



المنظمة العالمية للتعليم في الأزهر

Refuting Extremist Ideology Series (2)

Jihad in Islam

Its Reality and Regulations

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Foreword

In the Name of Allah

There is no doubt that the topic of “Jihad in Islam” is one of the most critical subjects around which there occurs some confusion of concept, haziness of vision and deviation in understanding, leading to wrong practices and applications.

However, before discussing the topic, I believe it is important to point out the fundamental reason for this confusion in this concept and similar Islamic issues, which is the mixing between Islamic thought and sciences.

Islamic thought encompasses all cultural and academic attempts to understand some aspect of Islam's essence and truth as well as all personal interpretations that a student or researcher arrives at, whether deep or superficial, correct or wrong. Islamic sciences, on the other hand, refer to what Islam definitively contains in terms of beliefs, rulings and the texts that indicate them.

The problem is that many who approach the study of Islamic issues and problems do so through various superficial readings, returning with personal ideas and perceptions that they adopt and rely upon, regardless of how well they match the realities of Islam as revealed by its sciences and indicated by its texts.

As a result, we find many who support Islam and declare their admiration for it rely on bright ideas they conceived about it, according to their understanding and personal convictions. Similarly, many who criticize Islam or question some of its rulings and principles rely on dark ideas they also conceived according to their understanding and personal convictions. Neither group is less dangerous to Islam than the other is.

Hence, the ongoing conflict between pro-Islamic thoughts and anti-Islamic thoughts becomes an endless struggle, because both sides rely on their own thoughts and perceptions rather than on the reality and truth of Islam.

The only solution to end this conflict between contradictory Islamic thoughts is for personal ideas and perceptions to fall silent, and for Islamic sciences to speak through their rulings, supported by their evidence and established textual sources.

Because Islam, as we know, is not represented in the collection of human ideas and their contradictory personal interpretations, but rather Islam is human submission to Allah's message through contemplation and understanding, then behavior and application. Allah's message exists,

its meanings are established and known, and thus human thought has no role before this message except understanding and comprehension.

Therefore, you will not find any trace of these confusions in the minds of the few intellectuals who devote themselves to studying Islamic sciences including fundamentals, jurisprudence, sources of legislation and others.

Regarding the issue of “jihad in Islam,” its rulings are many and branching, but I tried in this book to establish a set of general guidelines and broad outlines that remove the existing confusion around this issue in the minds of many Muslims, as well as non-Muslims. I summarized most of these from our Sheikh, the scholar Mohammad Said Ramadan al-Bouti's book titled: “Jihad in Islam: How We Understand It and How We Practice It,” and I have added beneficial points and matters that are indispensable for researchers on this topic. I ask Allah Almighty for benefit through it, and for its acceptance by Him, and may Allah's blessings be upon our Prophet Mohammad (PBUH) and his family.

1. The Concept of Jihad in Islam

Many people came to believe that jihad was legislated after the Prophet's (PBUH) migration to Medina. However, the scientific and historical reality is different. The Meccan period was as full of jihad as the Medinan period, and the Meccan Quran spoke about jihad just as the Medinan Quran did.

The reason for this conception that settled in many people's minds is that they limited jihad to its fighting meaning - and undoubtedly, fighting against polytheists was legislated after settling in Medina - which removed the characteristic of jihad from many of its types, including its most important types.

The most important types of jihad, rather than the real purpose and fundamental meaning of it, is that which was legislated in Mecca. It consisted of the Prophet (PBUH) and his companions confronting the polytheists by calling them to the truth, remaining steadfast upon it, and being patient through harm for the sake of enlightening others about Allah's Book and making it known.

Allah Almighty says, “So do not obey the disbelievers, but struggle against them therewith with a great endeavor.” [Q. 25:52]. This means fight them with the Quran and its arguments, as Ibn Abbas and others said. Reflect, as well, on the Quran's description of it as “a great jihad,” to understand its distinguished position among the types of jihad.

Allah Almighty also says, “Then indeed your Lord — as for those who emigrated after they were persecuted, and then struggled and were patient, indeed your Lord after that is Forgiving, Merciful.” [Q. 16:110]

In addition, among what confirms this truth in the meaning of jihad the prophetic hadith “The best type of jihad (striving in the way of Allah) is speaking a true word in the presence of a tyrant ruler” (Narrated by Abu Dawud, at-Tirmidhi and Ibn Majah).

Thus, jihad with this meaning that was established in Mecca is the primary source from which other types of jihad later branched out. It is like the trunk of a tree that remains stable in all circumstances and conditions, while the other types - including the fight type - are like branches that come and go from time to time, according to circumstances and reasons.

Yet it is surprising to see those who interpret jihad only in its fighting meaning, and when reminded of the Prophet's (PBUH) hadith that was mentioned, they also employ it for fighting jihad, understanding from the word of truth in the hadith nothing but the rebuking meaning that motivates stalking, conflict and fighting!

2. The Legitimacy of Fighting Jihad

When Prophet Mohammad (PBUH) migrated to Medina, new circumstances arose that are summarized in two matters:

First: The emergence of the first cohesive Islamic society, within a state system with complete conditions and pillars, including the people (Muslims and Jews), the constitution (the Medina Document), and the ruler [the Prophet (PBUH)].

Second: The emergence of the first home of Islam, which is the land where the first Islamic state was established with its integrated components, where Muslims had sovereignty for themselves, could manifest their Islam and rituals and could defend themselves against their enemies.

These circumstances required Muslims to fulfill additional duties in the field of jihad, to protect the new gains of the Muslim nation, which required them to take the following measures:

- Fortifying and guarding borders in anticipation of any aggression.
- Confronting through fighting anyone who threatened the foundations of this state or represented an aggressor in any form.
- Fighting anyone who resisted the Islamic call that was proceeding through the method of education and dialogue, as it had come under the protection of a state and a leader

responsible for it, who possessed a sound system for protecting it and opening paths before it.

Thus, the form of fighting jihad appeared on the scene, but the most important thing to note is that these meanings we mentioned were not phases through which the legislation of jihad progressed to settle at its final phase, as is the case with the prohibition of alcohol, for example. Rather, there are multiple jihad legislations, with each legislation being implemented in its appropriate situations and circumstances.

The situation where jihad should be with the tongue, while being patient through harm, is different from the situation where it should be fighting against an aggressor, and both are different from the situation where jihad should be against those who resist the call proceeding through the peaceful method of education and dialogue.

Someone might say: The non-legislation of fighting in Mecca was due to the weakness of Muslims and their small number. The Holy Quran responded to that saying “Make ready for them whatever force you can and of horses tethered that thereby you may dismay the enemy of Allah and your enemy, and others besides them, whom you know not: Allah knows them. And whatever thing you expend in the way of Allah shall be repaid to you in full, and you will not be wronged.” [Q. 8:60]

3. Jihad through Dawah Is a Communicative Ruling that Includes all Muslims

We learned that jihad through dawah is the first pillar of jihad, and it is a ruling with which Allah addressed His servants individually. Muslims' performance of it does not depend on the ruler's call or permission. The ruler, in carrying out this pillar, is like any other Muslim, though he has the authority of supervision, care and organization. He reminds those who forget, organizes ways to carry it out, and removes obstacles from their path.

He also has the authority to employ those he sees fit for this duty and prevent those he deems unqualified, based on sufficient knowledge, wisdom and sincerity in dawah.

When those who can achieve the purpose fulfill this duty, the obligation falls from the others, and the ruler may prevent the rest or whoever he wishes from participating in this matter for a prioritized legitimate interest that he determines. They have no right to object then, because their engagement in dawah in this case is merely recommended, while obedience to the ruler - as long as he does not command disobedience - is obligatory.

4. Difference between Islamic Movement and Islamic Dawah

It is clear that dawah is a concept that can only be realized through two parties: a caller who guides, explains and directs, and one being called who needs explanation, guidance and removal of doubts and misconceptions from his mind. Undoubtedly, the first party is the caller whom Allah has blessed with knowledge and guidance, and the second party is the one being called who lacks knowledge and explanation and thus guidance.

Based on this: Dawah that most Islamic groups understand and practice today is nothing but activities that exclusively circulate among their own members. It consists of discussions among themselves about new developments in Muslims' conditions and problems, analyzing and evaluating the reality of existing governments and systems, drawing plans that ensure better and stronger existence on the path to seeking power, and organized movement among themselves to implement this.

Thus, we realize that what these activist groups do and call dawah has nothing to do with dawah, but rather is the practice of various personal desires and inclinations. Nevertheless, they constantly insist on the necessity of fighting jihad, reminding of it and raising its banner at every opportunity. This is a call to grow Islamic jihad in a vacuum, far from its climate without which its legitimate existence cannot be realized. Fighting jihad, as we learned, is an inevitable result of jihad through dawah in specific situations, so where is the jihad through dawah?

5. The Poverty of Islamic Societies in the Field of Dawah and Their Richness in Activism

We realize that our Arab and Islamic societies, as much as they boil with the activities of numerous Islamic groups, suffer from severe poverty in the field of calling to Allah (dawah).

Calling to Allah (dawah) is practicing the highest meanings of servitude, where the caller puts before him that divine truth which states: "Going out before noon and after noon, in the cause of Allah, is better than everything on which the sun rises and sets." [Agreed upon]. As for those moving to support a group or party, they direct people in tactical movement toward the reins of power. Thus, bridges are cut between them and their counterparts who call to other systems and ideas, because they have become, at least in their view, a competing party, so their souls are not prepared in any way to listen to their call.

Indeed, one who competes with me in reaching a gain cannot be trusted in any piece of advice they present to me. Rather, the first thing that comes to mind is that their advice is a type

of disguised deception and programmed political tactics. For this reason, it is common among party members to accuse Islamic activists of exploiting Islamic slogans to stir up the masses to reach power.

Meanwhile, the pure call to Islam is the common denominator that should unite all these party members, if not through religious conviction, then through historical, civilizational and national affiliation. Just as they are united by the identity represented in their collective belonging to the longstanding Arab Islamic region.

6. Dawah is Based on Freedom, Not Coercion

Therefore, dawah's fundamental goal is to convey Allah's message to His servants, so they may fulfill what their Lord has charged them with in this life. The meaning of divine obligation is: the direction of Allah's message with commands and prohibitions to His servants.

For a person to be qualified for this obligation, they must first know about this obligation, and second, be able to carry out what is required of them in understanding, comprehension, practice, and application. They must possess the freedom to either respond to Allah or not regarding the command given to them, so that based on that freedom, the obligated person deserves either reward or punishment.

Hence, the mission of one who calls to Allah is to make people aware of their identities, and that they are charged by Allah Almighty with performing specific duties, then leave them free to make whatever decision they wish in terms of responding or not.

7. Two Problems and their Answers

Two issues might be raised regarding this discussion:

First: The Punishments Established by Shariah for Violators: It might be questioned that shariah established immediate worldly punishments, and doesn't this contradict human freedom in their actions?

The answer: These punishments are only established after the perpetrator already submitted to Islamic law first, like any relationship between any state and its citizens who submit to its laws and regulations. As for those who haven't yet submitted to Islamic rulings - such as Jews, Christians and other non-Muslims - they aren't legally pursued for violating subsidiary rulings because they aren't obligated by them, unless these actions result in depriving others of their rights

or causing societal corruption. As for rulings that relate only to the rights of Allah, Allah did not legislate any form of worldly punishment for those who abandon them. Therefore, nothing restricts one's path to exercising his freedom in the way he wants, as long as it does not result in corruption in society or harm and injustice to others.

Second: The Hadith “I have been commanded that I should fight..”

This discussion might be challenged by the Prophet's (PBUH) hadith “I have been commanded (by Allah) to fight people until they testify that there is no true god except Allah, and that Mohammad is the Messenger of Allah, and perform Salat and pay Zakat. If they do so, they will have protection of their blood and property from me except when justified by Islam, and then account is left to Allah.”

This hadith would indeed have been problematic if its text were “I have been commanded to kill people until...” as it would then contradict all the other numerous verses and hadiths indicating the prohibition of compulsion and coercion.

As for the expression ‘uqatil’ (fight), which is the word used by the Messenger of Allah (PBUH) as unanimously agreed upon by the narrators, upon investigation, it does not contradict the texts and evidence, and thus there is no issue in understanding the word.

The explanation is that the word ‘uqatil’ in the form ‘ufa'il’: indicates participation, so it only applies as an expression of resistance from two parties, and it only applies as an expression of resistance to an initiator who already intended to kill. The one who resists the initiator is called a fighter (muqatil), while the initiator is far from being called a fighter; rather, he is actually called a killer, whether by intention and attack or by action and execution, as the meaning of participation only arises when the second party rises to resist and defend.

Do you not see that you say “I will fight these people over my property, or my honor,” and no one understands from your words except that you are determined to resist their aggression against your property or honor, so fighting them only comes after they direct aggression toward you.

So what is the meaning of this hadith in light of what we explained?

Its meaning: I was commanded to resist any aggression against my calling people to faith in the oneness of Allah, even if stopping aggression against this call can only be achieved by fighting those who are hostile and aggressive - that is a duty Allah has commanded me with and there is no escape from it.

This is similar to what the Prophet (PBUH) said on the day of al-Hudaibiya “by Allah in Whose Hands my life is, I will fight with them defending my Cause till I get killed” [Sahih al-Bukhari]. You may know that the Messenger of Allah (PBUH) said this to Budayl ibn Warqa, while he was calling Quraysh to peace and warning them against continuing the war that had exhausted them.

So, what is the meaning of his saying - in this situation - “by Allah in Whose Hands my life is, I will fight with them defending my Cause till I get killed.” His words are definitively clear in indicating that - while he was inclining toward peace with them - he would respond to their combative aggression in kind if they refused all else. This meaning is exactly what is intended by his saying: “I was commanded to fight people...”

Al-Bayhaqi narrated from Imam Shafi his statement: “Fighting is not the same as killing, and it may be permissible to fight a man but not permissible to kill him.”

Ibn Hajar drew attention to this meaning and the importance of understanding it in his book Fath al-Bari (1/58), saying in his explanation of this hadith: “Al-Kirmani was asked here about the ruling on one who abandons zakat, and he answered: that their ruling - meaning the ruling on one who abandons prayer and one who abandons zakat - is the same, as they share the same ultimate purpose. It seems he meant regarding fighting them, not killing them. The difference is that one who refuses to give zakat can have it taken from him by force, unlike prayer. If it escalates to armed resistance to prevent paying zakat, then fighting is warranted, and it was in this manner that Abu Bakr al-Siddiq fought those who withheld zakat.”

Then Ibn Hajar said: “Therefore, using this hadith as evidence for killing one who abandons prayer is questionable, due to the difference between the phrases “I fight” and “I kill”- and Allah knows best. Ibn Daqiq al-Eid elaborated in Sharh al-Umdah in criticizing those who use this hadith as evidence for that - meaning for killing one who abandons prayer - saying: “Permitting fighting does not necessitate permitting killing; because fighting (muqatala) is a reciprocal action that requires combat occurring from both sides.”

If using this hadith as evidence for killing one who abandons prayer is invalid - as Ibn Hajar and others say - because the Messenger of Allah (PBUH) used the word ‘fighting’ (muqatala) not ‘killing’ (qatl) in his case. Then how can it be valid to use the same hadith as evidence for killing those who refuse to enter Islam, when one who deliberately abandons prayer bears the

responsibility of obligation by being Muslim, just as he bears the responsibility of submitting to prescribed punishments, while a non-Muslim bears no responsibility for any of that?!

Therefore, this hadith does not pose any contradiction or obstacle to what we established and learned: that the call to Islam must occur within the framework of choice and freedom to make decisions.

Hence, the opinion claiming that the call to Islam through willingness and choice was abrogated by the verse of the sword and its hadith is weak, indeed it is closer to being completely invalid than merely weak.

8. The Declaration of Fighting Jihad is One of the Rulings of the Imamate

Rulings of the Imamate: These are the rulings directed to the Imams of Muslims, starting with the Messenger of Allah (PBUH), as he is the supreme Imam of all Muslims, and extending to his successors, including the Imams and Caliphs. The Imam of the Muslims is entrusted with implementing and maintaining these rulings that align with what he deems beneficial for the community's welfare.

Notably, the rulings of the Imamate are characterized by a significant degree of flexibility within specific limits, as Allah, the Almighty, has enabled the Imams to operate within their scope according to what the interest requires.

Fighting jihad is considered among the foremost rulings of the Imamate. There is no known disagreement that the management of jihad—its declaration, execution, conclusion, and addressing its consequences and impacts—all fall under the rulings of the Imamate. Moreover, it is impermissible for any individual Muslim to act independently in any of these matters without the Imam's permission and consultation.

This form of jihad may be accomplished by fortifying frontiers, strengthening fortresses, and guarding the borders. It may also involve fighting those who obstruct Muslims from spreading the message of Islam, introducing it to others, and addressing any misconceptions that may arise about it. Furthermore, it may involve fighting aggressors outside the Islamic country and beyond its borders, as exemplified by the battles fought by the Messenger of Allah (PBUH), such as the Battles of Uhud, Badr, and Dhat al-Riqa. Additionally, jihad may be by Muslims attacking enemies and entering their territory if they uncover a plot against them or a threat to their security

The aforementioned cases all fall under collective duty jihad, which is classified as one of the communal obligations. This type of jihad, in turn, falls within the rulings of the Imamate. Only the Imam of the Muslims or his authorized representative has the authority to declare it, manage its affairs and policies, or conclude it through reconciliation or a peace agreement. Let us present a selection of juristic texts that highlight this point.

It was stated in al-Mughni by Ibn Qudamah: “The matter of jihad is entrusted to the Imam and his independent opinion, and the subjects must obey him in what he deems appropriate in this regard.” It is stated in al-Sharh al-Saghir on Aqrab al-Masalik by al-Dardir: “Jihad becomes an individual obligation when the Imam appoints a specific person for it.”

Furthermore, al-Sharbini said in al-Minhaj: “The obligation of collective duty (fard al-kifayah) is fulfilled when the Imam fortifies the frontiers with forces equivalent to those of the disbelievers, strengthens the fortresses and trenches, appoints commanders, or when the Imam or his deputy enters the lands of disbelief with armies to fight them.”

Al-Bahuti stated in Kashshaf al-Qina': "The matter of jihad is entrusted to the Imam and his independent opinion (ijtihad), as he is more knowledgeable about the condition of the people, the state of the enemy, their strength, and their proximity or distance."

Moreover, al-Sarkhasi stated in al-Mabsut: “The Imam of the Muslims must, at all times, exert his efforts to either go out himself or send armies and contingents of Muslims, placing his trust in the Almighty's promise of victory.”

Al-Qarafi stated in his book al-Ihkam: “The Imam is the one entrusted with public policy concerning the affairs of the people—achieving their interests, warding off corruption, suppressing wrongdoers, killing tyrants, ensuring the settlement of worshipers in the land, and so on.

This is a selection of jurists' texts from various sects, all of which agree that fighting jihad is among the rulings of the Imamate. Its declaration, calling for it, management, and enforcement of reconciliation and treaties fall exclusively under the authority of the Muslim leader—be he called a caliph, an Imam, a king, or a president.

General mobilization is an exception, which falls under the rulings of defensive warfare. As we mentioned, Allah Almighty directly obliges all individuals to defend against any threat the enemy poses to life, honor, or property.

9. The Wisdom of the Fact that Jihad is Included in the Rulings of the Imamate

The wisdom behind this is that this critical duty cannot achieve its desired goal for Muslims unless its leadership is entrusted to a powerful and formidable authority. Such authority ensures that the Muslim masses are guided, the military and armies respond effectively, and the prestige of this influential power instills fear in the hearts of enemies and deters aggressors.

Furthermore, this critical duty relies on unity, trust, and cooperation, as well as the elimination of factors that cause division and the absence of conflicting opinions and leadership. Such a goal can only be achieved under the authority of a strong and influential state that issues commands and calls, which are met with universal obedience and respect.

No matter how effective this influence may be in unifying and mobilizing forces against the enemy, the oppression of the ruler wielding such influence has no significant impact or harm if compared to the collective authority and power that instills prestige and fear in the hearts of enemies. On the other hand, no matter how much piety in behavior and fairness in dealings may exist among groups of people, individuals, or scholars, none of this can replace the authority and strength required in this context. Therefore, they are not permitted to rebel against the ruler or rise against him due to his oppression, nor to rally people around themselves based on their superior justice and religious uprightness that they may possess.

The qualifications of authority, such as unifying strength and decisive power, are the primary requirements—after adherence to Islam—in this context. Personal qualities of piety and uprightness in religion, when devoid of authority and its prerequisites, cannot substitute for it in uniting the Muslims and aligning their efforts on a single path. Consequently, they cannot replace it by instilling fear in the hearts of greedy enemies.

Al-Izz bin Abdul Salam, may Allah have mercy on him, elaborated extensively on this precise concept, which is a foundational principle in determining priorities within the provisions of Islamic Shariah when contradictions arise. He discusses this in the chapter titled 'Implementation of the Acts of Oppressors and Unjust Imams' and further in the following chapter, 'On Restricting Isolation to What Is Better for Muslims, and Then the Best'

Do not let illusion deceive you into thinking that the wisdom mentioned by the scholars necessitates implementing the rulings of unjust imams. Rather, this is restricted to what does not

conflict with the commands of Allah and His legislative rulings. As for their commands that contradict the rulings of Shariah and its clear guidance—where no independent opinion is allowed—they are not to be obeyed, even if they come from just Imams who are not known for injustice. So, what about those who are unjust among them?

However, it is not permissible to rebel against them solely, just because of the issuance of these commands from them, unless they issue what the Messenger of Allah (PBUH) described in the authentic hadith: “Unless you see evident infidelity regarding which you have proof from Allah.”

10. Who is Meant by the Ruler in Islamic Law?

What is meant here is that the ruler, king, or president of the state holds authority in one of three ways; he is a Muslim who has not been found guilty of any clear act of disbelief:

A direct pledge of allegiance to him by influential people, or, in its ruling, an indirect pledge of loyalty as practiced in many countries.

The covenant to him, wherein the caliph before him designates him to assume leadership after his death. The successor accepts this appointment, and the nation or influential people are made aware of it so they do not reject it.

3- Seize power through force and domination.

11. The Ruling on a Ruler Becoming Morally Corrupt During his Reign

Most jurists argued that a ruler may not be dismissed due to immorality. However, Imam al-Nawawi conveyed a consensus on this matter, stating in his explanation of Sahih Muslim the following:

«..As for rebelling against them and fighting them, it is prohibited by the consensus of Muslims, even if they are sinful and unjust. The hadiths have affirmed the meaning of what I have mentioned. Ahl as-Sunnah agreed that the Sultan was not removed from power due to immorality. As for the opinion mentioned in the books of jurisprudence by some of our scholars, stating that he is to be removed, which was also attributed to the Mu'tazilah. It is an error on the part of its proponent and contradicts the consensus. The scholars said: “The reason for not removing him and the prohibition of rebelling against him is the resulting sedition, bloodshed, and corruption of

relationships. Thus, the harm caused by his removal would outweigh the harm of his remaining in power.”

Al-Nasafi said in his Aqa'id: “The Imam is not removed due to immorality, meaning disobedience to Allah Almighty, or injustice, meaning oppression of His servants, because a morally corrupt person is still eligible for leadership according to Abu Hanifa.” Ibn Nujaym said in Al-Ashbah wa al-Naza'ir: “The Imam is not to be removed due to immorality.”

Furthermore, al-Taftazani stated in al-Maqasid, “The Imam is not removed due to immorality or fainting. However, he is removed in cases of insanity, blindness, deafness, mutism, or an illness that causes him to forget knowledge”.

Al-Bajouri said: "...Obedience to the Imam is obligatory, even if he is unjust. The commentary on Sahih Muslim states that rebelling against an unjust Imam is unanimously prohibited."

Moreover, Ibn Hazm cited this from the Companions, all the jurists, the majority of hadith scholars, as well as Ahmad, al-Shafi'i, Abu Hanifa, and others.

The basis of this consensus is what the Messenger of Allah (PBUH) mentioned in many authentic hadiths, including:

What Bukhari and Muslim narrated from the hadith of Abdullah bin Omar that the Messenger of Allah (PBUH) said: "After me, there will be favoritism and many things that you will not like. They (his Companions) said: Messenger of Allah, what do you order that one should do if anyone from us has to live through such a time? He said: You should discharge your own responsibility, and ask Allah for your right".

Additionally, Bukhari and Muslim also narrated from the hadith of Abdullah bin Abbas that the Messenger of Allah (PBUH) said, “If a person notices in his ruler what he dislikes, he should show patience because he who departs from the (Muslim) community a cubit dies like those who died in the Days of Ignorance.”

Likewise, a Muslim narrated in his Sahih from the hadith of Hudhayfah ibn al-Yaman that the Messenger of Allah (PBUH) said, "There will be leaders who will not be led by my guidance and who will not adopt my ways? There will be among them men who will have the hearts of devils in the bodies of human beings. I said: What should I do? Messenger of Allah, if I (happen) to live in that time? He replied: You will listen to the Amir and carry out his orders, even if your back is flogged and your wealth is snatched, you should listen and obey.

In another Muslim hadith from the narration of Auf bin Malik: "It was said, O Messenger of Allah: Shouldn't we overthrow them with the help of the sword? He said: No, as long as they establish prayer among you. If you then find anything detestable in them. You should hate their administration, but do not withdraw yourselves from their obedience."

The explicit wording of these authentic and established hadiths indicates that an Imam must not be obeyed in what constitutes a sin for the commanded individual. However, it is not permissible to rebel against him because of that. Instead, the commanded person should suffice to carry out the sin that was required of him, regardless of the signs of immorality and its causes that the Imam may exhibit.

From what we have explained and quoted from the words of the Imams, we conclude that it is not permissible under Islamic law to rebel against the Imam of the Muslims and their leader, regardless of their injustice or immorality. Instead, Muslims—along with their scholars and preachers—have only one course of action: to confront wrongdoing by expressing disapproval and speaking the truth to prevent injustice and immorality. They must not obey the ruler in matters of disobedience—that is, in what constitutes a sin for the commanded individual. However, if something is considered disobedience on the part of the ruler but permissible for the commanded, it must still be obeyed, such as taking people's money unjustly.

Yes, it is permissible—and indeed necessary—to rise against the Imam if he openly declares blasphemous disbelief, as the Messenger of Allah (PBUH) said, meaning explicitly and without any possible interpretation.

So how does this compare to those who, based on their personal feelings and inclinations, believe that rebelling against the leaders of the Muslims is permissible—or even obligatory—and consider it a virtuous form of jihad? Simply because they do not fully implement Islamic law or because some among them have engaged in acts of deviation and immorality. Then, what he believes contradicts what has been agreed upon by Ahl as Sunnah wal-Jama'ah and the majority of jurists.

Before we clarify the ruling on rebelling against the Imam in Islamic law, it is worth considering the evidence that these dissenters rely on.

12. Evidence on Which Dissenters Rely to Justify Rebelling Against Muslim Rulers

We do not know the evidence on which those who rebel against their rulers, here and there, rely—except for their simplistic and confident claim that their rulers are disbelievers! Considering that if the ruler becomes a disbeliever and leaves the religion of Islam, which is the religion of the vast majority of his people or subjects, it becomes obligatory to remove obedience from him and to depose him from the seat of power by force if it cannot be done through mutual agreement. By rising against him, they are fulfilling an obligation entrusted to the entire Muslim community.

They repeat this argument and instill it in their followers. To clarify this issue, it is necessary to explain the causes of disbelief, its limits, and the principles established by the imams of Islamic law regarding it. Then, clarifying what Muslims must do when a cause of disbelief is established concerning any individual among the Muslims, regardless of their status or position.

13. When is Disbelief Established and What are its Causes?

By disbelief, we mean here incidental disbelief, which is the charge that those who justify rebellion against Muslim rulers attribute to them.

Let us highlight the general causes that necessitate apostasy, regardless of the many specific issues that fall under it.

The causes of apostasy are sayings or actions that fall within the scope of ridicule and contempt.

As for the sayings that necessitate apostasy, they include any explicit expression of denial of a pillar of Islam or faith or the denial of an Islamic ruling that is necessarily known as part of the religion—such that both the learned and the ordinary person alike know of it with certainty.

As for the actions that necessitate apostasy, they include any act that definitively indicates a contradiction to one of the pillars of faith or Islam, such as prostrating to an idol or wearing attire with a widely recognized religious connotation. This sharply contradicts Islam.

As for what necessitates apostasy due to ridicule, contempt, or disdain, it ultimately falls under the category of either sayings or actions. However, scholars have classified it as a separate third category due to the lack of seriousness that is typically present in the first two types.

The criterion for ridicule or contempt that leads to disbelief or apostasy is mocking any of the pillars of Islam or faith, or any established Islamic ruling that is necessarily known. This includes showing clear contempt through evident means, such as mocking prayer, Hajj, or Zakat,

or making fun of Paradise and Hell in a manner that definitively indicates ridicule. Likewise, displaying clear and deliberate contempt for the Quran also falls under this category.

The above-mentioned are the causes of apostasy and its types. If you understand the general rule, you will not be confused by the numerous specific examples, and you will be able to classify them based on what we have explained. This will make it clear to you what constitutes disbelief and what does not.

We do not know of any disagreement among the scholars regarding what we have clarified, except for the well-known stance of the Khawarij, who declare people disbelievers for committing sins. In this, they are outside the consensus of the Ummah and deviating from the path of Allah, the Almighty.

Do those who rebel today against their rulers, or those who incite and provoke Muslims to rise against their rulers and fight them, adhere to this principle—about which we know of no disagreement—in their stance towards the rulers?

The principle we have clarified can only be applied to individuals, each person separately. As for these individuals, their rulings are always collective, and their takfir (declaration of disbelief) is directed at the public, not individuals.

The decision to criminalize the collective disbelief of these rulers is based on their failure to judge according to what Allah has revealed, whether in matters concerning themselves or their people. Given that Allah Almighty has said: "Whoever does not judge according to what God has revealed - such are the disbelievers." [Q. 5:44], all the rulers of the Arab and Islamic countries are thus deemed disbelievers.

This decision involves two deviations from the truth, on which Muslims unanimously agreed—except for the Kharijites, as we have explained.

First: Declaring collective takfir without identifying the specific causes of disbelief for each individual separately.

Second: They considered merely ruling contrary to Islamic law as kufr. This does not fall under the categories of sayings, actions, or mockery previously described.

A Muslim's failure to rule by Islamic law may stem from laziness, personal desires, or worldly interests. It may also be driven by a denial of Allah's law, the Almighty. No one can determine these motives except through clear evidence and proof. If there is no evidence for any specific motive, all three possibilities remain valid. When multiple possibilities exist, assuming one

particular motive over the others without evidence is mere conjecture, invalidating any argument based on it. The original ruling, Islam, remains in force. It is based on the principle that the default state persists as it was.

If we were to follow these people and declare the disbelief of everyone who rules by other than Allah's law, this ruling of takfir would extend to many parents, as well as many individuals in positions of partial authority—whether in institutions, factories, academies, or neighborhoods. Indeed, many among them deviate from ruling by Allah's law and impose on those under their care—whether in homes, institutions, academies, markets, or neighborhoods—rules other than those of Allah, the Almighty.

Rather, issuing this judgment requires deeming every sinner individually guilty of disbelief, as he would not have engaged in disobedience except under a ruling he imposed upon himself. Do you not see that one who goes to a bar and asks the waiter to bring him a bottle of wine has, through this request, made a judgment and ruled by other than what Allah has revealed?

So, do these people issue a fatwa or a ruling declaring all these people disbelievers?!

If this ruling were to be issued by them, it would necessitate declaring every sinner who judged himself by other than Allah's law a disbeliever. Consequently, every sinner would end up in disbelief!

It is well known that these people, who judge Muslim leaders as disbelievers, do not extend their judgment to all similar individuals.

We have never heard of anyone who disbelieves in a father who ordered his daughter to take off the hijab or ordered his son to work in a riba-based bank, or who disbelieves in a merchant who ordered his wage earner or partner to cheat in the transaction, or to practice an illegal contract. Still, the disbelief of this obligation is directed to rulers and leaders only..!

There is no doubt that such vain distinction is but an outcome of some random judgement that emerged by the greediness and the moody desire to declare someone as a disbeliever or not. May Allah protect us from the control of futile lusts and desires.

The most important matter is to go back to 'Aqida (doctrine) and Fiqh (jurisprudence) references and learn that both atonement and believing in Islam depend on faith and belief. In fact, a person's actions or sayings are what decide whether to declare him/her a disbeliever or not. Indeed, an action or a saying can bear the decisive indication on disbelief; yet, if there are clear

and explicit indications of disbelief, where actions and saying are wavering, hence, a person should be declared a disbeliever or an apostate; yet, such actions and sayings shall be deemed as impiety and disobedience; indeed, only Allah Almighty knows the implicit deeds.

In the same context, Imam Ahmed explained such indubitable truth; indeed, Imam Ahmed is one of the most pious and cautious Muslim scholars while interpreting the religious texts. Ibn Qudamah narrated that Imam Ahmad once said: “Whoever says that wine is permissible, he is considered a disbeliever who opts to repentance, either to repent or face execution. Hence, claiming the permissibility of eating pork, dead bodies, or drinking wine does not make the claimer an apostate, whether he/she says so during war or Islam times, as he/she might practice such actions with the pretext that they are minor impermissible actions.”

To that end, it is apparent that rebelling against the Muslim leaders and rulers is impermissible and deemed as defying Allah’s commandments; such rebellion shall not be considered permissible or a kind of Jihad unless one of the Muslim leaders explicitly declares disbelief in Allah Almighty in the same manner clarified by the aforementioned “Takfir” rule.

14. Killing Army and Police men and Naming them "Agents of the Aggressors"

Nevertheless, the acts of those people nowadays are not limited to rebelling and fighting against the leaders and rulers, whom they accuse of infidelity and apostasy, claiming that they do not rule according to Allah’s judgments, but also extend to prosecute their personnel, including policemen, soldiers, workers, and employees.

Their attacks and prosecutions set them off to release their own Fatwas, that those soldiers, workers, and employees are “agents of the aggressors” -meaning the rulers they claim as disbelievers-; hence, they should be treated as their leaders, as being wrongdoers and disbelievers.

We have previously explained that those leaders and rulers, who are falsely named aggressors, are not eligible to be rebelled against; consequently, it is impermissible to attack and harm their agents and employees.

If these rulers truly deserve to be ousted, then, there should be a legal justification for such action, and their agents and employees should not be tracked down and threatened with killing and abuse without committing any crime or declaring their disbelief.

Additionally, they should not be deprived of their status as Muslims or believers just due to being employees or hired workers or soldiers serving under those rulers.

Indeed, Hatib ibn Abi Balta'ah, who was one of the most prominent agents and allies of Quraysh polytheists in the day of Mecca Conquest, and as per their traditions, had supported these disbelievers with all the aids they needed in their war against the Prophet (PBUH). These aids were far more than those provided to today's alleged "Agents of the aggressors". However, Prophet Muhammad (PBUH), when it came to his knowledge of Hatib's stance, did not deprive him of his status as a Muslim, and did not order him to get him killed or harmed. Yet, Allah Almighty revealed the Quranic verse that disavowed Hatib's action, and addressed him as a believer, as His Almighty says: "O you who believe, do not take My enemy and your enemy for friends. You offer them affection when verily they have disbelieved in the truth that has come to you" [Q. 60:1]. The Prophet (PBUH) refused to harm Hatib, just advised him and declared his repentance.

As a matter of fact, Hatib's support to the polytheists is not an absolute evidence of his disbelief, perhaps his motive was something rather than that, and that was proved when he apologized to the Prophet (PBUH), justifying his action saying: "I was one of Quraysh's affiliates, and those who immigrated with you have got their kinships to protect their families and properties; thus, I wished, if I do not have any lineage in this tribe, I could gain their protection for my family and relatives. I swear, I did not mean any kind of apostasy or infidelity". And the Prophet (PBUH) believed him.

Hatib's action was not a kind of infidelity and disbelief, and he should not be deemed as one of Quraysh's polytheists or fighters, that is why the Prophet (PBUH) treated him as a true believer. If that was the case, how come we gather policemen, soldiers and employees in the Islamic countries in one pot with apostates and disbelievers to the extent issuing Fatwas permitting killing and assassinating them, despite they acknowledgement of the Islamic teachings at every opportunity, perhaps more than those who are strictly following Allah's commandments and judgments. As such, to what end should the agents and affiliates be killed or abused if it is impermissible to oust their rulers and leaders?

As a matter of fact, the fault lies firstly in their accusations of the leaders and rulers of infidelity and secondly in considering the employees, the military and policemen as "agents of the aggressors", meaning the disbelievers. That fault extends to claiming that such agents, assuming that they are really "agents of the aggressors", are deemed as apostates as their lords and should be killed or expelled.

15. The Issue of Human Shields (al-Tatarrus)

Policemen, soldiers, and others are being falsely killed and attacked due to the false claim and pretext that they are “agents of the aggressors”, and they should be punished similarly as their masters. Such a heinous claim has been identified as invalid and the hidden severity of such terrible crime has been revealed.

But, what about the innocent civilians, who are neither aggressors nor agents of the aggressors? Despite their innocence, their wings are singed by the blazes of such sedition, getting killed with stray bullets or shrapnel, or intentionally murdered, since the targeted person is moving among crowds and will not be taken down unless casualties occur among the innocent civilians.

What is the legal justification of killing those innocents?

They claim: if the disbelievers take some Muslims as human shields, it is permissible to storm that shelter, kill some of them for the greater purpose, which is hindering the enemies’ attack and overturning their plans. (Perhaps they have derived such opinion from some authentic jurisprudential sources). They add that if overthrowing aggressor rulers depends on the fall of some of the innocents, it is permissible to take them down as well as the human shields of innocent Muslims, since the greater good is to topple the aggressors and there is no harm if some of the innocents are sacrificed for that sake.

What is the truth about The Issue of Human Shields (al-Tatarrus) and what do the scholars of Islamic Shariah say about it?

As a matter of fact, some of the jurists tackled such matter in the chapter of opposition and preponderance, others mentioned that issue in the chapter of the prevalence of public interest, while others explains it in the chapter of Jihad.

Imam al-Ghazali was probably the first to deal with that issue and other scholars followed him and then mentioned it in their jurisprudential applications.

Indeed, Imam al-Ghazali took the issue of human shields (al-Tatarrus) as an example to explain the necessity of considering the public interest and the prevalence of something that does not have any evidence in the Quran or Sunnah. Hence, that necessity will serve exactly as the religious text and shall be approved for the sake of attaining the public interest. Imam al-Ghazali had stipulated that as follows:

“An issue considered as a matter of priority should be profoundly examined by jurists and scholars (Mujtahid), as long as there is no original religious text addressing such issue. An example of this was when the disbelievers took Muslim captives as human shields; if we did not attack, they would have attacked the abode of Islam, killed all Muslims and defeated us. If we had attacked them, inviolable Muslim captives would have been killed; alas, such dilemma has not been tackled in Islamic Shariah. If Muslims refrained, disbelievers would have had domination over all Muslims to the extent of killing them, including the captives. Some would say that such captives would be killed anyways; hence, saving Muslims’ lives is closer to the objectives of the Islamic Shariah, since we all know that the objective of Shariah is to curb killing if not preventing it. If we are not capable of preventing killing, we should strive to limit it. Thus, the public interest was deemed as preponderant and a necessity since it fulfilled the objectives of Shariah, not by explicit evidence from the religious texts, yet with evidence beyond the count”.

He added: “This is an example of a public interest stipulated not by analogical deduction driven from the original religious text, yet, it is reasoned as being: necessary, absolute and integral. This is not similar to the case where disbelievers shielded themselves by Muslims in a fortress, as it is impermissible to attack the human shields; there is no need for that. We do not need the fortress; hence, we will leave it, if we are not certain of our victory over it.”

Al-Ghazali extended his explanation of the terms and conditions that permit storming the Muslim human shields and killing them all in such an example, which are: necessity, absoluteness, and integrity.

Regarding necessity, it is embodied in repelling the aggression of those enemies, while absoluteness means making a decisive decision that raiding the Muslims' captives, by whom the enemies shield and killing them will lead to defeating the enemies. As for integrity, it means that the enemies’ assault that we confront is targeting all Muslims, not a certain group of them.

If one of these conditions is missing, it is impermissible to kill the Muslims by whom the enemies are shielding with. Hence, the condition of necessity is unfulfilled; hence, breaking in the Muslim human shields will be luxuries (Tahsiniyat) or needs (Hajiyat). Additionally, if the condition of absoluteness is absent, there will be doubts in our victory and repelling the enemies’ aggression, even with storming and killing the human shields. As for not fulfilling the condition of integrity, it is due to a previous knowledge of the harms that may result from attacking those enemies who are shielding with Muslim captives in some village or town.

As such, this is the rule that should be taken into consideration; whenever Muslims encounter such a critical situation in which enemies trap them into. Such rule is taken from the objective of Shariah and its hierarchy of interests. Indeed, this discipline is full of research and controlled by these conditions. As aforementioned, al-Ghazali is the first one to propose such an example to illustrate the issue of combining two contradictory problems in one framework and how to settle such dilemma within the Islamic principles and without violating them.

Additionally, all jurists addressed such issue with the same judgement and restrictions without any difference or disagreement, whether issue is tackled within opposition and preponderance rules or the prevalence of public interest.

As such, it is terrifying and killing the innocent civilians nowadays, by some of the Islamists, applicable to the examples of human shields (Tatarrus) and its afore-explained scientific rule?

The previously mentioned example of human shielding (Tatarrus) implies that storming the Muslim human shields will lead to overcoming the hostile attack against Muslims. Hence, such storming indicates a necessity; however, the practices by the so-called Islamists aim to confuse the Muslim rulers and to subject innocent Muslims to killing, nevertheless, the outcomes that definitely will not be in favor of non-Muslims.

As a matter of fact, the example of human shielding (Tatarrus) is supposed to indicate that the harm that may affect Muslims, due to the hindrance of risking the Muslim captives by which the enemies are shielding, is a total and general one and not limited to a certain group or place. Indeed, the practices of those who endanger the innocents are what cause the harms that may risk Muslims, either partially or totally, whereas if they stop endangering their brothers to killing, danger and corruption will not find a way to the Muslim community. This means that any conditions stipulated in human shielding (Tatarrus), for example, have their contrary in the reality we are suffering and trying to address here.

Hence, the issue of human shielding (Tatarrus) has nothing to do with the reality shaped by some of the Islamists nowadays; indeed, the two ends have nothing in common that requires comparison; however, the difference they have in common is almost a contradiction in itself.

16. Conclusion

We have always wished that those people may choose one of two paths with no third option in the balance of logic and its judgement:

Either to commit to the religion revealed by Allah Almighty and to abide by the rulings and regulations of Islamic Shariah, which will require them to calmly and comprehensively study the Islamic jurisprudence (Fiqh) instead of dealing demagogically with the issues' titles without understating its contents and nuances; or to count on what is dictated by their inclinations, temperaments and revenge desires. As such, they must delve into jurisprudence and its rulings, yet, in this case, they should not cover their psychological desires with Islam's slogans, principles, and acting concerned about it.

Whoever spreads reasons of terror and factors of killing innocent Muslims, in the name of Jihad or defending the religion of Allah Almighty, he/she must then declare their stance from the Prophetic hadith: "Whosoever from my followers attacks my followers (indiscriminately) killing the righteous and the wicked of them, sparing not (even) those staunch in faith and fulfilling not his obligation towards them who have been given a pledge (of security), is not from me (i.e. is not my follower)".

Indeed, he/she has to explain to us how come a person who serves the religion of Allah Almighty, committed to the commandments and rules of Allah, yet, he/she, intentionally, violates the commands of Prophet Mohammad (PBUH) to the extent of repelling against his nation, killing and assaulting both the righteous and wicked and does not even spare the believers?!

How come that person could be a Mujahid (a fighter) in the way of Allah, whilst he/she explicitly and publicly breaches the orders of the Prophet (PBUH)?!

The only way for those Islamists to escape this scandalous predicament is not to exploit Islam to achieve their targets, and to declare, like their other peers, their political ambitions and to compete with them by seeking power with equal strength and similar means.

If they refuse to distinguish themselves from their peers by playing with the card of defending Islam, then they must abide by the aforementioned rulings and judgements which they claim to defend and protect.

You will never find any text more explicit than the above mentioned Prophetic Hadith in which the Prophet (PBUH) exposed their contradictions and pretense.