

# DEFENCE OF THE MUSLIM LANDS

## The First Obligation After Iman

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### CHAPTER 1

#### Defence of the Muslim Lands The First Obligation After Iman

"The first obligation after Iman is the repulsion of the enemy aggressor who assaults the religion and the worldly affairs". *Ibn Taymia*.

All praise be to Allah, we praise Allah, we seek His refuge, and we seek His forgiveness. We seek refuge in Him from the evil of our own selves and the evil of our deeds. Whomsoever Allah guides there is none to send him astray and whomsoever Allah sends astray there is none to guide him and I bear witness that there is no Deity but Allah and Mohammed (saw) is His servant and messenger. May His blessings be upon him, his family and companions.

And what follows;

Allah has chosen this religion to be a mercy for the worlds. He sent the most blessed of the messengers to be the last Prophet for this religion. To bring it victory by the sword and the spear, after He had clearly expounded it with evidences and arguments. The Prophet (saw) said in a sahih hadith narrated by Ahmad and Tabarani: "I have been raised between the hands of the Hour with the sword, until Allah the Exalted is worshipped alone with no associates. He has provided sustenance from beneath the shadow of spears and has decreed humiliation and belittlement for those who oppose my order. And whoever resembles a people, he is of them." Allah the Exalted, in His wisdom, established the salvation of humanity by this rule of fighting,

for the Exalted said:

*"...and if Allah did not check one set of people by means of another, the earth would indeed be full of mischief But Allah is full of bounty to the Alamin (mankind, jinns and all that exists)" (Surah al Bakarah:Verse 251.)*

Hence, Allah the Almighty the Majestic has bestowed this judgement as a favour upon mankind, and made it unambiguous. In other words, the battle between truth and falsehood is for the reformation of mankind, that the truth may be made dominant and good propagated. Also, that their practices and places of worship may be safeguarded.

Allah the Exalted said:

*"... for had it not been that Allah checks one set of people by means of another, monasteries, churches, synagogues, and mosques, wherein the name of Allah is mentioned much would surely have been pulled down. Verily Allah will help those who help His (cause). Truly, Allah is Strong, All Mighty." (Surah al Hajj: Verse 40).*

This rule of DEFENCE or jihad has occupied many pages in the Book of Allah the Almighty , the Majestic, to make clear that the truth must have a power to protect it. For how many times has truth been defeated because of neglect of its possessors, and how many falsehoods have been

raised by its allies and men willing to sacrifice. Jihad is built on two main pillars. Patience which reveals bravery of the heart and generosity, by which one spends one's wealth and spirit. Yet, the sacrifice of one's person is the greatest generosity, and in the sahih hadith, reported by Ahmad: "Iman is patience and generosity". Ibn Taymiya says: "The amendments of the children of Adam in their religion and worldly affairs would not be complete without bravery and generosity". And Allah has made it clear that whoever turned away from Jihad by their person, that He would replace them with a people who would perform it.

*"If you march not forth, He will punish you with a painful torment and will replace you with another people, and you cannot harm Him at all, and Allah is able to do all things."* (Surah at Tauba: Verse 39).

The Prophet (saw) also underlined two of the most evil of faults: miserliness and cowardice. These faults lead to the corruption of the soul and deterioration of the society. In a sahih hadith: "The most evil of what is in a man is niggardliness and cowardice". Narrated by Abu Daud and it is sahih. There have passed ages when the pious predecessors held fast to this rule of fighting and became masters of this world and the teachers of mankind.

The Exalted said:

*"And we made from among them (Children of Israel), leaders, giving guidance under Our command, when they were patient and used to believe with certainty on Our Ayat (proofs, evidences, verses, lessons, signs, revelations, etc.)."* (Surah as Sajdah:Verse 24).

As the Prophet (saw) has stated in a sahih hadith: "the first of this Ummah was reformed with abstinence and certainty of belief, and the last of this Ummah will be destroyed by miserliness and longing." Narrated by Ahmad and Tabarani in Al Awsat and Al Baihaqi.

Unfortunately, there were generations that succeeded the early Muslims who neglected the rules of Allah. They forsook their Lord, so He forsook them. They deserted His rules, and so they were lost.

*"Then, there has succeeded them a posterity who have given up prayers (i. e. made their prayers to be lost, either by not offering them or by not offering them perfectly, or by not offering them in their proper fixed times, etc.) and have followed lusts. So they will be thrown in Hell."* (Surah Maryam:Verse 59).

They followed their desires and evil of their deeds was made appealing to them.

In a sahih hadith: "Allah hates every selfish arrogant, rambling in the market places, a corpse by night and an ass by day, knowledgeable in worldly affairs yet ignorant of the after world."

One of the most important lost obligations is the forgotten obligation of fighting. Because it is absent from the present condition of the Muslims, they have become as rubbish of the flood waters. Just as the Prophet (saw) said: "It is expected that the nations will call each other from all horizons, as diners calling each other to feast from a platter of food in front of them." A person asked the Prophet (saw) would that be because of our small number that day. The Prophet (saw) said, "No, but you will be rubbish like the rubbish of flood water. Allah will put Wahn into your hearts and remove the fear from the hearts of your enemies because of your love for the world and your hate of death". In another narration it was said: "and what is the Wahn, O messenger of Allah?" He (saw) said: "love of the world and the hate for fighting." Narrated by Ahmad with a good chain. Narrated by Abu Daud with the words "hate for death", and it is a sahih hadith.

## **Jihad Against the Kuffar is of two Types**

***Offensive Jihad*** (where the enemy is attacked in his own territory).

Where the Kuffar are not gathering to fight the Muslims. The fighting becomes Fard Kifaya with the minimum requirement of appointing believers to guard borders, and the sending of an army at least once a year to terrorise the enemies of Allah. It is a duty of the Imam to assemble and send out an army unit into the land of war once or twice every year. Moreover, it is the responsibility of the Muslim population to assist him, and if he does not send an army he is in sin. - And the Ulama have mentioned that this type of jihad is for maintaining the payment of Jizya. The scholars of the principles of religion have also said: " Jihad is Daw'ah with a force, and is obligatory to perform with all available capabilities, until there remains only Muslims or people who submit to Islam."

### ***Defensive Jihad***

This is expelling the Kuffar from our land, and it is Fard Ayn, a compulsory duty upon all. It is the most important of all the compulsory duties and arises in the following conditions:

- 1) If the Kuffar enter a land of the Muslims.
- 2) If the rows meet in battle and they begin to approach each other.
- 3) If the Imam calls a person or a people to march forward then they must march.
- 4) If the Kuffar capture and imprison a group of Muslims.

### ***The First Condition: With reference to the Kuffar entering a land of the Muslims.***

In this Condition the pious predecessors, those who succeeded them, the Ulama of the four Mathhabs (Maliki, Hanafi, Shaffie and Hanbali), the Muhadditheen, and the Tafseer commentators, are agreed that in all Islamic ages, Jihad under this condition becomes Fard Ayn upon the Muslims of the land which the Kuffar have attacked and upon the Muslims close by, where the children will march forth without the permission of the parents, the wife without the permission of her husband and the debtor without the permission of the creditor. And, if the Muslims of this land cannot expel the Kuffar because of lack of forces, because they slacken, are indolent or simply do not act, then the Fard Ayn obligation spreads in the shape of a circle from the nearest to the next nearest. If they too slacken or there is again a shortage of manpower, then it is upon the people behind them, and on the people behind them, to march forward. This process continues until it becomes Fard Ayn upon the whole world.

Sheikh Ibn Taymia says on this topic: "About the defensive jihad, which is repelling an aggressor, is the most tasking type of jihad. As agreed upon by everyone, it is obligatory to protect the religion and what is sacred. The first obligation after Iman is the repulsion of the enemy aggressor who assaults the religion and the worldly affairs. There are no conditional requirements such as supplies or transport, rather he is fought with all immediate capability. The Ulama, our peers and others have spoken about this." Ibn Taymia supports his opinion of the absence of the requirement of transport in his reply to the judge who said: "If jihad becomes Fard Ayn upon the people of a country, one of the requirements, in comparison to Hajj, is that one must have supplies and a ride if the distance is such that one shortens the prayer". Ibn Taymia said: "What the Judge has said in comparison to Hajj has not been stated before by anybody and is a weak argument. Jihad is obligatory because it is for the repulsion of the harm of the enemy, therefore it has priority over Hijr. For Hijr no transport is considered necessary. Of the jihads some take priority." It is furthered in a sahih hadith narrated by Ebaad Bin Asaamat that the Prophet (saw)

said: "it is upon the Muslim to listen and obey in hardship and prosperity , in what he likes and dislikes, and even if he is not given his rights". Therefore, the pillar of the most important of obligations, is the marching forward in times of hardship as well as prosperity. As has been stated, contrary to Hajj, the obligation remains present in times of hardship. And this is in offensive jihad. So it is clear that defensive jihad carries a greater degree of obligation. To defend the sacred things and the religion from the aggressor is obligatory , as agreed upon by everyone. "The first obligation after Iman is repulsion of the enemy aggressor who assaults the religion and the worldly affairs." Now we look at the opinions of the four Mathhabs who are all in agreement on this point.

### **Opinions of the Mathhabs**

#### **Hanafi Fiqh**

Ibn Abidin said: " Jihad becomes Fard Ayn if the enemy attacks one of the borders of the Muslims, and it becomes Fard Ayn upon those close by. For those who are far away, it is Fard Kifaya, if their assistance is not required. If they are needed, perhaps because those nearby the attack cannot resist the enemy, or are indolent and do not fight jihad, then it becomes Fard Ayn upon those behind them, like the obligation to pray and fast. There is no room for them to leave it. If they too are unable, then it becomes Fard Ayn upon those behind them, and so on in the same manner until the jihad becomes Fard Ayn upon the whole Ummah of Islam from East to the West".

And the following have like Fatwa: Al Kassani, Ibn Najim and Ibn Hammam.

#### **Maliki Fiqh**

In Hashiyat ad Dussuqi it is stated: Jihad becomes Fard Ayn upon a surprise attack by the enemy. Dussuqi said: "Wherever this happens, jihad immediately becomes Fard Ayn upon everybody, even women, slaves, and children, and they march out even if their guardians, husbands and creditors forbid them to."

#### **Shaffie Fiqh**

In the Nihayat al Mahtaj by Ramli it is stated: "If they approach one of our lands and the distance between them and us becomes less than the distance permitting the shortening of prayers, then the people of that territory must defend it and it becomes Fard Ayn even upon the people for whom there is usually no jihad; the poor, the children, the slaves, the debtor and the women."

#### **Hanbali Fiqh**

In al Mughni by Ibn al Qadamah it is stated: " Jihad becomes Fard Ayn in three situations:

- 1) If the two sides meet in battle and they approach each other.
- 2) If the Kuffar enter a land, jihad becomes Fard Ayn upon its people.
- 3) If the Imam calls a people to march forward it is obligatory upon them to march forward."

And Ibn Taymia remarked: "If the enemy enters a Muslim land, there is no doubt that it is obligatory for the closest and then the next closest to repel him, because the Muslim lands are like one land. It is obligatory to march to the territory even without the permission of parents or

creditor, and the narration's reported by Ahmad are clear on this."~ This situation is known as the General March.

#### Evidence for The General March and its Justification

1) Allah the Almighty the Majestic says:

*"March forth, whether you are light (being healthy, young and wealthy) or heavy (being ill, old and poor), strive hard with your wealth and your lives in the cause of Allah. This is better for you if you but knew."* (Surah at Tauba:Verse 41).

In a preceding verse the arrangement of punishment and the replacement by a people who carry Islam, has been mentioned as a recompense for those who do not march forward. Allah does not punish except those who leave an obligation or perform forbidden acts.

*"If you march not forth, He will punish you with a painful torment and will replace you by another people, and you cannot harm Him at all and Allah is able to do all things."* (Surah at Tauba: Verse 39).

Ibn Kathir said: " Allah the Exalted ordered that everybody march forward with the Messenger of Allah (saw), (the General March) in the expedition of Tabuk to fight the enemies of Allah, the unbelieving Romans of the People of the Book". Bukhari has written a chapter in Sahih Bukhari (entitled: The Chapter On The Obligation of Marching Forward and What is Required from Jihad and Intention for It) and quoted this verse. It was a general call because it became known to the Muslims that the Romans were gathering on the borders of the Arabian Peninsula and were preparing to invade Medina. So what is the situation when the Kuffar enter a Muslim country, does not the march forward become the ultimate priority? Abu Talha (ra) said about the Exalted's words: *"...light or heavy...old or young"* (Surah at Tauba:Verse 41), Allah did not listen to anyone's excuse". And Hasan al Basri said: *"in hardship and in ease."* Ibn Taymia said in Majmua al Fatawa 28/358: "If the enemy intends an attack upon the Muslims, then repelling him becomes obligatory upon the population under attack as well as the population not under attack. The Exalted has said:

*"...But if they seek your help in religion, it is your duty to help them..."* (Surah al Anfal:Verse 72).

As well, the Prophet (saw) ordered the assisting of a Muslim in need. Whether or not one is a salaried soldier, and no matter what his capabilities, it is an obligation upon everybody with their persons and wealth, little or much, riding or on foot. As it was when the enemy attacked Medina in the Battle of the Trench, Allah allowed no one to be exempted."

Az Zuhri said: "Saeed Bin al Mussayb went on a military expedition and he lost one of his eyes. It was said to him: "you are injured". He replied, " Allah has ordered the light and heavy to march forward, therefore if it is not possible for me to fight, I will make your numbers seem greater by my presence and I can watch over your things."

2) Allah the Almighty and Majestic says:

*"...and fight the Mushrikun (polytheists, pagans, idolaters, disbelievers, in the Oneness of Allah) collectively, as they fight against you collectively. But know that Allah is with those who are Al Muttaqun."* (Surah at Tauba: Verse 36). Ibn Arabi said: "collectively means besieging them from every side and in all possible circumstances."

3) Allah the Almighty and Majestic says:

*"And fight them until there is no more Fitnah (disbelief and polytheism: i. e. worshipping others beside Allah) and the religion (worship) will all be for Allah alone (in the whole world)... "* (Surah al Anfal:Verse 39).

The Fitnah means Shirk as Ibn Abbas and As Siddi said: "When the Kuffar attack and control a country, the Ummah is endangered in its religion and it becomes susceptible to doubt in its belief. Fighting then becomes an obligation to protect the religion, lives, 'Ard and wealth."

4) Mohammed (saw) has said: "There is no Hijr after the Opening (of Mecca) but there is Jihad and the intention for it. So if you are called to march forth then march forth". Reported by Bukhari. It is an obligation to march forth if the Ummah is called to do so, and in the situation of an enemy attack. The Ummah is called to march forward to protect its religion. The extent of the obligation is related to the need of the Muslims or demand of the Imam. As Ibn Hajr has clarified in the explanation of this hadith.

Al Qurtubi said: "Anyone who is aware of the weakness of the Muslims in the face of their enemy, knows that he can reach them and can assist them, it is also upon him to march forward."

5) Every religion which Allah has revealed safeguards five essential aspects: the religion, life, 'Ard, the mind and property. Consequently, there must be measures to safeguard these five by any means. So, Islam orders repelling the aggressor. The aggressor is one who imposes himself with violence upon others, seeking their life, their wealth or their 'Ard.

(i) The aggressor against 'Ard.

Even if a Muslim displays aggression against 'Ard, it is obligatory to defend it from him by the agreement of the Ulama even if this leads to killing him.

Accordingly, the Ulama have stated that it is not permitted for a Muslim woman to surrender or allow herself to be captured even if she is killed, if she fears for her 'Ard.

(ii) Repulsion of the aggressor who attacks property and life is obligatory as agreed upon by majority of the Ulama, and corresponds to the consensus of the Maliki and Shaffie Mathhabs. Even if this leads to killing a Muslim aggressor. In a sahih hadith: "Whoever is killed protecting his wealth, he is a martyr. Whoever is killed protecting his blood, he is a martyr. Whoever is killed protecting his family, he is a martyr". Hadith sahih narrated by Ahmad, Abu Daud, Tirmidhi and Nisa'i. Al Jassas after coming to knowledge of this hadith, said: "We know of no difference of opinion, that if a man bears his sword to another man to kill him unjustly, that it is upon the Muslims to kill this aggressor."- In this situation if the aggressor is killed he will be in the Hellfire, even if he was a Muslim. Whereas, if the defender is killed he will be a martyr. This is the ruling for a Muslim aggressor, so how will it be if the Kuffar invade a Muslim land, where they would oppress and assail the religion, 'Ard, lives and property to the point of disappearance. Is it not the foremost obligation upon the Muslims in this situation to repel this disbelieving aggressor, whether he be alone or a whole nation!?

6) If the Kuffar use Muslim captives as human shields in front of them in an advance to occupy a Muslim land, it remains an obligation to fight the Kuffar even if this leads to the killing of the Muslim captives.

Ibn Taymia said in Majmua al Fatawa 28/537: "If with the Kuffar there are pious people from the best of mankind and it is not possible to fight these Kuffar except by killing them, then they are to be killed as well. The leading scholars are in accord that if the Kuffar use Muslim captives as human shields, and there is fear for the rest of the Muslims if they are not fought, then it is permitted to shoot them aiming the Kuffar. One of the sayings of the scholars is that, even if we

do not fear for the Muslims in general, it is permissible to shoot the Muslim captives". And on pg. 45 he said: "The sunnah and Ijmq agree that if the aggression of a Muslim aggressor cannot be stopped except by killing him, then he must be killed, even if the transgression is over a fraction of a dinar. Because, in a sahih hadith: "whoever is killed protecting his wealth, he is a martyr" .

And this is because the protection of the remaining Muslims from Fitnah and Shirk, and the protection of the religion, 'Ard and wealth are more of a priority than a small number of Muslim captives in the hands of the Kuffar.

7) The fighting of the renegade Muslim group. Allah the Exalted has said:

*"And if two parties or groups among the believers fall into fighting, then make peace between both, but if one of them rebels against the other, then fight you (all) against the one that which rebels till it complies with the command of Allah; then if it complies, then make reconciliation between them justly, and be equitable. Verily! Allah loves those who are equitable."* (Surah al Hujurat:Verse 9).

If Allah had made it an obligation to fight the renegade Muslim group, to unify the Muslims and protect their religion, 'Ard and wealth, then, what will the ruling be for fighting the aggressing Kaffir nation? Does it not take priority?

8) The ruling for the one who wages war. The Almighty the Majestic says:

*"The recompense of those who wage war against Allah and His messenger and do mischief in the land is only that they shall be killed or crucified or their hands and feet be cut off from the opposite sides, or exiled from the land. That is their disgrace in this world; and a great torment is theirs in the hereafter."* (Surah al Maidah:Verse 33).

This is the ruling applied on the one who wages war from among the Muslims. He spreads distress and corruption in the land and he infringes upon wealth and 'Ard. This is the ruling which the Messenger of Allah (saw) carried out upon the sick Bedouins who turned apostate as has been reported in the sahihs. What should be the treatment of the Kaffir nation that brings calamity upon the people, their religion, their wealth and their 'Ard? Is not the first obligation upon the Muslims to fight them? These are some of the evidences and reasons that corroborate the ruling on the General March when the Kuffar enter a Muslim land.

Verily , the repelling of the Kaffir enemy is the most important obligation after Iman, as said Ibn Taymia: "The first obligation after Iman is the repulsion of the enemy aggressor who assaults the religion and the worldly affairs".

*"And what is wrong with you that you fight not in the Cause of Allah, and for those weak, ill-treated and oppressed among men, women, and children, whose cry is: Our Lord! Rescue us from this town whose people are oppressors; and raise for us from You one who will protect, and raise for us from You one who will help."* (Surah an Nisa:Verse 75).

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