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

Mohd Farid bin Mohd Sharif

A thesis submitted for the degree of Doctor of Philosophy
University of Edinburgh
March 2006
ABSTRACT

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

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

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

The following people shared ideas and gave me useful feedback on various things I have written about Ibn Taymiyya in the past few years: Professor Carole Hillenbrand (IMES) and Dr. Andrew Newman (IMES). My special thanks go to Dr. Ida Glaser, director of Edinburgh Centre for Muslim-Christian Studies (ECMCS), for allowing me to be involved in the Centre’s academic activities. Special mention must be made of Peggy for her editing expertise. Many friends and colleagues have given advice and help – Assoc. Prof. Dr. Joni Tamkin Borhan, Assoc. Prof. Dr. Wan Mohd Salim bin Wan Md. Noor, Assoc. Prof. Dr. Fadlullah bin Jamil, Dr. Martin Whittingham, Dr. Arni bt. Basir, Dr. Atiqullah b. Abdullah, Dr. Norshakirah Md. Akhir, Kamaruzzaman Nordin, Amran bin Muhammad, Dr. Nor Hisham bin Hamid, Borhan Che Daud, Dr. Nik Abdullah Sani, Dr. Hanafiah Harunarashid, Dr. Edoardo Zamuner, Mohd Zarifi and my brothers, Mohd Saifuddin and Muhammad Solhi. I am very grateful to them all.
Finally, I would like to thank my sons Muhammad Aiman and Muhammad Ajwad for their constant love and admirable patience, and for helping to create a pleasant and supportive environment in which I could work. I must also thank two majestic women in my life: my mother Salma and also my wife Noridah, with whom I shared joy and sorrow, and whose spirit sustained me throughout my academic sojourn in Edinburgh. My debt to both of them cannot be expressed in words. How I can ever pay that debt.

Mohd Farid bin Mohd Sharif
Edinburgh
2006.
CONVENTIONS

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

<table>
<thead>
<tr>
<th>Arabic Term</th>
<th>English Translation</th>
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<tbody>
<tr>
<td>Awliyā’ al-raḥman</td>
<td>al-Farq baina awliyā’ al-raḥman wa awliyā’ al-shaitān</td>
</tr>
<tr>
<td>Dar’ ta’ārub</td>
<td>Dar’ ta’ārub al-‘aql wa al-naql</td>
</tr>
<tr>
<td>Ḥasana</td>
<td>al-Ḥasana wa al-sayyi’a</td>
</tr>
<tr>
<td>al-Ḥisba</td>
<td>al-Ḥisba fī al-Islām</td>
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<tr>
<td>al-Ikhtiyārāt</td>
<td>al-Ikhtiyārāt al-fiqhīyya</td>
</tr>
<tr>
<td>al-Īmān</td>
<td>Kitāb al-īmān</td>
</tr>
<tr>
<td>Maʿārij al-wusūl</td>
<td>Kitāb maʿārij al-wusūl ilā maʿrifa anna usūl al-dīn wa furū’ahu qad bayyanaahu al-rasūl</td>
</tr>
<tr>
<td>Minhāj al-sunna al-nabawīyya</td>
<td>Minhāj al-sunna al-nabawīyya fī naqḍ kalām al-Shīʿa wa al-Qadariyya</td>
</tr>
<tr>
<td>MF</td>
<td>Majmūʿa fatāwā</td>
</tr>
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<td>MR</td>
<td>Majmūʿa al-rasā’il</td>
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<tr>
<td>Risāla 1</td>
<td>Risāla min al-shaykh ilā aṣḥābihi</td>
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<td>Risāla 2</td>
<td>Risāla ilā al-Malik al-Nāṣir</td>
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<tr>
<td>Risāla 3</td>
<td>Risāla al-qubrusīyya</td>
</tr>
<tr>
<td>Risāla 4</td>
<td>Risāla ilā al-sulṭān yā’muruhu bi iqāma al-ṣalāh</td>
</tr>
<tr>
<td>al-Tafsīr</td>
<td>al-Tafsīr al-kabīr</td>
</tr>
<tr>
<td>al-Tawassul wa al-wasīla</td>
<td>Qāʾida jalīla fī al-tawassul wa al-wasīla</td>
</tr>
<tr>
<td>Thalāth rasā’il</td>
<td>Thalāth rasā’il fī al-jihād</td>
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**INTRODUCTION**

*Jihād and Ibn Taymiyya*

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

*Jihād* refers to the concerted effort and energy that one must expend while striving for a high purpose or a noble ideal; this is the means by which Muslims obtain God’s forgiveness and blessing. In other words, *jihād* consists of any focused effort towards the achievement of a desired end or the prevention of an undesired end. *Jihād* according to the Qur’an is a broad concept that encompasses the utilization of all aspects of a Muslim’s abilities, energy and strength while facing his enemies. The term “enemies” as used here, includes also the internal enemy of all humans i.e. our lower selves that perpetually tempt humans in both the physical and spiritual realms. The Qur’an, in many places, firmly states the obligations of *jihād* in many verses. Amongst them is the obligation of single-mindedness in performing ‘*ibāda* (worship) and the necessity to overcome one’s lower self, to improve one’s knowledge, and to use the Qur’an as a means to uphold the truth, along with the willingness to sacrifice wealth and life.
There are two main applications of *jihād*: first is the application of *jihād* to one’s lower self and the overcoming of Satan’s lies; second is *jihād* in other forms, such as *jihād* using the heart (e.g. praying), *jihād* using the tongue (e.g. advice) or via the written word (i.e. *jihād* via knowledge and education), *jihād* using one’s wealth and finally *jihād* using the physical capabilities or life. In the former case, *jihād* against one’s lower self involves purifying the heart and soul from negative characteristics and replacing them with noble characteristics. In other words, *jihād* means constant obedience to God. In this context, subduing one’s internal and hidden desires must be done first before one engages in fighting a physical and external enemy. That is because when a man fails to subdue his lower self in order to do good deeds for God, it is impossible for him to fight an external enemy because he is still chained and bound by his own desires. Priority also has to be given to the process of education and self-development. The education and self-development in question are required to create a human being who is willing and able to shoulder the burden and the task of *da‘wah*, who is generous in terms of wealth and spirit and who is strong in facing the challenges that come his way.

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

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

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

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³ See, for example, Esposito, *Islam: The Straight Path*, pp. 126, 129, 150.
people of different faiths. However, the classical jurists of Islam have consistently forbidden *baghy* and the oppression of people of other faiths. Thus, a polemic of doubt about whether or not *baghy* is allowed by Ibn Taymiyya has come into existence. In order to reach an unshakeable conviction in this matter, a more thorough academic study of the concepts of *jihād* and *baghy* according to Ibn Taymiyya is essential.

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

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

**Ibn Taymiyya’s writings on *jihād***

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

I have identified sources relevant to this study in two ways. Firstly, I have taken much of my data from Ibn Taymiyya’s primary writings where they touch on *jihād* and related issues, most notably the edited collections, namely *al-Jihād* and *Thalāth rasā’il fī al-jihād* (three letters of *jihād*). Ibn Taymiyya is said to have composed two works on *jihād* namely *al-Siyāsa al-shar‘iyya fī islāh al-rā‘ī wa al-ra‘iyya* (governance according to God’s law in reforming both the ruler and his flock) and *al-amr bi al-ma‘rūf wa al-nahy ‘an al-munkar* (enjoining good and forbidding wrong).
*Al-Jihād* is a useful collection of Ibn Taymiyya’s writing on *jihād*. This compendium is divided into two volumes: the first volume discusses the value of *īmān* (Islamic belief) and its requirements for Muslims, and the importance of enjoining good and forbidding wrong. Ibn Taymiyya also deals with *zakāh* (alms tax) and *ghanīma* (booty), *imāma* (leadership) and other matters as well as *jihād* against *muḥāribīn* (highway robbers); the second volume discusses the *ḥudūd* (the prescribed penalties for certain crimes as laid down in the Qur’an) and their importance as a legal punishment. This volume also deals with Ibn Taymiyya’s view of Christians and other related matters, and his opinion on the Mongols and the heretic Druzes and the Nuṣayrīs.

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

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The book *Al-Siyāsa al-sharʿiyya* referred to here was published in Egypt. The original of this work by Ibn Taymiyya was not dated, nor did its editor Ṣalāḥ al-Din al-Munajjid make any mention of the date. However, I speculate that it is likely that *Al-Siyāsa* was written after the *Minhāj al-sunna al-nabawiyya*, and it can be therefore dated to sometime between 713/1317-717/1317. This date can also be inferred from the statement given by Hasan Qasim Murad. He argues that Ibn Taymiyya devoted five years to writing before he was imprisoned in the year 718/1318.

*Al-Siyāsa al-sharʿiyya* was written specifically as a guideline for the governance of the Muslim lands and those who ruled them, detailing the evidence from the Qur’ān, hadith and the *ijmāʿ* (consensus) of the ṣaḥāba (Companions), and it is second in importance only to the *Minhāj al-sunna al-nabawiyya*.

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

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

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6 That is, the *Minhāj al-sunna al-nabawiyya fi naqṣ kalām al-Shī‘a wa al-Qadariya*.

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

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


Haque has provided us with a significant biographical study of Ibn Taymiyya. His work contains a general overview of Ibn Taymiyya’s achievements in Islamic law, jurisprudence, Ṣūfīsm and theology, and he concludes that Ibn Taymiyya was
rightly acclaimed as the most influential thinker and reformist of medieval Islam. Makari and Laoust present similar views of Ibn Taymiyya’s contribution to the Muslim world. Haque, Makari and Laoust do not primarily deal with Ibn Taymiyya’s concept of *jiḥād*. Instead, their works are intended to be encyclopedic and provide a scientific and methodical discussion of all aspects of his thinking. For example, in Laoust’s *Essai*, the section that deals with Ibn Taymiyya’s *jiḥād* does not comprise more than 10 pages. Nonetheless, I have been much helped by them, particularly in the preparation of the chapter on Ibn Taymiyya’s Curriculum Vitae.

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

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

**A note on other sources**

The concepts of *jiḥād* and *baghy* are also discussed in classical Islamic thought. The main schools of Islam, such as the Ḥanafī, Mālikī, Shāfi‘ī and Ḥanbalī Schools, have also produced relevant works that have become the main reference works for today’s
scholars. In this study, I have chosen a few additional relevant classical works to provide the study's theoretical background.

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

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

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

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

Hamidullah’s Muslim Conduct of State is a master introduction to Islamic international law. The definition of siyar (Islamic law of nations) is discussed and the classical practice of the laws of war, peace and neutrality is outlined. He covers core issues of jihād including the lawful types of war, the status of enemy persons, such as apostates, bughāh, the People of the Book and muhāribīn, and the treatment of prisoners of war and other issues to do with war. Hamidullah argues that Muslims should only go to war against apostates, muhāribīn and the bughāh. After assessing materials from the classical sources including books, articles and official documents, Hamidullah concludes that the classical law has already defined and provided a system of conduct for the state in regard to mutual dealings between Muslims and their enemies. What is more, he maintains that war in Islam is only permissible under certain conditions, for instance, for the sake of God, in cases of self-defence and
retaliation; in addition, Muslims are not allowed to initiate war in the *ḥarām* of Mecca except in self-defence. This is to safeguard the sacredness and nobility of the House of Allah. He further states that every pact made with the enemy has to be honoured, and the Muslims are forbidden from using force to compel non-Muslims to convert to Islam.  

Khadduri’s work provides us with a descriptive study of the rule of Islamic law regarding war and peace during the first four centuries of the Islamic era. Defining the nature and foundation of *jiḥād* in its broadest sense to include military methods, treatment of prisoners of war, the status of non-Muslim communities and the treaties of peace, Khadduri places *jiḥād* in the context of the international political system. Khadduri agrees with Hamidullah that any provocation for war other than those listed above is forbidden. If it occurs outside these restrictions, the war is not *jiḥād* in the sight of God nor is it condoned in Islamic law. Khadduri uses the term “*ḥarb*” and “secular war” to refer to the types of wars not recognised by Islam.  

Khadduri also states that human beings have a natural tendency towards conflict and enmity. Every human being has his own motive or self interest to fulfil. When a man tries to fulfil his desires through negative feelings like jealousy, spite and anger, conflicts and wars will be the result. In this case, Islam forbids its followers from committing violence or oppression against other human beings. Islam does not recognise any war committed in order to gain personal enhancement such as influence, power and wealth. So it appears that Hamidullah and Khadduri maintain that the role of *jiḥād* in Islam is mainly as a mechanism of defence.  

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

Abou El Fadl’s work represents the most systematic examination of the idea and treatment of political resistance and rebellion under Islamic law. It is worth mentioning here that the justification of the law on *baghy* is different from that of *jihād*. The uniqueness of the concept of *baghy* is of great interest to me academically. Therefore, I am grateful to Abou El Fadl who has prepared a systematic discussion of the various dimensions of this topic. The main objective of Abou El Fadl’s writing is to evaluate the development of the concept of *baghy* in classical Islamic law and to compare it to contemporary *baghy* cases. Hamidullah and Khadduri also discuss the issue of *baghy* in their aforementioned books. However, their reviews, though concise, are brief and technical compared to Abou El Fadl’s writing, which is lengthy.
and at times diverges on a tangent from the question at hand. Realising that Abou El Fadl has touched on most aspects of the baghy question both theoretically and developmentally, this study is limited to the technical aspects of baghy as discussed by Ibn Taymiyya. According to Abou El Fadl, Ibn Taymiyya is of the opinion that the concept of baghy is a doctrine invented by the jurists resulting from the use of unclear sources.\footnote{Khaled Abou El Fadl, 
*Rebellion and Violence in Islamic Law*, Cambridge, 2001, pp. 62-3.} This is a shocking claim as Ibn Taymiyya is known to have been extremely well versed in the Ḥanbalī School and to have produced a large quantity of articles discussing questions of a political nature. Logically, it is impossible for Ibn Taymiyya to disagree with the concept of baghy, because it is recorded that he took part in jihād against the Mongols, the heretic Druzes, the Nuṣayris and the Franks. Therefore, careful study of the idea of baghy according to Ibn Taymiyya is timely. Nevertheless, it is not appropriate to start the study directly with issues related to baghy. It needs to be preceded by a study of the issues of jihād, because jihād, as stated before, has particular relevance to the question of baghy.

For Qur’anic commentary I have referred predominantly to the *Tafsīrs* of al-Ṭabarī, al-Zamakhsharī and al-Qurtubi, and in English translation to the editions of Ṣaḥeeh International, M. M. Pickthall and Muhammad Muhsin Khan. Slight modifications to the translation have sometimes been made where considered appropriate. For a history of the Prophet and Ibn Taymiyya I have relied on Ibn Hishām’s *al-Sīra al-nabawiyya* and Ibn Kathīr’s *al-Bidāya wa al-nihāya*. For the hadith I have quoted largely from the Six Books of Hadith (*sunan sitta*) compiled by al-Bukhārī, Muslim, Abū Dawūd, al-Tirmidhī, Ibn Majah and al-Nasā’ī. For ease in finding specific hadith, I have frequently used the index of hadith available in the
CD-ROMs of the *al-Bayān* published by The Sakhr Software Corporation in 1996 and *The Islamic Scholars* published by Par Excellence Software in 1996. Quotations from the hadith are referred to by hadith book, the title of the chapter and the number of the hadith.

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

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

In the third chapter the discussion concentrates on the Islamic legal view of *jihād* with special reference to the thinking of Ibn Taymiyya. Issues that are examined in this chapter include the legal definition of *jihād* and the relationship between *jihād* and *ibāda*. A brief overview is also made in order to identify the
emergence of the idea of greater and lesser *jihād*, and the chapter is completed by a full-length of discussion on the legal duty of *jihād* and a definition of the enemy.

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

IBN TAYMIYYA: CURRICULUM VITAE

1.1. Ibn Taymiyya’s early background

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

Ibn Taymiyya was born in Ḥarrān in Syria on Monday 10 Rabī’ al-Awwal, 661/ January 1263.4 Ḥarrān was the ancient city and the birthplace of Abraham and was named after Abraham’s relative, Ḥarrān.5 According to Ibn Kathīr,
Abraham and Lot lived in the city and spent some years there inviting the people of Harran to monotheism.\(^6\)

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

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

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\(^{6}\) Ibn Kathir, *al-Bidāya*, 1:140.

\(^{7}\) For a biographical note on 'Umar, see *El (I)*, 3:982-84.


1.2. Ibn Taymiyya’s family

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

Ibn Taymiyya was a descendant of a family who were concerned about learning and education, especially that of a religious nature. Furthermore, his ancestors were notable scholars. According to Ibn Khallikān, his grandfather, Majd al-Dīn ‘Abd al-Salām (Hanbali scholar; d. 625/1227), was a well-respected man of learning and a jurist who occupied the first place in his town for his learning and was highly distinguished for his piety. Majd al-Dīn learnt fiqh and hadith from his uncle, al-Khaṭīb al-Bakhr al-Dīn (teacher of hadith; d. 612/1215) and Abū Muḥammad Sayf al-Dīn ‘Abd al-Ghānī b. Fakhr al-Dīn (teacher of fiqh; d. 638/1240). Majd al-Dīn is also a known transmitter of hadith, and it is said that many scholars transmitted hadith from him, for example, Muwaffaq al-Dīn ‘Abd...
Allāh b. Aḥmad b. Qudāma (cited as Ibn Qudāma; faqīh; al-Qādirī Ṣūfī and Ḥanbalī jurist; d. 620/1223),¹⁵ Najm al-Dīn b. Ḥamdān (qādī or judge in Cairo; d. 695/1295)¹⁶ and his own son, ‘Abd al-Ḥālīm (d. 682/1284).

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

¹⁵ Laoust, Essai, p. 10; for a biographical note on Muwaffaq al-Dīn, see, EI (2), 3:842-43.
¹⁶ Laoust, Essai, p. 10.
¹⁸ For a biographical note on Shams al-Dīn al-Dhahabī, see, GAL, ‘supplement’, 2:45-7.
¹⁹ Ibn al-Ḥamāda, Shadhārāt, 6:152.
²⁰ Ibn al-Ḥamāda, Shadhārāt, 6:152.
²¹ Ibn Kathīr, al-Bidāya, 14:38-123.
²² al-Kutubi, Fawāt al-wafāyāt, 1:35; see also, Laoust, Essai, p. 10.
interest in learning and shortly after ‘Abd Halîm died, Ibn Taymiyya continued his father’s duties in the hadith school.\textsuperscript{23}

1.3. Ibn Taymiyya’s education

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

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

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

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\textsuperscript{24} Ibn Rajab, \textit{Tabaqât al-Hanâbîla}, p. 388.
\textsuperscript{25} Ibn Rajab, \textit{Tabaqât al-Hanâbîla}, p. 388.
\end{flushright}
Ibn Taymiyya studied under many teachers, but the man said to have had the most influence on him was Aḥmad b. Ḥanbal (compiler of hadith; founder of the Ḥanbalī School; d. 241/855). Aḥmad was considered to be one of the great men of learning of his generation in Iraq and his status also derives from his collection and exposition of the hadith. His major contribution to Islamic thought is a collection of hadith known as Musnad. Aḥmad’s reliance on hadith was so total that for some time he and his followers were regarded as real jurists and muḥaddithīn (scholars of hadith). Aḥmad studied under many leading scholars, for example, Sufyān b. ‘Uyayna (teacher of hadith; faqīh; d. 198/813) and Muḥammad b. Idrīs al-Shāfi‘ī (uṣūlī or one versed in the science of Uṣūl al-Fiqh or Islamic jurisprudence; faqīh; founder of the Shāfi‘ī School; d. 204/820). Ibn Taymiyya is said to have studied and transmitted many hadiths from Musnad and that his reliance on Aḥmad was likely to have been close.

Another teacher who had a great influence on Ibn Taymiyya was his own father, ‘Abd al-Ḥalīm. Ibn Taymiyya is said to have studied Fiqh and Uṣūl al-Fiqh and sometime transmitted hadith from ‘Abd al-Ḥalīm. His affiliation with Dār al-Ḥadīth al-Sukkariyya was likely to have been for about fifteen years. Ibn Taymiyya is also said to have studied Tafsīr and hadith from Zayn al-Dīn Aḥmad b. ‘Abd al-Dā‘im al-Muqaddasi (Ḥanbalī hadith-scholar; d. 718/1318). In the year 551, Abū...
‘Umar b. Qudāma (al-Qādirī Šūfī and Ḥanbalī scholar; d. 607/1210)\(^{34}\) and his brother Muwaffaq al-Dīn ‘Abd Allāh moved to Damascus and established Madrasa al-‘Umriyya wherein Ibn Taymiyya spent most of his younger years studying their works.\(^{35}\) Of the great jurists and hadith-scholars of his time, the following were amongst his teachers: Yahyā b. al-Šīrafi (Iraqi qāḍī; d. 368/979),\(^{36}\) Shams al-Dīn b. Abī ‘Umar (Ḥanbalī jurist; d. ?) and al-Majd b. al-‘Asākir (Ḥanbalī hadith-scholar; d. ?).\(^{37}\)

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

Ibn Taymiyya is said to have learnt philosophy and mantiq (logic) and to have composed many critical works on logic and philosophy,\(^{39}\) for example, Kitāb al-radd ‘alā al-mantiqiyin (edited by ‘Abd al-Ŝamad Sharāf al-Dīn al-Kutubi, published in Bombay in the year 1368/1949) and Naq’d al-mantiq (edited by Muḥammad b. ‘Abd al-Razzāq Ḥamza, published in Cairo without date).

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

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\(^{34}\) For a biographical note on Abū ‘Umar, see, EI (2), 3:842.


\(^{36}\) For a biographical note on Yahyā b. al-Šīrafi, see, EI (2), 9:668.

\(^{37}\) Ibn Rajab, Tabaqāt al-Ḥanābila, p. 387.

\(^{38}\) Ibn al-‘Imād, Shadhārūt, 5:383-85, 404; see also, al-Kutubi, Fawāt al-wafāyat, p. 146.

\(^{39}\) Ibn Kathir, al-Bidāya, 14:75-6.
young man. Ibn Kathîr claims that he was an expert in at least ten fields, including Tafsîr, hadith, Fiqh, Usûl al-Fiqh, Manţîq, philosophy, algebra, theology, Farâ’î’d (law of inheritance) and mathematics.40

1.4. Ibn Taymiyya as Teacher and Scholar

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

40 Ibn Kathîr, al-Bidâya, 14:303.
41 Ibn Kathîr, al-Bidâya, 14:38, 67, 344.
42 Ibn Kathîr, al-Bidâya, 14:49-50.
43 Ibn Kathîr, al-Bidâya, 14:46-7, 55.
44 For a biographical note on Ibn Baṭṭûta, see, El (2), 3:735-36.
An eloquent testimony to Ibn Taymiyya’s standing amongst his contemporaries is the quantity and quality of his students and their works. Of the great fuqahā’ and hadith-scholars of his time, the following were amongst his students: Umm Zaynab Fāṭima bint ‘Abbās (Damascus Ṣūfī; d. 734/1333), Abū Sulaymān b. ‘Abd al-Qawā b. ‘Abd al-Karīm al-Sarsari (Hanbali faqīh; d. 716/1316), Abū ‘Abd Allāh Muḥammad b. Sa’d Allāh al-Ḥarrānī (known as Ibn Najīḥ; Ḥanbali faqīh; d. 723/1323), Abū ‘Abd Allāh Muḥammad b. Zayn al-Dīn al-Munajjā (hadith-scholar; d. 724/1324), Abū Bakr Shafts b. Māhsan (known as Abū Bakr al-Ṣaliḥī; Ḥanbali faqīh; d. 728/1328), Abū Muḥammad b. Muṣliḥ b. Muḥammad (known as Ibn Muṯfah; Ḥanbali faqīh; d. 763/1362), Ibn Rajab, al-Dhahabi, Ibn ‘Abd al-Hadl and Ibn Kathir wrote a biography of Ibn Taymiyya, while Ibn Qayyim was his principal student. He spent sixteen years studying under Ibn Taymiyya and effectively analyzed his teacher’s fatwās. Ibn Qayyim also composed many works.

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

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48 Ibn Kathir, al-Bidāya, 14:72.
49 Ibn al-‘Imād, Shadhārāt, 6:39; see also, Ahmad b. ‘Alī b. Ḥajar al-Asqalānī (cited as Ibn Ḥajar; biographer and Shafi’i hadith-scholar; d. 852/1449), al-Durār al-kāmina, Hyderabad, 1929, 2:154.
52 Ibn Kathir, al-Bidāya, 14:119.
55 Ibn Kathir, al-Bidāya, 14:110.
57 Ibn al-‘Imād, Shadhārāt, 6:231.
that discussed Ibn Taymiyya’s thought, for instance, *Madārį al-sālikīn bayna manāzīl iyyākā na’budu wa iyyākā nasta’īn* (see, for example, the edition published in Riyadh in the year 2003 and edited by ‘Abd al-Azīz b. Nāṣir al-Julayyil), *Zād al-ma’ād fī hady khayr al-‘ibād* (see, for example, the edition published in Beirut in the year 1998 and edited by Muṣṭafā ‘Abd al-Qādir ‘Aṭā), *Miftāḥ dār al-sa’āda wa manshūr wilāyā al-‘ilm wa al-irāda* (see, for example, the edition published by Dār Ibn ‘Affān in the year 1996 and edited by Bakr b. ‘Abd Allāh Abū Zayd) and *Asmā’ mu’allafât Ibn Taymiyya* (see, for example, the edition published in Beirut in the year 1976 and edited by Ṣalāḥ al-Dīn al-Munajjīd).

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

a) *Risāla* (letter)

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

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

b) *Risāla* (short treatise)

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

c) *Qā‘ida* (principle)

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

d) General books

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

1.5. Testimonies on Ibn Taymiyya

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

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

In contrast to the above testimonies which acknowledge Ibn Taymiyya’s remarkable achievements as an ‘ālim and faqīḥ in the medieval Islamic intellectual tradition, there are also strong voices which hold opposing views. Such opinions can be found in the work of several Western scholars, such as Ignaz Goldziher, H.A.R. Gibb and D.B. MacDonald, who have described Ibn Taymiyya as a man “with a screw loose” or “mentally unbalanced”. Goldziher says: “Ibn Taymiyya had a bee in his bonnet”. Gibb says that: “Ibn Taymiyya was a man greatly esteemed and able to discourse on various sciences, but with some kink in his brain”. MacDonald states: “Ibn Taymiyya was a man most able and learned in many sciences, but with a screw loose”. It is unfortunate, but the above appalling statements may have their roots in an anecdote (*ḥikāya*) reported in Ibn Baṭṭūta’s *Rihla*, and it is worth reflecting for a little on some of the details reported there in order to understand what happened. Ibn Baṭṭūta entered Damascus in the year 726/1326; and as mentioned earlier, he

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67 Donald P. Little, ‘Did Ibn Taymiyya have a screw loose?’, *Studia Islamica*, 41-42, Paris, 1975, p. 93.
acknowledged the fame of Ibn Taymiyya and the fact that the people of Damascus idolized him. Ibn Baṭṭūṭa thought of Ibn Taymiyya as by and large being a man of unique character who liked arguing and criticizing his fellow scholars. In this respect, Ibn Baṭṭūṭa says: “īlā anna fī ’aqlihi shayʿān” (Gibb translates this phrase as “but with some kink in his brain”). In the first place, this remark of Ibn Baṭṭūṭa does not say anything negative about Ibn Taymiyya, rather it can be interpreted as indicating that Ibn Taymiyya was an out of the ordinary person. When one reads the complete anecdote it becomes clear that this is simply a reference to his unique mental abilities. Ibn Baṭṭūṭa, furthermore, reports that Ibn Taymiyya had made some statement about God’s attributes which was disapproved of by Ibn al-Zahrā’ (Mālikī scholar; d. ?). But, the people beat Ibn al-Zahrā’ until his turban fell off and disclosed a silken skull-cap on his head. In Islam, it is widely accepted that a man is not allowed to wear silk, and in consequence Ibn al-Zahrā’ was taken before Qādī ‘Īzz al-Dīn b. Musallam (Ḥanbalī judge; d. ?), who then ordered him to be imprisoned. Other scholars objected to this decision and carried the case to Malik al-Umarā’ Sayf al-Dīn Tankīz (Damascus viceroy; d. ?), who then convinced the Bahri Mamlūk Sultān Nāṣir al-Dīn Muḥammad to give orders that Ibn Taymiyya should be imprisoned for several heretical fatwās.

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

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72 Ibn Baṭṭūṭa, Rihla, p. 95 (=The Travels of Ibn Baṭṭūṭa, p. 135).
incident from sources in Mecca. There is a discrepancy between the date given by Ibn Baṭṭūta and the date given by Ibn Taymiyya’s contemporaries, such as Ibn Kathîr and Ibn ‘Abd al-Hâdî. In the anecdote, Ibn Baṭṭūta dated the incident to the month of Ramadan 726/August 1326, whereas Ibn Kathîr and Ibn ‘Abd al-Hâdî claim that it had happened a month earlier and that Ibn Taymiyya was already in prison in Egypt in that fasting month. What is more, Ibn ‘Abd al-Hâdî provides evidence that it was Ibn Taymiyya’s letter to his mother which he wrote from prison in Egypt.

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

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73 Little, ‘Did Ibn Taymiyya have a screw loose?’, pp. 97-9.
76 Little, ‘Did Ibn Taymiyya have a screw loose?’, pp. 101-03.
77 al-Dhahabî, Bayân zaghal al-‘ilm, ed. M.Z. al-Kawthari, Damascus, 1928, pp. 31-4; see also, Little, ‘Did Ibn Taymiyya have a screw loose?’, p. 101.
believe him to be infallible". Another account is reported by Ibn Rajab that al-Dhahabi states: "Ibn Taymiyya’s behaviour was unpredictable, so that he might extol an acquaintance on one occasion but insult him on others". Another place, Ibn Rajab says: "His anger turned him into a raging lion (layth ĥārib)". To take one example, it is reported that Ibn Taymiyya showed his temper to the heretical Şüfis. A story is told of a group of Rifā’is who had entered the Umayyad mosque wearing iron necklaces. Ibn Taymiyya scolded them and pulled off the necklace from the neck of one of them and let them go only when they had all taken off the necklaces. Consequently, Ibn Taymiyya was brought to the trial in the Damascus Viceroy Lodge on charges of being aggressive to the Rifā’is.

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

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

78 Ibn Hajar, al-Durār al-kāmina, 1:161; see also, Little, ‘Did Ibn Taymiyya have a screw loose?’, p. 104.
79 Ibn Rajab, Ṭabaqāt al-Hanābila, p. 395; see also, Little, ‘Did Ibn Taymiyya have a screw loose?’, p. 105.
80 Hasan Qasim Murad, ‘Ibn Taymiyya on Trial’, pp. 5-6.
Taymiyya had “a screw loose” or had “some kink in his brain” or had a temper, by itself does not negate any of Ibn Taymiyya’s contributions or achievements made in his own medieval context. But at the same time, it is quite appropriate to acknowledge that Ibn Taymiyya was a very human person, and not at all infallible.

1.6. The Importance of Ibn Taymiyya

1.6.1. Ibn Taymiyya’s response to various contemporary issues

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

1.6.1.1. Ijmāʿ (consensus) and Qiyās (reasoning by analogy)

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

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

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

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

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

84 MF20: 10.
85 MF19:267-68.
86 al-ʿAqīda al-wāsiṭyya, p. 27.
others, and then to go on to determine on the basis of the Qur’an and hadith the most suitable judgment. In the Ḥanbalī school, for example, Ibn Taymiyya and Ibn Qayyim al-Jawziyya both emphasized on *ijmā‘* of the Companions on the understanding that the *ijmā‘* is widely known and compatible with the Qur’an and hadith. According to Ibn Taymiyya, when *ijmā‘* is found to contradict the Qur’an and hadith, it must never abrogate the Qur’an. Instead, there must be another Qur’anic verse interpreted in another way and accepted by the *ijmā‘* and which supersedes the previous one. With regard to the *ijmā‘* of the Companions, Ibn Taymiyya quotes certain hadith and stories of the Companions to support his argument. The Prophet said:

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

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

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88 MF19:267.
89 MF20:573-74.
90 For a biographical note on Qāḍī Shurayḥ, see *EI* (2), 9:508-09.
Companions. So, as Ibn Taymiyya defined, this decision is called *ijmā‘*.91 Another case in point is the story of `Abd Allāh b. `Abbās (Companion; d. 68/687).92 Ibn Taymiyya asserts that Ibn `Abbās followed the view of Abū Bakr al-Ṣiddiq (Companion; first caliph who reigned from 11/632 to 13/634; d. 13/634),93 and `Umar after he failed to find the solution in the Qur`ān and hadith.94

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

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

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92 For a biographical note on `Abd Allāh b. `Abbās, see El (2), 1:40-1.
93 For a biographical note on Abū Bakr al-Ṣiddiq, see El (2), 1:109-11.
95 Makari, *Imam Ibn Taymiyyah’s Ethics*, p. 98.
96 MF19:285-86.
97 For a biographical note on Abū Ḥanifa, see El (2), 1:123-24.
short treatise on *qiyās*). In this *risāla*, Ibn Taymiyya defines *qiyās* as “the combination of two similar things and the differentiation of two dissimilar things”. He accepts *qiyās* which is not opposed to the Qur’an nor to hadith and often utilizes *qiyās* in his *fatwā* in order to demonstrate the validity of his conclusions on a particular matter.

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

1.6.1.2. Şūfīsm

Ibn Taymiyya writes at great length on Şūfīsm, devoting his considerable intellect to countering the heretical manifestations of Şūfīsm and inviting them to the moderate Şūfīsm which bases its path and spiritual values on the Qur’an and hadith. The most
relevant piece, entitled ‘Sharḥ kalimāt li ‘Abd al-Qādir fī kitāb futūḥ al-ghayb’ (the annotated explanation of ‘Abd al-Qādir’s ‘kitāb futūḥ al-ghayb’) is in Volume Ten of the Majmū‘ Fatawā. Another relevant writing is ‘Kitāb al-tasawwuf’ in Volume Eleven of the similar collection. This former work is a commentary on ‘Abd al-Qādir al-‘Jilānī’s (Hanbali theologian; Šūfī; d. 561/1166) futūḥ al-ghayb, which shows Ibn Taymiyya’s interest on Šūfīsm as having a salutary effort and even as an essential part of the life of Muslims. The second work is an explanation of the origin of Šūfīsm in Islam.

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

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105 For a biographical note on ‘Abd al-Qādir al-‘Jilānī, see El (2), 1:69-70.
106 MF11:18.
107 For a biographical note on Fudayl b. al-Iyāḍ, see El (2), 2:936.
108 For a biographical note on Ibrāhīm Adham, see El (2), 3:985-86.
109 For a biographical note on Ma‘rūf al-Karkhī, see El (2), 6:613-14.
110 For a biographical note on Sarī al-Saqātī, see El (2), 9:56-9.
111 MF10:516-17; 11:233.
Commenting on these Sufis, Ibn Taymiyya states: "These shaykhs do not permit the Muslims to depart from the divinely legislated command and prohibition, even were that individual to have flown in the air or walked on the surface of the water".113

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

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

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112 MF10:516-17.
113 MF10:516; 11:466.
114 MF10:517.
115 MF10:220-21, 382, 557.
116 For a biographical note on Abū Yazīd al-Bistāmī, see El (2), 1:162-63.
117 For a biographical note on al-Nūrī, see Annemarie Schimmel, Mystical Dimension of Islam, Chapel Hill, 1975, p. 191.
118 MF10:382, 557; al-‘Ubdīyya, pp. 169-76; for a biographical note on Abū Bakr al-Shiblī, see El (2), 9:432-33.
Ibn Taymiyya criticizes a third category of Sufis who believed in doctrines which contradict the *shari'a*. In this category, for example, he mentions al-Ḥusayn b. Manṣūr al-Ḥallāj (Iraqi Sufi; d. 309/922), and Muḥy al-Dīn b. ʿAlī b. ʿArabī (Syrian Sufi; d. 638/1240). Ibn Taymiyya openly criticizes the Ibn ʿArabī's pantheistic Sufism, in particular the doctrine of *wahda al-wujūd* (the unity of being).

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

Ibn Taymiyya does not aggressively oppose Sufism, rather it is hard to disagree with the statement that he was a Sufi himself. A recent and complete study of Ibn Taymiyya's affiliation with the Qādiri *tariqa* has been made by George Makdisi, in which he concludes that Ibn Taymiyya's name is found in the chain (*silṣila*) of the Qādiris through four *shaykhs*, ʿAbd al-Qādir al-Jīlānī, Abū ʿUmar b. Qudāma, Muwaffaq al-Dīn b. Qudāma and Ibn Abī ʿUmar b. Qudāma (Hanbali...
scholar, d. 682/1283), and it is after this, that Ibn Taymiyya’s name was mentioned, followed by Ibn Qayyim al-Jawziyya. The last name on this chain is that of Ibn Rajab.\textsuperscript{123}

To put it in a nutshell, and as Makdisi expressed it, Ibn Taymiyya follows a Sunni or a moderate Şūfīsm of the Qur’an and hadith, and he strongly opposed the heretical or philosophical Şūfī or the ‘antinomianism’ (to borrow Makdisi’s phrase) which developed later.\textsuperscript{124}

1.6.1.3. Economic Thought

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

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

\textsuperscript{123} Makdisi, ‘Ibn Taymiyya: A Şūfī of the Qādiriya Order’, p. 123; see also, Memon, \textit{Ibn Taymiyya’s struggle against popular religion}, p. xi.

\textsuperscript{124} Makdisi, ‘Ibn Taymiyya: A Şūfī of the Qādiriya Order’, p. 129.
Taymiyya also says that it is the responsibility of the state to ensure that the basic needs of all members of society are met. The notion of “price of equivalent” forms the basis of “reasonable profit”. This is the price that prevails when the market is free of coercion, fraud, monopoly and the like. The notion of “price of equivalent” is different from the concept of “just price” which prevailed in the middle ages. “Price of equivalent” is a pragmatic concept that can be determined by studying the market conditions. Monzer Kahf thinks that Ibn Taymiyya wanted to arrive at the price determined in a market free of imperfection and held that the price of labour was determined in the same way as other prices. Another contribution of Ibn Taymiyya to Islamic economics was his insight that the prices in the market were determined by the forces of supply and demand; and that therefore limiting the sources of supply could affect the “price of equivalent”. Ibn Taymiyya was fully aware that labour wages were also determined in a similar fashion. He also noted the incidence of indirect taxes and how their burden was shifted from the sellers who paid the tax to the consumers who had to pay a higher price for the taxed goods and merchandise.

1.6.1.4. Political Thought

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

128 MF20:253.
Minhāj al-sunna al-nabawiyya\textsuperscript{129} and al-Siyāsa al-sharʿīyya. Minhāj al-sunna al-nabawiyya were originally composed to refute the work of Jamāl al-Dīn b. al-Muṭahhar al-Ḥillī (Ṣīʿa theologian; d. 726/1325)\textsuperscript{130} entitled Minhāj al-karāma fī al-maʿrifat al-imāma (the path of nobility on the knowledge of the political leadership).\textsuperscript{131} Al-Ḥillī designed this work to influence the early Mongol emperors and, as a result, Öljeytu Khan (Mongol Ilkhan of Persia, who reigned from 704/1304 to 716/1316)\textsuperscript{132} embraced Shīʿism. This book, as Khan said, is a total distortion of Islam and its early history.\textsuperscript{133}

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

\begin{footnotesize}
\begin{enumerate}
\item Qamaruddin Khan, \textit{The Political Thought of Ibn Taymiyah}, Lahore, 1983, p. xvi.
\item For a biographical note on al-Ḥillī, see \textit{El (2)}, 3:390.
\item See, for example, the edition annotated by ‘Alī al-Ḥusaynī al-Milānī and published in Qūm in the year 1997.
\item For a biographical note on Öljeytu Khan, see \textit{El (2)}, 8:168-69.
\item Khan, \textit{The Political Thought of Ibn Taymiyah}, p. 20.
\end{enumerate}
\end{footnotesize}
by association (ijitimā‘), cooperation and mutual aid. Their cooperation and mutual aid is for the purposes of warding off things injurious to them. For this reason it said that man is political being by nature”.  

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

Ibn Taymiyya thinks that the imām must implement Islamic law, establish a system of education and enhance military power in order to defend the survival of Islam.  

He says: “The ruler is there to enjoin good and forbid evil”. This leads one to suppose that Ibn Taymiyya’s main concern is the implementation of sharī‘a regardless of the form or the system of the state.  

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

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134 MF28:62.  
138 The phrase “One World Muslim State” is used by Khan in his work, see The Political Thought of Ibn Taymiyya, p. vi.
Qur’an and hadith. Instead, he vigorously emphasized the importance of *umma* or the solidarity of the Muslims, and a positive collaboration between the Muslim states as a useful mechanism to defend the Muslim’s faith, life and property. Ibn Taymiyya, furthermore, believed that this solidarity can be achieved by the Islamic faith as well as by uniform use of the Arabic language. Ibn Taymiyya identifies this cooperation as social solidarity (*ta’awun*), which he believes can bind the *umma* into a unity throughout history. It is primarily a moral collaboration, rather than a political or even a tribal collaboration. The ideal *umma* he described, is one whose members are mutually supportive in enjoining good and forbidding wrong.140

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

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139 MF35:18.
141 *al-Siyāsa al-shar‘iyya*, p. 185.
142 *al-Siyāsa al-shar‘iyya*, p. 185.
nubūwwa and not the imāma of the Prophet, as the concept of imāma only came into practice after the death of the Prophet, that is, at the time of khulafā’ al-rāshidūn. This suggests to us that the Prophet did not specify any models or systems of imāma. This explains why Ibn Taymiyya is not interested in specifying the form of the imāma. He agrees with the prevailing opinion that even unjust imāms are preferable to anarchy, although imāms commanding outright contraventions of God’s will must not be obeyed. Ibn Taymiyya quotes one hadith: “Sixty years domination by a despotic imām is better than one single night without an imām”. To put it another way, as a great realist of his time, Ibn Taymiyya realizes that the only Muslim power was that of the Mamluks. Therefore, he invites the populace to utilize the Mamluks’ power for establishing the Islamic social order.

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

144 al-Siyāsa al-shar‘iyya, p. 188.
145 For a biographical note on al-Māwardī, see El (2), 6:809.
147 Minhāj al-sunna al-nabawiyya, 2:135.
who enjoy the respect and obedience of the community),\textsuperscript{148} as well as the cooperation of the entire community, can be nominated as \textit{imām}.\textsuperscript{149} He, furthermore, asserts that the identifying feature of an Islamic society is not its leader’s character, but rather the people’s responsiveness to the \textit{sharī'a}.\textsuperscript{150}

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

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

\textsuperscript{148} Ibn Taymiyya’s explanation of \textit{ahl al-shawka} is equivocal. Because it has aspects that similar to the classical theory of \textit{ahl al-ḥal wa al-‘aqd}. For more detailed information of \textit{ahl al-shawka}, see, for example, Khan, \textit{The Political Thought of Ibn Taymiyah}, pp. 130-39.
\textsuperscript{149} \textit{al-Siyāsā al-shar‘iyya}, p. 172.
\textsuperscript{150} \textit{al-Siyāsā al-shar‘iyya}, p. 173.
\textsuperscript{151} \textit{al-Siyāsā al-shar‘iyya}, p. 185.
rebellion. Both these factors are significant in his views on *jihād*. In presenting his arguments, it is necessary to indicate the original context in which these arguments were set by Ibn Taymiyya. The study will invariably be incomprehensible otherwise.

1.7. The Social Conditions in Ibn Taymiyya’s time

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

Ibn Taymiyya happened to have lived at a time when the Mongols were very active in the propagation of their mission that resulted in the fall of the city of Baghdad. By the time of Ibn Taymiyya the political situation of the Muslim world had rapidly changed. Islam was now definitely on the defensive. Most of the Muslim lands in the East were being invaded by the Mongols; an invasion which began in the year 616/1219.\textsuperscript{153} What is worse, the Mongols occupied the city of Baghdad in 656/1258, and destroyed it.\textsuperscript{154} Ibn Taymiyya and his family suffered when the Mongols invaded Harrān in the year 667/1268. The Mongols forced his family to move from Harrān to Damascus.\textsuperscript{155} This event left its mark on Ibn Taymiyya,

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\textsuperscript{154} Ibid, 13:83.
developing Ibn Taymiyya’s knightly character.\textsuperscript{156} This character intensified after he read and heard more about the Mongols’ aggression.

During the medieval period, especially after the tenth century, it is often claimed that the Christians were largely responsible for the war and conflict between Islam and Christianity.\textsuperscript{157} In other words, the Christians are associated, historically, with the Crusades. The Crusaders were known as the Franks (\textit{al-Firanjal-Firanja}). In 690/1291, the Bahri Mamluk Sultan al-Ashraf Salah al-Din Khalif (reigned from 689/1290 to 693/1293)\textsuperscript{158} carried out \textit{jihad} against the Franks of Acre and thereby achieved a remarkable victory whose result was to expel the Franks from the Muslim territories.\textsuperscript{159}

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

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\item \textsuperscript{157} See, for example, Muhammad Hamidullah, \textit{Muslim Conduct of State}, Lahore, 1977, p. 170.
\item \textsuperscript{158} For a biographical note on Sultan al-Ashraf Khalil, see \textit{EI} (2), 6:325; see also, Bosworth, \textit{The Islamic Dynasties}, p. 63.
\item \textsuperscript{159} Ibn Kathir, \textit{al-Bid\={a}ya}, 13:320-24; for the modern study, see, for example, Little, ‘The Fall of ‘Akka in 690/1291: The Muslim version’, \textit{Studies in Islamic History and Civilisation in Honour of Professor David Ayalon}, ed. by M. Sharon, Jerusalem, 1986, p. 170.
\item \textsuperscript{160} Little, ‘The Fall of ‘Akka’, p. 170.
\end{itemize}
utilize their schools and other religious gatherings for rousing the populace to jihād.\textsuperscript{161}

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

1.8. Ibn Taymiyya’s jihād

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

\textsuperscript{161} Little, ‘The Fall of ‘Akka’, p. 178.
Franks”. He also claims that Ibn Taymiyya had made a significant contribution that led to the victory of the Muslims. This is the only report found that I am aware of which mentions Ibn Taymiyya’s role in the conquest of Acre. Therefore, it is questionable whether or not al-Bazzär’s report is reliable.

In 696/1297, Ibn Taymiyya is also said to have issued a fatwa of jihād against the Maltese and the Armenian Franks, for they became traitors and allied to the Mongols against the Muslims. It is worth mentioning here that this fatwa was given in response to the request of the Bahri Mamluk Sultan al-Manṣūr Husam al-Din Lājin (reign Mamluk Sultanate from 696/1296 to 698/1299) who needs support to counter the attack of the Franks.

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

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

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165 For a biographical note on al-Manṣūr Lājin, see El (2), 6:328; Bosworth, The Islamic Dynasties, p. 63.
166 Ibn Kathir, al-Bidāya, 14:14-6.
important step for the well being of all the Muslims by meeting the leader of the Mongols. Although they had no power to defend themselves, he decided to organise a delegation to meet the Sultan Ghazan al-Nabak (Mongol emperor who reigned from 694/1295 to 713/1304).\textsuperscript{167} Ibn Taymiyya was head of the delegation that met Ghazan and negotiated for peace.\textsuperscript{168} It was the first face-to-face meeting between the two men, in which Ibn Taymiyya explained to Ghazan that their occupation of Damascus would not last long, since the Muslims were rebelling. In the same way, he said to Ghazan:

\begin{quote}
You have claimed that you are Muslim and you have with you \textit{mu'adhdh\={i}n} (the caller of prayer), judges, \textit{im\={a}m} and teachers but you invaded us and reached our country for what? While your father and your grandmother, Hulagu, were non-believers, they did not attack the land of Islam and they promised not to attack and they kept their promise. But you promised and broke it.\textsuperscript{169}
\end{quote}

Ibn Taymiyya is described as a leader who showed remarkable courage in inviting Ghazan to peace and justice. This mission was finally accomplished.\textsuperscript{170} After this incident, the city enjoyed peace for some years. But, the Mongols did not respect the agreement and proceeded to attack Damascus in the fasting month of Rama\={d}an in the year 702/1302.\textsuperscript{171}

When Ibn Taymiyya heard that the Mongols had broken the treaty he traveled to Cairo and convinced the Sultan N\={a}\={s}ir al-Din Mu\={h}ammad to send his army to Damascus in the effort to fend off the Mongols.\textsuperscript{172} Ibn Taymiyya returned to

\textsuperscript{167} For a biographical note on Ghazan al-Nabak, see EI (2), 2:1043.
\textsuperscript{168} al-Bazz\={a}r, \textit{al-\'{i}lam al-'aliyya}, pp. 64-5; see also, Ibn Kathir, \textit{al-Bid\={a}ya}, 14:7-10.
\textsuperscript{169} Ibn Kathir, \textit{al-Bid\={a}ya}, 14:91-2.
\textsuperscript{170} Ibn Kathir, \textit{al-Bid\={a}ya}, 14:91-2.
\textsuperscript{171} Ibn Kathir, \textit{al-Bid\={a}ya}, 14:7-10.
\textsuperscript{172} Ibn Kathir, \textit{al-Bid\={a}ya}, 14:91-2; \textit{Ris\={a}la} 3, p. 618.
Damascus along with the huge Egyptian army that had come out to push the Mongols back. Ibn Taymiyya and ʿAlām al-Dīn Arjwash (d. 701/1302), one of the deputy amīrs in Syria, stopped in Damascus and invited the populace to jihād against the Mongols. Ibn Taymiyya presented the analogy of the Khawārij that was fought by ʿAlī b. Abī Ṭalib (Companion; fourth caliph, 35/656-40/660; d. 40/660), and the group who denounced the duty of zakāh that was fought by Abū Bakr al-Ṣiddiq. He, furthermore, explained that it is permissible to fight any sects that denounced the five pillars of Islam and go to war against a justly established government. In other words, Ibn Taymiyya argues that the Mongols were apostates and they endanger the Muslims, thus the Muslims have a right to counter their attack.

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

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174 Ibn Kathir, al-Bidāya, 14:91-2; Risāla 3, p. 618.
175 Thalāth rasāʿīl, pp. 27-9; for a biographical note of ʿAlī, see EI (2), 1:381-86.
176 Thalāth rasāʿīl, pp. 27-9.
(takfīr) and killed the Muslims who refused to follow their creed. Ibn Taymiyya also argues that the Druzes and the Nuṣayrīs were bughāh because they opposed the imām.178 As a result, in the year 704/1304 Ibn Taymiyya personally participated in the jihād campaign of Sultān Nāṣir al-Dīn Muḥammad against them at the Lebanese mountains of al-Jard and al-Kasrawān.179

CHAPTER TWO
CHAPTER TWO

THE SIGNIFICANCE OF JIHĀD IN THE QUR’AN AND ITS RELATIONSHIP WITH DĀR AL-ISLĀM, DĀR AL-ḤARḤ AND DĀR AL-‘AHD

2.1. Introduction

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

It is also worth mentioning that the analysis of Meccan and Medinan texts in this chapter is focused on the views of the classical commentators, and sometime refers to the viewpoint given by the modern writers. From this discussion, I demonstrate that a conceptual question can be posed in the light of the Qur’anic verses quoted later. To what extent does looking at a Muslim writer’s work
through the filter of the Qur’anic texts yield a clearer understanding of jihād? To answer this question, it is needed to put jihād verses under close scrutiny. The Qur’an contains several sets of verses that establish the basic concept of jihād. The very fact that jihād is given intensive concern results from the fact that it is a major theme in the Qur’an.¹ I confine my analysis to those verses that serve as the basis for the general notion of jihād held by Muslim commentators.

2.2. The definition of jihād

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


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

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

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

Jihād also applies in the wider social context: for example, it is a form of jihād to

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2 Ibn Manzūr, Lisān al-'Arab, p. 134.

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

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

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

2.2.1. *Jiḥād* and "Holy War"

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

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

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

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

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

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

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

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\(^{10}\) See Q112:1-4.

\(^{11}\) See Q1:6-7.
This verse clearly indicates that there is no compulsion in Islam. Moreover, a form of compulsion is incompatible with Islam, because Islam depends on faith and will and these would definitely be meaningless, if approached by force. Undoubtedly, da'wah is very important in Islam and to strive hard in da'wah is to be creative, to show initiative, to be able to present Islam in its true form, so people can choose between right and wrong, truth and falsehood. The da'wah is a religious duty of every Muslim, but compulsion is rejected by the Qur'an. Rather, Islam gives protection to the polytheist who asked for it, as the Qur'an says:

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

2.3. The development of jihād in the Qur'an

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

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12 'Context' here means a text consists of the word, sentences, or text before and after it which help to make its meaning clear. For a summary of this way, see Farid Esack, Qur'an, Liberation and Pluralism: An Islamic Perspective, Oxford, 1997, p. 225.
instance, all the jihād verses, that are selected for examination must be analyzed in the context of the verses before and after them. Failure to do so may lead to selectivity, which may distort the meaning of jihād. The third method involves identifying “the occasions of revelation”, known as “asbāb al-nuzūl’. Consideration of asbāb al-nuzūl, if known and authentic, affects the interpretation of that verse. This approach attempts to correlate specific verses with actual events in the history of Muḥammad’s life as the Prophet. In other words, some Qur’anic verses were revealed to deal with certain historical challenges which besieged the Muslim community at that time. Guided by the above methodology, we move next to review the Qur’anic values and precepts, which represent the underpinning of the development of jihād.

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

2.3.1. The Meccan revelations

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

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

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

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

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

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

14 Muqāṭil b. Sulaymān, Tafsīr Muqāṭil, Cairo, 1989, 2:437; for a biographical note on Muqāṭil, see, EI (2), 7:508-09.
mankind. So establish prayer and give zakāh and hold fast to Allah. (Q22:77-8)

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

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

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

18 See Sahih Bukhārī, ‘Kitāb al-jihād’, 2782; Sahih Muslim, ‘Kitāb fadhā’il al-a’māl’; 4623; Musnad, 2/165, 188, 193; Sunan Abū Dāwūd, ‘Kitāb al-jihād’; 2167.
one hadith: “I was directed to give forgiveness and avoid any fighting.”19 These suggest that the Prophet’s campaign in this Meccan period only involved non-military or non-aggressive jihād. Commentators, such as al-Ṭabarī, Ibn Taymiyya and Ibn Kathīr agree that the verse refers to the campaign of education or daʿwa, which is the earliest peaceful jihād carried out by the Prophet.20

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

19 This hadith is taken from the collection of al-Nasāʾi, Abū ‘Abd Allāh al-Raḥman Ahmad b. Shuʿayb b. ‘Alī, (Khurasan hadith-scholar; d. 303/915) in his Sunan, Cairo, 1965, 6:3, ‘Kitāb al-jihād’.
21 For a biographical note on al-Wāḥidī, see, GAL, Supplement, 1:730-31.
addition, al-Ṭabarī notes that Q16:126 is abrogated by itself. In Q16:126, it is clear that mutilation was first allowed only in response to mutilation: “And if you punish, punish with an equivalent of that with which you were harmed.” But this was soon abrogated by the second part of the verse calling for patience: “But if you are patient, it is better for those who are patient.”23 Another view given by Muqātil is that Q16:125 refers to the People of the Book.24 This interpretation seems to harmonize the distinction between non-military and military jihād. The People of the Book are not to be converted to Islam by force, but are to be allowed to live as dhimmīs (protected peoples) if they agreed to pay the jizya (poll tax) and live in peace with the Muslims.25 A similar understanding is also shown by al-Ṭabarī.26 This strongly suggests to us that Q16:125 does not refer to any military jihād regardless of al-Wāḥidi’s statement about its Medinan text.

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

24 Muqātil, Tafsīr, p. 195.
25 See Q9:29.
Ṭabarî,27 ʿAbd Allāh b. ʿUmar b. Muhammad al-Baydāwī (Shāfiʿī qādī; d. 685/1286)28 and Jalāl al-Dīn al-Suyūṭī (Egyptian hadith-scholar; commentator; d. 911/1505)29 demonstrate that the words of “jāhid” and “bihi” in the phrase “wa jāhidhum bihi” refer to “preaching” and “the Qur’an” respectively and that therefore the reference to jihād in these verses has no obvious military connotation. Thus, the phrase “wa jāhidhum bihi jihādān kabīrān” suggests to us that the great jihād (jihādān kabīrān) refers to peaceful jihād.

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

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27 al-Ṭabarî, Jamīʿ al-bayān, 10:22-3.
30 For a biographical note on al-Zamakhshārī, see, El (1), 4:1205.
the types of *jiḥād* are glossed by hadith according to which the Prophet said upon his return from the battle of Tabūk: “We returned from a lesser *jiḥād* to a greater *jiḥād*. This is the greater *jiḥād* of striving against the capricious desires of the self”\(^\text{32}\).

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

### 2.3.2. The Medinan revelations

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

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

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

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

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

From the verses above, the words used to describe “to fight” are “yuqātalūna”, “waqtulūhum”, “tuqātilūhum”, all of which originate from the Arabic word “qītal”. In every case, the carrying out of a “qītal” is enjoined and clearly refers to “fighting in the battlefield” or “war”. This suggests to us that the word “qītal” in the
Qur'an particularly refers to a form of "fighting" or a "war". Thus, the word "qitāf" further narrows the broad definition of jihād. Even here, the word jihād is not used. The Qur'an allows fighting to defend the religion of Islam and the Muslims are credited for this effort. It is appropriate at this point to raise the question, why was there so much war between Muslims and unbelievers in the time of the Prophet and his Companions? This will be answered by examining the verses quoted above in the following passages.

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

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

Commentators such as al-Ṭabarī\(^{37}\) and al-Wāhidi\(^{38}\) say that Abū Bakr al-Šiddiq and many Companions are reported to have complained to the Prophet that they would definitely be killed by the Meccan polytheists if they were not allowed to fight back. Therefore, Q22:39-40 was revealed which allowed the Muslims to defend themselves. A similar understanding is also shown by other commentators such as al-Zamakhshari,\(^{39}\) al-Rāzī,\(^{40}\) al-Bayḍāwī\(^{41}\) and Abū ‘Abd Allāh Muḥammad al-Qurṭubī (Māliki jurist; commentator; d. 671/1273)\(^{42}\). In addition, these verses are important because it is agreed by such commentators that Q22:39-40 were the first pronouncement of military *jihād* and were revealed in the year of the Prophet’s *hijra*, or the year 622, or thirteen years after the first revelation were sent down to him.\(^{43}\)

Indeed, the permission was given to people upon whom war was being made by their


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

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

45 For more detailed information on umma, see, for example, Jaffary Awang, ‘The Notion of Ummah
in Islam: The response of Malay Muslim intellectuals in Malaysia’, unpublished PhD thesis,
University of Birmingham, 2000 (see Chapter Three and Four); Khan, The Political Thought of Ibn
46 Armstrong, Muhammad: A Biography of the Prophet, p. 169.
Muhājirūn were mostly merchants and bankers and they knew nothing about farming.\textsuperscript{47} So, it was not easy for them to begin their own agricultural ventures in the land provided. In Medina, the opportunity for trade was too little for their needs and furthermore Mecca held a strong monopoly in the business area. In this hard time, the Muhājirūn really needed the Anṣār in order to survive. Despite of all these difficulties, the Prophet believed that the sariyya could be the way to secure a fair circulation of the available wealth during the nomadic period. Here, one can say that the concept of sariyya taken by the Prophet was to restore the Muslims’s ailing economy, after they had been transgressed by the Meccan polytheists.\textsuperscript{48} So, in my opinion, the sariyya was a defensive form of jihād.

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

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

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bordering on the Sacred Precinct or ʿharām of Mecca). The agreement said that the Prophet and his followers were not allowed to enter Mecca for pilgrimage that year but would be allowed to return for the pilgrimage in the following year. Nonetheless, the Prophet and his followers still feared that they would be killed if they returned to Mecca. For this reason, Q2:190-91 were revealed and allowed them to fight if attacked. Another point is that the ʿharām of Mecca was a sacred place. According to pre-Islamic Arabic tradition, any battle within the area was strictly forbidden. This matter puzzled the Prophet and his Companions for a time. First, they understood that Q2:190 told them it is a duty to fight in defense of the Muslims. Second, what would they do if battle happened in the ʿharām of Mecca? If Q2:190 is read in with Q2:191, it gives the Prophet the solution: “And do not fight them (wa lā tuqāṭilūhum) at the ʿbarām mosque until they fight you there. But if they fight you, then kill them”.

The verse suggests that because the ʿharām of Mecca is a place in which fighting is prohibited, Muslims were not allowed to initiate the fighting therein against the enemies. Nonetheless, they were permitted to fight at the ʿharām of Mecca only if the enemies extended the fighting to that place. Once the enemies have stopped hostilities in the ʿharām of Mecca, the Muslims must cease fighting there immediately. Therefore, this verse was revealed to give the Prophet the permission of fighting in self-defense if attacked at the ʿharām of Mecca.50

50 al-Zamakhshārī, al-Kašf, 1:223.
A similar context is shown by Q2:217. This verse, however, is particularly related to the event that involved a raid at a place to the south of Mecca, namely Nakhla.\textsuperscript{51} The raid was led by 'Abd Allāh b. Jaḥsh al-Asadī in the prohibited month of fighting. This raid took place either on the last day of Jumāda al-Ākhira or the first day of Rajab in the year 2/ December 623. According to pre-Islamic Arabic tradition, Rajab was one of the four sacred months in which fighting was strictly prohibited. (Some commentators maintain that the sacred months mentioned in the verse are Muhārram, Rajab, Dhū al-Qa'da and Dhū al-Ḥijja).\textsuperscript{52} In this incident, a Meccan polytheist named 'Amr b. al-Hadrāmī was killed.\textsuperscript{53}

\subsection*{2.3.2.1. The \textit{sariyya} to Nakhla: Some opinions of the commentators}

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

\textsuperscript{51} "Nakhla" is the name of two valleys on the way from Mecca Tā'īf, distinguished as Sha'maniyya (northern Syria) and Yamāniyya (southern Yemen); see El (2), 7:924.
desert nomads, because it broke a tradition established in the Arabian Peninsula long before Islam. When Ibn Jahlsh returned to Medina, he wanted to hand over the booty, but the Prophet refuse to accept it and said: “I did not order you to fight during the sacred month”. When Q2:217 was revealed, the Prophet took the booty and ransomed the prisoners to their tribe. Nonetheless, al-Hakam b. Kaysan, one of the two prisoners, was reported to be so impressed by what he saw of the Muslim community in Medina that he eventually decided to remain in the city and convert to Islam. A similar version of the story also can be found in the report of Ibn Ishaq and al-Tabari.

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

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

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54 Ibn Hisham, al-Sira al-nabawiyya, 2:603.
55 Armstrong, Muhammad: A Biography of the Prophet, p. 172.
57 For a biographical note on al-Waqidi, see, EI (1), 1:1104-05.
Muslims to wage any fight during the sacred months). It is definitely applicable to the context of the incident. As a result of these events, the Muslims were now in a state of conflict with the Meccan polytheists. Also, the Muslims began to feel it essential to make attempts to weaken the Meccan polytheists' economic power. Therefore, the verse was revealed which extended the permission for defensive fighting to apply to all Meccans and all other Arab polytheists without being compromised by time or place; even the ancient Arab prohibition of the Sacred Months was overridden.\(^\text{60}\)

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

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

\(^\text{60}\) al-Tabari, Jam\text{\textsuperscript{i}} al-bay\text{\textsuperscript{a}n}, 2:349-53; MF14:88-90; al-Tafs\text{\textsuperscript{r}}, 3:52-4.
2.3.3. The significance of the Prophet’s jihād

After having examined the evolution of jihād in the Qur’an, it can be divided into two phases: the first is jihād in the Meccan period or revelation. This phase only recommended a peaceful or non-military jihād; the second is jihād in the Medinan period where its dimension expanded to military jihād. In particular, one can divide jihād in the early days of Islam into four stages: in the beginning, jihād was not legislated during the Meccan period, i.e. “Have you not seen those who were told to hold back their hands and perform regular prayers and give zakāh (Q4:77)”. This was the approach taken by the Muslims when the missions of Islam were still new. If the Muslims had confronted the Meccan polytheists by force at that time, the Meccan polytheists would have uprooted and destroyed Islam at the outset. Therefore, it was important for the Muslims to concentrate on improving their faith by performing worship and struggling with their own nafs (soul) and inviting others to Islam. The second stage was marked when the Muslims migrated to Medina and they got a support from the Ānsār. At this time, the Muslims had territory which was under their own administration. In this respect, jihād was permitted only in self-defense as mentioned in Q22:39. The third stage came into being when the Muslims were ordered to fight in the protection of their beliefs, family and property (i.e. Q2:190). Here, the purpose of jihād was highlighted which forbade all kinds of transgression. The last stage concluded that the Muslims were finally ordered to fight the Meccan polytheists using military force (i.e. Q8:39).
The above suggests that *jihād* against the Meccan polytheists was legislated under the specific conditions which existed after the Prophet had migrated from Mecca to Medina. In Medina, he secured a pact with the Jewish and Arab tribes of the city, who accepted him as the *imām* of their community. Under the Prophet’s *imāma*, Islam attained the status of a nation with its co requisite territory and the accompanying need to protect its self-interests. The conditions that covered the background of the *jihād* legislation can also be divided into four: first, the Prophet faced the persistent refusal of the Meccan polytheists to allow the Islamic *da’wah* in Mecca; second, the Prophet also witnessed the continuous persecution of the Muslims who remained at Mecca after the Prophet’s migration to Medina; third, the Meccan polytheists themselves initiated the military campaigns against the Muslims at Medina and lastly a number of tribes allied to the Prophet broke the key security covenant and forced the Prophet into a defenseless position. Thus, this gives us the picture that the permission to wage *jihād* against the Meccan polytheists was given in relation to the all specific conditions mentioned above and it is not true to claim military *jihād* is an acts of transgression.

With respect to this defensive form of *jihād*, the modern writer Muhammad Hamidullah claims that there are many hadiths that mention the precarious life in the early days of the Muslims in Medina after the *hijra*. Hamidullah also says that the Muslims used to guard the city and sleep at night in full war-kit. He, furthermore,
asserts that several examples of the expeditions and battles such as the expedition of Tabūk, the Battles of Badr, Uḥud, Trench and Hunayn were also defensive.

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

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

Watt, furthermore, claims that all the expeditions taken by the Muslims in the times of the Prophet were defensive. Let me quote here below some statements made by Watt (I have made some clarifications on several terms used by Watt):

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

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64 This expedition took place in the year 9/631.
65 This battle took place in the year 2/624.
66 This battle took place in the year 3/625.
67 This battle took place in the year 5/627.
68 This battle took place in the year 8/630.
69 Hamidullah, Muslim Conduct of State, p. 167.
70 Hamidullah, Muslim Conduct of State, p. 168.
The above are examples of the remarks given by the modern writers in regard with the issue of defensive *jihād*. It is thus obvious that those expeditions carried out by the Muslims in the early days of Islam could reasonably be considered to be defensive.

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

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

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

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

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

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72 Thalāth rasā'īl, pp. 127-28.
obligatory”. To take another example, a modern writer, John Ralph Willis says: “The Muslim umma was under obligation to declare jihād against those who refused to submit or pay the tax of humiliation until all peoples were brought within the fold of Islam. Thus the jihād came to be looked upon by the umma as the instrument by which dār al-ḥarb would be transformed into dār al--Islām”. Rudolph Peters states: “Closely connected with the concept of jihād is the division of the surface of the world into dār al--Islām and dār al-ḥarb”. For Ibn Taymiyya and al-Māwardī, jihād in the military sense plays a crucial part in establishing the hegemony of Islam, and this fact stimulated their discussion of the classical concept of dār al-Islām and dār al-ḥarb in the Islamic system. I believe such discussion is useful in helping us to understand the relationship between jihād and dār al-Islām. This chapter is divided into three sections: the first discusses the concept of dār al-Islām; the second explains the concept of dār al-ḥarb and the final section discusses the concept of dār al-ʿahd.

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

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

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

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

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

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\(^76\) This hadith is taken from Yahvā b. Sharāf al-Nawawi (hadith-scholar; Shāfi‘i jurist; d. 676/1277), *Riyāḍ al-Sāliḥin*, Beirut, 1970, hadith no. 189.
into two spheres: the first is dār al-İslām and the second is dār al-İħāb.\textsuperscript{77} Jurists such as Abū Yūṣuf Ya'qūb b. İbrāhîm (Kufan faqīh and Ḥanafi jurist; d. 182/798)\textsuperscript{78} and al-Shāfī'i introduce another category, which is dār al-‘ahd (the land of covenant).\textsuperscript{79}

It would be of great significance to examine whether the construction of the conceptual of dār al-İslām contributed to the rise of the development of jihād in the Islamic thought. The discussion of this issue will be explored in the following passages.

2.4.1. The concept of dār al-İslām

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

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

\begin{quote}
And if anyone of the idolaters seeks your protection (O Muḥammad), then protect him so that he may hear the word of
\end{quote}

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\textsuperscript{78} For a biographical note on Abū Yūṣuf, see \textit{El (2)}, 1:164-65.

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

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

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

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

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

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

⁸⁰ According to al-Zamakhsharī, this verse referred to the story of a polytheist who approached to ‘Aūlīyā’ to get protection, see al-Kashshāf, 2:248.
⁸¹ al-Ṭabarī mentions that this verse referred to the incident of Tabūk, see Jami‘ al-bayān, 14:271.
justice) and “ummatan khiyārān” (chosen community) respectively. Ibn Taymiyya explains that ummatan wasafān implies that the Muslim community is the most beneficial type of nation for all mankind. This can be observed by looking at the statement that the Muslims is enjoined to perform jihād of al-amr bi al-ma‘rūf (enjoining good) and al-nahy ‘an al-munkar.

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

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

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

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

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

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

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

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85 This hadith is taken from Sunan Abī Dawūd, 14:2602.
86 The word used in the hadith is “yu’ammara”, which is derived from word “ammara”. It means “appointed him”, “commander”, “governor”, “lord”, “prince” or “king”. See Lane, Lexicon, 1:96.
87 al-Siyāsa al-shar’iyya, p. 172.
community felt there was a vacuum that had to be filled, and looked for someone to succeed the Prophet as a temporal imām. The top companions in Medina selected Abū Bakr al-Ṣiddīq. In view of their immense prestige, the decision of the Medinan leaders was eventually accepted by the Muhājirūn and Anṣār after a little disagreement took place between them (this event happened in year 11/632).88 When Abū Bakr was on his deathbed, he appointed ʿUmar b. al-Khaṭṭāb as his successor after a two years reign. The appointment of ʿUmar was taken after due consultation with the leading Companions in Medina (this event happened in year 13/634).89 The excellent quality of imāma and the political administration in the early years of dār al-Islām in Medina was undisputable and Islam achieved the status of a full sovereign independent state. There is no doubt that the state needs a national defense system in order to protect its self-interest. This may suggest to us that the implementation of jihād receives a significant change due to the establishment of dār al-Islām whereby the peaceful jihād is expanded to the military jihād.

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

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

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

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

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

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91 For a biographical note on Mālik, see EI (2), 6:262-65; see also, Dutton, The Origin of Islamic Law, pp. 11-6.
returning it to the unbelievers and imposing kharāj (land tax)\(^92\) on them; or to turn the land into waqf.\(^93\)

(ii) Lands that have been taken without fighting and after the flight of their previous owners. The land must be treated as waqf.\(^94\)

(ii) Lands that have been taken by a treaty (ṣulḥ). The land must be treated in one of two ways: either the land must be given as a right to the imām as waqf; or the land must be under treaty designating that the first owners may keep their lands and pay kharāj from its revenues. In this case, al-Mawardī maintains that the land becomes neither dār al-Islām nor dār al-ḥarb, but becomes dār al-ṣulḥ or dār al-ʿahd.\(^95\)

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

\(^{92}\) For more detailed information of kharāj see al-Mawardī, al-Akhkām al-saltāniyya, pp. 213-26; Abū Yūsuf, Kitāb al-kharāj, pp. 41-50; see also, Hossein Modarressi Tabataba’i, Kharaj in Islamic Law, London, 1983, p. 2.


\(^{95}\) al-Mawardī, al-Akhkām al-saltāniyya, pp. 200-02; 207-12.

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

There the authority is completely for Allah, the Truth. (Q 18:44)

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

And whoever does not judge by what Allah has revealed - then it is those who are disbelievers. (Q 5:44)

And whoever does not judge by what Allah has revealed - then it is those who are the wrongdoers. (Q 5:45)

And whoever does not judge by what Allah has revealed – then it is those who are the defiantly disobedient. (Q 5:47)

Legislation is not but for Allah. He has commanded that you worship not except Him. That is the correct religion, but most of the people do not know. (Q 12:40)

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

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

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

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

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

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

2.4.3. The concept of dār al-‘ahd

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

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

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

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

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98 al-Shafi‘i, al-Umm, 4:258-60, 265, 268-75; Abū Yūsuf, Kitāb al-kharāj, p. 54; al-Māwardī, al-Aḥkām al-sūlṭānīyya, p. 137; al-Ikhtiyyārāt, p. 315.
then they have not been deficient toward you in anything or supported anyone against you; so complete for them their treaty until their term (has ended). Indeed, Allah loves the righteous.” The word ‘ahd in the phrase ‘āhadtum min al-mushrikīn refers to “the covenant” that was agreed upon with the polytheists. In particular, al-Ṭabarī mentions that Q9:4 refers to the incident of Ḥudaybiya when the Prophet set up the agreement with the Meccan polytheists.100 The same word ‘ahd is also used in Q9:7: “How can there be for the polytheists a treaty (‘ahd) in the sight of Allah and with His Messenger, except for those with whom you made a treaty (‘ahd) at the ḥarām mosque? So as long as they are upright toward you, be upright toward them. Indeed, Allah loves the righteous.” From this verse (Q9:7), al-Ṭabarī says that the word ‘ahd refers to Meccan polytheists who had a peaceful agreement with the Prophet.101

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

100 al-Ṭabarī, Jamīʿ al-bayān, 14:132-33.
101 al-Ṭabarī, Jamīʿ al-bayān, 14:144; see also al-Ṭabarī, Kitāb al-jihād wa kitāb al-jizya wa aḥkām al-muḥāribīn min kitāb ikhtilāf al-fuqahāʾ, ed. Joseph Schacht, Cairo, 1933, pp. 14-5.
al-Islām and the “mu‘āhadin” or the people in dār al-‘ahd who broke the treaty may then be treated as bughāh.\(^{102}\)

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

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

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\(^{103}\) al-Shāfi‘ī, al-Umm, 4:258-60.

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

\(^{105}\) al-Shāfi‘ī, al-Umm, 4:258-60; Abū Ya‘lā, al-Ahkām al-sulṭāniyya, Cairo, 1938, p. 133.

\(^{106}\) al-Sarakhsī, Sharḥ li siyar al-kabīr, 4:8.
agreement. Despite all the privileges given to dār al-‘ahd by law, dār al-‘ahd could not be considered as a full sovereign independent entity. This is because the existence of a bilateral agreement puts dār al-‘ahd into a tribute giving relationship with dār al-İslām, in which dār al-‘ahd must pay kharāj.\footnote{ai-Shafi‘i, al-Umm, 4:258-60.} Al-Māwardī does not accept that dār al-‘ahd is a separate entity outside the realm of Islam, since its people have concluded a treaty. Rather, they should be considered as dhimmīs (non-Muslims subject to the contract of protection upon their accepting to live under Islamic governance) and liable for jīzāya. Also, their territory should be included under the domain of dār al-İslām.\footnote{ai-Mawardî, al-Aḥkām al-sulṭāniyya, p. 138.}

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

The inhabitants of Najrān and those in their neighborhood are hereby assured the guarantee of Allah and the commitment of Muḥammad, to protect their wealth, their denomination and their houses of worship and all that their hands possess, little or much.\footnote{Ahmad b. Yahyā al-Baladhuri (historian, d. 279/892), Kitāb futūḥ al-buldān, trans. Philip K. Hitti, Beirut, 1966, p. 71.}
This treaty levied from them a certain tribute or payment as a token of protection.\(^{110}\) The type of payment, however, was not mentioned in detail. As a result, jurists such as al-Shāfi‘ī and al-Sarakhsī say it was kharāj while al-Māwardī maintains that it was jizya. Nonetheless, I argue that this disagreement does not affect the status of dār al-‘ahd as the land of agreement with dār al-Islām.

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

It is also helpful to quote the statement given by al-Qaraḍāwī where he says:

“All citizens should pay tax to the imām to set up the public hospitalities, such as courts, police, military, public works (repairing roads and bridges) and others which can ensure safety and provide enjoyment to the residence. The dhimmī, one the other

\(^{110}\) al-Baladhuri, Kitāb futūh al-buldān, p. 71.

\(^{111}\) Khadduri, War and Peace, p. 80.

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

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

\textsuperscript{113} al-Qaradāwi, Non-Muslims in the Islamic Society, pp. 19-21.
Returning to the concepts of dār al-Islām, dār al-ḥarb and dār al-‘ahd, one point that emerges clearly from the above analysis is that the world was divided by the classical Muslim jurists into three realms: the first was that of dār al-Islām; the second was that of dār al-ḥarb; and the third was that of dār al-‘ahd. Dār al-Islām is the land where the Islamic religion is practiced and which is protected by the imām. Similarly, dār al-ḥarb is the land where Islam might be practiced but the Muslims do not enjoy the privileges as full as dār al-Islām. In dār al-‘ahd, Islam also might be practiced and the Muslims are given the similar privileges as dār al-Islām. The principal duty of dār al-Islām is to reduce dār al-ḥarb through peaceful means if possible or through war if necessary until it has been incorporated into dār al-Islām or it becomes dār al-‘ahd. This suggests that dār al-Islām employed jihād to reduce the pressure of dār al-ḥarb, hence giving rise to the expansion of dār al-Islām.

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

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

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

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

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

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

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

3.2. *Jihād* in the classical texts

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

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2 Hillenbrand, *The Crusades*, p. 94.
opinions of all the major jurists one by one. He focuses on the differences of opinion amongst the jurists from the Ḥanafi, Mālikī, Shāfi‘ī Schools and so forth.

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

³ Hillenbrand, The Crusades, p. 98.
⁴ Hillenbrand, The Crusades, p. 98.
expanded by the later jurists, especially the Şûfîs. Once this fact has been accepted, the entire idea of abandoning jihâd in the battlefield becomes untenable. The explanation of the greater and lesser jihâd will be discussed again later in this chapter.

3.3. The legal definition of jihâd

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

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

In the second context, I limit myself only to the definitions given by al-Kâsânî and Abû Muḥammad ʿAlî b. Ahmad b. Ḥazm (cited as Ibn Ḥazm; Andalusian Zâhirî scholar; d. 456/1064)9. According to al-Kâsânî, jihâd in the terminology of law “is used for expending ability and power in fighting in the path of God by means

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Ibn Ḥazm defines *jihād* as “an effort directed against any object of disapprobation by use of the heart, the tongue, the hands and the sword.”

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

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3.4. Ibn Taymiyya’s definition of *jihād*

The first thing that needs to be done is to identify Ibn Taymiyya’s definition of *jihād*. It is probably worth mentioning in this context a very interesting hadith quoted by Ibn Taymiyya:

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

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

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

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

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

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


\(^\text{\textsuperscript{21}}\) MF28:355; *al-Siyāsah al-sharʿiyya*, p. 123.
worlds” (Q3:97). *Kufr* is also used in the Qur’ān as the opposite of *shukr* (gratefulness): “And whoever is grateful is grateful for himself. And whoever denies (*kafarā*) – then indeed, Allah is free of need and praiseworthy” (Q31:12).

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

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22 MF14:277-87.
23 al-Amr bi al-ma'raj, p. 36; al-'Ubd'iyya, p. 117.
24 MF14:296; a modern study that discusses the concept of evil according to Ibn Taymiyya has been done by Jon R. Hoover in his PhD thesis entitled ‘An Islamic theodicy: Ibn Taymiyya on the wise purpose of God, Human agency and problems of evil and justice’, University of Birmingham, 2002.
25 al-Amr bi al-ma'raj, p. 63; al-Jihād, 1:175; for the full story, see, for example, Ibn Hishām, al-Sīra al-nabawiyya, 4:159-60; al-Istiqāma, pp. 287-89.
the Byzantine women I shall not be able to control myself”. Al-Jadd’s excuse was denounced in the Qur’an. God says:

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

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

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

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

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

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

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26 Ibn Hishām, al-Sīra al-nabawiyya, 4:159; see also, Guillaume, The Life of Muḥammad, p. 602.
27 Thalāth rasā’īl, p. 75.
28 al-Hisba, p. 188 (= The Institution of the Ḥisba, p. 73); al-Jihād, 1:192.
29 al-Hisba, p. 188 (= The Institution of the Ḥisba, p. 131); al-Jihād, 1:190; Thalāth rasā’īl, p. 75.
applying himself to *jihād* in Damascus through *da'wah* and military fighting. Indeed, he strove hard to improve his fellow Muslims’ understanding of Islam, to propagate Islam to the polytheists and to remove all *fitnas*.30

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

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

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

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30 For more detailed information of Ibn Taymiyya’s social and political background, see Chapter One of this thesis.
33 al-*Siyāsah al-sharʿiyah*, p. 173; al-ʿAqīda al-wāsīṭiyah, p. 27.
34 *Minhāj al-sunna al-nabawiyyah*, 1:270. For more detailed information on Ibn Taymiyya’s *umma*, see, for example, Khan, *The Political Thought of Ibn Taymiyah*, pp. 107-24.

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possess “the guiding Scripture and the helping sword” \(\text{(al-kitāb al-hādy wa al-sayf al-nāṣir).}^\text{35}\)

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

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

\(^\text{35}\) \(\text{al-Ḥisba, p. 80; al-Siyāsa al-shar ’iyya, p. 178; Minhāj al-sunna al-nabawiyya, 1:142.}\)

\(^\text{36}\) \(\text{al-Siyāsa al-shar ’iyya, p. 178; MR, p. 36.}\)

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

\(^\text{38}\) \(\text{See Ṣaḥīḥ Bukhārī, ‘Kitāb al-janā’iz’, 1270, 1296.}\)
So, it would appear that Ibn Taymiyya defines *jihād* as the struggle to remove polytheism and persecution and to make way of a world with the Islamic system.

Before moving onto a new topic of discussion, it is worth concluding this section by quoting the following remarks made by Ibn Taymiyya in *Hasana*:

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

3.4.1. *Jihād makkī* and *jihād madanī*

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

39 *Hasana*, p. 300.
40 MF28:38; *al-Jihād*, p. 74.
41 Laoust, Essai, p. 282; E. J. Rosenthal, *Political Thought in Medieval Islam*, Cambridge, 1958, p. 52. For more detailed information of Ibn Taymiyya’s concept of *ahl al-sunna wa al-jamā’a* and his refutation of the Khawārij, see al-‘Aqīda al-wāṣifyya, pp. 29, 36-47.
42 Laoust, Essai, p. 363; Khan, *The Political Thought of Ibn Taymiyyah*, p. 156.
the classical literature and are often used interchangeably. The duties of *al-amr bi al-ma'rif* and *al-nahy 'an al-munkar*, as explained by Ibn Taymiyya, are prescribed upon the Muslims in order to enjoin good and prevent wrong in the *umma*. This sort of *jihād* is based on the following hadiths:43

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

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

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

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


44 See *Sahih Muslim*, ‘Kitāb al-īmān’, 380; al-Nawawī, *Riyāḍ al-salihīn*:189;


46 See *Munṣād*, 2/244.

47 *al-Ḥisba*, p. 70; ( = *The Institution of the Ḥisba*, pp. 73-4).
community at that time was corrupt and filled with social and ideological trends that ran counter to sharī'ā. In other words, he thinks that the core of the issue is moral. This explains why he introduces the idea of “jihād with ‘ilm” in order to educate people and to revive the role of sharī'ā. Ibn Taymiyya cites certain Qur'anic verses to support this claim:

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

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

Q25:52, as explained in Chapter Two, is part of a text that was revealed in Mecca, and some classical commentators, such as al-Ṭabari and al-Baydawi, suggest that the word bihi in Q25:52 refers to the Qur'an. A similar opinion is held by Ibn Taymiyya, and he furthermore adds that the phrase wa jāhidhum bihi indicates the significance of jihād makki or jihād bi al-lisan and al-bayān.

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

49 al-Jihād, p. 74; al-Ikhtiyarat, p. 310.
50 al-Jihād, p. 75.
And amongst mankind is he who disputes concerning Allah, without knowledge and follows every rebellious devil. For him it is decreed that whoever follows him, he will mislead him and will drive him to the hellfire. (Q23:3-4)

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

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

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

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

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

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

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

53 Laoust, Essai, p. 364.
54 al-Amr bi al-ma'rūf, p. 12; al-Istiqāma, pp. 286-91.
enjoined good or forbidden wrong. What Ibn Taymiyya is saying is that the previous nations never undertook *jihad* in the sense of *al-amr bi al-ma’ruf* and *al-nahy ‘an al-munkar*. By way of illustration, Ibn Taymiyya says that the Children of Israel had not undertaken *jihad* as a means for calling people to the good and forbidding the wrong, but had only fought to repel attackers from their land. In support of this theory, Ibn Taymiyya quotes certain Qur’anic verses that particularly mention the Children of Israel:

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

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

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

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

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

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

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57 Q51:56: “And I did not create *jinn* and mankind except to worship me”. This tells us that humans were created to worship Allah and it is their duty to concern themselves with ‘*ibāda* for which they were created.
The modern Muslim thinker, al-Mawdudi, defines *shari‘a* as "the detailed code of conduct or the canons comprising ways and modes of worship, standards of morals and life and laws that allow and proscribe, that judge between right and wrong". The term *shari‘a*, for which the English expression "Islamic Law" is a convenient rendering, occupies a central position in Islamic society and thought. According to Ibn Taymiyya, the rulings of *shari‘a* describes all daily actions of Muslims as falling into one of five categories: the first is *fard* or *wajib* (that which is prescribed) which is further divided into *fard 'ayn* (an individual obligation) and *fard kifaya* (a communal obligation); the second is *mandub* or *mustahabb* (recommended); the third is *mubah* (permissible); the fourth is *makruh* (disliked); and lastly is *harām* (unlawful).

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

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60 MF35:37.
What is more, Ibn Taymiyya says that 'ibāda is not limited only to such rituals, but includes every activity done to please God. Therefore, it can include remembrance (dhikr), reciting the Qur'an, keeping a good relationship with others, showing respect to parents and teachers, commanding good and forbidding wrong and taking part in jihād. Ibn Taymiyya, furthermore, suggests that the Prophet emphasized the relation between jihād and salāh. There are a considerable amount of hadiths that show this relation:

The basis of the business is Islam, its pillar is salāh, and its culmination is jihād.

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

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

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

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61 al-Jihād, p. 244-45; al-‘Ubādiyya, pp. 118-19.
62 MF35:36.
64 See Sahih Bukhārī, ‘Kitāb al-jihād’, 41; Sahih Muslim, ‘Kitāb al-īmān’, 151.
is something which frees someone from the consequences of sin and evil. Ibn Taymiyya cites certain Qur'anic verses to support his claim:

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

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

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

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

66 Thalāth rasā‘il, p. 47.
67 For a biographical note on Khālid al-Walīd, see, El (2), 4:928.
68 For a biographical note on ‘Amr b. al-‘Āṣ, see, El (2), 1:451.
69 MF35:38.
70 For more detailed information on the obligation of jihād, see, for example, Muḥammad al-Mubārak, Nizām al-İslām: al-‘Aqīda wa al-‘ibāda, Beirut, 1973, p. 360; Muṣṭafā Wahba al-Zuḥaylī, Āḥār al-ḥarb, pp. 84-7.
recommended ‘ibāda. The second is known as general ‘ibāda (‘ibāda ‘umūmiyya) which concerns matters of law, politics, society, economics, education, jihād and so forth. 71

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

3.6. The greater and lesser jihād: the Şūfis’ response

3.6.1. The doctrinal principle

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

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

3.6.2. The sources of the doctrine

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

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

What is most interesting about the hadith quoted above is that it is not mentioned in any of the most authoritative hadith collections such as Sahih Bukhari, Sahih Muslim, Ahmad b. Ḥanbal’s al-Musnad and Malik’s al-Muwaffa’. Instead, it first appeared in al-Hujwirī’s Kashf al-mahasb, the earliest Persian work on Šūfism. This hadith is also quoted by al-Razi and al-Zamakhshari and thereafter in the literature. Apart from the hadith mentioned in Kashf al-mahasb, there are also hadiths related by Abū

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72 For more detailed information on jihad in Meccan texts, see Subsection “The Meccan revelations” in Chapter Two of this thesis.
75 Peters, Islam and Colonialism, p. 118.
Bakr Aḥmad b. ʿAlī Khāṭīb al-Baghdādī (Shāfīʿi historian and hadith-scholar; d. 463/1071)77 in Ṭarīkh Baghdād, Ibrāhīm al-Bājūrī (Shāfīʿi hadith-scholar; d. 1276/1860)78 in Ḥāshiyat al-Bājūrī 'alā sharḥ ibn Qāsim, ʿAbd al-Raḥman al-Mubārakfūrī (Shāfīʿi hadith-scholar; d. 1282/1866) in Tuhfat al-ʿAḥwadhi bī sharḥ Jāmiʿ al-Tirmidhī and by Najm al-Dīn Rāzī Dāya (Persian Ṣūfī; d. 654/1256)79 in Mirṣād al-ʿibād min al-mabdāʾ ilā al-maʿād, which states that:

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

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

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

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

These hadiths are about controlling anger and fighting against Satan:

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

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

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77 For a biographical note on al-Baghdādī, see, El (2), 4:1111-12.
78 For a biographical note on al-Bājūrī, see, El (1), 1:867.
79 For a biographical note on Najm al-Dīn Rāzī Dāya, see, El (1), 6:15, 8:539.
83 See Muwaṭṭa', 'Good Character', 3; Sahih Bukhārī, 'Kitāb al-ādāb', 135.
84 See Musnad, 3/483.
Apart from the hadith quoted above, a kind of *jihiid* against desires also exists in the Qur'an. Certain verses below show that the *mujiihid* fights against his lower self:

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

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

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

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

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85 *Muṣṭalaḥ al-ḥadîh* is associated with the study of the *matan* (text), *isnād* (the chain of the reporters) and *rijāl al-ḥadîh* (the reporters of hadith).
for the sake of God. When you spit at my face I felt anger rise up within me, and I realized that I was going to smite you, not in the name of justice, but out of revenge for your insult".  

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

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

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

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

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87 al-Mubārakfūrī, Tulfa al-aṣwādhi, p. 250.
88 For a biographical note on al-Ghazālī, see, El (2), 2:1038-41.
89 For a biographical note on al-Qushayrī, see, El (2), 5:526-27.
The same theme is echoed by Ibn Qayyim al-Jawziyya, who observes that striving against the lower self is the first stage of *jihād* before taking part in fighting against visible enemies. Abd Hamid Siddiqi, the modern Muslim thinker, demonstrates that in the view of Ibn Qayyim al-Jawziyya, this is the principal concern on which *jihād* can be successfully launched.

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

Ibn Taymiyya gives certain Qur’anic verses to support his claim, for instance:

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

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


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

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

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

94 MF28:38.
95 MF10:635.
Now the question remains: why did Ibn Taymiyya define *al-jihād al-akbar* as fighting in the battlefield, when he agrees that *jihād* against the lower self is *far d ʿayn* and *jihād* in the battlefield is *far d kifāya*? The answer is not far to seek. My own view is that one should not be confused about Ibn Taymiyya’s definition of *al-jihād al-akbar*. Ibn Taymiyya lived in the age of war and invasion resulting mainly from the Mongols. He felt it necessary to convince the people to take up arms against the Mongols. He is, therefore, more interested in military *jihād* than in emphasizing the fact that *jihād* against lower self must also be taken into practise as it was indicated by numerous Qur’anic verses and hadiths.

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

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

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97 Lane, *Lexicon*, 1:1014.
keeping post on the enemy’s frontier (e.g. “And prepare against them whatever you are able of power and of steeds of war [ribāṭ al-khayl]” Q8:60, see also Q3:200);\(^{98}\) and lastly is a public place for the accommodation of travellers and their horses.\(^{99}\) A ribāṭ is also often considered to be synonymous with a zāwiya (a small Sūfī teaching mosque).\(^{100}\) Meanwhile murābiṭ signifies the one who abstains from worldly pleasures, and another related definition is a company of men having their horses tied at the frontier in preparation for the enemy.\(^{101}\) The murābiṭ is also used to describe the volunteers and the Sūfīs who associate themselves with the activities organized in the ribāṭ.\(^{102}\)

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

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

\(^{98}\) Lane, *Lexicon*, I:1014.
\(^{99}\) Lane, *Lexicon*, I:1014.
\(^{100}\) Lane, *Lexicon*, I:1014.
\(^{101}\) Lane, *Lexicon*, I:1014.
ribāṭ as “remaining for some time at the frontiers of the Islamic territory with the intention of defending Islam against the unbelievers”. To illustrate the issues discussed here, it is helpful to examine reports by Abū Ya’lā Hamza b. Asad al-Qalānisi (d. 554/1160) recorded in The Damascus Chronicle. This chronicle maintains that the Sūfis took part in both spiritual and physical jihād. A.J. Wensinck claims that the formula of organizing the ribāṭ basically refers to the Qur’an (e.g. Q8:60) and hadith: “Spending one night in ribāṭ is worth more than a thousand in prayer”

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

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

103 Peters, Islam and Colonialism, p. 11.
105 Sahih Buhārī, ‘Kitāb al-jihād wa al-siyār’, 2578; Sahih Muslim, ‘Kitāb al-imāra’, 3501.
106 EI (1), 3:1151.
107 For more detailed information on ribāṭ, see, for example, ‘Alī b. ‘Abd al-Rahmān b. Ḥudhayl, Tulfa al-anfus washi’ār sukkān al-Andalūs, ed. Louis Mercier, Paris, pp. 128-29.
jihād. To some extent, he agrees that the hadith above indicates that the reward of establishing a ribāṭ is greater than performing voluntary prayer.\(^\text{108}\)

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

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

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\(^{108}\) al-Jihād, 1:47; Thalāth rasā’il, p. 39.

\(^{109}\) Peters, Islam and Colonialism, pp. 84-9.

\(^{110}\) Peters, Islam and Colonialism, pp. 53-62.

\(^{111}\) Peters, Islam and Colonialism, pp. 63-74.
Dessouki and Sheikh al-Qūnawi gathered the army and called for jihad in Egypt.\textsuperscript{112} Such great eagerness in participating in jihad became of paramount importance when the Western colonialist expanded their military threat and defeated almost all of the Islamic governments in Africa. Sheikh Ahmad al-Tijānī, ‘Uthmān dan Fodio and al-Ḥajj ‘Umar Ṭāl undoubtedly called for jihad in their respective territories of West Africa, Northern Nigeria and Western Sudan.\textsuperscript{113}

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

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

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

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

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

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

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

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

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

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

In this respect, Ibn Taymiyya also quotes one hadith:

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

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118  *Ṣaḥīḥ Muslim*, in “Kitāb al-imārah”, 4636; *al-Siyāsa al-shar‘īyya*, p. 122.
120  *al-Siyāsa al-shar‘īyya*, p. 122; *al-Amr bi al-ma‘rūf*, p. 98; *al-Jihād*, p. 61; *al-‘Ubūdīyya*, p. 117.
121  *al-Amr bi al-ma‘rūf*, p. 61.
Ibn Taymiyya, furthermore, insists that all mankind will die, and, through jihād they will be rewarded as shahīds in which is the best of all forms of death.122 As the hadith says: “The highest level and reward in paradise belongs to the mujāhids”123

What is more, like al-Shāfī‘ī, al-Sarakhsī, Ibn Qudāma and Ibn Rushd, Ibn Taymiyya agrees with other scholars that the duty of jihād is only farḍ kifāya.124 In the same way, Ibn Taymiyya explains that the duty of jihād is a duty imperative upon every human being according to his capacity.125 He quotes in support of this the hadith quoted above: “If one of you sees something wrong, let him change it with his hands…”126 In other words, jihād is technically required but may be ignored by many if enough others are willing to fight. The ruling of jihād as farḍ kifāya is primarily referred to the following Qur’ānic verses:

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

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

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

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123 See Musnad, 2/292.
125 al-‘Ubādīyya, p. 119.
126 For the full text of this hadith, see Subsection “Jihād makki and jihād madani” in this chapter.
Al-Shāfi‘i claims that the phrase “and to both Allah has promised reward” or (wa kullān wa‘ada Allah al-husnā) in Q4:95 and the whole text in Q9:122 are the proof of his opinion that jihād is fard kifāya. In his Risāla, he says: “The indication in the verses is that it is not permissible that all men should fail to go forth; but that if some go forth, so that a sufficient number fulfils (the collective duty), the others do not fall into error, because the going forth by some would fulfill the duty.”

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

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

127 Al-Shāfi‘i, Risāla, p. 86; see also al-Umm, 5:182-83.
128 al-Jihād, pp. 107-8; for more detailed information of fard kifāya, see Section “The relationship between jihād and ‘ibāda: Ibn Taymiyya’s view” in this chapter.
131 Ibn Rushd, Bidāya al-mujtahid, 1:455.
stay at home to get the work done while others go to fight on the battlefield. This opinion is glossed by one hadith:

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

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

3.7.1. The pre-requirements of mujāhid

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

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

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

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

There is not upon the blind (al-a’mā) any guilt or upon the lame (al-a’rāj) any guilt, or upon the ill (al-marīd) any guilt (that they go not for fighting). (Q48:17)

The verses above demonstrate three kinds of people who are not obliged to fight. There are “al-ḍu‘afā” or “the weak”, “al-marīd” or “the ill”, which indicates old men, children, women and men who are disabled respectively. Also, the phrase lā yajidūn mā yunfiqūn or “those who find no resources to spend” refers to poor men or slaves who are not able to get equipment for jiḥād. 135 According to commentators, such as al-Ṭabarī and al-Wāḥidī the verse (Q48:17) was revealed after the Prophet was approached by a blind man called ‘Abd Allāh b. Umm Maktūm (Companion; d. ?). 136 He complained that his disability would keep him from taking part in jiḥād. 137

So, the verses quoted above tell us that jiḥād is farḍ kifāya on men who have good health.

Ibn Taymiyya, furthermore, adds that the task of jiḥād cannot be completed without courage and generosity. 138 In other words, the mujāhid must have good health and be mentally and physically strong. This is because fighting requires fitness, physical strength and courage. As explained before, Ibn Taymiyya believes that the

138 al-Jihād, p. 64.
strongest is he who able to control himself when provoked to anger and enjoin the right thing with knowledge and understanding.

In this respect, Ibn Taymiyya generally divides people into four types: first, those who strive in the way of God with courage and generosity and they deserve the reward of Paradise; secondly, those who strive with courage and generosity but not in the way of God and they benefit from their actions in this life but not in the hereafter; thirdly the munāfiqūn who strive in the way of God without courage and generosity; and finally, those who strive without courage and generosity and not in the way of God. Ibn Taymiyya gives certain Qur’anic verses to support his view:

And Allah will surely support those who support Him. Indeed, Allah is Powerful and Exalted in Might. And those who, if We give them authority in the land, establish prayer and give zakāh and enjoin what is right and forbid what is wrong. And to Allah belongs the outcome of matters. (Q22:41)

Indeed, they would be those given victory. And indeed, Our soldiers will be those who overcome. (Q37:172-73)

At a certain level jihi ād can also be fard ‘ayn. With regarding to this, al-Sarakhsi quotes two Qur’anic verses:

O you who have believe, what is the matter of with you that when you are asked to go forth in the cause of Allah, you adhere heavily to the earth? Are you satisfied with the life of this world rather than the hereafter? But little is the enjoyment of the life of this world as compared to the hereafter. (Q9:38)

Go forth, whether light or heavy, and strive hard with your wealth and your lives in the cause of Allah. This is better for you, if you only knew. (Q9:41)

139 al-Jihād, p. 174.
From the two verses quoted above, al-Sarakhsi maintains that in a case where there is an insufficient number of Muslims to fight on behalf of the community or when the Muslim state is under attack, *jihād* becomes *far d 'ayn*.\textsuperscript{140}

Ibn Taymiyya agrees with al-Sarakhsi that *jihād* becomes *far d 'ayn* when the enemy enters and attacks the Muslim state. Ibn Taymiyya, furthermore, adds other four situations:

(i) *Jihād* becomes *far d 'ayn* to every capable Muslim,\textsuperscript{141} including the *imām*, if others do not appear to fulfill this duty. The corollary is that the obligation of *jihād* is determined by capability.\textsuperscript{142}

(ii) *Jihād* becomes *far d 'ayn* when the Muslims encounter a surprise attack by the enemy, for example in an ambush.\textsuperscript{143} Here, Ibn Taymiyya claims that the Muslims are obliged to help their fellow Muslims against the enemy. A case in point is the Battle of Trench in which the Prophet directed all the Muslims in Medina to take part in the fighting in the protection of their faith, family and property.\textsuperscript{144} As the Qur’an says:

> And when a faction of them said: “O people of Yathrib, there is no stability for you, so return”. And a party of them asked permission of the Prophet, saying: “Indeed, our houses are exposed”, while they were not exposed. They did not intend except to flee. (Q33:13)

\textsuperscript{140} al-Sarakhsi, *al-Mabsūt*, 10:3.

\textsuperscript{141} *al-Jihād*, pp. 96, 230; for other jurists’ opinion, see, for example, al-Tabari, *Kitāb al-jihād wa kitāb al-jizya*, pp. 11-3.

\textsuperscript{142} *al-Ḥisba*, p. 80; *Risāla* 4, pp. 241-43.

\textsuperscript{143} *al-Ikhtiyārat*, pp. 308-9, 311.

\textsuperscript{144} Farrukh, *Ibn Taymiyya on Public and Private Law in Islam*, p. 147.
Believers! When you meet an army, hold firm and be mindful of God that you may succeed. (Q8:45)

Similarly, Ibn Taymiyya quotes certain Qur’anic verses that imply that it is an obligation for every Muslim, including women, the elderly and the young to take part in the fighting, even though they are not murtaziq (professional soldiers): 145

Indeed, those who have believed and fought with their wealth and lives in the cause of Allah and those who gave shelter and aided, they are allies of one another. But those who believed and did not emigrate, there is no protection of them until they emigrate. And if they seek help of you for the sake of the religion, then you must help, except against a people between yourselves and whom is a treaty. (Q8:72)

O you who have believed, when you meet those who disbelieve advancing, do not turn to them your backs. And whoever turns his back to them on such a day, unless swerving for war or joining company, has certainly returned with anger from Allah, and his refuge is Hell and wretched is the destination. (Q8:15-16)

(iii) Jihād becomes farḍ ’ayn when the imām calls a people to march forward or requires full participation from the Muslims to go for jihād and it is the duty of every Muslim to march forward or to take part in the jihād. 146 For Ibn Taymiyya, this instruction is justified from the Qur’an (as in Q9:38) and the hadith: “When you are asked to set out you should do so”. 147

147 See Sahīh Muslim, “Kitāb al-imāra”, 4597; Musnad, 1/226.
(iv) *Jihād* becomes *fard 'ayn* for the *murtaziqa* who receive booty.\(^{148}\)

This is to be explained partly by the booty itself and partly by its significance for the *umma*. It is true that the booty is given to the army as a reward for fighting and they are duty bound to serve in the *jihād*. In other words, it is a contract between the soldier and God and the *imām*, which involves doing *jihād* for a stated sum of money. To take one analogy, an employee is obliged to work when he receives his payment or the seller must hand the goods over to the buyer once the price has done. Apart from that, failure in carrying out *jihād* is seen as a great wrong. The soldier is obliged to guarantee the defense of the Muslims in return for their pay. Failure to do so will endanger the Muslims' lives and properties, and therefore, the punishment for this negligence is more serious than for other private offences, for example, consuming wine or other acts of immorality. Ibn Taymiyya asserts that these private offences are wrongs that he does to himself and affect only him. By contrast, the offence of abandoning *jihād* affects both him and others.\(^{149}\) Ibn Taymiyya cites a Qur’anic verse to support this claim:

> And what Allah restored to His Messenger from the people of the towns, is for Allah and for the Messenger and for near relatives and orphans and travelers. So that it will not be a perpetual distribution amongst the rich from amongst you. And whatever the Messenger has given you, take it; and whatever he has forbidden


\(^{149}\) *al-Ifisba*, p. 70.
History abounds with examples demonstrating how man has neglected the call of *jihād* because of all the difficulties he has had to endure. Despite all these difficulties, Ibn Taymiyya believes that the obligation of *jihād* is relevant and consistent with human nature and capabilities. In this connection, as said earlier in Chapter One, it is worth mentioning again that Ibn Taymiyya proclaimed an interesting fatwā in which he allowed the *mujāhids* to shorten the prayers (*al-qāṣr*) and to be excused from the Ramaḍān fast. As this fatwā demonstrates, Ibn Taymiyya refers to his *ijtihād* that fasting would weaken the *mujāhids* and compromise the success of the *jihād*. If the *mujāhids* were excused from the fast, they would be able to fight the enemy more effectively.¹⁵⁰

The key to Ibn Taymiyya’s argument is that the duty of *jihād* is technically *fard kifāya* and it becomes *fard ’ayn* for the capable Muslims, including the *imām*, for *murtaziqa* and for everyone when necessary. One point noteworthy here, as Ibn Taymiyya said is that *jihād* is assigned to the Muslims in order to remove the *fitna* of the *kuffār*. Although killing is harmful, *fitna* caused by the *kuffār* is more harmful.¹⁵¹

On balance, Ibn Taymiyya asserts that *jihād* can be carried out by one’s body or by one’s wealth. If one is not able to perform *jihād* by his physical strength, he may contribute financial aid to support the *jihād*.¹⁵² With regards to the financial

¹⁵² *al-Jihād*, p. 113; *al-Ikhtiyārīt*, p. 308.
contribution, as Ibn Taymiyya asserted, it becomes a duty for the women.\footnote{al-Ikhtiyārāt, p. 308.} The basic ingredient here is found in verse Q9:41 and other Qur’anic verses, for instance:

\textit{Allah does not charge a soul except with its capacity (\textit{illā wus‘ahā}).} (Q2:286)

\textit{So fight, in the cause of Allah; you are not held responsible except for yourself. And encourage the believers that perhaps Allah will restrain the might of those who disbelieve.}\footnote{al-Sarakhsi, \textit{Sharh li siyar al-kabīr}, 1:14.} (Q4:84)

The phrase \textit{illā wus‘ahā} in Q2:286 clearly signifies that God does not burden a person beyond his scope. Or in other words, God does not ask a person to carry out what is beyond his ability. This demonstrates God’s kindness, compassion and generosity towards His creation. In Q43:32, the whole text implies that God apportions out between mankind their livelihood and this means that some employs others in their work, because one needs the other, and vice versa.

### 3.8. Jihād and the enemy: Ibn Taymiyya’s opinion

Before we go into further details about enemy persons, it is useful to present the statement given by Sufyān b. ‘Uyayna: “Allah gave Muḥammad four swords: the first against the polytheists, whom Muḥammad himself fought with; the second against apostates, whom Abū Bakr fought with; the third against the People of the Book, whom ‘Umar fought with; and the fourth against the \textit{bughāh}, whom ‘Alī fought with”.\footnote{al-Sarakhsi, \textit{Sharh li siyar al-kabīr}, 1:14.}
There has been a lot of debate about the object of *jihād*, that is, the people whom must be fought. On the whole, these are divided into five groups: polytheists, the People of the Book, apostates, *muḥāribīn* (brigands) and *bughāh*.

3.8.1. The polytheists

The words “*mushrikīn*” and “*kuffār*” are often used interchangeably in the Qur’an. Both refer to polytheists, unbelievers or infidels. Muslims must strive to put under control the efforts of the polytheists. This is done in several ways, including by means of debates or even by physical means if they have the capacity to do so within their jurisdiction. Khadduri says the polytheists are given a limited option either to accept Islam or fight. He, furthermore, claims that all the jurists agree that the polytheists must be fought until they accept Islam. As the Qur’an says:

> Fight the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. (Q9:5)

With regard to the verse quoted above, I rather think it refers to the incident of Ḥudaybiya when the Prophet set up the *ṣulh* or peace treaty with the Meccan polytheists. If one reads Q9:1 to Q9:4 and continues with Q9:6, then one will see that Q9:5 refers to the polytheists who made a treaty which was later broken by hostile acts towards the Muslims. Q9:4 makes it clear that this does not apply to those polytheists that have not broken their treaties with the Muslims. Rather, verse 6

155 Khadduri, *War and Peace*, p. 75.
instructs the Muslims to give protection to any polytheists seeking it. The verses are as below:

This is a declaration of disassociation, from Allah and His Messenger, to those with whom you had made a treaty among the polytheists. So travel freely throughout the land during four months but know that you cannot cause failure to Allah and that Allah will disgrace the disbelievers. And it is an announcement from Allah and His Messenger to the people on the day of the greater pilgrimage that Allah is disassociated from the disbelievers, and so is His Messenger. So if you repent, that is best for you; but if you turn away then know that you will not cause failure to Allah. And give tidings to those who disbelieve of a painful punishment. Excepted are those with whom you made a treaty amongst the polytheists and then they have not been deficient toward you in anything or supported anyone against you; so complete for them their treaty until their term has ended. (Q9:1-4)

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

It is worth quoting some of al-Sarakhsi’s and Ibn Rushd’s opinions in order to understand what lies behind this reason. Al-Sarakhsi argues that the failure to accept Islam is a serious crime (al-kufr min a’zām al-jināyāt), but this is not the reason why the polytheists are killed. The state of disbelief, as al-Sarakhsi argues, is a matter that is between a person and his Lord (al-kufr bayn al-‘abd wa rabbihī). Instead, the polytheists are seen as enemies because their refusal to accept Islam can be dangerous to the Muslims (li daf‘i sharrihim). Ibn Rushd, furthermore, explains that the jurists basically disagree on the legal cause (al-‘illa) for killing the polytheists. Ibn Rushd says:

The reason leading to the jurists’ disagreement, on the whole, arises from their dispute about the effective underlying cause of

156 al-Sarakhsi, Sharḥ li siyar al-kabīr, 4:186.
slaying. Thus, those who maintain that the effective underlying cause for this is disbelief (*kufr*), do not exempt anyone out of the polytheists, while those who maintain that the underlying cause in it is the ability to fight, there being a prohibition about the killing of women though they be non-believers, exempt those who do not have the ability to wage war, or those who have not affiliated themselves with it, like peasants and serfs.157

The principal idea of the legal cause for killing the polytheists seems likely to derive from the following hadith:

If thou encounterest (you encounter) an enemy from among the Associates (polytheists and the People of the Book), then offer them three alternatives. Whichever of these they may accept, agree to it and withhold thyself (yourself) from them - call them to embrace Islam. If they accept, then agree to it and withhold thyself (yourself) from them. Then ask them to quit their territory in order to immigrate into the territory of the migrants (*dār al-Islām*), and inform them that if they do that they will have the same rights as the migrants (Muslims) and the same obligations as they (them). If they refuse to migrate, then inform them that they will be considered as bedouin Muslims (foreign Muslims), the same Divine laws being obligatory on them as on other Believers (Muslims), except that they will not benefit by booty and other State income unless they join forces and fight along with the Muslims. If, however, they refuse, then call them to pay the *jizya*. If they accept, then agree to it and withhold yourself from them. If they refuse, then seek help from God and combat (fight) them”.158

It is also important to mention Hamidullah’s opinion on the text above. For Hamidullah, the text is misunderstood by some jurists159 when they understand the text as the general policy of the Islamic state and use it simply to invite foreign non-Muslims to the three options stated above. Instead, the text concerns the instructions

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158 Hamidullah, *Muslim Conduct of State*, p. 299. (In order to avoid any misconceptions, some amendments have been made to several technical terms in the text). The hadith is found in several collections, for example, *Saḥīḥ Muslim*, ‘Kitāb al-Jihād wa al-siyar’, 3261; *Sunan Abū Dāwūd*, ‘Kitāb al-ādāb’, 4470; *Musnad*, 1/262.
159 Here, Hamidullah does not refer to any particular jurists. In my opinion, it may refer to his contemporaries. See Hamidullah, *Muslim Conduct of State*, p. 170.
given to the commander of a war expedition and it is in the case of reprisal. Hamidullah quotes the story of the assassination of the Muslim ambassadors in Byzantine territory. As a response to the violation made by Heraclius, the emperor of Byzantium, the Prophet drafted the text and sent it to him.\footnote{Hamidullah, \textit{Muslim Conduct of State}, p. 170.} In fact, the hadith not only refers to the polytheists. Instead, it draws attention to all non-Muslims.

According to Ibn al-Qayyim al-Jawziyya, the polytheists are given three options: the first is to accept Islam and enjoy full citizenship. They are entitled to the same rights and duties as other Muslims; the second is that they refuse to accept Islam and incline to peace then the Muslims should also incline to peace. Here, they are required to pay \textit{jizya} and then become \textit{dhimmis}. Third, if they choose to oppose the Muslims or carry out an assault against the Muslims, then the Muslim authority has the right to counter their attack.\footnote{Ibn Qayyim al-Jawziyya, \textit{Aṣfām al-dhimma}, ed. Taha 'Abd al-Ra'uf Sa'd, Beirut, 1995, 1:21-2.}

Let us now consider the opinion given by Ibn Taymiyya. In the first place, Ibn Taymiyya agrees with al-Sarakhsi that the polytheists are to be fought because they have rejected the concept of monotheism and refused to give \textit{jizya}.\footnote{MF28:352-56; \textit{al-Siyāsa al-shar'īyya}, p. 123; \textit{Risāla al-qitāl li Ibn Taymiyya}, p. 116; Farrukh, \textit{ Ibn Taymiyya on Public and Private Law in Islam}, p. 135.} The second thing that needs to be done is to understand how Ibn Taymiyya organizes his argument. He begins his view by quoting many Qur'anic verses which justify the killing of polytheists.\footnote{MF28:352-53.} Some of these verses are explained in Chapter Two and it has been concluded that the Prophet's \textit{jihād} against the polytheists was in self-defense. What Ibn Taymiyya is saying is that the polytheists who do not inflict any

\begin{footnotesize}
\begin{enumerate}
\item Hamidullah, \textit{Muslim Conduct of State}, p. 170.
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\end{footnotesize}
injustice and create *fitna* against the Muslims should be left free and if they refuse to accept Islam and incline to peace then the Muslims should also incline to peace.\textsuperscript{164}

In conclusion, it can be said that Ibn Taymiyya holds to the classical theory of *jihād* concerning polytheists. The state of disbelief is a grave crime, but it is not sufficient cause for being killed. Rather, the polytheists can only be killed after they have shown hostility to the Muslims.

3.8.2. The People of the Book

It is generally accepted, as implied in the Qur’an and the hadith, that the People of the Book, or *ahl al-kitāb*, are the Christians, Jews and Sabians.\textsuperscript{165} The Qur’an recognizes the major beliefs of the Christians as distorted and thus their beliefs are rejected. Nonetheless, the rejected beliefs of Christianity do not prevent the Qur’an from giving them certain privileges that distinguish them from the polytheists. In the time of the Prophet and the *khulafā’ rāshidūn*, as explained in Chapter Two of this thesis, the Prophet offered equal status to the Jews in Medina, as concluded in the Constitution of Medina (*Ṣaḥīfa al-Madīna*),\textsuperscript{166} and to the Christians of Najrān.\textsuperscript{167} To take another example, ‘Umar entered the city of Jerusalem and concluded a treaty with the Bishop.\textsuperscript{168} This leads one to suppose that the classic juridical position allows religious toleration and welcomes the People of the Book to join the army and

\textsuperscript{164} MF28:353-55; *Thalāḥ rasā’il*, p. 30.


\textsuperscript{166} Guillaume, *The Life of Muhammad*, pp. 231-35.

\textsuperscript{167} al-Balādhuri, *Futūḥ al-sulṭān*, p. 71.

\textsuperscript{168} Khan, *The Political Thought of Ibn Taymiyya*, p. 124.
government. History shows that the Prophet welcomed the support of the Jews of Banū Qainuqā' in the attack on Khaybar and rewarded them with allowances for their helpful support. What is more, in the early campaign against the Persians and Byzantines, the Muslims constituted a huge army which included Christian Arabs of Syria and southern Iraq. The Prophet, nonetheless, could not tolerate the treachery of the Jews and led the army to carry out jihād against them. This suggests to us that if war or treachery has been forced on the Muslims, it is the Muslims’ duty to counter the attack. This is the best possible reason to answer why the duty of jihād is also prescribed for the Muslims against the People of the Book.

Ibn Taymiyya writes at great length on the Franks and their beliefs. He devotes his considerable intellectual ability to countering the belief of the Franks and inviting them to Islam. His most important piece of writing about the Franks is entitled Risāla al-qubrūsīyya. Other discussions about the People of the Book and in particular Christianity occur in al-Jawāb al-saḥīḥ li man baddala dīn al-Masīh and Iqtīḍā’ al-sirāt al-mustaqīm mukhālafat ašrāb al-jaḥīm. Ibn Taymiyya does not deny the classical juridical position that the People of the Book can pay jizya and live peacefully in dār al-Īslām. He cites a Qur'anic verse to support his claim:

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

171 Risāla 3, pp. 601-29.
As a result of the pressure of circumstances, however, Ibn Taymiyya shifts the concept and seems to be very hard on the Franks. It is significant to mention a few stories that influenced Ibn Taymiyya’s attitude towards them. History indicates that the People of the Book of Egypt and Syria had served as Frankish army spies and put the Muslims’ safety at risk. In the time of conflict between the Muslims and the Mongols, the Franks actively persuaded and supported the Mongols in killing the Muslims.\footnote{Ibn Kathîr, \textit{al-Bidâya}, 14:8.} These combined forces, as Ibn Taymiyya suggested, are similar to the alliance of the Arab polytheist tribes against the Muslims in the Battle of Trench.\footnote{\textit{Thalâth rasâ’il}, pp. 69-70, 120.}

This incident compelled Ibn Taymiyya to believe that the People of the Book of Egypt and Syria were the worst traitors during the Frank and the Mongol incursions. In other words, this had proved that they were never loyal and sincere.\footnote{MF28:355, 480, 621; 8:100; 14:92; 7:624; \textit{Thalâth rasâ’il}, p. 30-1; \textit{Risâla 3}, pp. 620, 622.} As a result, Ibn Taymiyya modified earlier policy and suggested that Christians and Jews must be excluded from the government and also be kept out of the army.\footnote{\textit{al-Ikhâyiyyârât}, p. 311.} Ibn Taymiyya cites Qur’anic authority to support his claim:

\begin{quote}
O you who believe, do not take the Jews and the Christians as allies. They are allies of one another. And whoever is an ally to them amongst you - then indeed, he is one of them. Indeed, Allah guides not the wrongdoing people. (Q5:51)
\end{quote}

On the other hand, Ibn Taymiyya concerns himself with the rights and safety of the People of the Book who becomes \textit{dhimmî}. By way of illustration, Ibn Taymiyya sent a letter to Sultân Ghâzân al-Nabak asking him to release the prisoners of war. Yet the
king agreed to release the Muslim prisoners only and retain the Christians and the Jewish prisoners in Jerusalem. Ibn Taymiyya insisted on their release too because they were dhimmis.¹⁷⁷

In the last analysis it can be said that Ibn Taymiyya holds the classical theory of jihād concerning the People of the Book. The basic foundation in permitting jihād against the People of the Book is not the difference of belief. The Qur’an itself emphasizes that one of the main objectives of jihād is to stop non-Muslims from transgressing against Muslims and not because of difference of religion (as in Q22:39).¹⁷⁸ But, as mentioned earlier, Ibn Taymiyya regarded the Franks as representing the same level of threat as the Shi’a and the Mongols.¹⁷⁹ It should be stressed that, as Ibn Taymiyya explains, the Franks were fought not because of their rejection of Islam, rather, because they transgressed and endangered the Muslims.¹⁸⁰

3.8.3. Apostates

In Islamic jurisprudence, apostasy has always been linked to the concepts of unbelief, blasphemy and heresy. It usually refers to a Muslim who has officially converted to another faith and refuses to believe in the basic articles of the Islamic religion. The majority of classical jurists claim that a case of apostasy occurs when a person blasphemes against God and the Prophet, destroys the Qur’an and denies the duties that fall into the category of the fundamentals of religion, such as prayer,

¹⁷⁷  Risiila 3, pp. 617-18.
¹⁷⁸  For more detailed information of this verse, see Chapter Two of this thesis; see also al-Zuhayli, al- ‘Alaqat al-da‘aliyya fi al-Islām, Beirut, 1981, p. 100.
¹⁸⁰  Thalāth rasā’il, p. 126.
pilgrimage, *zakāh* and fasting.\(^{181}\) Such a person is to be distinguished from one who
does not pray or fast because he is lazy, yet does not deny the requirement of prayer
itself.

The jurists claim that apostasy from Islam is a crime carrying the God-
prescribed penalty of death.\(^{182}\) Therefore, Muslims who leave Islam for any other
religion must be sentenced to death (unless they repent and return to Islam). Jurists
like al-Sarakhsi and Abū Yusuf emphasize that before prosecuting an apostate, it is
necessary for the authority to hold a discussion with him in order to remove any
anxiety and scepticism on the matter concerned.\(^{183}\) In other words, an apostate is
given the chance to repent for a certain period of time before the authorities can
finally proceed with punishment.\(^ {184}\)

Having briefly examined apostasy in the context of Islamic jurisprudence, it
is important to relate it to the context of *jihād*. It has also been claimed that the
legality of waging *jihād* against the apostates was in large measure due to the
activities of some Jewish and Muslim hypocrites in the early years of Islam who
conspired to create *fitna* in the Muslim community by professing to convert to Islam
and then renouncing it.\(^ {185}\) The objective of this alleged conspiracy was entirely

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political. In other words, *jihād* in the context of apostates was linked to an act of political betrayal. As a result, the Prophet ordered those responsible for the treachery to be fought.

It seems to me that the basic reason for the application of *jihād* against apostates is that apostasy is seen as treason. The historical origins of the concept can be seen in the actions of those Muslims who refused to pay *zakāh* in the time of Abū Bakr. They were regarded as apostates and fought by Abū Bakr. This story is mentioned in one hadith:

> When the Prophet died and Abū Bakr became his successor and some of the Arabs became apostates, ‘Umar said: “O Abū Bakr! How can you fight these people although Muhammad said that he has been ordered to fight people till they witness that there is no God but Allah and that he is the Prophet of Allah, and establish the prayer and pay the *zakāh*. And when they have done this they have saved their blood and possessions from him, unless they do something for which they receive legal punishment justly, and their account will be with Allah?” Abū Bakr said: “By Allah! I will fight whoever differentiates between prayers and *zakāh*.”

Some contemporary jurists find no room for the death penalty for apostasy. Kamali and Mohammad S. El-Awa, for example, mention that there is not a single instance in history when the Prophet treated personal apostasy with capital punishment. No one was executed only for renunciation of faith unless this was accompanied by hostility and treason or was linked to an act of political betrayal. Because Islam is seen as a total way of life with no separation of religion from politics and the state, and because Islam is accepted as the basis of the legitimate state and its legal system,

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desertion from Islam is dealt with as political treason. Kamali points out one hadith and interprets it as a clear evidence that apostates must be those who are also boycotting the community (mufariq li al-jamāʾa) and challenging its legitimate leadership in order to be inflicted with the capital punishment.\(^{188}\) The hadith is as below:

> It is not permissible to shed the blood of a person who bears witness that there is no god but Allah and that I am the Messenger of Allah except in three cases: a life for a life, a previously married person who commits adultery, and one who leaves Islam and forsakes the community (mufariq li al-jamāʾa).\(^{189}\)

Apart from this, El-Awa claims that the Qur’ān is silent on the question of death as a punishment for apostasy and therefore, the punishment should fall under the category of taʿzīr (discretionary punishment) rather than the hadd category. For El-Awa, this allows distinction between a simple change of religion, in which case no punishment needs to be inflicted, and cases in which harm is caused to the population when the punishment must be applied. He also claims that there is a small minority of jurists holding to this position, including Ibn Taymiyya.\(^{190}\)

Ibn Taymiyya, in particular, divides apostates into three: first, those people who reject Islam; secondly, those people who reject part of Islam, by for instance, performing the prayer but denying the obligation of zakāh, such as the Mongols;\(^{191}\) and finally those people who reject the prophethood of Muḥammad, such as

\(^{188}\) Kamali, *Freedom of Expression in Islam*, p. 96.

\(^{189}\) See *Sunan Abī Dāwūd*, ‘Kitāb al-ḥukm fi man irtadda’, 3788.


\(^{191}\) MF3:355-57; 4:441-43; 28:467-553; for more detailed information of the Mongols, see Chapter One of this thesis.
Musaylima al-Kadhdhab.\textsuperscript{192} For Ibn Taymiyya, apostates are far worse than polytheists and this explains why he agreed apostates must be fought.\textsuperscript{193} He maintains hadith quoted above to support his argument. Ibn Taymiyya, furthermore, explains that the hadith used by Abū Bakr to justify his military action against the tribes who refused to pay zakāh.

With regards to this issue, Ibn Taymiyya argues that apostates should only be fought by means of jihiid, if they became a great danger to society, spreading harm and fitna amongst the population.\textsuperscript{194} For instance, he mentions the story of the Qadariyya (the group who believed in total free will, in contradiction to the Jabriyya who believed in total predestination).\textsuperscript{195} Ibn Taymiyya agrees with Mālik that the Qadariyya should be put to death, for the fitna caused.\textsuperscript{196}

As El-Awa rightly claims, Ibn Taymiyya asserts that the punishment for personal apostasy should be treated under the ta'zīr category. Ta'zīr takes different forms of punishments: it can be taken in the form of rebuke, imprisonment, expatriation, beating and banishment.\textsuperscript{197} What is more, Ibn Taymiyya acknowledges that the early jurists disagreed whether a man who abandons the prayer becomes an infidel, apostate or a half believer. In this respect, Ibn Taymiyya does not share the view that such a person is an infidel or half believer; rather he becomes an apostate.

\textsuperscript{192} Thalāth rasā'il, pp. 27-9.
\textsuperscript{193} Thalāth rasā'il, p. 31; al-Ikhtiyārāt, p. 307.
\textsuperscript{194} Farrukh, Ibn Taymiyya on Public and Private Law in Islam, p. 143, al-Jihiid, 1:280; Thalāth rasā'il, p. 29.
\textsuperscript{195} al-'Aqīda, p. 21.
\textsuperscript{196} Farrukh, Ibn Taymiyya on Public and Private Law in Islam, p. 131.
\textsuperscript{197} al-Ḥisba, p. 108; al-Jihiid, 1:128.
Over and above this, we return to the issue of *ta'zir*. As Ibn Taymiyya points out, personal apostasy deserves *ta'zir*. Furthermore, Ibn Taymiyya divides *ta'zir* into two categories: first is *ta'zir* for crimes such as bribery, defamation, and failure to honour liabilities;\(^{198}\) second is *ta'zir* for crimes such as refusing to perform prayer and any other prescribed duties. This second type of *ta'zir* is more serious and the punishment should be severer than that of the first category. Ibn Taymiyya, therefore, suggests that the guilty person can be flogged ten stripes or more but that this should not exceed the flogging for a *hadd*.\(^ {199}\) This punishment can be administered over and over again until the guilty person performs the duties. Ibn Taymiyya cites a hadith to support his claim:

Nobody should be given more than ten stripes except in the case of overstepping one of the limits set up by Allah.\(^ {200}\)

If the guilty person still refuses to perform prayer after the punishment has been given for a certain period of time, it is then allowed for the *imām* to execute him.\(^ {201}\)

From the aforementioned arguments, it appears that Ibn Taymiyya suggests that apostasy can be divided into two categories: the first are apostates who do not oppose the *imām*, that is those who can be called “personal apostates”;\(^ {202}\) and the second are those who form a large group and possess a force and political power to oppose the *imām*, such as the Mongols. In my view, since the punishment of apostasy

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\(^{202}\) The term “personal apostate” is also used by Muhammad Abd al-Rahman Alsumaih. See his PhD thesis ‘The Sunni Concept of Jihad in Classical Fiqh and Modern Islamic thought’, University of Newcastle upon Tyne, 1998, especially in Chapter Two. The purpose of the usage is only to show the distinction between both categories.
is not clearly mentioned in the Qur’an, the execution of apostates must be considered as a last resort. Ibn Taymiyya’s idea of this division may be taken from the general meaning of certain hadiths:

Whoever changes his religion, execute him.\(^{203}\)

During the last days there will appear some young foolish people who will say the best words but their faith will not go beyond their throats and will go out from (leave) their religion as an arrow goes out of the game. So, wherever you find them, kill them, for whoever kills them shall have reward on the Day of Resurrection.\(^{204}\)

To put it another way, I rather think the death punishment is prescribed to protect Islam from the defamation of liars and to protect the faith of its adherents. If execution can serve as a prevention to protect human systems against certain crimes which may cause the disintegration of society, for instance, the crime of drugs, then it is more appropriate that Islam as a religion should be protected from falsehood, and so the imām is able to punish those who commit acts of aggression against it and who fabricate lies against it to justify their apostasy and deviation. On another level, apostasy from Islam means boycotting the community of Muslims. Whoever joins the main body of the Muslims is required to be completely loyal and to protect it against anything that may lead to fitna.

Therefore, I would say that execution is the last punishment to be meted out for both forms of apostasy mentioned above. But, they are technically different. In order to find the distinction between them, it is helpful to highlight again the nature


\(^{204}\) Sahih Bukhari, ‘Kitab al-ridda’, 64.
of the punishment applied in both categories. In the first category, apostates are found guilty of the crime in a law court and are to be executed as a last resort. The second category, however, suggests more serious punishment where the imām has the right to fight apostates on the battlefield.

3.8.4. The mulḥāribīn

The crime of ḥirāba or qaṭ‘ al-ṭariq includes highway robbery, banditry, forced expropriation of possessions and unreasoned killing of innocent blood. In modern English, the word ḥirāba is sometimes translated as international highwaymen and pirates, deserters, robbers and gangsters. The word ḥirāba comes from the root ḥaraba, which means “to rob” or “to commit armed robbery”. Ibn Taymiyya defines ḥirāba as “waiting by the way or highway to steal property from travelers or people in the city or remote place by force and offensive weapons”. It appears from this definition that ḥirāba consists of three major elements: the first is the act of robbery and terrorizing people; the second is the site of commission of ḥirāba, and the third is the use of weapons. The punishment for this crime is expressly stated in the Qur’ān:

Because of that, We decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption in the land – it is as if he had slain mankind entirely. And whoever saves one – it is as if he had saved mankind entirely. (Q5:32)

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205 Khadduri, War and Peace, p. 43; Hamidullah, Muslim Conduct of State, p. 188.
207 al-Jihād, 1:281; al-Siyāsa al-sharʿīyya, p. 117.
Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth to cause corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. (Q5:33)

Jurists, such as al-Sarakhsi, Ibn Rushd, al-Mawardi and Ibn Taymiyya agree that jihād must be carried out against the muḥāribīn, because, according to Ibn Taymiyya, hirāba is a crime against the public at large. In particular, Ibn Taymiyya asserts that it is a duty for all Muslims to oppose them by any counter-measures, including fighting them in the battlefield.

In verse Q5:33 mentioned above, the punishment for hirāba is divided into four types: the first and the most serious punishment is execution by crucifixion for a muḥārib who is convicted of killing his victims and robbing them of their possessions; the second is execution for a muḥārib who is convicted of killing and not robbing; the third is amputation or cutting off of the hands and feet from opposite sides for a muḥārib who robs people’s possessions but does not kill his victims; and fourth is banishment or exile or imprisonment for a muḥārib who has terrorized people but did not kill or rob them. Ibn Taymiyya holds an opinion that is different from the classical jurists. He says that the sequence of the punishments indicated in Q5:33 does not necessarily have to be followed by the imām. A case in point is if a muḥārib robs people without killing him, the imām may still sentence him to death.

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If a *muḥārib* terrorizes people without robbing him, the *imām* may still cut off his hands and feet. These punishments, as Ibn Taymiyya explains, are taken by looking at the general interest of the community, for example: in order to prevent a *muḥārib* from further killing and robbing.\textsuperscript{211}

Ibn Taymiyya pays special attention to the site of commission of *ḥirāba*. According to al-Sarakhšī, if the crime occurs in a city or in a populated district, it is not considered as *ḥirāba*, but only if it is committed in an uninhabited or in a remote place.\textsuperscript{212} Ibn Taymiyya argues that a *muḥārib* must be fought whether the crime occurs inside or outside a city, or whether a *muḥārib* is a Muslim or a non-Muslim, or whether the victim is a Muslim or a non-Muslim.\textsuperscript{213} Building on the logic of Q5:32 above, which follows the verse prohibiting the killing of innocent people, Ibn Taymiyya suggests that the absolute sanctity of human life entails the universal applicability of *ḥirāba*.

Ibn Taymiyya, furthermore, explains that when a man is attacked in his own house, it is normally all his possessions that are taken away, while a traveler often carries with him only a part of his belongings. Likewise, a city is naturally a place for safety and peace. Therefore, if a *muḥārib* attacks his victims in a city, he will suffer a more severe punishment.\textsuperscript{214} In the time of Ibn Taymiyya, for example, there were two groups of *muḥāribūn* who notoriously terrorize people in Syria and Egypt.

\textsuperscript{211} *al-Jihād*, 1:281; *al-Siyāsa al-sharʿīyya*, p. 117; some modern jurists say it is also the opinion of some Mālikī jurists, see, for example, Sherman A. Jackson, *Domestic Terrorism in the Islamic Legal Tradition*, The Muslim World, 91, Hartford, 2001, p. 300.
\textsuperscript{213} MF28:311.
\textsuperscript{214} MF34:242-44.
These groups were known as *Mansar* (band of brigands) and *‘Ayyārūn* (stragglers). Ibn Taymiyya asserts that there is no special consideration to be given to the place where the crime is committed and a person who commits a crime in a town may well be a more dangerous character than a person who commits one elsewhere.

It is certain that the use of weapons is significant in *hirāba*. In this respect, Ibn Taymiyya seems uninterested in the type of weapons used; he is only concerned with the disaster caused by the attack. In other words, he argues that if a man attacks others to plunder their property, no matter how he does it, even if he uses only his physical strength in committing the crime, he may also be considered a *muhārib*. He further states that if renters, doctors or craftsmen hire people into their workplaces in order to kill or rob them by stealth (*ghīla*), then these crimes may also be considered as *hirāba*.

Another issue at stake here is that Ibn Taymiyya distinguishes between the *mujāhids*, the *muhāribīn* and the fighters for the sake of racial zeal (*’aṣābiyya*). The first group, as explained before, are the best fighters and they will be rewarded with paradise. A *muhārib*, as mentioned above, is a criminal who deserves the aforementioned punishments, while the last group are those who fight in defense of their own tribes or lineages. Ibn Taymiyya does not approve of this tribal fighting

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215 *al-Jihād*, 1:285; *al-Siyāsa al-shar’īyya*, p. 121. (The words ‘band of brigands’ and ‘stragglers’ here are quoted from Farrukh’s work. *Mansar* and *‘Ayyārūn* are poor people who prefer not to have an occupation but to earn their living by procuring the things they need gratis either gently or otherwise. See Farrukh, *Public and Private law in Islam*, p. 96).


217 MF28:315-16.
and suggests that all the parties involved should be killed. He, furthermore, mentions the war of the tribes of Qays (tribes of Northern Syria) and Yemen (tribes of Southern Arabia) as an example of such unjust fighting. In this respect, Ibn Taymiyya cites a hadith to support his claim:

When two Muslims confront each other in fighting and one kills the other, then both the killer and the killed are in hell-fire. Someone said: "We understood that the killer is in hell, why then the one who is being killed? The Prophet said: "Because he also intended to kill the other person".

It is also necessary to mention another argument before drawing any conclusion. Ibn Taymiyya takes up the inquiry once again on the classical view of the execution of ‘Uthmān b. ‘Affān (Companion; third caliph, 24-35/644-656; d. 35/655) and ‘Alī by the rebels. Are the criminals to be regarded as muḥāribīn or bughāh? It is generally accepted in the classical standpoint that killing or fighting the imām leads to a general disruption. This issue, however, will be explained in the next section.

So it would appear that Ibn Taymiyya maintains that ḥirāba represents the most serious crime because it causes corruption and transgression amongst people and the community. What is more, as Ibn Taymiyya suggests, fighting the muḥāribīn, the polytheists and apostates are equally important.

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219 MF35:52; see also, Sahih Bukhārī, ‘Kitāb al-imān’, 30; Sahih Muslim, ‘Kitāb al-fitan’, 5139; Musnad, 5/41, 43, 46.
220 For a biographical notes on ‘Uthmān, see, El (1), 3:1008-11.
221 al-Jihād, 1:286; al-Siyāsa al-shar‘īyya, p. 123.
3.8.5. The bughāh

The crime of baghy is considered to be one of the worst and most serious crimes against life and property because of its evil purpose and adverse consequences. In most cases this crime will lead to other crimes like homicide, to the extent that some bughāh may kill close friends or family during the commission of their offence. The punishment for this crime is death; however, it is worth mentioning that the punishment for the crime of baghy is not included in the hadd category. The basic idea of baghy is found in the Qur’an:

And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses (bughāt) the other, then fight against the one that oppresses until it returns to the ordinance of Allah. And if it returns, then make settlement between them in justice and act justly. Indeed, Allah loves those who act justly. (Q49:9)

From the verse quoted above, the jurists are generally agreed that the imām has the right to fight bughāh. It also appears from the verse above that the crime of baghy consists of two main elements: firstly, the bughā are Muslims; secondly, fighting bughāh is necessary to put an end to their rebellion and to protect the life and property of the public where the purpose of this fighting is not merely to kill or eliminate the bughāh.

In classical Islamic literature, the topic of baghy necessitates a long and complicated discussion. The topic alone would represent the whole system of the classical Islamic International Law. Ibn Taymiyya’s discussion of this relates mostly
to the fights against the heretic Shi'a (the Druzes and Nuṣayris) of his time. Ibn Taymiyya tends to believe that they are similar to the hypocrites and even worse because they transgress and violate the *sharī'a*.

Whether they are *bughāh* or apostates, there is an equivocal argument given by Ibn Taymiyya and needs to be identified. This raises another fundamental question, what does Ibn Taymiyya say about the Druzes and the Nuṣayris? This analysis contains something of value to this study. As outlined before, apart from *jihād*, the second purpose of this study is to examine the concept of *baghy* in Islamic law. Thus, the next chapter will be devoted specifically to a discussion of this matter.


\[\text{\textsuperscript{224} al-Jihād, p. 224; Thalāth rasā'il, pp. 126-32.}\]
CHAPTER FOUR
CHAPTER FOUR

BAGHY IN ISLAMIC LAW AND THE THINKING OF IBN TAYMIYYA

4.1. Introduction

The chapter focuses on the opinion of the jurists about the concept of baghy and its significance in the Islamic law. The objective of this chapter is to provide a comprehensive review of the issue of baghy and the thinking of Ibn Taymiyya within the context of jihād. The chapter starts with a brief explanation of the lexical meaning of baghy and its position in classical texts. The chapter continues with the discussion about the legal status of baghy in Ibn Taymiyya’s view. Later, it attempts to shed some light on the issue of baghy and jihād against unjust or corrupt imāms, and what is the relationship between them from the perspective of the two prime sources of Islam: the Qur’ān and hadith, with special focus on Ibn Taymiyya’s point of view. This topic is treated in detail in the present study, and most of this problem is as pertinent to the umma today as it was in the time of Ibn Taymiyya. It is hoped that the following exposition will have some valuable impact on the on-going debate about baghy and jihād. It bears noticing, however, that this chapter is only concerned with the views of the jurists of the four major Sunni schools. The views of other schools including Shi‘a, although interesting, will not be discussed.
4.2. The definition of *baghy*

*Baghy*, according to Islam, is a punishable crime and is different from *hirāba*. As explained in Chapter Three, *hirāba* refers to highway robbery, terror or spreading of fear, while the word *baghy* is usually used by Muslim jurists to describe an act of rebellion or political resistance. The word *baghy* comes from the root *bagha* which means “to desire or to seek something”, “to cause corruption”, “to envy” or “to commit injustice”.

A rebel is called “*baghi*”, and the plural form is “*bughah*”. In this study, and as stated earlier, I will use the word *baghy* in its most general form; that is, as the act of resisting the authority in power, through disregard of the law, for political reasons.

What I would like to examine in this section is the confusion between the usage of the terms *baghy* and *hirāba*. In modern usage, it is inaccurate to describe both *baghy* and terrorism as an act of violence in the common sense. Therefore we must decide what acts constitute acts of terrorism and who should be described as a terrorist, and what acts are *baghy*. Technically, they are different because the term terrorism can refer to “any use of violence or putting the public or any section of the public in fear, for political purposes” while the term *baghy* has a more specific meaning, namely, “the taking up of arms or opposition by a substantial group of persons against the lawfully constituted authority in a state and making an attempt to

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overthrow that authority 

In the new development of modern Arabic usage, terrorism is sometime translated as *irhāb*. So, it would be appear that *irhāb* is an armed or other form of attack against civilians or the public and the perpetrators are regarded as terrorists. Baghy, however, is an armed attack only against the authority, not the civilians, and it is always carried out for certain political purposes. If civilians are accidentally caught in the crossfire, a *bāghi* is not labeled as an *irhābī* (terrorist). Terrorism can also be translated as *hirāba*. With regard to this, Abou El Fadl refuses to adopt the word terrorism as a translation of *hirāba*, which he believes to be an anachronism. He further states that *hirāba* deals with common criminals motivated by private gain. Therefore, he believes that terrorism exists as a result of the emergence of the political crime and national liberation in the modern age. Al-Qaradāwī, however, adopts the word *hirāba* to express terrorism. He vigorously uses *hirāba* in his recent *fatwā* to refer the perpetrators of the public attacks. Commenting on *hirāba*, Sherman A. Jackson asserts that the crime of *hirāba* in the Islamic legal tradition has a relationship with modern terrorism. To take another example, al-Zuhaylī states that *bāghi* opposes the legitimate ruler on the basis of

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6 al-Matrūdī, ‘al-Irhab wa ra'y al-Qur'ān fihī’, p. 188.


9 This fatwa gave permission to American Muslim soldiers to take part in the military campaign against terrorism, even if that involved the declaration of war against a Muslim country. See Basheer M. Nafi, ‘Fatwa and War: On the allegiance of the American Muslim soldiers in the aftermath of September 11’, *Islamic Law and Society*, 11, Leiden, 2004, pp. 80-2.

10 For more detailed information of *hirāba* and modern terrorism, see Jackson, ‘Domestic Terrorism in the Islamic Legal Tradition’, pp. 295-99.


tā 'wīd (it is a type of thinking or ideology followed by the bāghī), while muḥārib does so without any such pretense.¹¹

The issue regarding the confusion of the usage of the terms baghy and hirāba has also been dealt with by the jurists. In fact, according to Abou El Fadl, the confusion kept occurring and being debated by jurists until the end of fifteenth century.¹² Nevertheless, this chapter cannot allocate more space to discuss that issue. For the purpose of this chapter, focus will only be given to baghy in relation to political revolt against the leader. In other words, the discussion above suggests to us that baghy is more suitable in reference to political uprising by specific groups of people against the imām, and with this brief explanation I believe that the difference between the basic usage of baghy and hirāba has been made.¹³

Abou El Fadl and Jackson, furthermore, observe that the Islamic law of baghy is a concept based on the process of ijtiḥād in classical fiqh thought. It then is applied in the legal system that existed at that time based on local factors.¹⁴ Therefore it is not impossible if the technical forms in the concept of baghy can evolve with the passing of time and different eras. The gist of this chapter is also to examine the baghy that occurred during the Mamluk era or, to be more precise, during the era of Ibn Taymiyya, and to find the answer as to whether the groups that he has carried out jiḥād against can be considered as bughāh.

¹² Abou El Fadl, Rebellion and Violence in Islamic law, p. 135.
¹³ For more detailed information of the difference between hirāba and baghy, see, for example, Jackson, 'Domestic Terrorism in the Islamic Legal Tradition', pp. 301-02.

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4.3. Baghy in the classical texts

Most of the major books of fiqh contain a chapter on baghy and this suggests to us that its discussion has had close attention from the classical jurists. The majority of the jurists, such as Ibn Rushd, al-Shafi'i, al-Mawardi, Abū Ya'la and Ibn Qudama have allocated a place in their works for the discussion of the concept of baghy. There is a uniformity of method in the classical literature where the jurists usually present and interpret certain Qur'anic verses and hadiths that are concerned with baghy, followed by the explanation of the legal status of baghy. A slight disagreement, however, occurs on its categorization, since the topic baghy is commonly discussed under one of three major chapters, either criminal law, or siyar or jihād.

4.3.1. The elements of baghy

Al-Mawardi and Ibn Qudama state that the imām must ensure that a rebel group must possess three crucial elements to be considered as baghy:

(i) The first element is that the group must commit khuruj. Khuruj is any action that exhibit rebellion or treason against the imām. For example, when a group refuses to obey an official directive from the imām, they can be considered as having committed khuruj. Nonetheless, al-Shafi'i

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17 al-Mawardi, al-Āhkām al-sulṭāniyya, p. 73; Ibn Qudama, al-Mughni, 8:423.
believes that if *khurūj* is committed against a cruel and unjust *imām*, the party who opposes cannot be considered as committing *khurūj*,\(^\text{18}\) but they are considered as fulfilling their responsibility towards the principle of *amr bi al-maʿrūf* and *nahy ʿan al-munkar*. Abū Bakr Ahmad b. al-Ḥusayn b. al-Bayhaqī (Ṣafīʿī *faqīh*; d. 458/1066),\(^\text{19}\) furthermore, asserts that if one directed a complaint against the *imām* by using rude language he will not be punished. Al-Bayhaqī relies on the story of ʿUmar b. ʿAbd al-ʿAzīz (the eight of the Umayyad caliph; reign 99-101; d. 101/720)\(^\text{20}\) who did not punish the man who was found cursing him publicly in the market.\(^\text{21}\)

(ii) The second element is *tāʿwīl*. *Tāʿwīl* is a type of thinking or ideology followed by the *bāghi*. This ideology, furthermore, is deviant from the mainstream thought of the *imām*. *Tāʿwīl* must be something baseless or illogical according to rational thinking. In other words, *tāʿwīl* must be unpopular or considered erroneous among the majority of other Muslims. If *tāʿwīl* is something rational and logical, it is considered valid and it fulfils the concept of *al-amr bi al-maʿrūf* and *al-nahy ʿan al-munkar*.\(^\text{22}\) In this case, the *imām* does not have any right to punish the *bāghi*. On the other hand the *imām* has the obligation to listen and act upon the


\(^{19}\) For a biographical note on al-Bayhaqī, see, *El* (2), 1:1130.


criticism. Only when everything has been fulfilled and the bāghi still go against the imām, only then the group is trouble and must be fought. 23

(iii) The third element is shawka. It means that every bāghi has to consist of an organisation that has its own influence and political powers. Ibn Qudāma firmly believes that shawka is essential in characterising a baghy in order to differentiate it from other groups. According to him, without this element, confusion would arise when one party exploits the situation by claiming that certain individual has committed tā ’wil and from then on claims that the person as bāghi. 24 Nevertheless, al-Shāfi’i has a different opinion regarding this. He does not clarify the minimum number of members of the group. This means that even if the group has one member and it fulfils the three elements, it will still be considered as bāghi. Al-Shāfi’i uses the example of ‘Alī b. Abī Ṭālib’s assassination by ‘Abd al-Rahman b. Muljām (Khārijī; d. 40/661). 25 Al-Shāfi’i claims that Ibn Muljām has committed baghy and ‘Alī himself moments before he died commanded that Ibn Muljām was put to death for his crime. 26

The concept of baghy in addition to being determined through the Qur’an and hadith also has a very close relationship to the history of baghy that occurred in the early era of Islam. The jurists have succeeded in identifying that baghy has occurred since the era of the Companions and this will be explained later. Nonetheless, there is

23 al-Bayhaqi, Kitāb al-sunan al-kubrā, 8:175; Ibn Qudāma, al-Mughni, 8:536.
24 Ibn Qudāma, al-Mughni, 8:424.
26 al-Shāfi’i, al-Umm, 4:216; al-Suyūti, The history of the Khalifahs, pp. 182-83.
still some debate in determining if the Companions involved in the uprising in that era committed baghy or not. Abou El Fadl is of the opinion that if baghy is considered as a criminal transgression, logically, those involved are criminals. Therefore, Abou El Fadl claims that jurist like Ibn Taymiyya who conceded that baghy is not a criminal transgression actually is reluctant to convict the Companions involved as criminals. Nonetheless, the discussion in this chapter, is not focused on this issue, whereas, Abou El Fadl has posited this issue as the objective of his writing. Thus, to obtain further information regarding the discrepancy in the opinions of the jurists, direct reference to his book is recommended. However, in the larger part of this chapter, I will frequently refer to Abou El Fadl’s writing, for the approach he has taken in commenting on the issue of baghy is highly relevant to this chapter. Abou El Fadl has analysed baghy cases that occurred between the years 59/680 to 209/825. In this case, I will not repeat the facts gathered by Abou El Fadl from the classical historical texts, but I will analyse only specific cases of baghy. The interesting thing in examining his writing is the information on the involvement of famous Companions like ‘Uthmān, ‘Alī, Mu‘āwiya b. Abī Sufyān (Companion; Umayyad caliph, 41-60/661-680; formerly governor of Syria under ‘Umar and ‘Uthmān; d. 65/685)28, Ṭalḥa b. ‘Abd Allāh (Companion; governor of Medina, c. 70-72/ c. 689-691; d. c. 97/715)29 and al-Zubayr b. al-‘Awwām (Companion; d. 73/692).30

27 Abou El Fadl, Rebellion and Violence in Islamic law, pp. 20-1, 32.
28 For a biographical note on Mu‘āwiya, see, EI (2), 7:263-68.
29 For a biographical note on Ṭalḥa, see Muḥammad b. Khalāf Wākī’ (d. 305/918), Akhbār al-qudāh, Cairo, 1947-50, 1:120.
30 For a biographical note on al-Zubayr, see EI (2), 1:54-5.
'Alī is not the first caliph in Islamic political history to handle a baghy case. 'Uthmān also faced with the bughāh and was finally assassinated by them. In addition to that, Abū Bakr himself was involved in a war with the groups who refused to pay zakāh. Nonetheless, the jurists, including Ibn Taymiyya do not posit the case of baghy in Abū Bakr era as the main source of reference in forming the concept of Islamic law of baghy, but instead referred more to the conflicts that occurred in the era of ‘Alī. From what I explained of Abū Bakr’s military campaign against the groups in Chapter Three, it is clear that the main reason why the jurists did not refer to the case of Abū Bakr because the groups were considered apostates.\(^{31}\)

On the other hand, Ibn Taymiyya agrees to include the Medinan rebellion that occurred in the year 35H/655M in Islamic law of baghy. In this incident, some Medinan extremists revolt against ‘Uthmān. The story clearly showed that ‘Abd Allāh b. Sabā’ (founder of Sabā’īyya; d ?)\(^{32}\) has initiated opposition against ‘Uthmān’s leadership and this opposition ended with the assassination of ‘Uthmān.\(^{33}\)

Therefore, as Ibn Taymiyya remarks, Ibn Sabā’ and his followers are found to have committed baghy.\(^{34}\)

4.3.2. The punishment of baghy

The principle concept employed by the jurists in determining the punishment of baghy is to maintain peace and public harmony. This principle is clearly indicated in

\(^{31}\) For more detailed of information on Abū Bakr’s fighting against apostates, see Chapter Three of this thesis, p. 167.

\(^{32}\) For a biographical note on Ibn Sabā’, see, EI (1), 1:29-30.


\(^{34}\) MF3:279.
the Qur'an: “And if two factions amongst the believers should fight, then make settlement between the two (Q49:9)”. This means that the ruler must first attempt to the best of his ability to prevent bloodshed and war is only allowed as the last resort when all efforts towards peace have failed.

Jurists, including Ibn Taymiyya say that the fitting punishment for the offender is not mandatory as in the other crimes that stipulated hadd or qisās. The ruler can only shed the blood of the bāghi only in the course of battle. Or rather, when the bāghi start to form a militant group and prepare arms and artillery, the imām must first command the group to be disbanded immediately. Only when this order is ignored can the imām initiate military actions against them. According to al-Māwardī, the ruler has to first give a warning to the offender in regards to the consequences and punishment that would befall them if they continue the uprising. As I have explained before, the concept of the punishment for crimes of baghy is not only for bloodshed and battle but the main purpose is to maintain the harmony of a nation.

Al-Sarakhsī explains that a bāghi arrested by the imām is given all the chance to confess to the crime and to pledge loyalty to the imām. If the bāghi refuses, the imām can sentence the bāghi to death. Another issue touched by al-Sarakhsī is the involvement of women and slaves under the baghy group. According to him, women

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35 MF3:353-54; 4:441-42; 35:80; for Abū Ḥanīfa’s opinion see Muḥammad Abū Zahra, al-Jarīma wa al-‘uqūba fī al-fiṣḥ al-İslāmī, Cairo, 19—, p. 57.
37 al-Sarakhsī, al-Mabsūṭ, 10:126.
and slaves are not exempted from a death punishment if they are found guilty of

\textit{baghy}.\textsuperscript{38}

It is clear from the discussion above that the jurists basically agree that \textit{baghy} is a serious offence and punishable by imprisonment or death. Thus the jurists agree that the \textit{bāghi} needs to be put behind bars or be put to death. It is generally accepted that the objective of fighting \textit{baghy} is to resolve a conflict peacefully and to prevent any bloodshed at all. If there is a murder during a revolt, and after that the \textit{bāghi} surrenders and repents, it is not necessary to add to the number of death toll by sentencing them to death.

There is another interesting question posited by the jurists, which is the issue of a non-Muslim \textit{bāghi}. Al-Sarakhsi states that a non-Muslim \textit{bāghi} is punished by the same punishment as an ordinary Muslim \textit{bāghi}. Further explanation regarding this issue has been made by Hamidullah. He states further that non-Muslim \textit{bughāh} are divided into two categories: first, those who live in a region surrounded by \textit{dār al-Islām}; second, those who live in a region that shares a border with \textit{dār al-ḥarb}. The first group may be sentenced like Muslim \textit{bughāh}. The second group considered the same as an army of \textit{dār al-ḥarb}. Thus, the second group may be fought by the \textit{imām}. In this case, Hamidullah believes that there is a possibility that the second group is conspiring with the enemy to threaten the Muslims and for this they should be attacked.\textsuperscript{39}

\textsuperscript{38} al-Sarakhsi, \textit{al-Mabsūt}, 10:130.
\textsuperscript{39} Hamidullah, \textit{Muslim Conduct of State}, p. 356.
4.4. The legal status of baghy: Ibn Taymiyya’s opinion

Before continuing the discussion of baghy and its relationship with jihād, there is a need to examine the basis of the usage of the term baghy. Confusion occurs with the reports in the classical fiqh texts that do not distinguish between baghy and hirāba. As explained in Chapter Three, Ibn Taymiyya believes that whoever goes against God and the Prophet is a muḥārib. If the conflict involves murder and the destruction of public property, every convict should be crucified and put to death. By contrast, Sa‘īd b. al-Jubayr (Kufan faqīh; d. 95/714) extended the concept of hirāba not only to robbery but also to other crimes, including revolt. Ibn al-Jubayr’s view is of considerable weight when it is examined in relation to the text of the Qur’an (Q5:33) that touches on the issue of hirāba. One agrees that the context of the verse is too broad and can invite multiple interpretations. Therefore, it can be assumed that Ibn al-Jubayr’s action of not distinguishing baghy from hirāba is due to his interpretation of Q5:33 which is general in nature.

In order to ensure a clear definition of hirāba and the context of its usage in fiqh and to distinguish it from baghy, it advisable to examine briefly the status of hirāba in Islamic legal thought. As stated elsewhere, the term hirāba as quoted in Q5:33 is more specific in reference to robbery cases that often turn into homicide cases. In discussing this issue, there are two other terms frequently used by the jurists: the first one is qat‘ al-tarāq; and the second one is sarīqa al-kubrā. Further explanation regarding the usage of the term hirāba in relation to the crime of robbery

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has been discussed extensively by El-Awa in his book *Punishment in Islamic Law.*\(^{41}\)

The classical jurists like al-Shāfīʿī, Ibn Rushd, Ibn Qudāma and Ibn Taymiyya agree that *hirāba* refers to the crime of robbery when it involves the use of weapons as a threat.\(^{42}\)

_Baghy_ was distinguished from other offences after the Great Fitna. In this respect, al-Shāfīʿī, al-Sarakhsi and Ibn Qudāma explain that the term _baghy_ was used consistently in reference to cases of uprising or revolt.\(^ {43}\) We have mentioned before that the concept of _baghy_ has a close relationship with the cases of _baghy_ in the early era of Islam. Thus, it is believed that this source has been utilised by the jurists as the basis for building the concept of _baghy_ in the Islamic legal system.

After the death of the Prophet, the Muslims experienced an era of _fitna_. It is useful to quote the views of Ibn Taymiyya regarding _fitna_. As explained in Chapter Three, Ibn Taymiyya feels that in many genres of the Qur’anic verses and hadiths, the term _fitna_ refers to “fitna of the kuffār” and “fitna of sharr”\(^ {44}\).

### 4.5. Baghy in the Qur’an and hadith: Ibn Taymiyya’s opinion

In the Qur’an, the term _baghy_ has been used largely to refer to the meaning of “transgression”, “oppression” or “rebellion” (i.e. Q2:173; 3:19; 6:145; 6:146; 10:23, 90; 16:90; 42:14; 45:17). The legal basis of _baghy_ is Q49:9:

\(^{41}\) El-Awa, *Punishment in Islamic Law*, pp. 20-32.

\(^{42}\) al-Shāfīʿī, _al-Umm_, 6:140; Ibn Rushd, _Bidāya al-mujtahid_, p. 547; Ibn Qudāma, _al-Mughni_, 8:288; _al-Siyāsa al-sharʿīyya_, p. 117.


\(^{44}\) MF28:355; _al-Siyāsa al-sharʿīyya_, p. 123.
And if two factions amongst the believers (al-mu'minîn) should fight, then make settlement between the two. But if one of them rebels (baghät) the other, then fight against the one that rebels (tabghî) until it returns to the ordinance of Allah. And if it returns, then make settlement between them in justice and act justly. Indeed, Allah loves those who act justly.

Generally, this verse suggests to the imâm to offer a pact of peace to conflicting parties. The imâm has the right to declare war on the party who refuses to fulfil the covenants of peace that both parties have agreed upon.

According to Abou El Fadl, there is another source that is not given prominence by the jurists, which is the Sahîfa al-Madîna. In the clauses of that constitution, the Prophet has used the term baghâ in a phrase that refers to unfairness or transgression: ‘ala man baghâ minhum’ that means that the Muslims are required to be tolerant in regards to the unfairness of the Arab polytheists.45 In this chapter, I will not discuss in detail the constitution and the policies employed by the Prophet. What I would like to show is only that the term baghy is found in that constitution. Nonetheless, the jurists, including Ibn Taymiyya, rarely refer the use of baghy in this constitution as compared to the reference made to Q49:9. In view of that, this discussion is focused only on this verse.

An examination of the full meaning of Q49:9 shows that this verse refers to two conflicting parties and the form of punitive measures that can be taken against parties who refuse to maintain peace. But this text is seen as too general and that gives room for doubts regarding the characteristics of the conflict. There have been

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45 Abou El Fadl, Rebellion and Violence in Islamic law, p. 37; for more detailed information of the Constitution of Medina, see, for example, Watt, Islamic Political Thought, Edinburgh, 1998, p. 131; Guillaume, The Life of Muhammad, pp. 231-34.
numerous interpretations that it might refer to conflict between the Muslims and non-
Muslims or the conflict between groups of Muslim with the government. In order to
understand the context of Q49:9 more deeply, it is advisable to examine its asbāb al-
nuzūl.

Commentators like al-Ṭabarî, al-Qurtubî and Ibn Kathîr report that Q49:9 was
revealed after a conflict between the followers of ‘Abd Allâh b. Ubayy b. Salûl
(Medinan; d. 9/631)46 and the followers of ‘Abd Allâh b. Rawâha (Companion; d.
8/629).47 The report is as such: “The Prophet was riding a donkey passing Ibn
Ubayy, when the donkey suddenly stopped and passed faeces in front of Ibn Ubayy.
Ibn Ubayy covered his nose and roughly commanded the Prophet to go away. Upon
witnessing the incident, Ibn Rawâha who was passing by became angry and retorted
that the smell of the Prophet’s donkey was much preferable to that of Ibn Ubayy”.
The argument soon escalated into a serious feud where each had his own followers.
The Prophet tried to persuade them to make peace but he failed. Following that
incident, Q49:9 was revealed.48

In another variation, al-Ṭabarî reports that the verse was revealed when the
Prophet passed Ibn Ubayy while he was doing his missionary duties with a group of
the Meccan polytheists and a group of Jews. Ibn Ubayy rudely told the Prophet to

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46 For a biographical note on ‘Abd Allâh b. Ubayy, see, EI (2), 1:53.
47 For a biographical note on ‘Abd Allâh b. Rawâha, see, EI (2), 1:50-1.
16:316-17.
stop his teaching. Ibn Rawāḥa became angry with Ibn Ubayy, and an argument broke out between them.\textsuperscript{49}

The verse quoted above clearly indicates that enmity gives negative effects on the peace and harmony of the citizens as a whole. Thus, the Qur’ān suggests that the imām ends the conflict with war if peace discussions are not successful. The more interesting part of the discussion states that any effort in handling the *baghy* crisis, including war, is allowed in Islam. In other words, the action taken is in the name of sovereignty and the security of the citizens. Generally, the jurists, such as al-Shāfī‘ī, Ibn Qudāma and al-Sarakhsi, posit two basic principles derived from Q49:9. The first principle is that the *bughāh* maintain their status as Muslims; and the second principle, which is the ultimate aim of the concept of *baghy* is to end conflicts peacefully and not only through war.\textsuperscript{50} In addition, Ibn Taymiyya says that the word “*al-mu‘minîn*” in the verse above clearly indicates that both parties are Muslims.\textsuperscript{51} In connection with this, it is certain that both Ibn Ubayy and Ibn Rawāḥa were Muslims, and it is clear that *baghy* in the verse refers to conflict amongst Muslims.

Logically, this effort is a significant action and every party that works towards solving the conflict should be given credit for its efforts. Therefore in their discussions on Islamic political thought, the jurists, including Ibn Taymiyya, consider all efforts towards the solution of the conflict of *baghy* to be *jihād*.\textsuperscript{52}

\textsuperscript{51} MF35:72; *al-Tafsîr*, 4:10-1.
\textsuperscript{52} MF34:225-27.
Another source is the Q3:104 apart from Q49:9:

And let there be from you a nation inviting to good, enjoining what is right and forbidding what is wrong, and those will be the succesful.

This verse is seen as reinforcement of the concept of amr bi al-ma’ruf and nahy ‘an al-munkar. As explained by Ibn Taymiyya in Chapter Three, the verse indicates that the Muslims have the responsibility to promote righteousness and to prevent disobedience. The call to promote amr bi al-ma’ruf has been stressed by the Prophet in the hadith that specifies that any carelessness in the execution of this duty can bring about wrath from God. Thus, this verse teaches that every Muslim, especially those holding authority, has the obligation to ensure the well-being and security of the citizens and to prevent all transgressions, including baghy, that can threaten public security.

That leaves one unexamined source, which is the hadith. With regard to the hadith of baghy, Ibn Taymiyya says that Ahmad mentions only the hadiths about fighting against the Khawārij. In Bukhārī’s collection, the hadiths are about fighting against apostates and the Khawārij. In Muwattī’, Mālik gathers similar hadiths but entitles the chapter, “fighting apostates and the cult” (qitāl ahl al-ridda wa ahl al-ahwā’). There are a number of hadiths that quotes by Ibn Taymiyya regarding baghy. The example of the hadiths are as follows:

During the construction of the mosque of the Prophet, the companions carried the adobe of the mosque, one brick at a time while ‘Ammār b. Yāsir used to carry two at a time. The Prophet

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53 MF4:450-51.
passed by ‘Ammār and removed the dust off his head and said: “May Allah be merciful to ‘Ammār. He will be killed by a rebellious aggressive group (al-fi’a al-bāghiya). ‘Ammār will invite them to obey Allah and they will invite him to the hellfire”. 54

During the last days there will appear some young foolish people who will say the best words but their faith will not go beyond their throats (i.e. they will have no faith) and will go out from (leave) their religion as an arrow goes out of the game. So, wherever you find them, kill them, for whoever kills them shall have reward on the Day of Resurrection. 55

The first hadith indicates the fitna in which the Companions involved. This fitna or rebellion was led by Mu‘āwiya and Talḥa. This fact was later found by Ibn Taymiyya to be inaccurate. Ibn Taymiyya has listed several hadiths that denied Mu‘āwiya and Talḥa involvement in the said rebellion and his testimonial on Mu‘āwiya, Talḥa and other Companions will be explained later. Rather, Ibn Taymiyya maintains that the rebellion was led by Ibn Sabā’ against ‘Uthmān. 56 The second hadith refers to the Khawārij’s uprising and this is undisputably true. 57

4.6. Ibn Taymiyya’s opinion on Talḥa, al-Zubayr, ‘Ā’ishah and Mu‘āwiya

From my analysis, the example frequently cited in the literatures is the case amongst four main parties. 58 The first party is represented by ‘Alī as the fourth caliph of the Islamic state. The second party is represented by three main companions: Talḥa, al-Zubayr and ‘Ā’ishah bint Abī Bakr al-Ṣiddiq (One of wives of the Prophet; d.

56 MF35:74, 76.
57 MF35:54.
The third party is represented by Mu‘awiya and the last one is the revolts by a group called the Khawarij against ‘Ali. The conflict between Mu‘awiya and ‘Ali tends to lean towards political dispute. In fact, the uprising of the Khawarij against ‘Ali is also an example of a case of *baghy* that has been encouraged by political factors.

It is worth reflecting a little on some of the details in order to understand what lies behind them. The conflict started after ‘Uthmān was murdered by an Arab fundamentalist. Mu‘awiya and his followers demanded that ‘Ali brings the murderer to justice but when ‘Ali did not react, Mu‘awiya started to form an army against ‘Ali. This conflict ended with two battles called the Battle of the Camel (this battle took place in the year 36/656) and the Battle of Siffin (this battle took place in the year 37/657). In the Battle of Siffin, ‘Ali and Mu‘awiya finally agreed to a peace agreement but there was a group called the Khawarij that rose against the agreement and considered it null and void.60

Nonetheless, Ibn Taymiyya expresses some disagreement on the cases quoted above. This disagreement can be observed from his denial that Mu‘awiya, Ṭalḥa, al-Zubayr and ‘Ā’isha committed *baghy*. It is hard to disagree with Ibn Taymiyya’s opinion, and one must acknowledge that his disagreement changes the principal idea of the classical notion of *baghy*, and this will be explained later. Ibn Taymiyya thinks that Mu‘awiya, Ṭalḥa, al-Zubayr and ‘Ā’isha are not *bughāh*, rather it is said in the

59 For a biographical note on ‘Ā’isha, see EI (2), 1:307-08.
Qur'an and hadiths that they are amongst the best Companions, the best of this umma, the most righteous and the deepest in knowledge.\textsuperscript{61} For example, the Qur'anic verse and hadiths are as follows:

And those came after them, saying: “Our Lord, forgive us and our brothers who preceded us in faith and put not in our hearts resentment toward those who have believed. Our Lord, indeed you are Kind and Merciful”. (Q59:10)

The best people are those living in my generation, and then those who will follow them, and then those who will follow the latter. Then there will come people who will bear witness before taking oaths, and take oaths before bearing witness.\textsuperscript{62}

The stars are a source of security for the sky and when the stars disappear there comes to the sky what it has been promised. And I am a source of safety and security to my Companions and when I go away there would fall to my Companions what has been decreed for them. And my Companions are a source of security for the umma; as they go there would fall to my umma what has been decreed for them.\textsuperscript{63}

In this respect, Ibn Taymiyya also says that it is sinful to insult the Companions.\textsuperscript{64} In the following hadith, the Prophet warns those who harm and rebuke his Companions:

Do not rebuke my companions. If any of you spend as much gold as the mount of Uhud, he will not reach the reward of a handful of any of them, nor half of it.\textsuperscript{65}

Ibn Taymiyya, furthermore, says the Muslims should accept all virtues and grades that have been ascribed to the Companions in the Qur'an, hadith and ijmā'. Muslims should believe that the Prophet gave glad tidings of paradise to some of the

\textsuperscript{61} MF35:75.
\textsuperscript{62} See \textit{Ṣaḥīḥ Bukhārī}, 'Kitāb al-aimān', 820; \textit{Ṣaḥīḥ Muslim}, 'Kitāb al-faḍā'il al-ṣaḥāba', 6140.
\textsuperscript{63} See \textit{Ṣaḥīḥ Muslim}, 'Kitāb al-faḍā'il al-ṣaḥāba', 6147.
\textsuperscript{64} MF3:409.
\textsuperscript{65} MF35:58; 3:409; see also \textit{Ṣaḥīḥ Bukhārī}, 'Kitāb al-al-ṣaḥāba', 3421; \textit{Ṣaḥīḥ Muslim}, 'Kitāb al-faḍā'il al-ṣaḥāba', 6167.

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Companions, such as Abū Bakr, ‘Umar, ‘Uthmān, ‘Alī, Ṭalḥa and al-Zubayr, and Muslims should also not believe that every Companion is innocent of minor or major sins, but rather that it is possible in general that they commit sins. For instance, the sin of taking part in the battle against ‘Alī, and it is also possible that they repent for something wrong that they have done. In addition to this, they have such superior and virtuous deeds to their credit that they are pardoned the errors committed by them. In this respect, Ibn Taymiyya quotes a hadith: “If two Muslims encounter each other with swords in their hands, the killer and the killed both go to hellfire”, and as Ibn Taymiyya remarks: “If the killer and the killed repent, they do not go to hellfire”.

Ibn Taymiyya suggests that the Muslims should keep themselves uninvolved in the conflicts that arose amongst the Companions, particularly after the assassination of ‘Uthmān and the fitna that took place between ‘Alī, Mu‘āwiya and Ṭalḥa, and believe that the majority of reports narrated about the shortcomings of the Companions were either false or have been exaggerated, or reduced, or perverted.

For Ibn Taymiyya, the right stand in this connection is to be silent, because the Companions are mujtahids, and mujtahids cannot be treated as common criminals if they grasped the correct position by ijtihād or they committed a mistake.

As I have mentioned before, the jurists argued as to who has made a right ijtihād between ‘Alī and Mu‘āwiya. In contrast, Ibn Taymiyya says that both ‘Alī

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66 For the full text of the hadith, see Subsection “the muḥāribīn” in Chapter Three of this thesis.
67 This refers to the situation before the battle takes place, see MF35:52, 84.
68 MF35:58, 75.
and Mu‘awiya are right in their *ijtihād*. Mu‘awiya believed that ‘Alī was trying to protect ‘Uthmān’s assassins by not bringing them to the court. In this case, ‘Alī had a different rationale to justify his actions. According to ‘Alī, ‘Uthmān’s assassins had a large number of followers and this group would revolt if one of its members was arrested by the ruler. ‘Alī was worried that the nation would be dragged into chaos and the people would suffer. Mu‘awiya disagreed and lodged a protest against ‘Alī and this protest led to the battle. According to Ibn Taymiyya, this battle was a *fitna* amongst the Muslims.  

4.7. Ibn Taymiyya’s opinion on the Khawārij

In the ensuing conflict, the Khawārij disagreed against ‘Alī pact of peace with Mu‘awiya. According to the Khawārij, ‘Alī has acted based on his own will instead of the teachings of the Qur’an. The Khawārij rebelled against ‘Alī, accusing him of compromising God’s sovereignty by accepting arbitration that was supposed to resolve a political dispute between ‘Alī and Mu‘awiya. The Khawārij were the earliest group of fanatics who separated themselves from the Muslim community.  

They slung accusations of blasphemy and apostasy against ‘Alī and Mu‘awiya and those who followed them, and they justified shedding blood of all Muslims. Or, to put it another way, the Khawārij make *takfīr* of the main body of believers. Then they in turn split from their original allegiance and set up a further, more extreme ideology to fight against unjust *imām* and its followers.  

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70 MF34:51.  
71 Khan, *The Political Thought of Ibn Taymiyah*, p. 165.  
Ibn Taymiyya says that the Khawārij was the group who first threw accusations of blasphemy on 'Alī and Mu'āwiya. He also claims that the Khawārij was the group who first made an innovation which deviated from the teaching of Islam (i.e. accusing takfīr to other fellow Muslims) and rebelling 'Alī (ahl al-bid'a wa ahl al-baghy).

Ibn Taymiyya agrees that jihād must be carried out against the Khawārij. In particular, Ibn Taymiyya asserts that the Khawārij possessed the elements of baghy: khurūj, tā’wil and shauka. Therefore it becomes a duty for all Muslims to fight them in the battlefield. With this respect, Ibn Taymiyya maintains the hadith quoted above to support his claim: “Wherever you find them, kill them, for whoever kills them shall have reward on the Day of Resurrection”.

So, it would appear that there are three elements that becomes the basis of Ibn Taymiyya's understanding of baghy: first is the incidents or battles which took place between 'Alī, Mu'āwiya and Ṭalḥa were regarded as fitna. Therefore, the incidents stress no relation to the development of baghy and the companions were not bughāh; second is the verses Q49:9 and Q3:104 indicate the obligation to obey the imām and to obey God's orders, and to fulfil the concept of amr bi al-ma'rūf and nahy 'an al-munkar; and third is the Khawārij were bughāh. So, Ibn Taymiyya argues that it was necessary upon 'Alī to fight them. Also, it was necessary upon Muslims to support 'Alī against the Khawārij. Still another approach would allow the Muslims to use the

74 MF4:437, 452; 35:50.
76 al-Siyāsah al-shar'iyya, p. 117; al-Jihād, 1:281, 286.
77 MF35:54-7.
same verse (Q3:104) for justifying baghy against the unjust imāms. This, in turn, has raised a complex legal question, which is if jihād against the unjust imāms is admissible or not. This polemic will be discussed in the later section.

4.8. Ibn Taymiyya’s opinion on the Druzes and the Nuṣayris

As I explained in Chapter One and Three, not only did Ibn Taymiyya say that the Mongols were to be fought, but also said the same of the heretic Shi‘a: the Druzes and the Nuṣayris. Ibn Taymiyya’s jihād against the Mongols is based on two stands: firstly, the Mongols came to Muslim territories as invading army; and secondly, they transgressed against the shari‘a (i.e. they neglected the duty of daily prayers and Ramaḍān fasting). In this section, the focus is only given to the Druzes and the Nuṣayris. Ibn Taymiyya’s jihād against the Druzes and the Nuṣayris is based on three stands:

(i) Ibn Taymiyya rejects their heretical manifestations in theology and ‘ibāda. The Druzes and the Nuṣayris believed that ‘Alī b. Abī Ṭālib as an incarnation of God. They also believed that “five prayers” (as-salawāt al-khams) is an expression referring to five names: “‘Alī, Ḥasan, ʿUsayn, Muḥsin and ʿAṭīma”, and that mentioning these five names suffices one, instead of washing or bathing (ghusl) from major impurity, or ablution, or fulfilling other conditions and obligatory actions of the five daily prayers; they also believe that ‘Alī is the creator of the heavens and the earth, and

that ‘Alî is their God in heavens and imām on the earth. Apart from this, they do not believe in the Day of Resurrection, Paradise and Hellfire.

(ii) Ibn Taymiyya argues that the Druzes and the Nuṣayrīs were bughāh because they accused takfīr and killed the Muslims who refused to follow their creed. The Sunnī jurists, including Ibn Taymiyya, agree that it is prohibited to accuse takfīr to any Muslims or the sinners, unless the person declares to disobey the Islamic law. Ibn Taymiyya affirmatively says in Majmū‘ Fatāwā that his jiḥād against the Druzes and the Nuṣayrīs was exemplified from the issue of the Khawārij. As explained above, the Khawārij claimed that ‘Alî was wrong in his decision to reconcile with Muʿāwiya in the Battle of Šīfīn. The Khawārij then seceded from the main body of the Muslims and tried to create and maintain their own political entities. They rebelled ‘Alî in a belief that the decision made by ‘Alî was against the Qur’an, and accused takfīr to any Muslims who do not accept their belief.

(iii) Ibn Taymiyya also argues that the Druzes and the Nuṣayrīs were bughāh because they were allied to the Mongols and the Franks in transgressing the Muslims.

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80 MF3:345.
81 MF4:162; 28:554.
4.9. *Jihād* against the unjust *imām*: Ibn Taymiyya’s opinion

Before we go into further details about Ibn Taymiyya’s view on the unjust *imām*, it is useful to discuss a little the Islamic political leadership in the classical view. Al-Māwardî posits six criteria which are fairness, the knowledge capability for *ijtiḥād*, no handicap of the senses or any physical handicap, knowledge of politics and administration, courage and bloodline of Quraysh descent. Ibn Khaldūn is of the opinion that there are four criteria commonly used: knowledge, fairness, competence and no physical handicap of the senses. On the other hand, he asserts that there is one criteria that does not receive the consensus from the jurists which is of the Quraysh bloodline. According to the view of the modern jurist, Abū Zahra who thinks that the jurists basically put forth three criteria that receive consensus from all which are fairness, *shārī‘ah* and *bay‘a* as the conditions of true leadership of a true caliph or as he terms as “the caliph with prophet-like attributes”.

As I mentioned earlier in Chapter One, Ibn Taymiyya is a great political thinker in Islam who brought some novelty into the contentions inherent in the classical political discourse. In this section, I will not repeat the information given in Chapter One, but I will analyse only his opinion about *jihād* against the unjust *imām*. This issue is dealt with extensively by Ibn Taymiyya. Basically, he thinks that the *imām* must implement Islamic law, establish a system of education and enhance

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86 For more detailed of information on Ibn Taymiyya’s political view, see Chapter One of this thesis, pp. 46-50.
military power to order to defend the survival of Islam.\textsuperscript{87} Imam that fulfils these criteria is endorsed by Ibn Taymiyya as legal and sovereign. What if the imam appointed does not fulfil the criteria and status stipulated? The question that rises is when there is a forceful action against the imam that does not fulfil the criteria. Can it be considered as baghy? The following passages try to answer this question.

In this kind of conflicts, Ibn Taymiyya recommends the Muslims to practise patience. This is because there are several hadiths that reflect the Prophets's prediction of the political unrest that would happen in the imama that came after his own imama ended. The hadith consistently calls for patience in facing the corrupt and cruel leadership. In line with the requirements of the hadith, Ibn Taymiyya is of the opinion that the imam cannot be stripped of his post due to corruption and cruelty.\textsuperscript{88} He, furthermore, forbids rebellion even against a non-Muslim ruler as long as he enforces the shar'ia to the Muslims and he does not order disobedience to God.\textsuperscript{89} Ibn Taymiyya also stipulates that the people are forbidden from committing khuruj and strictly prohibited from assassinating the imam. This decision is based on his awareness to prevent fitna, bloodshed and other public disturbance and destruction.\textsuperscript{90} He, furthermore, thinks that khuruj causes greater ill-effects compared to accepting the imam's cruelty.

Ibn Taymiyya, furthermore, states that the Prophet stressed the importance of political stability in Islamic ruling. The examples of the hadiths are as follows:

\textsuperscript{87} al-Siyasa al-shar'iyya, pp. 77, 172.
\textsuperscript{88} Khan, The Political Thought of Ibn Taymiyah, p. 169.
\textsuperscript{89} Minhaj al-sunna al-nabawiyya, 2:86-7.
\textsuperscript{90} MF35:9-11.
It is obligatory upon a Muslim that he should listen to the ruler and obey him whether he likes it or not, except that he is ordered to do a sinful thing. If he is ordered to do a sinful act, a Muslim should neither listen to him nor should obey his orders.\(^{91}\)

One who found in his leader something which he disliked should hold his patience, for one who separated from the main body of the Muslims even to the extent of a hands-span and then he died would die the death of one belonging to jāhiliyya (the time of ignorance).\(^{92}\)

When two Muslims confront each other in fighting and one kills the other, then both the killer and the killed are in hell-fire. Someone said: “We understood that the killer is in hell, why then the one who is being killed? The Prophet said: “Because he also intended to kill the other person”.\(^{93}\)

These hadiths are seen in two contexts: firstly, the hadiths teach Muslims to maintain cohesiveness; and secondly, the hadiths indicate that Islam does not tolerate baghy.

Ibn Taymiyya believes that in the issue above, that there has been a mixture of harmless (maṣāliḥ) and harmful (mafāsid). He states that an unjust imām brings negative effects to the government of a nation due to the corruption of power. However, the act of divesting him of imāma is seen as bringing more negative effects to public interest because the process of divesting of power normally happens under a very aggressive uprising and that it causes a major public damage. Therefore, in this case, Ibn Taymiyya tends to allow the appointment of an unjust imām because it is considered to be less harmful.\(^{94}\) He quotes a hadith to support this claim:

The best of your imāms are those whom you love and who love you, and for whom you pray and who pray for you; and the wicked of

\(^{91}\) MF35:8; see also Sahih Bukhari, ‘Kitab al-jihād’, 2735; Sahih Muslim, ‘Kitab al-imāra’, 3423; Musnad, 2/9, 17, 62.
\(^{92}\) MF35:7; see also Sahih Bukhari, ‘Kitab al-fitnah’, 6530-6531; Sahih Muslim, ‘Kitab al-imāra’, 3438; ‘Kitab al-jannah’, 4555; Musnad, 1/275, 297.
\(^{93}\) For the source of the hadith, see Subsection “the muhāribūn” in Chapter Three of this thesis.
\(^{94}\) MF35:8, 10, 11, 16; Minhāj al-sunnah al-nabawīyya, 2:85-7.
them are those of whom you are jealous and who are jealous of you, and whom you condemn and who condemn you. The men asked: “Should we not then fight them on this?” The Prophet answered: “No, as long as they pray. Beware! If anyone is ruled by the imām and he sees him doing something that is a disobedience to God he should disapprove this disobedience but should not rebel against the imām.”

Nonetheless, Ibn Taymiyya’s view does not negate at all the principle of al-amr bi al-ma’rūf and al-nahy ‘an al-munkar promoted by Islam. In other words, it does not make one passive toward the acts of munkar and it is the responsibility of the Muslims to change the negative environment. In this context, it does not diminish the rights of the imām to obtain the advice of the people, but the execution of this responsibility is considered as a significant jihād. A hadith states that the responsibility of upholding the truth before a cruel imām is a jihād: “The best jihād is to speak a word of justice to an oppressive imām”.

This is not an easy task that can be carried out by everyone as it is a risky undertaking that normally will bring on a psychological dilemma between hope and fear if the truth is accepted or not. The process of giving criticism to the imām depends on the many approaches taken including the consideration of the current situation and the acceptance of the imām himself. In other words, this responsibility is a process of da’wah that requires a variety of unique approaches and the creativity of the dā’i.

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95 Khan, The Political Thought of Ibn Taymiyah, p. 167; see Sahih Muslim, ‘Kitāb al-janna’, 4570, 4574.
97 See Abū Dawūd, ‘Kitāb al-jihād’, 4330.
98 Khan, The Political Thought of Ibn Taymiyah, p. 163.
The above discussion should help us formulate the general principles that guide *baghy*. To sum up, according to Ibn Taymiyya, *baghy* is a serious crime and punishable by death. He maintains that the Qur’an mandate in this issue is clear that *jihād* or fighting against *bughāh* should only be regarded as a last resort after all other possible approaches have been taken in an attempt to solve whatever problems that one faces.
The following conclusions can be deduced from this research. Ibn Taymiyya lived in an era known for its political and social upheaval. He was subjected to various detentions and persecutions but nonetheless succeeded in achieving an elevated status as faqih and mujahid. Ibn Taymiyya played a noticeable role in expanding the concept of jihad and baghy. His influence has been detected in several issues and important findings have been noted, some of which are:

i) Ibn Taymiyya asserts that jihad can be of two types: makkî and a combination of makkî and madani. The first type concerns jihad bi al-lisan, jihad bi al-da'wah and al-amr bi al-ma'ruf and al-nahy 'an al-munkar as exemplified in the Prophet's da'wah in Mecca. The second type concerns jihad on the battlefield, as exemplified in the Prophet's da'wah in Medina. It has been shown in this study that the Meccan verses of jihad signify da'wah and other peaceful ways of jihad. The Medinan verses of jihad indicate the obligation of jihad on the battlefield.

ii) Ibn Taymiyya resolves the problematrical issue regarding al-jihad al-aşghar and al-jihad al-akbar. He rejects the distinction made between jihad al-aşghar and jihad al-akbar and acknowledges the significance of jihad against the lower self and jihad against a visible enemy on the battlefield. Rather, in accordance with the Qur'an and hadith, jihad against the lower self is regarded as farā' 'ayn and jihad against a visible enemy is regarded as farā' kifāya. Ibn Taymiyya also asserts that there is
no contradiction between these two *jihāds*, as they are always in
agreement with one another.

iii) Another interesting point is *jihād* against *bughāh*. *Baghy* is a punishable
crime in Islamic law. A *bāghi* is a Muslim who isolates himself from the
majority community, adopts a deviant point of view and rebels against the
ruler. Ibn Taymiyya clarifies that the ruler must attempt reconciliation
(*islāh*) with the rebels (*bughāh*). If they refuse and continue to fight, they
are subject to *jihād*. The incident of the Great Fitna was selected as a case
of study. A study of the Qur’an and hadith and Ibn Taymiyya’s treatises
affirms that the Companions were not *bughāh*. In contrast, the Khawārij
were *bughāh* and subject to *jihād*.

iv) The discussion of *baghy* in Islamic law is wide and complicated. This
study does not clarify the whole issue of *baghy* which is beyond its scope.
This research has only examined some of the jurists’ opinions on *baghy*.
Ibn Taymiyya analyses these various opinions and concludes that the
jurists are confused with regard to the difference between fighting the
Khawārij and fighting the Companions.

Having discussed all these, it is suggested that further study of Ibn Taymiyya’s
thinking on *baghy* should be undertaken in order to establish his views in greater
detail. One would expect this to include consideration of his efforts to prove that al-
Shāfi’ī’s rulings on *baghy* are incorrect, which would in turn lead to the question of
Ibn Taymiyya’s role in clarifying and correcting this same issue in the Hanbali
School. But that is the subject of another thesis.
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