

## Armed *Jihad*: Individual or Collective Obligation?

Some have tried to argue that engaging in military warfare is an individual obligation (*fardu 'ayn*) on all Muslims and in no need of getting the permission of a legitimate leader or head of state, in the same way as fasting during the month of Ramadan, paying *zakat* and performing the 5 daily prayers (*salat*) are individual obligations.<sup>1</sup> It is, therefore, apposite to ask: Is armed *jihad* or military action an “individual obligation” (*fardu 'ayn*) or is it a “collective obligation” (*fardu kifayah*) for the purpose of protecting an Islamic society?

An action is described by Muslim scholars as a *fardu 'ayn* (individual duty) when it is an obligatory responsibility for each individual adult Muslim, and he/she will be rewarded for performing it or deserving of punishment for failing to perform it. A common example is the five daily prayers (*salat*) or the Ramadan fast (*sawm*), for which Muslims are individually held responsible.

On the other hand, a *fardu kifayah* (collective or societal duty) is an act that is an obligation on the Muslim community collectively. If it is adequately carried out by some members of the community, then other Muslims do not have to perform it. If nobody takes it upon himself or herself to perform the act on behalf of the community, then all Muslims (and especially their leadership) have failed, erred and are responsible (to Allah at least). A common example is the funeral or burying

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<sup>1</sup> Abdulrahman Muhammad Alsumaih, *The Sunni Concept of Jihad in Classical Fiqh and Modern Islamic Thought*, (PhD. Thesis), University of New Castle Upon Tyne, UK, 1998

of the dead. It is obligatory that some attend the funeral and bury the dead, but once someone does it, others are absolved from the obligation or responsibility.<sup>2 3</sup>

The various community services to society that are critical to public interest (*maslahah*) in preventing the society, community or a portion of it from loss of life, harm (*darar*), insecurity and fear (*khawf*), lawlessness and anarchy (*fitna*), corruption and destruction (*fasad*) are regarded as “Essential Services”. As a general rule, each of the “Essential Services” which include the military, defence and security forms of *jihad* is regarded as a collective obligation (*fardu kifayah*) which some and not all members of or professionals in the society are expected to be responsible for performing. They may, however, be regarded as individual obligations (*fardu ‘ayn*) when the obligation to perform such tasks are required by the leadership, when someone is the only available skilled or specialized professional for the service, or when, as in emergency situations, an essential service has to be carried out but those responsible are unable or unavailable to perform their tasks.<sup>4</sup> This reasoning, however, applies to the obligation for military defence forms of *jihad* as it does to other forms of *jihad* such as healthcare, firefighting and waste disposal services, etc.

Armed or military *jihad*, when its need arises, is regarded by Muslim scholars and schools of jurisprudence to be a collective obligation (*fardu kifayah*) – and not an individual obligation (*fardu ‘ayn*) - on the members of the Muslim community

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<sup>2</sup> See <http://faculty-staff.ou.edu/V/David.R.Vishanoff-1/I-terms/FardAyn-FardKifaya.htm>

<sup>3</sup> See <http://faculty-staff.ou.edu/V/David.R.Vishanoff-1/I-terms/FardAyn-FardKifaya.htm>

<sup>4</sup> Abdulrahman Muhammad Alsumaih, *The Sunni Concept of Jihad in Classical Fiqh and Modern Islamic Thought*, (PhD. Thesis), University of New Castle Upon Tyne, UK, 1998, p.18-21

under its leadership.<sup>5</sup>The following are among the arguments advanced by scholars for this position:

- Allah says in the Qur'an: *"And it is not (proper) for the believers to go out to fight (Jihad) all together. Of every troop of them, a party only should go forth, and that they (who are left behind) may get instructions in (Islamic) religion, and that they may warn their people when they return to them, so that they may beware (of evil)."* (Qur'an 9:122)

In contemporary times, those exempted from warfare will include those responsible for essential services, which if neglected would lead to even greater suffering and insecurity.<sup>6</sup>

- Allah says: *"Not equal are those of the believers who sit (at home) - except those who are disabled (by injury or are blind or lame, etc.) - and those who strive hard and fight in the Cause of Allah with their wealth and their lives. Allah has preferred in grades those who strive hard and fight with their wealth and their lives above those who sit (at home).Unto each, Allah has promised good (reward), but Allah has preferred those who strived hard and fight, above those who sit (at home) by a huge reward."* (Qur'an 4:95)

These two verses are evidence supporting the view that armed *jihad* is not obligatory on every individual Muslim, rather it is only obligatory on a group (usually the Defence and Security Forces) in the community. In addition, if *jihad*

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<sup>5</sup> Hassan al-Banna, *Al-Jihad fi Sabeel Allah*, p.84, cited in Abdulrahman Muhammad Alsumaih, *The Sunni Concept of Jihad in Classical Fiqh and Modern Islamic Thought*, (PhD. Thesis), University of New Castle Upon Tyne, UK, 1998, p.17.

<sup>6</sup> See commentary on Qur'an 9:122 in Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.319 note 162 for the application of the wisdom of this verse to other branches of knowledge that are also a sacred obligation (*fard*) to acquire and apply according to the "Faith" (deen) .

were to be obligatory on everybody, Allah would not have promised a reward or “good” (*al-husna*) to those who did not fight along with those who did go out to fight, as stated in Qur’an 4:95 above. Indeed, they would have been liable to punishment for staying back (at home) if joining the fighting troops was really an individual obligation (*fardu ‘ayn*).<sup>7</sup>

- “...But **if they fight you**, then fight them too.” (Qur’an 2:191) and “And fight the polytheists all together **as they fight you** all together” (Qur’an 9:36).

According to Imam al-Thawri, and as is clear from the context of these verses, fighting polytheists is not an obligation unless the initiative to fight first comes from them. If the fighting form of *jihad* was an individual obligation, its performance would not be dependent on or a reaction to aggression from others.<sup>8</sup>

- “There is no fault on the blind or on the lame, or on one afflicted with illness (if they do not go forth in battle)...” (Qur’an 48:17).

The fact that the physically disadvantaged – the sick, blind, crippled, weak, elderly, etc. – and women (even if capable) are exempted from joining the fighting troops is additional evidence according to some scholars that the fighting form of *jihad* is not an individual obligation or responsibility on all Muslims.<sup>9</sup>

- On one occasion, the Prophet (p) addressed the Muslims who were ready to go out for battle saying, “One out of two should go out forth for *jihad*, and then addressing those who stayed behind, he (the Prophet) said: *those of you who*

**Comment [A1]:** There is need for further explanation vis-a-vis Qur’an 9: 90 - 100

<sup>7</sup> Yusuf al-Qaradawi, *Fiqh al-Jihad*, Wahba Bookshop, Cairo, 2009, vol.1, p.89

<sup>8</sup> Cited in Abdulrahman Muhammad Alsumaih, *The Sunni Concept of Jihad in Classical Fiqh and Modern Islamic Thought*, (PhD. Thesis), University of New Castle Upon Tyne, UK, 1998, p.17.

<sup>9</sup> Wahbah al-Zuhaili, *al-Fiqh al-Islami wa Adillatuhu*, vol. 8, p.8

*look after the family and property of those who have joined the forces shall have the same reward as that of the fighter (mujahid)."*<sup>10</sup>

- The Prophet (p) himself and some of his companions only participated in some and not in all the battles fought during his lifetime. If joining the fighting force was an individual obligation (*fardu 'ayn*), they would all have joined in and lived by example. Consequently, the term *ghazawat* is used to refer to those expeditions, outings and battles the Prophet (p) participated in, while *saraya* is usually used to refer to those expeditions, trips and battles that the Prophet (p) did not participate in.<sup>11</sup>

According to the majority of scholars however, fighting or *jihad* could become an individual obligation (*fardu 'ayn*) in the following situations:<sup>12</sup>

- When someone (such as a soldier) or a group is specifically appointed by the leader of the state to fight in a just cause (*fi sabil Allah*), it is regarded as an individual responsibility (*fardu 'ayn*) on them to fight. Imam al-Bukhari opened a related chapter on this with the words: "Fighting is done under an Imam and he serves as a barrier (against the enemy)", then he related a hadith where the Prophet (p) said: "*Whoever follows me follows Allah, and whoever follows his Amir (leader) had followed me, and whoever disobeys the leader has disobeyed me. The leader is a barrier whom fighting should be carried out under his umbrella...*"<sup>13</sup> This hadith also emphasizes the necessity for fighting to be under

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<sup>10</sup>*Sahih Muslim*, hadith no.1896; *Musnad Ahmad*, hadith no.11527; *Musnad Abu Ya'la*, hadith no.5993

<sup>11</sup> Muhammad Sayyid Tantawi, *Al-Saraya al-Harbiyyah fi al-'Ahd al-Nabawi*, Al-Zahra li al-l'lam al-Arabi, Cairo, 1990, p.21; Husayn Mujib al-Masri, *Ghazawat al-Rasul Bayn Shu'ara al-Shu'ub al-Islamiyyah*, Dar al-Thaqafiyyah li al-Nashr, Cairo, 2000, p.32.

<sup>12</sup> Yusuf al-Qaradawi, *Fiqh al-Jihad*, Wahba Bookshop, Cairo, 2009, vol.1, p.89

<sup>13</sup> Al-Bukhari, *Sahih al-Bukhari*, hadith no. 2957

the orders of a legitimate leader, and not an individual obligation without respecting the leader.<sup>14</sup>

- It is also *fardu'ayn* on the military or those soldiers who have set out for armed *jihad*, when they are on the battlefield facing their enemies. Desertion is prohibited. In this regard, Allah says: *"O you who believe, when you meet those who disbelieve advancing on a battlefield, do not turn your backs to them. And whoever turns his back to them on such a day – unless it be a stratagem of war or to retreat to a troop (of believers) – he has indeed drawn upon himself wrath from Allah."* (Qur'an 8:15).
- It is also an individual obligation (*fardu 'ayn*) in self-defence when attacked by an enemy. In such exceptional situations, it may become compulsory for every capable Muslim including women to fight back and defend themselves or their own. This may therefore be without the usual permission of a leader, parents or husbands (in the case of married women) as the circumstance may not permit this.<sup>15</sup>

As mentioned earlier, and as applied to the other various forms of *jihad*, whatever is regarded under normal conditions as a societal obligation (*fardu kifayah*), may in special circumstances or dire necessity become treated as an individual responsibility or obligation (*fardu 'ayn*) for some people.

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<sup>14</sup> This is similar to the obligation of the Friday (*Jumu'ah*) prayer under an imam (leader).

<sup>15</sup> Yusuf al-Qaradawi, *Fiqh al-Jihad*, Wahba Bookshop, Cairo, 2009, vol.1, p. 110