

Hence the implementation of Islamic law is incumbent upon the Muslims. Therefore establishing the Islamic State is obligatory upon them because the means by which the obligation is fulfilled becomes obligatory itself. By the same token, if the state can only be established by fighting, then it is compulsory on us to fight. Besides the Muslims were agreed upon the obligation of establishing the Khilaafah, the declaration of which depends on the existence of the core, which is the Islamic State.

“And whosoever dies without having a bai’ah (oath of allegiance) on his neck, he will die the death of a pre Islamic period of ignorance.”²⁶

Thus every Muslim must work to re-establish the Khilaafah in order not to fall into the consequence of the hadeeth, and bai’ah here means the bai’ah of Khilaafah.

AD-DAAR (THE STATE) WHEREIN WE LIVE

A question seems to be raised here: do we live in an Islamic State? One of the necessary conditions of the (Islamic) state is that Islamic laws must govern it. Imaam Abu Haneefah rahimahullah issued a fatwa that *Dar-ul-Islaam* (Islamic State) would be changed to *Dar-ul Kufr* (non-Islamic State) if all these three conditions were fulfilled:

1. When it is governed by Kufr Laws
2. When the Muslims lose their safety
3. Neighbourhood. And that happens if the state has borders with the Kufr state in a way the latter causes danger to the Muslims and becomes the reason behind the loss of their safety.

²⁶ Collected by Muslim

Imaam Muhammad and Imaam Abu Yusuf رحمهما الله, the students and companions of Imaam Abu Haneefah رحمه الله, issued the fatwa that the *hukm* (Islamic ruling) of the state depends on the laws by which it is governed. So when Islamic laws govern the state it is Dar-ul Islaam and when the laws of kufr govern, it is Dar-ul-Kufr.

Sheikh ul-Islaam Ibn Taymiyyah رحمه الله issued a fatwa when he was asked about a town called Mardeen. Mardeen was a town, which used to be ruled by Islamic laws, but those that took it afterwards implemented Kufr laws over it. "Is it *Dar-ul-Harb* (state of war with Islaam) or *Dar-us-Silm* (state at peace with Islaam)?" He replied, "This (Mardeen) contains both meanings. It is neither on the level of Dar-us-Silm, which is governed by Islamic laws because its soldiers are Muslim, nor is it on the level of Dar-ul-Harb which has disbelievers as it's natives. It is rather a third category wherein a Muslim is treated according to what he deserves and the rebellious against the Islamic Shari'ah is treated according to what he deserves."²⁷

As a matter of fact, the one who investigates these sayings will not find any contradictions between the (sayings of these) Imaams, because Abu Haneefah رحمه الله and his companions did not mention that the natives of the state were disbelievers. So the Muslim who earns to be treated peacefully will not earn to have war waged against him, such as the state which is governed by kufr laws despite that the majority of its people are Muslims.

²⁷ Al-Fataawa: 28/241

RULING BY WHAT ALLAAH HAS NOT REVEALED²⁸

The laws that are above the Muslims today are those of kufr. In fact, they are laws laid down by the disbelievers, who have been misguiding the Muslims by them, while Allaah ﷻ says:

‘And whoever does not rule by what Allaah has revealed, such are the disbelievers’²⁹

So after the total loss of the Khilaafah in 1924 and the complete removal of the Islamic laws which have been substituted by laws laid by the disbelievers, their situation has become similar to that of the Tartars, as it was confirmed in the tafseer of Ibn Katheer concerning the saying of Allaah ﷻ:

‘Do they then seek the judgement of (the days of) ignorance, and who is better in judgement than Allaah for a people who have firm faith’³⁰

Ibn Katheer said: “Allaah rejects whoever rejects His wisdom which encompasses all that is good and repels all that is evil. Whoever places his opinions and desires, or the customs of his people beside the Shari’ah, is like those who came before Islaam and ruled according to custom, without guidance or knowledge and who followed their own fleeting desires and dreams. Thus the Tartars ruled the kingdom forged by their leader Jengiz Khan, by laws which

²⁸ Amongst the best works written in recent times on this issue is *Hukm al-Jaahiliyyah* by ‘Allama Ahmad Shakir, *Tahkeem al-Qawaneen* by Sheikh Muhammad ibn Ibraheem Aalus Sheikh (previous Mufti of Saudi Arabia) with an explanation by Sheikh Safar al-Hawaali, *Maftoom al-Haakimiyyah* by Sheikh ‘Abdullah ‘Azzam. See also *as-Siraat: Usul ahlus Sunnah wal Jama’ah fil ‘Itiqaad wal ‘Amal* by Sheikh ‘Abdur Rahman ‘Abdul Khaaliq

²⁹ Surah al-Maaidah: 44

³⁰ Surah al-Maaidah: 50

he gave them, *al-Yaasaq*³¹ (Jasa), which was a book comprising laws taken from several laws, i. e. (Judaism, Christianity, Islaam and others including personal whims and desires). To this law they gave precedence before the book of Allaah ﷻ and the Sunnah of the Messenger of Allaah ﷺ. Whoever does this is a kaafir. It is the obligation of Muslims to oppose such a ruler by all necessary means until he returns to the rule of Allaah ﷻ and His Messenger ﷺ. So that no other than Him should rule, neither in a minor or major way.³²

The present rulers have left Islaam through several doors, so that the person who investigates their behaviour has become free of confusions about it, let alone the issue of ruling by what Allaah ﷻ has revealed.

Sheikh-ul-Islaam³³ said: "And it is known from the religion (of Islaam) by necessity and by the consensus of all the Muslims that whoever legalises to follow other than the religion of Islaam or a Shari'ah other than the Shari'ah of Mohammad ﷺ he is a disbeliever and his disbelief is similar to that of the one who believes in some part of the book (Quraan) and rejects some of it,³⁴ as Allaah ﷻ says:

'Verily those who disbelieve in Allaah and his messengers and wish to make a distinction between Allaah and His messenger (by believing in Allaah and disbelieving in his Messengers) saying "we believe in some and reject some", and wish to adopt a way between. They are in truth, disbelievers and we have prepared for the disbelievers a humiliating torment'³⁵

³¹ The law applied by Jengiz Khan and his followers (made up from Christian, Judaic, Islamic and Mongol laws) to rule over the people, even though they (the Mongols or Tartars) later entered the fold of Islaam

³² Tafseer Ibn Kathir vol: 2/ p.64

³³ Referring to Ibn Taymiyyah

³⁴ Al-Fataawa: 28/524

³⁵ Surah an-Nisaa: 150/151

TODAY'S RULERS HAVE APOSTATED FROM ISLAAM

The present rulers have apostatised from Islaam. They have been brought up over colonial tables be they Christian, Communist or Zionist. What they carry of Islaam is nothing but names, even if they pray, fast and claim to be Muslims.

Ibn Taymiyyah said: "And the Sunnah has been established that the punishment of the apostate is greater than the punishment of the original kaafir in many ways: one of them is that the apostate must be killed anyhow, and neither must *Jiziah*³⁶ be imposed on him nor a covenant be made with him, unlike the original kaafir; and another way is that the apostate must be killed even though he is deprived of the ability to fight, unlike the original kaafir who is not from those who fight (the Muslims) and who should be killed in the opinion of Abu Haneefah, Maalik, and Ahmed رحمهم الله. Owing to that, the madhab of the majority, such as Maalik, Shafi'ee and Ahmed is that the apostate must be killed. Another consensus on the apostate is that the apostate must not inherit or be married to and his *qurbani* (animal sacrifice) must not be eaten, unlike the original kaafir and so on. So if the apostasy from Islaam is greater than the disbelief in it, therefore the apostasy from its laws is greater than the rebellion of the original kaafir against them."³⁷ So what attitude should Muslims have towards those rulers (who have left the laws of Islaam)?

Ibn Taymiyyah also said: "Every group which rebels against *mutawaatir* (clear-cut), law of the Islamic Shari'ah must be fought by the consensus of all the *Imaams* (leaders) of Muslims, even if they pronounce the *Shahaadah* (declaration of faith). So if they attest the *Shahaadah* and refuse to perform the five prayers, then they must be fought until they perform them (the prayers): and if they refuse to pay *Zakaah*, then they must be fought until they pay it, and so must they

³⁶ Tax levied on disbelievers living under the protection of the Islamic State

³⁷ Al-Fataawa: 28/354

be (fought) if they refuse to fast in the month of Ramadhan or perform the Hajj. Likewise if they refuse to prohibit *fawaahish* (evil deeds), *zina* (adultery), *maysar* (gambling), *khamr* (wine), and the other things which Shari'ah forbids. Also they must be fought if they refuse to judge between themselves in the affairs of murder, money, honour, marriage and so on by the Quraan and the Sunnah, or if they abstain from *al-amr bil ma'roof wan nahi 'anil munkar* (enjoining good and forbidding evil), fighting the disbelievers until they accept Islaam or pay the Jiziah in order to abase the disbelievers. Likewise if they manifest atheism in Allaah's name, belying his verses, his attributes, decree and destiny and what the *Jam'ah* (group) of Muslims were upon during the time of the rightly guided *khulafaa* (plural of khaleef) or insulting the early *Muhajireen* (those who migrated to Madinah with the Prophet ﷺ and the *Ansaar* (the Helpers - from the city of Madinah) and those who followed them, or fighting Muslims until they obey them in a way that will cause the Muslims to rebel against the Islamic Shari'ah and the like of these things, Allaah ﷻ says:

'And fight then until there is no fitnah (disbelief and polytheism, worshipping others besides Allaah) and the religion (worship) will all be for Allaah (in the whole world),³⁸

So if a part of the religion is for Allaah and another is for other than him, fighting is obligatory until the religion is for Allaah (alone). Allaah ﷻ says:

'O you who believe! Fear Allaah and give up what remains (due to you) from Riba (usury) if you (really) are believers, and if you do not do it, then take a notice of war from Allaah and His Messenger,³⁹

³⁸ Surah al-Anfaal: 39

³⁹ Surah al-Baqarah: 278/279

This verse was revealed about *ahl at-Taif* (the people of Taif) who embraced Islaam, prayed and fasted, but they were dealing with usury, which was the final prohibition in the Quraan and it is a money taken by the satisfaction of the dealers. So if the person who does not abstain from it is at war with Allaah and His Messenger ﷺ, what about those who abandon several Islamic laws or most of them, such as the Tartars?"⁴⁰

He (Ibn Taymiyyah) also said: "Indeed scholars of the Muslims were agreed that when the rebellious group abstains from some *mutawaatir* (clear-cut) obligations of Islaam, fighting them becomes compulsory. If they say the *Shahaadah* (declaration of faith) but refuse to pray, pay Zakaah, fast in the month of Ramadhan, perform Hajj, judge between themselves by the Quraan and Sunnah or refuse to prohibit evil deeds (such as) (consuming) alcohol, marrying those who are prohibited to marry, legalising killing and stealing wealth with no cause, dealing in usury, gambling, or (failing) to fight against the disbelievers or imposing Jiziah on people of the scripture or other things from the Islamic Shari'ah, they must be fought until all of the religion is for Allaah."⁴¹

The Comparison Between The Tartars and The Rulers of Today

1. It is clear from Ibn Katheer's aforementioned saying concerning the tafseer of the words of Allaah ﷻ **'Do they then seek the judgement of (the days of) ignorance? And who is better than Allaah for a people who have a firm faith'**⁴² that he did not differentiate between one who does not judge by what Allaah has revealed and the Tartars. In fact, despite the fact that the Tartars ruled by the Yaasaq, which was taken from various laws and many laws that he (Jengiz Khan) made up from his own desires, there is no doubt

⁴⁰ Al-Fataawa: 28/510-512

⁴¹ Al-Fataawa: 28/545

⁴² Surah al-Maaidah: 50

that it is less criminal than the laws laid down by the west, which have nothing to do with Islaam or any religious laws.

Sheikh-ul-Islaam Ibn Taymiyyah was asked by a devout Muslim, describing the situation to the Imaam, the questioner said: "These tartars who come over to Syria time after time declared the Shahaadah, became among the Muslims and renounced the disbelief that they had previously been upon. Is fighting them obligatory or not?" "And what is the ruling of the person whom they took with them by force,⁴³ and what is the field of knowledge, jurisprudence, *tassawuf* (spiritualism) and the like? And what do we say about the person who has claimed that they are Muslims and those fighting against them are (also) Muslims, so as they are both oppressors and that it is prohibited to fight along with any of them?"⁴⁴

This is the same misconception that exists today and Insha-Allah it will be clarified.

2. Describing the Tartars, Ibn Taymiyyah said: "No one would join their government unless he is one of the most evil of people. Either a hypocrite *zindeeq*,⁴⁵ who does not believe in Islaam inwardly but professes Islaam outwardly, or is one of the people of bid'ah such as the *Rafidhah*, *Jahmiyyah*, *Ittihadiyyah*⁴⁶ and the like, or is one of the most wicked and sinful of people. In their country, although they have the authority, they do not perform Hajj, and if there are amongst them those who pray and fast, establish the prayers and pay Zakaah are not overwhelming over them. Is not that what is happening now!

⁴³ They forced Muslims to join their army for compulsory military service

⁴⁴ Al-Fataawa: 28/509

⁴⁵ An apostate who calls for his apostasy

⁴⁶ These are all names of groups that had previously left the way of *ahlus Sunnah wal Jam'ah*, through deviations in their belief and were opposed by the scholars in word and deed.

3. "Also they are fighting for the reign of Jengiz Khan (their King's name). Therefore, whoever obeys them they befriend even if he is a kaafir, and whoever rebels against them they regard him as their enemy even if he is one of the best Muslims. They are not fighting for Islaam and they do not impose Jiziah and abasement (on the kuffaar). The aim of most Muslims amongst their leaders and ministers is that the Muslim becomes like those whom they glorify from the polytheists, such as the Jews and Christians."⁴⁷

Comment: Are not these qualities the same as the qualities of today's rulers and their supporters, who glorify their leaders more than they do their creator?

4. Describing those who befriended Jengiz Khan, Sheikh-ul-Islaam also said: "How will it be then with the one that manifests Islaam but regards Jengiz Khan as Muhammad ﷺ? Otherwise, although they manifest Islaam, they glorify Jengiz Khan more than the Muslims who are following the Shari'ah of the Quraan, and do not fight those who follow the laws of Jengiz Khan, the way they fight against Muslims. Those disbelievers offer obedience and submission to him, carry their wealth to him, acknowledge his delegation and do not oppose what he commands them to do, except like the rebellious against the obedience of the leader. They engage in war with the Muslims and are bitterly hostile to them and pursue them to obey their orders. In addition, they seek their (the Muslim's) wealth and enter into that which was laid down by that kaafir and mushrik king, who is like Pharaoh, Nimrod and the like. In fact, he spreads more mischief on earth than them."⁴⁸

5. Ibn Taymiyyah added: "Whoever enters into their (non Islamic) and Kufr laws will be regarded as their friend and whoever opposes

⁴⁷ al-Fataawa: 28/520-521

⁴⁸ al-Fataawa: 28/522

them, he will be regarded as their enemy, even if he is from amongst the best of Muslims.

6. Speaking about the judges in the time of the Tartars, Sheikh-ul-Islaam said: "The case is the same with their foolish minister, the so called *ar-Rasheed* (the guided), who is judging between these kind of people, he gives priority to the most wicked of the Muslims, such as *Rafidhah*⁴⁹ and *Malaahida*⁵⁰, over the best of Muslims the people of knowledge and faith, so that the post of the judge and judges has been held by a person who is nearer to *Zandaqa*⁵¹, *Ihad* and disbelief in Allaah and His Messenger ﷺ, and whose agreement with the Disbelievers and the hypocrites, from the Jews and *Qaramatiyyah*, and the *Malaahida* and the *Rafidhah* is greater than the others. He manifests of the Islamic Shari'ah that which is necessary for the sake of the Muslims who are there, so much so that their evil, atheist, hypocrite minister has compiled a book whose content is that the Prophet ﷺ was pleased with the religion of the Jews and Christians and that they must not be repudiated, undermined or asked to renounce their religion or ordered to convert to Islaam. The wicked and ignorant person used as evidence the saying of Allaah ﷻ:

'Say: O Kaafiroon (disbelievers in the oneness Allaah,) I worship not that which you worship, nor will you worship that which I worship, and I shall not worship that which you are worshipping, nor will you worship that which I worship. To you be your religion and to be my religion (al-Islaam)'⁵²

He claimed that this verse entailed that he (the Prophet ﷺ) was pleased with their religion by saying, 'And this verse is clear and not

⁴⁹ *lit.* The rejecters - referring to the Shi'ah sect

⁵⁰ Those who worship no Lord

⁵¹ Proclaimed apostasy

⁵² Surah al-Kafiroon

abrogated.’⁵³ So glory be to Allaah, is not the classified book of the Tartars the same as ‘the Religious Brotherhood’ and ‘the Assembly of Religions’ (in our age today)?” In fact the latter (books) are more horrible and criminal.

Fataawa of Ibn Taymiyyah Beneficial in This Age

It is certainly worth referring to some Fataawa of Ibn Taymiyyah concerning the hukm (of Allaah) about those rulers. Indeed we have already mentioned his fatwa about the hukm of the town of Mardeen, which was governed by the Tartars with laws comprised from Judaism, Christianity, part of Islaam and some Jewish intellect. So he said: “Concerning it’s being Dar-ul-Harb or Dar-us-Silm, it contains both meanings so it is neither on the level of Dar-us-Silm which is governed by Islamic laws because it’s soldiers are Muslims, nor is it Darul-ul-Harb which has disbelievers as it’s natives. But it is a third category wherein a Muslims is treated according to what he deserves and one who rebels against the Shari’ah is treated according to what he deserves.”⁵⁴

The Hukm of Allaah about Helping Them

Sheikh ul-Islaam Ibn Taymiyyah gave an answer to this question saying “And helping those who have rebelled against the Islamic Shari’ah is haraam, be they from people of Mardeen or others. As for the one who resides there (i.e. Mardeen) if he is unable to practise his religion, migration becomes obligatory on him, otherwise it would be recommended and not compulsory. Also helping the enemy of Allaah against the enemies of the Muslims with lives and wealth is forbidden for them. They must abstain from that by any means they are capable of such as keeping themselves away, saying the truth in a way in

⁵³ Al-Fataawa: 28/525-526

⁵⁴ Al-Fataawa: 28/241.

which deceives them (the disbelievers) and trickery. But if that can only happen by migration, the latter becomes obligatory.”⁵⁵

He also said about the people of Mardeen who were helping the Tartars (the ruling power) “It is prohibited to generally insult them or accuse them of hypocrisy. Rather, the insult and accusation of hypocrisy must be applied in accordance with the qualities (of hypocrisy) mentioned in the Quraan and Sunnah, which some people of Mardeen and others had fallen under.” This means not all of them.

Concerning a Muslim soldier who refused to serve in (the Muslim army), Ibn Taymiyyah said: “If the Muslims can benefit from him and he is able to do so, he should not abandon that if it is in the interest of the Muslims. As a matter of fact, his being given priority in Jihaad, which Allaah and His Messenger ﷺ love, is better for him than the voluntary acts of worship such as, voluntary prayer, Hajj and fasting. And Allaah knows best.”⁵⁶

The Hukm of Allaah about Their Money

Question 514: If the Tartars invaded Syria and robbed the Christians and the Muslims of their wealth, then the Muslims took that wealth away from the Tartars, would that be Halaal or Haraam? Ibn Taymiyyah answered: “The fifth of whatever was taken away from the Tartars must be assigned (to Allaah ﷻ and His Messenger ﷺ) and (the rest) would be permissible to make use of.” A fifth: meaning from the war booty.

⁵⁵ Kitaab al-Jihaad: p.240

⁵⁶ Kitaab al-Jihaad: p.26

The Hukm of Allaah about Fighting Them

Ibn Taymiyyah said as mentioned in Majmu'a al-Fataawa: "Fighting the Tartars who came over to Syria is obligatory by the Quraan and Sunnah, because Allaah ﷻ says in the Quraan:

'And fight them until there is no more Fitnah, and the religion will be for Allaah Alone.'⁵⁷

And the religion means obedience, so if some part of the religion is for Allaah ﷻ and another is for other than Allaah ﷻ, fighting becomes obligatory until all of the religion is for Allaah ﷻ and that is why Allaah ﷻ says:

'O you who believe! Be afraid of Allaah and give up the remains of the from the usury if you are believers, and if you do not then take on a notice of war from Allaah and His Messenger.'⁵⁸

This verse was revealed about the *ahl at-Taif* (the people of Taif), who embraced Islaam and took it as their duty to pray and fast, but they refused to abandon *Riba* (usury). Thus Allaah ﷻ showed that they were at war with Him and His Messenger ﷺ. Therefore if they were at war with Allaah ﷻ and His Messenger ﷺ and fighting them was obligatory, how will it be then with those who abandon several Islamic laws or most of them such as the Tartars?

Indeed the scholars of the Muslims are agreed that if the rebellious group abstain from mutawaatir (clear) obligations of Islaam, fighting them becomes obligatory. Besides, if they pronounce the *Shahaadah* but refuse to pray, pay *Zakaah*, fast in the month of *Ramadhan*, perform *Hajj*, (do not) Judge between themselves by the Quraan and Sunnah, or fail to prohibit *al-Fawahish* (evil deeds) or wine, or

⁵⁷ Surah al-Anfaal: 39

⁵⁸ Surah al-Baqarah: 287-289

marrying those whom it has been prohibited to wed, or legalise killing and taking wealth unjustly, or (dealing in) usury, gambling, (failing) to fight the disbelievers, or refusing to impose the Jiziah on the 'People of the Book' or other things from the Islamic Shari'ah, they must be fought until all of the religion is for Allaah ﷻ.

It was confirmed that when 'Umar ؓ was debating with Abu Bakr ؓ about those who refused to pay the Zakaah, Abu Bakr ؓ said to him: *"Why should I not fight the one who has abandoned the laws that Allaah and His Messenger have made obligatory such as Zakaah, even if he has already embraced Islaam?"* Then he said: *"Verily Zakaah deserves that, by Allaah if they refuse to give me a rein (e.g. of a camel or horse) which they used to give the Messenger of Allaah ﷺ I will fight them for refusing to do so."* 'Umar said: *"I saw that Allaah opened the breast of Abu Bakr for fighting, therefore I knew that it was the truth."*⁵⁹

Also it was indeed confirmed in the *Saheehain*⁶⁰ in different ways that the Prophet ﷺ mentioned the Khawaarij and said about them:

"One of you (meaning his companions) will underestimate his prayers comparing to their prayers, his fasting, and his recitation of the Quraan to their recitation, they read the Quraan but it does not go beyond their throats, they go out of the religion as the arrow goes out of game. Wherever you find them, kill them, because the person who has killed them shall have a great reward with Allaah on the Day of Judgement. If I catch them I will kill them the way 'Ad'⁶¹ were killed."

⁵⁹ Bukhaari and Muslim

⁶⁰ Bukhaari and Muslim

⁶¹ Mentioned many times in the Quraan, this tribe of people to who the Prophet Hud ؑ was sent as a Prophet and warner, committed shirk with Allah by worshipping idols and denying His bounty upon them. They also failed to take heed of the fate of the people of Nuh (Noah) ؑ before them and ended up suffering a similar fate and earning the wrath and punishment of Allah ﷻ, who caused their destruction.

The *salaf* (predecessors) and the Imaams are agreed upon fighting those (*al-Khawaarij*). The first one ever to fight them was ‘Ali ibn Abi Talib ؑ and the Muslims kept on fighting them during the Khilaafah of the ‘Umayyads and ‘Abbasids along with the leaders even though they were oppressors, and al-Hajjaaj⁶² and his delegates were some of those who used to fight against them. So all the Imaams of the Muslims commanded that they must be fought. The tartars and the like (the rulers of today) have more greatly rebelled against the Islamic Shari’ah than those who refused to pay Zakaah, al-Khawaarij and ahl at-Taif who refused to give up usury. Thus he who has doubts about fighting them is the most ignorant of people about religion of Islaam, and as fighting them has become obligatory then they must be fought by the consensus of Muslims, even if the one who is forced (to fight with their army) is among them.”⁶³

Fighting Them as Rebels

Ibn Taymiyyah said in Majmu’a al-Fataawa: “Indeed some people may think that those Tartars are misconceived rebels.⁶⁴ Therefore they should be judged by the same rules that those who refused to pay

⁶² He was al-Hajjaj ibn Yusuf ath-Thaqafi, a governor at the time of the Ummayyad Khaleef ‘Abdul Maalik ibn Marwaan. Much has been said of this man, in that he fought and killed some of the companions of the Messenger of Allah ﷺ, the most famous of whom was ‘Abdullah ibn az-Zubair ؑ, and it is accepted that he was a tyrant and often merciless ruler. But a fundamental point is that he never replaced Islamic laws with those from the Kuffaar, neither did he implement them – rather he was known to be a strong supporter and upholder of the Shari’ah. In fact, it was him who sent his nephew Muhammad ibn al-Qaasim to rescue Muslim families in Sind (present day Pakistan) that had been attacked by pirates, which led directly to the conquest and Islaamisation of the Western Indian sub-continent.

⁶³ Al-Fataawa: 28/544-546

⁶⁴ The Arabic term for this is *ahl-ul-Baghy al-Muta-awwileen* means that the reason behind their understanding of some texts are wrong, yet their misconception is considered by the Shari’ah, because the evidence by which they support their opinion implies to some extent the interpretation they make.

Zakaah after the death of the Prophet ﷺ and al-Khawaarij were judged by.” We shall clarify the corruption of this illusion, Insha-Allaah.

Ibn Taymiyyah said: “As the Prophet ﷺ said: *“The one who dies while defending his property is a martyr; the one who dies in his own defence is a martyr; and the one defending his family is a martyr.”*⁶⁵

How then about fighting those (Tartars) who have rebelled against the Islamic laws and engaged themselves in war against Allaah ﷻ and His Messenger ﷺ, and whose tyranny and rebellion are the least (evil deeds) within them? Verily fighting those who oppose and transgress is confirmed by the Sunnah and *Ijmaa'* (consensus), and those (Tartars) have oppressed and abused the Muslims in their lives, wealth, honour and religion, and are some of the most evil and misconceived rebels. But the person, who has claimed that they should be fought in the same way as the misconceived rebels are fought, has made a dreadful mistake and been lead far astray. This is because the least thing that the misconceived should have is an acceptable interpretation by which they act as rebels; and that is why they (scholars) said, “the Imaam must send them a letter, so if they have a misconception he should clarify it, and if they have an oppression he should remove it. But what misconception is there for those (Tartars) who have engaged themselves in war with Allaah and His Messenger ﷺ, exerted themselves in spreading corruption on earth and rebelled against the Islamic laws? Undoubtedly, they are not saying that they establish more of the Islamic religion than this group as far as knowledge and actions are concerned.”⁶⁶

⁶⁵ Saheeh, transmitted by Abu Dawood, Tirmidhi, Nisae and Ahmad on the authority of Sa'eed ibn Zayd ؓ.

⁶⁶ Al-Fataawa: 28/540-541

Befriending them against the Muslims

Ibn Taymiyyah said: "Whoever has joined them from the military leaders or others then the ruling on him is the same as the ruling on them, and that is they have apostated from the laws of Islaam. And if the salaf indeed called those who refused to pay the Zakaah apostates despite that they used to fast, pray and they did not fight (against) the Muslims. How would it be then with the one who is killing Muslims alongside the enemies of Allaah ﷻ and His Messenger ﷺ?"⁶⁷

Ibn Taymiyyah also said: "Thus it becomes clear that the one who is with them and is a Muslim by origin is more evil than the Turks who are disbelievers (at that time), because when the Muslim apostatises from some of the Shari'ah, his case becomes worse than the one who has not entered into it yet, such as those who refused to pay the Zakaah and the likes of those whom *as-Siddeeq* (Abu Bakr ؓ) fought against. Even if the apostates understand, write or practice some aspects from the laws of Islaam they are worse than those Turks who have not entered into the fold of Islaam and its laws. Accordingly the Muslims find that they harm the religion more than the others (Turks), and they criticise the laws of Islaam. So obedience to Allaah and His Messenger is greater than saving those whom have apostated from part of the religion and show hypocrisy in part, even if they display some connection with Islamic knowledge and religion."⁶⁸

Those Forced to Fight in Their Ranks

Ibn Taymiyyah also said: "None of those who behave as Muslims would voluntarily join them unless he is a hypocrite *zindiq* or a wicked sinner. And the one they took out with them by force will be resurrected according to his intention. But we have to fight the whole

⁶⁷ Kitaab al-Jihaad: p.530-531

⁶⁸ Al-Fataawa: 28/535

army, because it is not possible (for us) to distinguish between the one who is forced and the one who is not.”⁶⁹

To warn the one who is forced, Ibn Taymiyyah said: “How will it be then with the one who is forced to kill Muslims along with the group which has rebelled against the Islamic Laws, such as those who refused to pay Zakaah, the apostates and the like? Such a person must not engage in fighting when forced to attend even if the Muslims kill him. Likewise when the disbelievers force someone (a Muslim) to their front-line to fight the Muslims, or when a man forces another man to kill a innocent Muslim, he is not allowed to kill him (and that is) according to the consensus of the Muslims; even if he (the forcer) uses killing as a means to force him. This is because saving his own life is not to be given priority over that of an innocent. So he must not be unjust to someone else by killing him so as not to be killed (himself).”⁷⁰

Opinions and Desires

In the Islamic field there are opinions concerning the removal of those rulers and the establishment of the rule of Allaah ﷻ. So how correct are these opinions?

Charity Organisations

There are some who say that we should establish organisations which are under the authority of the government, and which will push people to perform Salaah, pay Zakaah, and do good deeds. But Salaah, Zakaah and good deeds are orders of Allaah ﷻ and we must not neglect them. However, if we were to ask ourselves; would these good deeds and the acts of worship establish the Islamic State? Immediately and without the first thought the answer would be NO.

⁶⁹ Al-Fataawa: 28/535

⁷⁰ Al-Fataawa: 28/539

Besides these organisations are basically controlled by the government, restricted by its laws and guided by its orders.

OBEDIANCE, EDUCATION AND INTENSIVE WORSHIP

There are some who say that we have to busy ourselves with obeying Allaah ﷻ, educating the Muslims and making effort in worshipping Allaah ﷻ, because the humiliation in which we live is the result of our sins, and because of our deeds it was inflicted upon us. To prove this they refer to the wise saying reported by Maalik ibn Dinar ؓ (in which) Allaah ﷻ; O said:

“I am Allaah, the King of the kings, the hearts of the kings are in my two hands. So whoever obeys Me I will cause them to be merciful on him, and whoever disobeys Me I will cause them to be a disaster on him. Therefore do not busy yourselves with insulting the kings, but repent to Me instead, (and) I will soften their hearts for your service.”

The truth is that whoever thinks that his own wisdom has abrogated the obligation of Jihaad and that of enjoining good and forbidding evil, he has indeed led himself and those who listen to him to destruction. Whoever really desires to be engrossed in the highest degree of obedience and be on the peak of worship, then let him make Jihaad in the cause of Allaah; but without neglecting the other pillars of Islaam. The Prophet ﷺ describes Jihaad as the peak of Islaam⁷¹. He also said:

⁷¹ The words of the hadeeth are: “The most important matter is al Islaam, its pillar is the prayer, and the peak of the matter is Jihaad in the cause of Allah.” Reported by Ahmad, Tirmidhi and others