it would be necessary to fight them.

Sheikh Al-Qaradawi also quoted Imam Ibn Taymiyah's opinion on this hadith, where he said,

Ibn Taymiyah dealt with this hadith in his thesis entitled, *A Rule in Fighting Against the Disbelievers*. He adopted another approach in his understanding and explanation of this hadith, which is entirely different from what is said by the majority of Muslim scholars. Hence, we have to state this view on account of its depth, clarity and significance. Ibn Taymiyah (may Allah have mercy upon him) said, "The meaning of the Prophet's saying **"I have been ordered to fight people until they testify that there is no god but Allah, and I am the Messenger of Allah. If they did so, then they would save their lives and property from me except for Islamic laws, and then their reckoning (accounts) will be done by Allah"** is just a mention of the objective during which fighting against them will be permissible. Hence, if those people carried out what the Prophet (peace and blessings be upon him) asked them for, then fighting against them would be prohibited ... Thus, this hadith does not mean that the Prophet (peace and blessings be upon him) was commanded to fight against all people only for this objective, as this meaning contradicts the religious texts and the consensus of Muslim scholars. Yet, the Prophet (peace and blessings be upon him) never committed such an act; rather, he (peace and blessings be upon him) used to make peace with those who wanted to make peace with him. (Fiqh of Jihad, vol. 1, pp. 327-337)

Regarding the fifth evidence, which claims that the Prophet (peace and blessings be upon him) initiated attacks against the disbelievers, Sheikh Al-Qaradawi refuted this claim with the words of Ibn Taymiyah and his disciple, Ibn Al-Qayyim. Sheikh Al-Qaradawi stated,

He who ponders over the Prophet's biography will find that he never

The Prophet's biography indicates that the Prophet (peace and blessings be upon him) did not fight against the disbelievers who concluded truces with him. Books of *seerah*, Hadith, exegesis, fiqh, and the Prophet's battles are full of such acts, which are recurrent in the Prophet's biography. He (peace and blessings be upon him) was never the first to start fighting against people. In addition, if Almighty Allah commanded His Prophet to kill all disbelievers, then the Prophet (peace and blessings be upon him) would have initiated fighting against them. In his book *Hidayat Al-Hayara*, Ibn Al-Qayyim stated, "The Prophet (peace and blessings be upon him) never compelled anyone to convert to Islam. Rather, he used to fight against those who fought against him. In addition, he never fought against those who made peace and concluded covenants with him. This goes in line with Almighty Allah's saying [**There is no compulsion in religion; truly the right way has become clearly distinct from error**] (Al-Baqarah 2:256). The negation in this verse bears the meaning of prohibition, namely, "do not compel anyone to convert to your religion." This verse includes every one of the disbelievers. He who ponders over the Prophet's biography will find that he never compelled anyone to embrace Islam. Rather, he used to fight against those who fought against him. In addition, he never fought against those who made peace and concluded covenants with him. Moreover, Almighty Allah commanded him to fulfill his promise to them as long as they were true to him. Allah (Exalted be He) says in this respect, [**So long as they are true to you, be true to them**] (At-Tawbah 9:7). When the Prophet reached Madinah, he made peace with the Jews and left them on their creed and tenets. Yet, when they fought against him, broke their covenant, and started fighting him, he began to turn back their aggression. Hence, he bestowed favors upon some of them, evacuated some, and killed some. Likewise, when the Prophet (peace and blessings be upon him) concluded a truce with the people of Quraish, he never fought against them till they began fighting him and violating their covenant with him. At that time, the Prophet (peace and blessings be upon him) conquered them in their territories, while they had previously been the first to invade the Islamic territories. In addition, this had been the case with the people of Quraish during the battles of Uhud, Al-Khandaq (Trench), and Badr. Yet, if they averted from the Prophet (peace and blessings be upon him), he would have never fought against them at all. This means that the Prophet (peace and blessings be upon him) never compelled anyone to embrace Islam. Rather, the people converted to Islam out of their choice and free will."

Sheikh Al-Qaradawi then proceeded to quote the views of contemporary scholars such as Sheikh Muhammad Al-Ghazali, Sheikh `Abd Al-Latif Al Mahmud, and others. (Fiqh of Jihad, vol. 1, pp. 327-337)

Regarding the sixth evidence, which uses the conquests of the Rightly Guided Caliphs as evidence to prove that Muslims' relations with non-Muslims is based on war, and not peace, Sheikh Al-Qaradawi stated,

It is my view, as well as the view of the verifying scholars, who are well-versed in history and can read clearly without any superficiality or abusiveness, that the conquests of the rightly-guided Caliphs were an extension of the armed conflicts, which started during the Prophet's lifetime against the powers of tyranny and despotism. In other words, these conquests were against what we call today "universal tyrant imperialism." In addition, such conquests were not merely for expansionism and subduing others, but were for other aims, among which are the following:

1. Removing obstacles from the way of Islam.
2. Launching preemptive wars for protecting the Islamic state.
3. Launching wars for liberating those people deemed to be oppressed and weak. (Fiqh of Jihad, vol. 1, pp. 339-364)

Regarding the seventh evidence, which claims that "disbelief" in itself is a sufficient cause for killing and fighting, Sheikh Al-Qaradawi quoted the opinion of the Hanafis that opposes the view of the Shafi`i is on this issue. He then mentioned the view of Ibn Taymiyah and his evidence that the foundation of Muslims' relations with non-Muslims is based upon peace not war. Sheikh Al-Qaradawi stated,

Sheikh Al-Islam, Ibn Taymiyah, has a thesis, entitled *Fighting Against Disbelievers*, in which he supports this view and discusses it in a distinguished manner, for he was known for creativity, distinction, persuasiveness, and offering abundant evidence. This view was denied by some scholars from the Kingdom of Saudi Arabia, who refused to add it to *Majmu` Fatawa Ibn Taymiyah*, which reached 35 volumes. Their rejection of Ibn Taymiyah's view was not based upon any evidence, but simply because it did not correspond with their adopted approach, which obligates fighting against the whole world, the peaceful and the belligerent alike. Yet, Ibn Taymiyah's view was recognized by the prominent scholar Muhammad Abu Zahrah, who quoted it in his book *Ibn Taymiyah*. In addition, the same view was acknowledged by the prominent Hanbali jurist, Sheikh `Abdullah Ibn Zayd Ibn Al-Mahmud, the Supreme Judge of Qatar, who quoted heavily from it in his book *Al-Jihad Al-Mashru` Fi Al-Islam*. Furthermore, the prominent Saudi scholar and researcher, Dr `Abdullah Al-Qadiri Al-Ahdal, has acknowledged this view and quoted from it in his book *Al-Jihad Fi Al-Islam*.

In this thesis, Ibn Taymiyah pointed out that the disagreement of the Imams regarding this great issue is divided into two views: The first is the view of the majority of Muslim scholars, Malik, Abu Hanifah, and Ahmad, who held the view that the disbelievers should be fought for their aggression towards Muslims, and not for their disbelief. The second is the view of Imam Ash-Shafi`i, who held the view that they should be fought for their disbelief, even if they committed no harm against Muslims. Ibn Taymiyah gave preference to the view of the majority of the Muslim scholars and deemed weak the view of Imam Ash-Shafi`i. He dealt with this in detail by means of his deep knowledge, persuasiveness, and ability to establish the origins of all things.

The most important evidence of Ibn Taymiyah can be summed up as follows:

1. Allah (Exalted and Glorified be He) says, [**And fight in the way of Allah with those who fight with you, and do not exceed the limits**] (Al-Baqarah 2:190). Thus, this verse denotes that fighting the disbelievers is contingent on their

fighting against us. Hence, their transgression, and not their disbelief, is the reason behind fighting against them.

2. It has been authentically reported from the Prophetic Sunnah that the Prophet (peace and blessings be upon him) passed by a dead woman and said, **"This woman was not supposed to be fought."** Hence, the reason of prohibiting the killing of such a woman is her not fighting against Muslims, and not her being booty for Muslims (according to Ash-Shafi'i).
3. Allah (Exalted and Glorified be He) says, **[There is no compulsion in religion; truly the right way has become clearly distinct from error]** (Al-Baqarah 2:256). This is a general text that denotes that we should not compel anyone to embrace our religion. Hence, if it was permissible to fight against a disbeliever to make him embrace Islam, then that would be the greatest compulsion in religion. Also, Almighty Allah says, **[So when you meet in battle those who disbelieve, then smite the necks until when you have overcome them, then make (them) prisoners, and afterwards either set them free as a favor or let them ransom (themselves) until the war terminates]** (Muhammad 47:4).
4. Ibn Taymiyah took the Prophet's biography as evidence. He stated, "The Prophet's biography points out that he had never fought against the disbelievers who made a truce with him. Books of *seerah*, Hadith, *tafseer*, fiqh, and the Prophet's battles are full of such acts, which are recurrent in the Prophet's biography. He (peace and blessings be upon him) was never the first to start fighting against people. In addition, if Almighty Allah commanded His Prophet to kill all the disbelievers, then the Prophet (peace and blessings be upon him) would have initiated fighting against them."
5. Also, Ibn Taymiyah stated, 'If the state of disbelief was a cause for permitting fighting the disbelievers, then the Prophet (peace and blessings be upon him) would not have accepted to make Sa'd Ibn Mu'adh a judge regarding Banu Qurayzah, for if Sa'd had judged with a ruling other than killing, then the Prophet (peace and blessings be upon him) would have fulfilled his judgment.'
6. Moreover, if disbelief obligated the killing of disbelievers, then Muslims would not accept *jizyah* and subjugation (to the system of the Islamic state) from the disbelievers, since this will not change their state of disbelief, in the same way that since apostasy obligates killing, it is unlawful to accept *Jizyah* or subjugation from the apostate.
7. Ibn Taymiyah emphasized his view that the killing of any human being is prohibited, even if he is a non-Muslim. However, Almighty Allah has permitted killing those who seek mischief on the earth, for the well-being of mankind. For this reason, Almighty Allah has decreed that killing the disbeliever who causes no harm to Muslims without a cause for killing is

considered a type of corruption, which Almighty Allah and His Prophet (peace and blessings be upon him) abhor, as they may be guided to Islam and to the right path, as is the case with sinful Muslims. (Fiqh of Jihad, vol. 1, pp. 373-384)

Regarding the eighth evidence, which is the claim that the scholars are unanimous in their agreement that preemptive Jihad (*jihad at-talab*) is a collective duty and that it is an obligation upon all Muslims to take part in it at least once a year, Sheikh Al-Qaradawi mentioned the disagreement of the jurists on this issue, and asserted that there is no consensus on it and, hence, cannot be quoted as a unanimous matter. Sheikh Al-Qaradawi stated,

There is no consensus among the jurists on this issue. Some of them are of the view that jihad is an obligation only on the Prophet's Companions. This is related by Imam Al-Hafizh in his book entitled *Fath Al-Bari*. Imam Muslim narrated on the authority of Ibn Al-Mubarak that the Prophet's hadith that reads "**One who died but did not fight in the way of Allah nor did he express any desire (or determination) for Jihad died in one of the states of hypocrisy**" relates to the Prophet's Companions only. An-Nawawi said, 'This view is probable.' ... Also, some of the Prophet's Companions, their followers, and the great Imams stated that preemptive jihad is voluntary, and not an obligation. This view was narrated by Imam Abu Bakr Ar-Razi (Al-Jassas), Ibn Abi Shaybah, and others on the authority of Ibn `Umar (may Allah be pleased with them both). It was also narrated on the authority of `Ataa' and `Amr ibn Dinar, from among the followers of the Companions, and on the authority of Ibn Shubrumah and Sufyan Ath-Thawri, from among the great Imams of Islam. (Fiqh of Jihad, vol. 1, p. 385)

Regarding the ninth evidence, which is the ideology of subjugating tyrant authorities and unjust regimes to the rule of Islam, Sheikh Yusuf Al-Qaradawi dealt with this elaborately, discussing the views of Al-Mawdudi and Sayyid Qutb. Sheikh Al-Qaradawi said,

"There is a group of our Muslim brethren from among the scholars and contemporary *da`is* — known for their devotion, jealousy, and sincerity — who come to enthusiastically defend the views of the earliest majority of Muslim scholars. Those *da`is* have given their eloquent pens much space to defend Islamic jihad and consider it as preemptive fighting that declares war against the whole world ... The defect of those scholars and *da`is* can be represented by two main problems: The first is that they deal with such a controversial issue, as if it enjoys the consensus of Muslim scholars, or is one of the well-known and agreed-upon issues. Yet, the situation is completely the opposite.

The second point is that they accuse their opponents with naivety, negligence, and stupidity on an intellectual level. On the spiritual level, however, they accuse them with submission and defeatism.

This message has the full right to stand in the face of aggression, so as to guarantee freedom of religion

After quoting Sheikh Sayyid Qutb's view through his exegesis of Surat Al-Anfal, Sheikh Al-Qaradawi said,

After quoting these long paragraphs, I have nothing to say but to appreciate the martyr Sayyid Qutb for his devotion and zealousness in defending his issue. I also greet his eloquent pen for the valuable and impressive considerations he presented and which support his view and vehemently attack the views of his opponents in such a strong tone and good style. However, I would like to quietly discuss the views of our leading man of letters (may Allah have mercy upon him), pointing out the following main observations and notes.

First, Sheikh Sayyid Qutb was not accurate in his presentation of the idea of the opponents of preemptive jihad against the world. None among those scholars - starting from Muhammad `Abdu, Rashid Rida, Shaltut, Diraz, Khallaf, Abu Zahrah, Hasan Al-Banna, As-Siba`i, and Al-Ghazali, and those who followed them — stated that Islam is a local system confined to a certain home or country and, hence, has the right to thwart any aggression against its territorial borders. Rather, all of them considered Islam as a universal message that has the right to reach the whole world. Hence, this message has the full right to stand in the face of aggression, so as to guarantee freedom of religion and prevent ordeals, which avert people from the way of the true message.

Second, Sheikh Sayyid Qutb rejected one of the most obvious and clear-cut ideas. This idea revolves around the fact that owing to the positive universal message of Islam, and due to it being a call to emancipate mankind from tyranny and enslavement, it is necessary for this powerful religion to be fought by all powers of ignorance and despotism in accordance with the laws of eternal struggle between good and evil. In this way, Islam is obliged to take part in this battle to defend the message of truth, goodness, justice, and monotheism.

Third, Sheikh Sayyid Qutb declared that the call to Islam can be sufficient through jihad with eloquence and speech in the case of letting it address and have unrestricted contact with individuals, while they are entirely free from all political and materialistic effects. In this case, there will be no compulsion in religion. On the other hand, such obstacles and effects should be forcibly removed wherever they are, so that people's hearts and minds can be addressed, while they are free from all these chains and obstacles.

Hence, I have some words to tell to Sheikh Sayyid Qutb (may Allah have mercy upon him): Our age has made it possible for us to address people's minds and hearts all over the world, through many forms of media such as radio networks, satellite channels, Internet, and messages written in different languages. Yet, this task demands a great number of Muslim *da`is*, teachers, and trained individuals in the media field who have the ability to address people in their own languages.

Fourth, It seems that Sheikh Qutb forgot the Qur'anic verses and Prophetic hadiths, which imposed restrictions on the required jihad to be against those who fought against us, and forbade us from transgressing against anyone. Almighty Allah says, [**And fight in the way of Allah with those who fight with you, and do not exceed**

the limits) (Al-Baqarah 2:190). He (Exalted and Glorified be He) also says, **[Therefore, if they withdraw from you and do not fight you and offer you peace, then Allah has not given you a way against them]** (An-Nisaa' 4:90).

Fifth, Sheikh Sayyid Qutb's ideology, and the thought he bears in mind, makes him in enmity with the whole world, the peaceful and belligerent alike. He challenges the whole world, those who have made a covenant with Muslims or not, and encourages the whole world to fight against Muslims due to a fear that they will be a source of peril on the whole world if they become powerful enough! They speculate as to the fate of the world should Muslims come to possess military, economic, scientific, and technological power and nuclear weapons, which America possesses at present. They think that Muslims will undoubtedly subjugate the whole world to their authority as it is the case right now with America, which seeks to subdue the whole world under its ideologies and will.

Sixth, Sheikh Sayyid Qutb is very intense and vehement with his opponents. He considers them to be spiritually and mentally defeated, and has marked them with naivety, stupidity, and negligence. However, Sayyid Qutb's opponents are prominent Muslim scholars and leaders of Islamic thought, fiqh, and *da`wah*.

Sheikh Al-Qaradawi concluded this important chapter with the evidence of the moderate scholars who call for peace. All evidence that he mentioned at the end of the chapter was mentioned previously throughout the chapter. It can be summed up as follows:

Allah has commanded Muslims to incline to peace — even after the occurrence of fighting — if their enemy is inclined to it

1. Islam calls for peace; as Almighty Allah says, **[O ye who believe! Enter into Islam wholeheartedly]** (Al-Baqarah 2:208). The Arabic word *silm* is explained in this verse to mean peace, reconciliation, and giving up war and fighting. However, some other scholars interpreted it as entering into Islam by obeying all the rules and regulations of the Muslim religion.
2. Allah (Exalted and Glorified be He) says, **[And fight in the way of Allah with those who fight with you, and do not exceed the limits]** (Al-Baqarah 2:190). Hence, Almighty Allah has made it permissible to fight against those who fight against us, which also means that we should not fight against those who do not fight against us. In addition, Almighty Allah has prohibited transgression and fighting against those who have made peace with us.
3. Almighty Allah has clearly forbidden fighting those who do not fight against us. Allah (Exalted and Glorified be He) says, **[Therefore if they withdraw from you and do not fight you and offer you peace, then Allah has not given you a way against them]** (An-Nisaa' 4:90).
4. Almighty Allah has commanded Muslims to incline to peace — even after the occurrence of fighting — if their enemy is inclined to it, even if it is meant for deception. Allah (Exalted and Glorified be He) says, **(And if they incline to peace, then incline to it and trust in Allah; surely He is the Hearing, the Knowing. And if they intend to**

deceive you, then surely Allah is sufficient for you] (Al-Anfal 8:61-62).

5. Almighty Allah has commanded His Prophet (peace be upon him) to shun away and turn his back on the polytheists if they did not answer his call to Islam. In addition, Almighty Allah did not command His Prophet to fight against them. He (Exalted and Glorified be He) says, **[But if they turn back, say: Allah is sufficient for me, there is no god but He; on Him do I rely, and He is the Lord of mighty power]** (At-Tawbah 9:129).
6. Almighty Allah has laid down the constitution of making peace and fighting in two verses in Surat Al-Mumtahinah. He (Exalted and Glorified be He) says, **(Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly; surely Allah loves the doers of justice. Allah only forbids you respecting those who made war upon you on account of (your) religion, and drove you forth from your homes and backed up (others) in your expulsion, that you make friends with them, and whoever makes friends with them, these are the unjust]** (Al-Mumtahanah 60:89).
7. The agreed upon Prophetic hadith, in which the Prophet (peace and blessings be upon him) said, **"O people! Do not wish to face the enemy [in a battle], and ask Allah to save you [from calamities]"** (agreed upon).
8. A correct reading of the Prophet's biography and battles.
9. A correct reading of the Islamic conquests and pointing out that they were for turning back aggression or preventing people from tempting Muslims to leave their religion.
10. Pointing out that the causes of fighting are: transgression, warring, and temptation to leave religion; hence, disbelief is not a reason for fighting. Allah (Exalted and Glorified be He) says, **[Unto you your religion, and unto me my religion]** (Al-Kafirun 109:6).
11. Indicating that Islam aims at inviting people to this true religion through peace, and calling them through conviction and good example.

Al-Qaradawi's Fiqh of Jihad (Book Review 5/7)

Part 5: Objectives of Jihad in Islam

By [Dr. Rajab Abu Maleeh](#)

Consultant to Living Shari`ah Section

Title: Fiqh of Jihad

Author: Dr. Yusuf Al-Qaradawi

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In the fourth section of the valuable book Fiqh of Jihad, the erudite scholar Sheikh Yusuf Al-Qaradawi tackles the objectives of jihad in Islam. This section includes five chapters which deal with the following topics:

Among the objectives of Jihad in Islam is saving weak people from injustice

[Inclination of Islam Toward Peace, and Hatred of Warfare](#)

[Objectives of Jihad in Islam](#)

[Inadmissible Objectives of Jihad](#)

[Jihad Between Islam and the Torah](#)

[The Myth of the Spread of Islam by the Sword](#)

In the beginning, Sheikh Al-Qaradawi differentiates between the objectives of defensive jihad (*Jihad Ad-Daf`*) and preemptive jihad (*Jihad At-Talab*). The former aims at confronting and resisting a belligerent enemy by all possible means until its forces have been evacuated and repelled, and the land of Islam has been liberated from the invaders. This kind of jihad is indisputable, and there is no disagreement regarding its permissibility. All religions and laws are unanimous on its permissibility, and there should be no doubt about its legality.

[Part 1](#)

[Part 2](#)

[Part 3](#)

[Part 4](#)

However, the kind of jihad that should be discussed extensively, and whose objectives should be defined clearly, is preemptive jihad, in which Muslims invade an enemy in its own land.

Inclination of Islam Toward Peace, and Hatred of Warfare

Before dealing with the objectives of jihad, Sheikh Al-Qaradawi wrote a preliminary chapter on the inclination of Islam toward peace and hatred of warfare. He quoted the following evidence:

1. Islam and peace belong linguistically to the same root. Islam and *salam* or *silm* (peace) belong linguistically to the same root, i.e., "*Sa la ma*". Allah (Exalted and Glorified)

says, **(O you who believe! Enter into submission one and all and do not follow the footsteps of Shaitan; surely he is your open enemy)** (Al-Baqarah 2:208). In this verse, the word *silm* (Arabic for submission) is interpreted as peace, which is opposite to war, as the outward meaning of the verse reveals.

2. Islam promotes spreading the word peace among the community and making it the salutation of Muslims. The amazing thing here regarding guidance and education is that Islam has endeared the word peace and its concept to Muslims in many ways that cannot be found in any other religion or ideology. Peace is one of the Most Beautiful Names of Allah. Muslims always recite the verse that reads, **(He is Allah, besides Whom there is no god; the King, the Holy, the Giver of peace)** (Al-Hashr 59:23). Also, Paradise, which every believer aspires to enter and works earnestly to be among its dwellers, is called "the abode of peace." Allah (Exalted and Glorified) says, **(They shall have the abode of peace with their Lord, and He is their guardian because of what they did)** (Al-An`am 6:127). Furthermore, "peace" is the most repeated word in Paradise, and the salutation of the believers in the Hereafter. Allah (Exalted and Glorified) says, **(Their salutation on the Day they meet Him will be "Peace!")** (Al-Ahzab 33:44)

Spreading the greeting of peace is one of the characteristics of Islam

(Their prayer therein will be, "Glory be to You, O Allah!" And their greeting therein will be, "Peace." And the conclusion of their prayer will be, "Praise be to Allah, Lord of the Worlds!") (Yunus 10:10)

(They shall not hear therein vain or sinful discourse. Except the word peace, peace.) (Al-Waqi`ah 56:25–26)

Moreover, just as peace is the salutation of believers in the Hereafter, it is their salutation in the worldly life, i.e., *as-salamu `alaykum wa rahmatullahi wa barakatuh* [Peace, mercy, and blessings of Allah be upon you]. Spreading the greeting of peace is one of the characteristics of Islam — as Prophet Muhammad (peace and blessings be upon him) said, **"Spread the greeting of peace. "**

3. Muslims do not wish for wars and ask Allah for safety. Muslims do not wish for war to break out and do not like to indulge in warfare for its own sake. Rather, they long for peace and safety from fighting. Yet, if they are compelled to fight in the Cause of Allah, they fight with strength, courage, and patience, being certain that they will surely receive one of the two greatest blessings: either victory or martyrdom.

4. Allah sufficed for the believers in the fighting. Commenting on the Battle of Al-Ahzab (the Confederates), the Ever-Glorious Qur'an says, **(And Allah turned back the unbelievers in their rage; they did not obtain any advantage, and Allah sufficed the believers in fighting; and Allah is Strong, Mighty)** (Al-Ahzab 33:25). Look and consider this expressive phrase, **(Allah sufficed for the believers in fighting)**, which Almighty Allah mentioned in the course of bestowing favors and blessings on the

Prophet (peace and blessings be upon him) and the believers.

5. The Qur'an refers to the Peace Treaty of Al-Hudaybiyah as "a manifest victory." On the Day of Al-Hudaybiyah, the Companions pledged allegiance to the Prophet (peace and blessings be upon him) and vowed to fight with him to the last gasp. However, Almighty Allah willed that Muslims and polytheists reach an agreement, called the Treaty of Al-Hudaybiyah, in which a 10-year truce was established. In this situation, some verses were revealed that called this truce or reconciliation "a manifest victory."

6. There is inclination to peace when the enemy inclines toward it. In addition to all that, the Glorious Qur'an commands Muslims to respond to calls of peace, even after the breaking out of war. Allah (Exalted and Glorified) says, **(And if they incline to peace, then incline to it and trust in Allah; surely He is the Hearing, the Knowing. And if they intend to deceive you then surely Allah is sufficient for you; He is Who strengthened you with His help and with the believers)** (Al-Anfal 8:61-62).

7. It is undesirable to name children Harb (war). Islam seeks peace and abhors war. This is quite clear in the hadith that prevents naming children Harb, as it is one of the most disliked names in Islam. The Prophet (peace and blessings be upon him) said, **"The most beloved names to Allah are: `Abdullah and `Abdur-Rahman. The most truthful names are Harith and Hammam, while the most disliked are Harb and Murrah (War and Bitter)."**

8. One-third of the year is a compulsory truce. Among the evidence that denotes Islam's keenness for peace is that it has obliged Muslims to abide by a compulsory truce. Muslims should avoid fighting for four months, i.e., one-third of the year. These four months are known as "the Sacred Months", including three consecutive months Dhul-Qi`dah, Dhul-Hijjah and Muharram, and then Rajab. Allah (Exalted and Glorified) says, **(O you who believe! do not violate the signs appointed by Allah nor the sacred month)** (Al-Ma'idah 5:2).

9. Hajj is training for peace. Islam, due to its interest in peace, commands Muslims to perform Hajj once in their lifetime. When performing this special act of worship, Muslims are invited to practice and train for peace, as Hajj should be performed during Dhul-Hijjah, which is one of the Sacred Months, in the sacred land Makkah, and in a state of *ihram* (ritual consecration). Hence, Muslims are encircled with the sacredness of the time, place, and *ihram*, in which they are forbidden to kill anything, even game. Allah (Exalted and Glorified) says, **(O you who believe! do not kill game while you are on pilgrimage, and whoever among you shall kill it intentionally, the compensation (of it) is the like of what he killed)** (Al-Ma'idah 5:95).

The first objective of military jihad in Islam is to repel any attack by force, whether this attack or aggression is against the religion, or the country and lands

Objectives of Jihad in Islam

In the second chapter, Sheikh Al-Qaradawi deals with the objectives of military jihad, which are as follows.

Repelling Aggression

The first objective of military jihad in Islam is to repel any attack by force, whether this attack or aggression is against the religion, or the country and lands.

Attack against religion includes any temptation that aims to turn Muslims back from Islam, any persecution against Muslims due to their beliefs, any hindrance or prevention of *da`wah* (inviting people to Islam), and any act of aggression or harm against *du`ah* (Islamic preachers). In addition, it includes any attack against the lands of Islam or the countries of Muslims, and any violation of the people's blood, property, sanctified rights, and sacred places. Similarly, any aggression against an individual's life, wealth, property, family, and progeny should be resisted. Allah (Exalted and Glorified) says,

(And fight in the way of Allah with those who fight with you, and do not exceed the limits, surely Allah does not love those who exceed the limits. And kill them wherever you find them, and drive them out from whence they drove you out, and persecution is severer than slaughter, and do not fight with them at the Sacred Mosque until they fight with you in it, but if they do fight you, then slay them; such is the recompense of the unbelievers. But if they desist, then surely Allah is Forgiving, Merciful.) (Al-Baqarah 2:190–192)

Preventing Persecution Against Muslims

In two honorable verses, the Glorious Qur'an asserts the necessity of jihad with the aim of preventing persecution that aims at turning Muslims back from Islam and at securing the freedom of *da`wah*. Allah (Exalted and Glorified) says,

(And fight with them until there is no persecution, and religion should be only for Allah.) (Al-Baqarah 2:193)

(And fight with them until there is no more persecution and religion should be only for Allah; but if they desist, then surely Allah sees what they do.) (Al-Anfal 8:39)

Saving Weak People

Among the other objectives of jihad in Islam is saving weak people from the injustice of tyrants and the domination of those who act arrogantly on earth without any entitlement, violate the sanctified rights of weak people, afflict them with horrible torment, and ignore their humanity. They use their material power to prevent hands from defending and tongues from talking, and to compel people to remain silent about the truth or to utter falsehoods. Allah (Exalted and Glorified) says, **(Therefore let those fight in the way of Allah, who sell this world's life for the hereafter; and whoever fights in the way of Allah, then be he slain or be he victorious, We shall grant him a mighty reward. And what reason have you that you should not fight in the way of Allah and of the weak among the men and the women and the children, (of) those who say: Our Lord! cause us to go forth from this town, whose people are oppressors, and give us from You a guardian and give us from You a helper)** (An-Nisaa' 4:74-75).

Disciplining the Covenant-Breakers

In addition, disciplining those who do not respect treaties and do not keep covenants is one of the objectives of jihad in Islam. Such people keep covenants as long as they serve their own interests. However, if they become powerful and believe that such covenants and treaties are no longer useful to them and go against their own interests and goals, they throw them aside with no regard to ties of kinship or covenants made with others.



The Glorious Qur'an refers to the attitude of such people, and their continuous breaking of concluded covenants and treaties with Muslims. Allah (Exalted and Glorified) says, **(Surely the vilest of animals in Allah's sight are those who disbelieve, then they would not believe. Those with whom you make an agreement, then they break their agreement every time and they do not guard (against punishment). Therefore if you overtake them in fighting, then scatter by (making an example of) them those who are in their rear, that they may be mindful)** (Al-Anfal 8:55-57).

Imposing Internal Peace by Force

This kind of fighting differs from that mentioned previously, as it is not directed to non-Muslims. It is directed to Muslims to cease armed conflict between Muslim parties. This kind of jihad has a specific and definite aim: Imposing internal peace by force between the conflicting parties. It is a collective duty of the Muslim nation, according to the teachings of Almighty Allah. The first individuals who should fulfill this duty are the caliphs or the rulers, and the people of opinion and consultation among Muslims. Allah (Exalted and Glorified) says, **(And if two parties of the believers quarrel, make peace between them; but if one of them acts wrongfully towards the other, fight that which acts wrongfully until it returns to Allah's command; then if it returns, make peace between them with justice and act equitably; surely Allah loves those who act equitably. The believers are but brethren, therefore make peace between your brethren and be careful of (your duty to) Allah that mercy may be had on you)** (Al-Hujurat 49:9-10).

Inadmissible Objectives of Jihad

In the third chapter, His Eminence Sheikh Al-Qaradawi deals with the rejected objectives of jihad in Islam as follows:

Uprooting Disbelief From the Earth

In my opinion, this objective is not acceptable at all, as it clearly contradicts the Glorious Qur'an, which asserts that the differences between people regarding religions and creeds, and their division into believers and disbelievers or into monotheists and atheists, are according to Allah's Will and Wisdom. Almighty Allah has created people and willed that they be of different creeds, as He (Exalted and Glorified) says, **(And if your Lord had pleased, surely all those who are in the earth would have believed, all**

The Glorious Qur'an rejects the principle of compulsion in religion.

of them; will you then force men till they become believers?) (Yunus 10:99). And, **(If We had so willed, We could certainly have brought every soul its true guidance)** (As-Sajdah 32:13). And, **(If your Lord had so willed, He could have made mankind one people: but they will not cease to dispute)** (Hud 11:118). And, **(It is He Who has created you; and of you are some that are unbelievers, and some that are believers: and Allah sees well all that you do)** (At-Taghabun 64:2).

Compelling People to Embrace Islam

The Glorious Qur'an rejects the principle of compulsion in religion. Allah (Exalted and Glorified) asked Prophet Muhammad in the form of a negative question (a figure of speech), **(Will you (O Muhammad) then force men till they become believers?)** (Yunus 10:99). This honorable verse, which was revealed in Makkah, indicates the absolute rejection of the concept of compulsion in religion and shows that it is beyond the ability of the Prophet (peace and blessings be upon him), as it is against the Divine Will.

In another verse revealed in Makkah, Almighty Allah states what Prophet Noah (peace be upon him) said to his people, **(He said: O my people! tell me if I have with me clear proof from my Lord, and He has granted me mercy from Himself and it has been made obscure to you; shall we constrain you to (accept) it while you are averse from it?)** (Hud 11:28). This honorable verse indicates that all Divine Messages and Allah's Messengers accept no compulsion in religion.

In addition, Almighty Allah says in a verse revealed in Madinah, **(Let there be no compulsion in religion: Truth stands out clear from Error)** (Al-Baqarah 2:256).

Then, Sheikh Al-Qaradawi asks and answers an important question, quoting some Qur'anic verses: What should be done if people have turned away from *da`wah*? What would be the stance of Islam if people did not respond to its call and turned away from its invitation? Should Muslims be satisfied with calling them to Islam and establishing the argument against them only, or should they fight against them until they embrace Islam or pay *jizyah* (tribute)?

The Islamic stance regarding this issue is not identified according to our whims and emotions, our opinions and thoughts, or by transmission through specific scholars. Rather, the stance of Islam, especially regarding such serious issues, is identified through the Glorious Qur'an and the Purified Sunnah.

This matter is specifically dealt with in the Glorious Qur'an, in the surahs that were revealed in Makkah or Madinah. Allah (Exalted and Glorified) says in Surat Al-Anbiyaa', which was revealed in Makkah, **(Verily in this (Qur'an) is a Message for people who would (truly) worship Allah. And We have not sent you but as a mercy to the worlds. Say: It is only revealed to me that your Allah is one Allah; will you then submit? But if they turn back, say: I have given you warning in fairness and I do not know whether what you are threatened with is near or far)** (Al-Anbiyaa' 21:106-109).

Also, He (Exalted and Glorified) says in Surat Ash-Shura, which was revealed in Makkah, **(Answer the call of your Lord before there comes the day from Allah for which there shall be no averting; you shall have no refuge on that day, nor shall it be yours to make a denial. But if they turn aside, We have not sent you as a watcher over them; on you is only to deliver (the message); and surely when We make man taste mercy from Us, he rejoices thereat; and if an evil afflicts them on account of what their hands have already done, then-surely man is ungrateful)** (Ash-Shura 42:47-48).

Also, He (Exalted and Glorified) says in Surat An-Nahl, which was revealed in Makkah, **(And Allah has made for you of what He has created shelters, and He has given you in the mountains places of retreat, and He has given you garments to preserve you from the heat and coats of mail to preserve you in your fighting; even thus does He complete His favor upon you, that haply you may submit. But if they turn back, then on you devolves only the clear deliverance (of the message))** (An-Nahl 16:81-82). It is not the Messenger who guides the person, but Allah who guides whom He wills

It is repeated many times in the Glorious Qur'an that when people refuse to accept the call and turn away, the Messenger is not required to compel them to believe. It is not the Messenger who guides the person, but Allah who guides whom He wills; the mission of the Messenger is only to convey the message.

Allah (Exalted and Glorified) says in Surat Al-Baqarah, which was revealed in Madinah, **(Say: We believe in Allah and (in) that which had been revealed to us, and (in) that which was revealed to Ibrahim and Ismail and Ishaq and Yaqoub and the tribes, and (in) that which was given to Musa and Isa, and (in) that which was given to the prophets from their Lord, we do not make any distinction between any of them, and to Him do we submit. If then they believe as you believe in Him, they are indeed on the right course, and if they turn back, then they are only in great opposition, so Allah will suffice you against them, and He is the Hearing, the Knowing)** (Al-Baqarah 2:136-137).

Also, He (Exalted and Glorified) says in Surat Aal `Imran, which was revealed in Madinah, **(But if they dispute with you, say: I have submitted myself entirely to Allah and (so) everyone who follows me; and say to those who have been given the Book and the unlearned people: Do you submit yourselves? So if they submit then indeed they follow the right way; and if they turn back, then upon you is only the delivery of the message and Allah sees the servants)** (Aal `Imran 3:20).

And, **(Say: Obey Allah and the Messenger; but if they turn back, then surely Allah does not love the unbelievers)** (Aal `Imran 3:32).

Achieving Economic goals (1)

Islam forbids any person or group that fights in Allah's Cause from aiming to win worldly gains from jihad, whether these gains are material, such as money and booties, or immaterial, such as getting a higher rank, fame, or praise.

If worldly gains are intended or aimed for, jihad will be spoilt and rewards will be lost. Moreover, such intentions invalidate jihad and turn it from fighting in the Cause of Allah, which is the fighting of the believers, into fighting in the cause of Satan, which is the fighting of the disbelievers. Allah (Exalted and Glorified) says, **(Those who believe fight in the way of Allah, and those who disbelieve fight in the way of Satan)** (An-Nisaa' 4:76). What a big difference between the two goals and the two ways!

Abu Musa Al-Ash`ari (may Allah be pleased with him) narrated, "A Bedouin came to the Prophet (peace and blessings be upon him) and said, 'O Messenger of Allah! One man fights for booty, another fights to win fame, and the third fights to show off. Which of them is fighting in the Cause of Allah?' The Messenger of Allah (peace and blessings be upon him) said, '**The one who fights so that the Word of Allah (Islam) be exalted, is the one who fights in the Cause of Allah**'" (Bukhari and Muslim).

Jihad Between Islam and the Torah

In the fourth chapter, His Eminence Sheikh Al-Qaradawi speaks about jihad between the Torah and the Qur'an. He quotes some texts from the Torah, which is the holy scripture of the Jews and also the Christians.

The Torah states the following under the title "Conquering cities outside of Israel":(2)
"When you march up to attack a city, make its people an offer of peace. If they accept and open their gates, all the people in it shall be subject to forced labor and shall work for you. If they refuse to make peace and they engage you in battle, lay siege to that city. When the Lord your God delivers it into your hand, put to the sword all the men in it. As for the women, and children, the livestock and everything else in the city you may take these as plunder for yourselves. And you may use the plunder the Lord your God gives you from your enemies. This is how you are to treat all the cities that are at a distance from you and do not belong to the nations nearby." (Deuteronomy 20:10-15)

This is the strict command of the Torah to the Children of Israel, especially the Jews who believe in the legislation of Moses, regarding conquering the distant cities outside Israel. The Torah asserts: if the people of these cities accept and open their gates for peace, all the people, without exception, shall be subject to forced labor and shall work for the Jews! If they refuse to make peace, they should be fought. When these cities come to their hands, they should put to the sword to all the males in it. This is the command of the Lord. In addition, their Torah does not offer any alternatives to death, such as embracing Judaism or paying tribute. Moreover, the Lord God does not exclude any male, whether old man or young child!

As for the peoples of what is called the Promised Land (the Land of Palestine), the Torah says,

"However, in the cities of the nations the Lord your God is giving you as an inheritance do not leave alive anything that breathes. Completely destroy them — the Hittites,

Amorites, Canaanites, Perizzites, Hivites and Jebusites — as the Lord your God has commanded you. Otherwise, they will teach you to follow all the detestable things they do in worshiping their gods, and you will sin against the Lord your God." (Deuteronomy 20:16-18)

The interpreters of the Torah comment on this paragraph saying, "How can a compassionate God order the annihilation of all peopled cities? He did it to protect the Children of Israel from paganism, which would undoubtedly have caused their destruction (20:18). In fact, if the Children of Israel had not totally annihilated these evil peoples as they were instructed to do, they would have been more at risk of persecution, bloodshed, and destruction than if they had heeded the instructions of God!"

How can these instructions in the Torah be compared with the rules revealed in the Qur'an?! The following Qur'anic verses highlight the difference:

Allah (Exalted and Glorified) says, **(And fight in the way of Allah with those who fight with you, and do not exceed the limits, surely Allah does not love those who exceed the limits. And kill them wherever you find them, and drive them out from whence they drove you out, and persecution is severer than slaughter, and do not fight with them at the Sacred Mosque until they fight with you in it, but if they do fight you, then slay them; such is the recompense of the unbelievers. But if they desist, then surely Allah is Forgiving, Merciful)** (Al-Baqarah 2:190-192).

Also, Allah (Exalted and Glorified) says after the verse that some scholars call "the verse of the sword," **(And if one of the idolaters seek protection from you, grant him protection till he hears the word of Allah, then make him attain his place of safety; this is because they are a people who do not know)** (At-Tawbah 9:6).

In addition, He (Exalted and Glorified) says, **(And if they incline to peace, then incline to it and trust in Allah; surely He is the Hearing, the Knowing. And if they intend to deceive you then surely Allah is sufficient for you; He it is Who strengthened you with His help and with the believers)** (Al-Anfal 8:61-62).

The Myth of the Spread of Islam by the Sword

Sheikh Yusuf Al-Qaradwi concludes this section by dealing with the myth of the spread of Islam by the sword. His Eminence says, "Many missionaries and fanatic Orientalists claimed that Islam was spread only by the sword, and by subjugating people to its creed through military force. Had it not been for this, hearts would not have been opened to it, and minds would not have been convinced by it. People were compelled to embrace Islam under the threat of the sword, as they were asked to choose between embracing Islam and being put to the sword."

This is a myth refuted by the decisive and clear teachings of Islam, historical events, and impartial Orientalists and historians

This is a myth refuted by the decisive and clear teachings of Islam, historical events, and impartial Orientalists and historians.

A Myth Refuted by the Teachings of Islam

Islamic teachings clearly negate any compulsion in religion, as Allah (Exalted and Glorified) says, **(There is no compulsion in religion)** (Al-Baqarah 2:256). This verse clarifies and asserts the meaning of the following two verses, which were revealed in Makkah. Allah (Exalted and Glorified) says in the form of a negative question, **(Will you then force men till they become believers?)** (Yunus 10:99). Also, Almighty Allah states what Prophet Noah (peace be upon him) said to his people in the form of a negative question, **(shall we constrain you to accept it [Islamic monotheism] while you are averse from it?)** (Hud 11:28).

A Myth Refuted by History

History relates that when Muslims conquered a country, they did not interfere in the affairs of its religion and did not compel anyone to change his or her creed. No case of compulsion is mentioned in Islamic history to prove that a non-Muslim individual, family, town, or nation was compelled to embrace Islam.

The Sword Cannot Open a Heart

Some missionaries and Orientalists see that Islam spread widely and swiftly due to the Islamic conquests that compelled people to embrace Islam under threat of war and by the force of the sword. We say to those people who believe that Islam spread at the point of sword: the sword may conquer a land or occupy a country, but it can in no way open a heart [to Islam]. Opening hearts and breaking its locks need another action, i.e., convincing minds, stirring emotions, and dealing with the person psychologically. Moreover, I believe that the sword, which is put on the neck of a man, is a big obstacle that prevents him from accepting the call of the holder of the sword, as man is naturally disposed to turn away from the one who oppresses and humiliates him.

A Myth Refuted by Impartial Orientalists

There are many fair Western Orientalists and historians who have refuted such a myth; however, we will choose only one known for the originality of his works, and his vast knowledge and documented research, the researcher and great scholar Sir Thomas Arnold. In his valuable book 'The Preaching of Islam', Thomas Arnold proved, leaving no room for doubt, that Islam did not spread by the sword; rather, it spread through *da`wah*, evidence, argument, conviction, and the good behavior of Muslims. History does not mention any single case where Islam compelled any people, tribe, family, or individual to embrace Islam.

This incontestable fact was also acknowledged by Gustave Le Bon, the French social psychologist and sociologist, in his valuable book 'Civilization of Arabs', and by Montgomery Watt, the famous British Orientalist, in his book 'Islam and Christianity Today: A Contribution to Dialogue'.

How to Comprehend Jihad

By [Nadia Moustafa](#)

Throughout Islamic history, jihad has been considered to be the core concept of the Islamic perspective on relations between Islam and the rest of the world. The concept stimulated different interpretations in classical and modern Islamic jurisprudence (fiqh) as well as in Orientalist's writings.

The term "jihad" was used to specify different types of external Islamic relations. The changing circumstances surrounding the Muslim world deeply affected the dominant interpretations, as well as the use of the term to justify political and military actions.

The international and regional context that has prevailed since the attacks of 9/11 has shown the urgent need to revisit the term jihad. Linked to terrorism, the term has surfaced again in analyzing the logic of Islam and its nature as a value system.

The attack against the USA was labeled as an act of global terrorism. For the USA, the involved parties are new transnational forces that threaten globalization and Americanization.

On the other side, the Intifada in Palestine is continuing in the face of escalating Israeli aggression and the collapse of the peace process. The acts of legitimate resistance are clearly a sort of legitimate jihad, meaning self-defense against aggressors. Yet the US, Israel, and their allies consider them acts of violence and terrorism. The Israeli Zionist discourse badly conflates what they call Palestinian-Islamic terrorism with the acts of terrorism committed against the US. The dominant international media are portraying a distorted image of Islam and Muslims with jihad as terrorism at its core.

The Bin Laden statements added to the confusion. He welcomed the attacks and renewed his declaration of jihad against the US and Israel, as the main enemies of Islam and Muslims. Hence those who connect jihad and terrorism, as well as Islam and terrorism, found an additional argument.

This raises the following questions:

Why did the concept invade the current political discourse? How can one contribute to that debate concerning the meaning of jihad and its consequences for the image of Islam and Muslims, as well as their actual situation in the international system?

It is very hard to sum up the different factors - contemporary and historical - that explain how the distorted image of Islam and Muslims and the unjust positions and policies against them reached this degree.

Defining jihad in an apologetic way that stresses only the dimension of individual self-discipline as a meaning of the word rooted in Islamic moral teaching does not solve the

problem, nor does it necessarily improve the image of Islam and Muslims. It simply disregards the realistic international affairs conflict management dynamics, ranging between peaceful means and legitimate self-defense up to the emerging Republican unilateral American model of pre-emptive wars.

It would be useful to illustrate how the concept of jihad has had different interpretations and different uses in the history of Muslim thought and politics. My object is to clarify that the dominant Western conception of jihad, though not very new - considering the history of confrontation between East and West - nevertheless reflects how the contemporary Islamic-Western encounter has come to an intensive climax.

It is to be noted that during the dominance of the Islamic Civilization and Islamic power, the concept of jihad revealed positive meaning and was the motive for achieving noble ends and objectives. Unfortunately, during the contemporary period of Islamic decadence, jihad has gained a very bad reputation since it is intermingled in the Western minds with terrorism seen as coming from a backward Muslim World that is considered the main threat to Western Civilization.

In other words, if jihad is a historical concept and process, it could be comprehended in light of its historical memory and its significance and context. This memory reveals the paradoxes of the difference between the doctrine and its application in real life. It also helps explain how the image of Islam and Muslims has been distorted not only by Western misunderstanding but, also, mainly by Muslims themselves.

Jihad: Three theories

Literally, jihad means that Muslims should fulfill their duties to promote the cause of Islam. It is not only an outward act, but also an inward one to strengthen one's own self and correct one's own mistakes. Clearly, the exertion of the self in all directions - in every effort and act, personal and collective, internal and external - is the essence of jihad in the Islamic sense. This rule illustrates that jihad does not necessarily involve waging a war.

In other words, jihad is supposed to run through all aspects of a Muslim's life, as it is his duty in the world to do good and prevent harm and evil in every possible way. This can, of course, entail the use of force when peaceful means are not successful, but to equate jihad exclusively with waging war is based on the historical experience of the classical period of Islamic history.

It was understandable for classical Muslim jurists to think of Muslims as a powerful established society able to wage war against the sources of threat. This is the same way any empire built its image and saw its mission. It is not very much different from the current American foreign policy missionary statements that are all over the media. But in our time the jurists and scholars are in a different situation, so they speak differently. Seeking to narrow the Islamic position to a purely defensive and peaceful position, the modernists used a methodology of selectivity and a mild tone that represents the reality of

dependency and underdevelopment of Muslims rather than the text and jurisprudence of Islam. On the other hand, some Orientalists, either classical or modern, only highlighted the interpretation of jihad that equated it with offensive destructive war. So they were overly selective in their use of interpretations of some Muslim jurists while neglecting others; hence the Western prevailing use of the term of jihad refers only to waging war. This type of jihad was also described in various ways. Sometimes it is equated with holy war - [Jihad, not... a "Holy" War!](#)- and other times it is called the classical theory or modern theory of jihad.

In Muslim thought and Muslim jurisprudence, interpretations of jihad are related to other terms such as Dar Al- Islam (domain of peace) and Dar Al-Harb (domain of war). These terms' relationships pertain to the classical Islamic vision of the nature of international relations. So, the Islamic schools of thought and international law differed according to the divergence (between traditionalists and modernists) concerning the basis of Muslim external relations with non-Muslims, whether it is war or peace. This divergence could be explained in terms of differences in methodology (applying abrogation rule or not) and in historical experiences (periods of Muslim strength or weakness).

A third trend of interpretation could be traced as a middle course based on the six following points:

First: Jihad is the striving of Muslims to fulfill their every responsibility and to serve the Islamic cause and principles in a manner consistent with the framework of Islam. It is not to be taken to mean warfare alone. Jihad in this sense is the active expression of the Islamic commitment, responsibility, and sense of duty wherever it is required in practical life. So, to interpret jihad only as an offensive or defensive war is to misunderstand the meaning of the word and the philosophy behind it. It is equally wrong to assume that jihad is a holy war in the Western sense.

Second: To interpret the basis of Muslim external relations as war or peace is to misunderstand the meaning of Islam. It is based on da`wah (inviting people to Islam), which needs jihad.

Third: Jihad as a basic Islamic principle neither excludes the possibility of armed conflict nor imposes peace as the sole alternative in all situations. So, it is necessary to pay attention to the variety of its meanings and applications in any specific situation. Only then will a better understanding of the motivations and consequences of any specific course of Muslim external relations be possible.

Therefore the question of when, why, and how to use force or a peaceful orientation should be carefully addressed and answered in light of the Islamic rules of warfare and with taking into consideration the realities of the contemporary world and the challenges that face Muslims.

In other words, the third trend of interpretation does not drop either war or peace for the absolute sake of the other. It stands for the comprehensive meaning of Islam, i.e., all

principles, rules, and values of the message and experiences of Islam are valid whenever they are required in the light of changing circumstances in broad human life and experience. The dynamic use of the different phases of Qur'anic outlook is always needed.

Fourth: Jihad is an intellectual instrument and a key value pertaining to da`wah as the main base of Muslim-non-Muslim relations. Hence, war or peace is considered not as a basis of external relations but as instruments for da`wah through a process of jihad.

Fifth: According to this third trend of interpretation, the classical jurists' thought was criticized as being influenced by the non-acceptance of Islam and adversarial stance towards Islam and the rising Muslim state by major non-Muslim powers. It was also criticized as giving absolute weight to the abrogation methodology, regardless of the total meaning, basic objectives and value system of Islam.

In other words, this middle trend of thought gives more weight to the integrity of the Islamic value system and to the nature of its constructive message. So, stressing the aggressive nature of jihad (i.e., fighting others just because they are not Muslims and forcing them to convert to Islam) could only be done by applying the rule, instead of being concerned with reviving human consciousness for establishing an egalitarian human society. So, this aggressive attitude was seen as reducing the Islamic mission to a kind of spiritual totalitarianism.

Sixth: This middle trend has also criticized the modern jurists who interpreted jihad in a purely defensive way to the extent that they based Muslim external relations only on peace. They were criticized of totally dropping the role of abrogation and underestimating the negative consequences of the unjust and aggressive Western policies towards the Muslim World.

Finally, I think that this middle trend of thought presents a broad and realistic understanding. It gives place to the different situations and contexts - weakness or strength - that could surround the Ummah (nation), it makes the jihad movement a necessary one aimed at correcting unjust relationships (military or peaceful), and it does not allow room for accusations or exaggerated claims either against or for Islam. The Muslim objection that adaptation to new circumstances might result in loss of identity is also out of place.

At last, according to this middle trend of thought, the spread of Islam and da`wah has taken several forms. This da`wah is the basis of the Muslim external relations, while both peace and war present extreme states of relations that contradict the nature of the Islamic mission. So, this trend differentiates between jihad and war; it refuses to equate jihad with holy war or to qualify jihad as legal or holy; it argues that the term "jihad" should not be used for a war until this war fulfills the legal conditions for launching it. As long as these conditions are not fulfilled, the launched war should not be called jihad.

Then what are these conditions? Who are responsible for launching jihad (defensive or offensive)? What is the relevance of the different Islamic historical experiences? What sort of these experiences illustrate the defensive or offensive jihad? Does the actual situation of Muslims in the world justify a defensive or offensive war? But what is the difference between a defensive and offensive one? And how can we understand the acts against the United States: do they represent a defensive war or an act of terrorism?

Level Two: The significance of historical experiences

Many prominent Orientalists have been selective in understanding jihad by equating it with offensive, destructive war and by qualifying Muslims as violent and non-tolerant. Other scholars have realized the difference between the various interpretations of jihad.

On the other hand, to serve national interests and power politics, the concept of jihad has been manipulated differently by both Western and Muslim statesmen and politicians.

The history of Muslim-Western relations provides us with various experiences that extend through two different periods in Islamic history. Thus, they illustrate the nature of historical and psychological background that surrounded both the classic Muslim thought (offensive war) and the modern one (defensive war). Social, psychological and historical factors decide what attitude shapes the history of a nation and what school of thought responds to its state of strength or weakness.

Hence, these experiences illustrate that jihad was not pursued only by military means, even during the period of extended Muslim power. At the same time, during the periods of Muslim weakness, the military means of jihad still exist besides the peaceful ones. Both instruments revealed new significance and gave different results.

1. During a period when large Muslim powers were playing a central world role, we can shed light on the following experiences:

a) The difference between the Umayyad and the first Abbassid caliphs. The Umayyads adopted and successfully executed a grand policy of fath (conquering). In contrast, the first Abbassid caliphs, although they were not less powerful, gave up the military fath orientation. They depended mainly on peaceful instruments to run external relations, with force used mainly for retaliation and defensive purposes.

b.) The similarity between the Mamluke and Ottoman use of peaceful means to run their power politics. Western historians, as well as Muslim ones who only equated jihad with offensive war, considered the flourishing peaceful relations between Mameluke sultanates and European kingdoms as a sort of relinquishing jihad. The first Ottoman capitulation to François King of France in the 16th century was also seen as a turning point towards a new era of Muslim foreign relations. According to the third interpretation of jihad (as a means of Da`wah either through war or peacefully), the use of peaceful means in these two experiences should be considered as a sort of jihad. These large

Islamic states (Mameluke and Ottoman) based their external relations on jihad and adopted an Islamic frame of reference.

In other words, while a trend of modern Muslim writings interpreted all acts of jihad during the period of power in Muslim history in terms of defense, and many non-Muslim writers explained them as aggression against non-Muslims, it must be noticed, in light of the broad interpretations of jihad, that a realistic analysis of the use the term of jihad should take into consideration the internal and external contexts of Muslim states, whether strong or weak.

2. Through the last two centuries, the period of Muslim decadence, acts of jihad narrowed gradually and took new shapes. The Western attacks on and control of the Muslim world seriously challenged the classical approach of thought as well as the policies of Muslim states. The attacks were fatal because of the condition of both Muslim thought and power. Western attacks revealed and uncovered the decay of Muslims, rather than caused it. It became moot to argue over defensive versus offensive jihad. Total comprehension and understanding of the modern world could not be explained in terms of the classical thought. The new exigencies demanded new Muslim thought and policies.

These developments took the form either of apologetics or of protest and revolt against the Western adversary's presence in the Muslim world.

Each of these two broad types of responses have taken various forms through the period of colonialism and after independence till now. Some of these forms have been proclaimed as jihad. The two types complement each other rather than being alternatives.

First: What about the colonialist period?

As a result of realizing Muslim weakness and technological backwardness and being in direct contact with the control of European thought and power, the apologetic trend appealed to liberalism and over-emphasized peace, freedom and tolerance. This trend was a weapon to reform Muslim nations. This reform was considered the main way to get rid of European occupation that threatened not only the land but all the values of Islam. This was typical of the ruling Ottoman elite and its movements of the nineteenth century and of the reformers who came in contact with the West even since the era of Rifa`ah at-Tahtawi.

The other response to the European domination was military. Aimed at the liberation of the Muslim land, it was organized by people and their traditional leadership, such as Al-Mahdi in Sudan, Al-Mokhtar in Libya, Al-Jaza'iri in Algeria, Isma`il Al-Shahid in India, Osman Dan Foudia in Africa, and so on.

All these liberation movements emphasized jihad more or less in terms of classical conceptions. But such a jihad war was bound to fail because the conditions essential for success were not present. The liberal approach to internal reform of government and society also failed.

During the First World War, jihad was proclaimed by both the Ottoman Sultan against the allied powers and by the Sharif Hussein against the Turkish rulers. They also failed. So, the rest of the Arab world failed to gain the promised independence. At the same time, the Balfour Declaration was issued and the aggressive Zionist project established its bases in Palestine.

These experiences brought disenchantment with Western liberalism, Western institutions and cooperation with the West.

In the inter-war period, the liberation movements were waged under various ideological discourses. Other ideological movements stemming from nationalism or Marxism accompanied the Islamic jihad. The Muslim Brotherhood was the main Islamic movement that adopted a comprehensive strategy for change. It proclaimed jihad both as military resistance against occupation and as social and spiritual reform.

Second: After the Independence of Muslims States

The use of jihad terminology, as well as jihad doctrine, was restricted and narrowed. The indicators were various and extended, causing confusion and renewed the debate of jihad versus terrorism.

1. The national policies terminology dropped the term jihad in favor of other terms such as national liberation movements, population liberation movements, and the right of self-determination. These terms stemmed from non-Islamic frames of reference. But on the other hand, some leaders used the term jihad in critical situations, mainly during wars with Israel. Otherwise, some wars between Muslims were also called jihad. After the end of the Cold War and the beginning of a comprehensive peace process between Arabs and Israel, national governments in the Muslim world adopted another discourse: the “adaptation to globalization” and to peace. So, jihad’s reputation worsened as long as it was considered to be a catalyst force against the negative consequences of globalization, and the catastrophic situations prevailing since the peace process with Israel was begun.

2. Some internal opposition movements that were called jihad proclaimed it against national governments. But their use of force in the name of defending Islam and Muslims against tyranny, corruption, dependency, and peace with Israel was equated with terrorism.

3. The doctrine of jihad was also used by the US and its allies to wage war against Communism in the Islamic world, especially in Afghanistan. After the end of the Cold War, the acts called jihad against the USA and Israel were escalated towards the end of the 20th century, when the unjust and offensive policies against Muslim peoples reached its peak on various levels. The foreign cultural and civilizational aspects that threaten Muslim people have added more critical challenges to the traditional ones, at the military and economic level.

Finally, in light of the previous analysis of theories and historical experiences, I can present the following remarks concerning the consequences of 11 September.

1. The cultural and civilizational aspects of the event, as well as of the global coalition against terrorism, show the extent to which the Israeli-American alliance has evolved. The Israeli aggression against Palestinian people is escalating intensively. It is a sort of state terrorism. It did not spark American opposition or condemnation. At the same time, policies fighting terrorism are firmly executed with the help of Arab and Muslim countries.

The term jihad is vanishing gradually, under the terrorism vogue. The war against terrorism has become the nightmare of Muslim governments as well as Muslim people. While the stability of the former has become at stake, the existence and identity of the latter has been dangerously threatened.

2. The distorted image of Islam and Muslims is used to an extreme to justify current international policies conducted against terrorism. Islam and the Muslim world are considered the main source of evil that the US should fight to protect humanity and civilization.

This is not new. Centuries ago when the Ottoman armies knocked at the gates of Vienna, the Orientalists drew a distorted picture of the Turks, the proclaimers of jihad. The motive was to mobilize European resistance against the great Ottoman sultans. Three centuries ago, the image of Muslims as backward, fanatic, uncivilized people was used again to justify expansionists' targets, called the mission of the white man to spread modernity and the message of civilization.

Now at the beginning of the 21st century, while accusing Muslims of using religion to serve political aims, we can notice that the political discourse of the American administration reveals an alliance between the extreme religious right (Protestants) and the political conservatives. This alliance presents a threat not only to the Muslim world but to all the world. It adopts a strategy of absolute global American hegemony and is motivated by the theory of conflict of civilizations. The politics emanating from this strategy are unjust, intolerant, violent, arrogant, deeply interfering and extremely oriented to power politics.

These policies stimulated Arab and Muslim resistance. The use of any kind of force against these hegemonic policies is always condemned and equated with terrorism. From now on, since the Muslim people faced strong external and internal oppressions that blocked the capacity for opposition and the needed political and economic change, jihad will be pursued even in a way that will be considered as the hated terrorism. The Bin Ladin phenomenon is a typical case. He has acquired the admiration and approval of ordinary Muslim people because he took revenge for them. He found a new way to fight injustice where all ordinary ways had been closed.

So, we have to wonder if the current policies against the so-called terrorism are going to cure the cause of the disease or just cure the symptoms. Domestic and international scenes need to change dramatically in order to forge more justice and tolerance, not only for Westerners but also for Muslims everywhere, in Palestine, Kashmir, Chechnya, Balkans, Philippines, Afghanistan, and in all Muslim countries where Islamists are persecuted and restricted.

All the previous remarks lead me to conclude that in such international circumstances that do not favor Islam and Muslims, Islamic thought faces a big challenge because it is necessary to develop a new vision of jihad (especially regarding when and why to use force and by whom). Any thought that does not respond to the personality and identity of the Islamic Ummah will result in more confusion and could be very harmful to the Muslim Ummah's response to serious challenges that threaten not only its territory and wealth but the very essence of the Ummah, its soul and its identity, i.e., jihad in its fullest and broadest meaning.

Introduction by Abuz-Zubair

There is a misunderstanding of the word "Jihaad" amongst many of the Muslims today, who think it to mean any sort of struggle in the path of Allah, most commonly translated as "striving". This struggle (or striving) for them ranges from waking up in the morning for *Fajr* to giving *Khutbahs* and lectures on Islaam in Universities and other institutes. Whereas "Jihaad" is a shara'ee term which implies al-Qitaal (physical fight), even though linguistically it may mean Jihaad with the parents, like the statement of the Prophet SAW "Fa Feehima Fajaahid" meaning "strive in them (your parents)" or "Thumma Jahadaha fa qad wajib al-Ghusl" meaning "...then he strove on her, Ghusl becomes waajib". Just like the word "Salaah" which linguistically means D'ua as in the saying of Allah, "Sali 'Alaihim" (at-Tawbah) meaning "...pray (or make du'a) for them..." but technically it means actions and statements from Takbeer to Tasleem. Similarly the Zakah, Sawm, Hajj and rest of these terms have their own linguistic meanings as well as legal meanings and it is not permissible for anyone to act upon the linguistic meaning while ignoring the legal shara'ee meaning. So a person cannot have performed Zakah (purification) by taking a shower each morning, rather Zakah in sharee'ah is performed by giving 2.5% of the annual savings to charity as an obligation. Similarly, one cannot perform Jihad by giving lectures, feeding the family or serving the parents, rather Jihad can only be performed in the field of al-Qitaal (lit. fighting), as the sharee'ah dictates.

Therefore when the word Jihad is used in the Qur'an and the Sunnah, in a general sense then it means Qitaal, and when it is mentioned in its linguistic sense (as in to strive with your parents and family etc.) then that is regarded to be Muqayyid (restricted) by the rules of Usoolul-Fiqh.

The following text is the translation of a section from the work of the Mujaahid Sheikh of this century ash-Sheikh ash-Shaheed 'Abdullah 'Azzam - may Allah have Mercy upon him - who was referred to as the "reviver of Jihad of this century" by the TIMES magazine. In this piece he explains the word "Jihaad" as an Arabic word and a Shara'ee term according to the classical scholars of the four Madhaahib.

Unfortunately, whenever Allah guides the Muslim youth to get up and fulfil the obligation and the Sunnah of Qitaal in the way of Allah, we find some people amongst the Muslims hindering the youth away from the legal Jihaad to linguistic Jihaad, which is what lead me to translate this piece of work, so that it may be beneficial to the Muslims in general and a final blow to the obstacles in the path of the youths seeking martyrdom in the way of Allah...

Abuz-Zubair

Al-Jihad Linguistically:

It is taken from *Juhud – Yajhadu – Juhdan*. So initially *al-Juhd* is with *Dhammah* or *Fathhah* which is *al-was'* (strength) or *at-Taaqah* (power), and it is said: *al-Juhd* (with *Dhammah*) is *al-was'* (strength) or *at-Taaqah* (power), and *al-Jahd* (with *Fathhah*) is *al-Mushaqqah* (hardship). *Al-Jahd* (with *Fathhah*) is used as *al-Ghaayah* (i.e. taking to limits):

"They swore by Allah their strongest (*Jahda*) oaths (i.e. took it to limits)" 5:53

Which means to complete and to end their promise. So *al-Juhd* and *al-Jihaad* linguistically is to sacrifice to ones utmost according to a person's ability with strength, in order to obtain the beloved or to avert the hated / see *Lisaan-ul-'Arab* and *al-Qaamoos al-Muheet*.

Al-Jihad legally in Shar'iah:

The four *Fuqaha'* have agreed that *al-Jihaad* is *al-Qitaal* (fighting) and to help there in (i.e. in *Qitaal*).

To you is the definition of the four jurists:

1. Al-Hanafiyah:

It says in *Fath al-Qadeer* by Ibn Humaam 5/187: "al-Jihaad: calling the *Kuffar* to the religion of truth and to fight them if they do not accept". *al-Kaasaani* said in *al-Badaa'i'*, 9/4299 "To sacrifice ones strength and energy in Fighting in the way of Allah 'Azza wa-Jal with ones life, property and the tongue and whatever besides".

2. Al-Maalikiyah:

For a Muslim to fight against a *Kaafir* who is not under oath, to raise the word of Allah, or if he (*Kaafir*) is in his (Muslim's) presence (in order to attack him), or upon his (*Kaafir*) entering his (Muslim's) land. (*Haashiya al-'Adawi/as-Sa'eedi* 2/2 and *ash-Sharh as-Sagheer/Aqrab al-Masaalik* by ad-Dardeer 2/267)

3. Ash-Shaafi'iyah:

Al-Baajawari said, "al-Jihaad means: al-Qitaal (fighting) in the way of Allah", *al-Baajawari / Ibnul-Qaasim* 2/261. *Ibn Hajr* said in *al-Fath* 6/2, "...and legally (it means) sacrificial striving in fighting the *Kuffar*"

4. Al-Hanbaliyah:

"To Fight the *Kuffar*" see *Mataalibu Ulin-Nahi* 2/497. "al-Jihaad is al-Qitaal (fighting) and to sacrifice all strength in it to raise the Word of Allah", see *'Umdatul-Fiqh* p.166, and *Muntahal-Iraadaat* 1/302.

The Conclusive Statement:

Indeed whenever the word "Jihaad" is spoken then verily it means al-Qitaal (fighting), and the phrase "*Fee Sabeelillah*" (in the way of Allah) is spoken then surely it means al-Jihaad.

Ibn Rushd said in his *Muqaddamaat* 1/369: "...and Jihaad of the Sword: to fight the *Mushrikeen* for the *Deen*. So whoever tires himself for the sake of Allah, he strove in the way of Allah. Except that when '*Jihaad Feesabeelillah*' is said, then it cannot be applied (to everything) in general except striving against the *Kuffar* with the sword until they enter Islam, or pay the *Jizya* with willing submission and they are under humiliation".

Ibn Hajr said in *Fath al-Baari* 6/29: "...and by the phrase *Feesabeelillah*, Jihaad is implied"