



# RULINGS ON LONE JIHAD

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The previous issue presented the first part of this article which talked about the term 'civilians' its scope, use, nullity and rulings. He then went on to explain the term *kuffar* (disbelievers) and explained its categories and rulings. Expounding more on *kuffar Al-Muharibin* (disbelievers at war with Muslims), which is the main focus of this topic, and he gave detailed explanations on the rulings regarding them.

This is a continuation from the previous article regarding the rulings in these matters.

## Targeting Civilians

Section 1 - Part 2

Al-Mawridi says in his book, *Al-hawi Al-kabeer* "Disbelievers are generally divided into four categories - this is after gaining victory over them - among them are the combatants, or the one who is considered a combatant even though he does not participate in the actual fight. As we have mentioned before, It is permissible for the Imam (the Muslim leader) to kill them if he chooses to do so "

Ibn Qudaamah says in *Al-kaafi*, "it is permissible to kill male combatants and non-combatants so long as they are mature (physically mature) and sane."

Al-kasaani says in *Badai' alsanai'* after mentioning who is permissible to be killed and who is not in Jihad, "Originally in Jihad, anyone (among the disbelievers who is) able to fight is permissible to be killed, whether he participated in the fight or not. And anyone besides them is not permissible to be killed, unless they participate in the battle physically, or mentally by giving advice and opinions or by motivating others to fight - and any other similar activity."

The consensus among the scholars is that it is permissible to kill the disbelievers who are at

war with the Muslims (i.e. those disbelievers who are not under the protection of Muslims or have any covenant with them) even if he were to travel to Makkah. And this is (the opinion) of more than one scholar.

Imam Al-Tabari, said in his *tafsir*, "The scholars unanimously agreed that if the *mushrik* (polytheist disbeliever) were to put around his neck and hands all the trees of Mecca, it will not protect him from being killed - if he does not have any covenant or commitment of protection from the Muslims". He also mentions, "The consensus of the scholars is that, the judgement of Allah over the combatant disbeliever is to be killed, whether he came to the Kaaba or the sacred mosque in Al-Quds in the four sacred months, or in any other month".

In addition, Ibn Katheer said, "Ibn Jareer narrated that the consensus (of scholars) agree that it is permissible to kill the disbeliever, if he has no covenant of safety, even if he came to the Kaaba or the sacred mosque in Al-Quds".

Also, Ibn Hazm said in the book of *Maratib Al-Ijma*, narrating the consensus (of scholars) regarding this matter, "that they agreed on the killing of the adults except the priests, the old

men, the blind, the sick people with chronic diseases, the wage-workers, the farmers and whoever who is not fighting before being captured."

Also, Ibn Muflih in the book, *Sharh Al-Muqni sasy*, "No *qisas* (the law of equality in punishment) should be executed upon a Muslim if he kills a combatant disbeliever and there is no disagreement (among scholars) in this ruling. Moreover, no *diya* (blood-money) or expiation should be enforced, because it (the disbeliever's blood) is *mubah* (not forbidden nor recommended) such as that of a pig".

What emphasizes this statement is what came in the book of Sunan Abu Dawud, on the authority of Rabah bin Rabe'e. He said "We were in a raid, sitting with the Prophet (ﷺ) when he saw a crowd of people gathering. He sent a man and told him 'go see what are they gathering upon'. The man returned saying there is a woman that has been killed (in the raid). He said 'She was not to be killed' ", meaning that fighting is a matter concerning men and not women. This is why the killing of women is forbidden.

On the basis of this detailed statement, all sane mature men who are able to participate in wars - except for those who are excluded - are considered as combatant on the basis of *sharia* and not civilians as stated by their modern laws. Therefore, every adult man, able to fight in America, Britain or France is a combatant, willingly or unwillingly (commonly referred to as soldiers). It is lawful to kill him, if the call of Islam has reached him, even though he does not directly participate in the fight or if his country has not initiated the fight. Verily, there is no safeguard for a combatant, i.e. if we assume that America never fought the Muslims, and there was no covenant between her and the Muslims, then it is permissible for us to initiate the war with them because it is (referred to as) a country at war (with Islam). This occurred in the time of the Prophet (ﷺ), the time of the companions and the Muslims after

them. So what about today, when the western countries, such as America, Britain and France, have shown open hostilities towards Muslims. Killing millions of Muslims, and making them experience the worst of sufferings. Therefore, without a doubt, I view the man who votes for his government and pay taxes to it, to be much deserving to be described as a combatant. And therefore, his blood is more lawful than others. I have no doubt about the lawfulness of shedding the blood of the mature and sane men, who are able to fight, mainly referred to as civilians in the west; until they stop their aggression against the Muslims, and cease their constant meddling in Muslim affairs and countries. We are to fight them until there is no more *fitnah* (worshipping others beside Allah) and [until] the religion is for Allah alone. And, whomever stands to fulfill this duty, Allah will reward him in this world and obtain the excellent reward of the hereafter.

Rather, I say, targeting these so called male 'civilians' is of more gain, interest and advantage compared to military targets. Thus achieving objectives with regards to the interests of Jihad that could not be achieved when targeting military targets. Sheikh Abd Al-Aziz Altuwaylee –may Allah have Mercy upon him-, mentioned some of these goals, rebutting the arguments of those who criticize the operation of the Mujahideen and explosions in Riyadh, because it targeted civilians and not military. He said refuting their arguments and said, "as for their statement, what have these explosions achieved? They achieved much more than could have been achieved in explosions (targeting) the infidel army. And the reasons are as follows:

1. The army can easily conceal and undermine its casualties even if the news were to leak out. Operations targeting civilians are apparent, visible and the media easily covers it and the people can easily see the lifeless ruins of the buildings (after an operation).
2. When killing occurs among people who expect to be killed (attacked), then there is less damage and panic. But if the killing occurs

among civilians whose blood is lawful, more terror is ignited, and we come closer in deterring and restraining them (their evil towards Muslims).

3. If these blessed operations were not executed upon civilians, then the army will be the only one terrified of such actions. But, operations that (are unpredictable) take place at any time and at any place, terrifying the enemies of Allah - constantly reminding them that they are not safe. And what more annoyance (to the enemy) is greater than this?
4. In military bases, checkpoints and barriers exist that weakens the effects of such operations, unlike residential compounds where crusaders gather and could be targeted by one major strike.

He continues arguing until he says, "therefore operations targeting civilians inflict more damage and its effect is greater among civilians than those targeting the military".

The greatest thing that Altuwalee—may Allah give him mercy- said about the advantages of targeting civilians is that it stirs up the public opinion against the Western administrations and governments and their policies. When people witness danger approaching their doorsteps and affecting them, and that disasters befall upon them regularly, they will reason out that it is due to their government's policies towards Muslims. Therefore, creating a great influence that will make them oppose their governments, and put heavy pressure on them to stop their imperialistic policies. But, if the people were secluded from wars and troubles, the matter will cease to concern them, and therefore, the issue of the Mujahideen and Muslims will become defunct, as people mostly do not care much about foreign affairs. They tend to care more about their wealth, security, providing their food, drink and residence, and entertainment that gives them pleasure. Many Westerners knew nothing about the issue of the Mujahideen, and had no idea about the affairs of the Muslims and the meddling of their

governments in it, until the events of 9/11 which revived the case. And in every operation that civilians are targeted, the case is revived and many people are acquainted. After the incidents, they automatically ask themselves, why are they doing this? What do they want from such operations?

As for the non-combatants and those who are not associated with the people of war, they are all considered not able to fight or excluded from fighting due to their nature or any other reason forbidding them to be associated with the people of war. They are divided into two:

1. First division: Those who are prohibited to be killed by the consensus of the scholars, and these are divided into three; Women, Children and the Insane.

Ibn Omar –may Allah be pleased with him- said, in a raid with the Prophet-may the blessings of Allah be upon him, a woman was found killed, then the messenger of Allah forbade the killing of women and children, Hadith agreed upon. As for the insane, then they have nothing to do with fighting.

2. Second division: They are those whom the scholars differ in the permissibility and prohibition of fighting them such as:

The blind, the old weak man unlike the strong one or one who gives opinions and advises, the priest who excludes himself from people, the crippled and the wage-worker treated as a servant. There are different opinions between the scholars, majority of them say that it is prohibited to kill them, but Al-Shafiiyya and Ibn Hazm see fit the permissibility of their killing.

Originally, it is prohibited to kill those who are considered not to be among the people of war, but there are exceptional cases in which it is permissible to kill them. We will cover this topic in the next chapter by the will of Allah.

In conclusion, we can summarize the rulings, benefits and principles with regard to this issue

as follows;

1. According to Sharia the term civilians - referred to mean the opposite of military - is not recognized. And so are the specific rulings which are placed based upon it.

2. In Sharia, the infidels are divided into four divisions:

a. *Muahadun*: Disbelievers who have a peace covenant to cease fighting with Muslims. As long as the disbelievers commit to the covenant and its time limit has not yet terminate. Sharia prohibits targeting their blood and wealth.

b. *ahl al-dimmah*: Disbelievers who live under the protection of Islam and pay *Jizyah* to Muslims. As long as they comply to the terms of their protection and pay *Jizyah*, Sharia also prohibits fighting them.

c. *Musta'minin*: These are disbeliever who ever entered Muslim land without intending to reside there, and are given protection to himself and wealth by any single Muslim. Since he did not revoke his immunity or been escorted back to where he can be safe, Sharia also prohibits their killing.

d. Disbelievers at war with Muslims; These are those who have no covenant or commitment of protection with the Muslims.

3. Originally, the blood and wealth in the lands of disbelievers - who are at war with Islam - is considered permissible to whoever invades them, except those excluded by Sharia.

4. It is permissible, by the consensus of the scholars, to initiate fighting with the combatant infidels and kill them - if the call of Islam has reached them. Even though they did not fight the Muslims or held weapons against them at the first place. Allah has ordered the Muslims to fight until there is no more *fitnah* (worshiping beside Allah) and [until] the religion be all

for Allah. Upon this basis, stood up the demand of jihad upon the infidels. And upon this basis, the Muslims conquered the East and West, the Persians, Romans and other kingdoms fell under their hands. However, when the infidels fight the Muslims and become hostile to them, then without a doubt it becomes an obligation to fight and restrain them. Therefore this matter deserves to be prioritized.

5. The *seerah* of the Prophet (ﷺ), his companions and the Muslims after them, show us that they fought the infidels who are at war with Muslims, took their families as captives and wealth as war booty.

6. The disbelievers at war with Muslims are divided into two:

a. The first division: combatants or the people of war; these are sane, mature male who are able to fight or are suitable to fight even if he does not fight nor termed as a soldier - according to the modern terminology. It is permissible to fight them and kill them and in some situations it becomes a duty to do so. When they fall into capture, the leader of the Muslims (Imam) has the option to either kill them, release them, hold them as ransom or take them as slaves according to the interest and advantage of the Muslims.

b. The second division: The non-combatants or those who are considered not to be among the people of war, or have nothing to do with fighting. They are divided into two divisions:

i. First: Those, who are prohibited to be killed by the consensus of the scholars; women, children and the insane.

ii. Second: Those, whom the scholars have difference of opinion with regards to their killing. They are: The old weak man unlike the strong one who gives opinions and advises, the priest who excludes himself from people, the crippled and the wage-worker treated as a servant. There

are different opinions between the scholars, majority of them say that it is prohibited to kill them, but Al-Shafiiyya and Ibn Hazm see fit the permissibility of their killing.

7. (we see that) in targeting what is referred to as 'civilians' there is much advantage and benefit for attaining the goals of Jihad that cannot be attained when targeting the military. It stirs up the public opinion and agitates the people against their governments to stop their aggressive policies. It is also difficult to conceal the aftermath of such attacks from the media unlike the operations that target the military. In addition, the operation terrifies the enemy much more than when targeting soldiers. Usually soldiers expect to be targeted and are always prepared for any attack. Such operations will spread panic and terror among the public and not just be confined to the military.

Finally, we mention the Fatwa of the honorable Egyptian scholar, Ahmad Shakir —may Allah have mercy upon him— describing the state of the British, the enemies of Allah and their war against Islam and Muslims in Egypt. Their horrible violations of Muslim rights and the ruling regarding the British military and civilians. He called upon Lone Jihad in Britain, and It is as if he is talking about the present reality of the Muslims with America, Britain and France. He says in his book, *Kalimatu Al-Haq* (the word of truth): "The British declared a clear, aggressive treacherous war against the Muslims in Egypt. And also declared it upon Sudan, but under the pretext of national interest for Sudan and its people, (falsely) adorning them by the self-governing system that tricked the Egyptians at the first place.

We saw what the British did in Suez Canal and in similar countries, when they killed peaceful civilians, women, children and their aggression upon the security forces and decision makers, thus no one hardly escaped their aggression.

Their Conduct was a very clear declaration of

enmity without ambiguity. Therefore, their blood and wealth became lawful to the Muslims. And each Muslim anywhere on earth has a duty upon him to combat and kill them wherever they exist, be they civilians or military forces. They are all combatant enemies who have persisted in their aggression and betrayal." Then he says, "we have said that: it is a duty upon each Muslim, wherever he is on earth to fight them and kill them wherever they exist, be they civilians or military forces. We mean and emphasize every single letter in this sentence i.e. wherever the Muslim is, or from whatever race or nation he is; there is a duty binding upon him the same as upon us in Egypt and Sudan. Even the British Muslims in their homeland, if they are truly zealous towards their religion, they have to respond to this duty according to their ability. Otherwise migrate from the land of the enemy or from the land in which one cannot fight the enemy as Allah has ordered him to do so.

Islam is a single nation, it forfeits all the differences of nationalism and nationality between its followers, as Allah —be he Exalted - said ﴿And verily this your religion (of Islamic Monotheism) is one religion, and I am your Lord, so fear (keep you duty to) Me﴾

And the evidences concerning this issue are numerous.