

The Legacy of Jihad

Islamic Holy War and the Fate of Non-Muslims

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PART 3:

Muslim Theologians and Jurists on Jihad: Classical Writings

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MUWATTA

Malik b. Anas (d. 795)

BOOK 21: JIHAD

Stimulation of Desire for Jihad

21.1.1: Yahya related to me from Malik from Abu’z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said “Someone who does jihad in the way of Allah is like someone who fasts and prays constantly and who does not slacken from his prayer and fasting until he returns.”

21.1.2: Yahya related to me from Malik from Abu’z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, “Allah guarantees either the Garden or a safe return to his home with whatever he has obtained of reward or booty, for the one who does jihad in His way, if it is solely jihad and trust in his promise that brings him out of his house.”

21.1.3: Yahya related to me from Malik from Zayd ibn Aslam from Abu Salih as-Samman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, “Horses are a reward for one man, a protection for another,

Excerpted from ‘A’isha ‘Abdarghman at-Tarjumana and Ya’qub Johnson, trans., *Muwatta*, by Malik b. Anas, <http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/muwatta>.

a burden for another. The one who has them as a reward is the one who dedicates them for use in the way of Allah, and tethers them in a meadow or grassland. Whatever the horse enjoys of the grassland or meadow in the length of its tether are good deeds for him. If it breaks its tether and goes over a hillock or two, its tracks and droppings are good deeds for him. If it crosses a river and drinks from it while he did not mean to allow it to drink it, that counts as good deeds for him, and the horse is a reward for him.

Another man uses his horse to gain self reliance and up-standingness and does not forget Allah's right on their necks and backs (i.e. he does not ill treat or over-work them). Horses are a protection for him.

Another man uses them out of pride to show them off and in hostility to the people of Islam. They are a burden on that man."

The Messenger of Allah, may Allah bless him and grant him peace, was asked about donkeys, and he said, "Nothing has been revealed to me about them except this single all-inclusive ayat, 'Whoever does an atom of good will see it, and whoever does an atom of evil, will see it'" (sura 99 ayats 7, 8).

21.1.4: Yahya related to me from Abdullah ibn Abd ar-Rahman ibn Mamar al-Ansari that Ata ibn Yasar said that the Messenger of Allah, may Allah bless him and grant him peace, said, "Shall I tell you who has the best degree among people? A man who takes the rein of his horse to do jihad in the way of Allah. Shall I tell you who has the best degree among people after him? A man who lives alone with a few sheep, performs the prayer, pays the zakat, and worships Allah without associating anything with him."

21.1.5: Yahya related to me from Malik that Yahya ibn Said said, "Ubada ibn al-Walid ibn Ubada ibn as-Samit informed me from his father that his grandfather (Ubada) said, 'We made a contract with the Messenger of Allah, may Allah bless him and grant him peace, to hear and obey in ease and hardship, enthusiasm and reluctance, and not to dispute with people in authority and to speak or establish the truth wherever we were without worrying about criticism.'"

21.1.6: Yahya related to me from Malik that Zayd ibn Aslam had said that Ubayda ibn al-Jarrah had written to Umar ibn al-Khattab mentioning to him a great array of Byzantine troops and the anxiety they were causing him. Umar ibn al-Khattab wrote in reply to him, "Whatever hardship befalls a believing slave, Allah will make an opening for him after it, and a hardship will not overcome two eases. Allah the Exalted says in His Book, 'O you who trust, be patient, and vie in patience; be steadfast and fear Allah, perhaps you will profit'" (sura 3 ayat 200).

21.18.39: Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that Anas ibn Malik had said that when the Messenger of Allah, may Allah bless

him and grant him peace, went to Quba, he visited Umm Haram bint Milhan and she fed him. Umm Haram was the wife of Ubada ibn as-Samit. One day the Messenger of Allah, may Allah bless him and grant him peace, had called on her and she had fed him, and sat down to delouse his hair. The Messenger of Allah, may Allah bless him and grant him peace, had dozed and woke up smiling. Umm Haram said, "What is making you smile, Messenger of Allah?" He said, "Some of my community were presented to me, raiding in the way of Allah. They were riding in the middle of the sea, kings on thrones, or like kings on thrones." (Ishaq wasn't sure). She said, "O Messenger of Allah! Ask Allah to put me among them!" So he had made a dua for her, and put his head down and slept. Then he had woken up smiling, and she said to him, "Messenger of Allah, why are you smiling?" He said, "Some of my community were presented to me, raiding in the way of Allah. They were kings on thrones or like kings on thrones," as he had said in the first one. She said, "O Messenger of Allah! Ask Allah to put me among them!" He said, "You are among the first."

Ishaq added, "She travelled on the sea in the time of Muawiya, and when she landed, she was thrown from her mount and killed."

21.18.40: Yahya related to me from Malik from Yahya ibn Said from Abu Salih as-Samman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Had I not been concerned for my community, I would have liked never to stay behind a raiding party going out in the way of Allah. However, I do not find the means to carry them to it, nor do they find anything on which to ride out and it is grievous for them that they should stay behind me. I would like to fight in the way of Allah and be killed, then brought to life so I could be killed and then brought to life so I could be killed."

21.18.41: Yahya related to me from Malik that Yahya ibn Said said, "On the Day of Uhud, The Messenger of Allah, may Allah bless him and grant him peace, said, 'Who will bring me news of Sad ibn al-Rabi al-Ansari?' a man said, 'Me, Messenger of Allah!' So the man went around among the slain, and Sad ibn al-Rabi said to him, 'What are you doing?' The man said to him, 'The Messenger of Allah, may Allah bless him and grant him peace, sent me to bring him news of you.' He said, 'Go to him, and give him my greetings, and tell him that I have been stabbed twelve times, and am mortally wounded. Tell your people that they will have no excuse with Allah if the Messenger of Allah, may Allah bless him and grant him peace, is slain while one of them is still alive.'"

21.18.42: Yahya related to me from Malik from Yahya ibn Said that the Messenger of Allah, may Allah bless him and grant him peace, stimulated people for jihad and mentioned the Garden. One of the Ansar was eating some dates in his hand, and said, "Am I so desirous of this world that I should sit until I finish

them?” He threw aside what was in his hand and took his sword, and fought until he was slain.

21.18.43: Yahya related to me from Malik from Yahya ibn Said that Muadh ibn Jabal said, “There are two military expeditions. There is one military expedition in which valuables are spent, the contributor is willing, the authorities are obeyed, and corruption is avoided. That military expedition is all good. There is a military expedition in which valuables are not spent, the contributor is not willing, the authorities are not obeyed, and corruption is not avoided. The one who fights in that military expedition does not return with reward.”

The Martyrs in the Way of Allah

21.14.27: Yahya related to me from Malik from Abu’z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, “By He in whose hand my self is! I would like to fight in the way of Allah and be killed, then be brought to life again so I could be killed, and then be brought to life again so I could be killed.” Abu Hurayra said three times, “I testify to it by Allah!”

21.14.28: Yahya related to me from Malik from Abu’z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, “Allah laughs at two men. One of them kills the other, but each of them will enter the Garden: one fights in the way of Allah and is killed, then Allah turns to the killer, so he fights (in the way of Allah) and also becomes a martyr.”

21.14.29: Yahya related to me from Malik from Abu’z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, “By He in whose hand my self is! None of you is wounded in the way of Allah—and Allah knows best who is wounded in His Way, but that when the Day of Rising comes, blood will gush forth from his wound. It will be the colour of blood, but its scent will be that of musk.”

21.14.30: Yahya related to me from Malik from Zayd ibn Aslam that Umar ibn al-Khattab used to say, “O Allah! Do not let me be slain by the hand of a man who has prayed a single prostration to You with which he will dispute with me before You on the Day of Rising!”

21.14.31: Yahya related to me from Malik from Yahya ibn Said from Said al-Maqburi from Abdullah ibn Abi Qatada that his father had said that a man came to the Messenger of Allah, may Allah bless him and grant him peace, and said, “O Messenger of Allah! If I am killed in the way of Allah, expectant for reward, sin-

cere, advancing, and not retreating, will Allah pardon my faults?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes." When the man turned away, the Messenger of Allah, may Allah bless him and grant him peace, called him—or commanded him and he was called to him. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "What did you say?" He repeated his words to him, and the Prophet, may Allah bless him and grant him peace, said to him, "Yes, except for the debt. Jibril said that to me."

21.14.32: Yahya related to me from Malik from Abu'n-Nadr, the mawla of Umar ibn Ubaydullah that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said over the martyrs of Uhud, "I testify for them." Abu Bakr as-Siddiq said, "Messenger of Allah! Are we not their brothers? We entered Islam as they entered Islam and we did jihad as they did jihad." The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes, but I do not know what you will do after me." Abu Bakr wept profusely and said, "Are we really going to out-live you!"

21.14.33: Yahya related to me from Malik that Yahya ibn Said said, "The Messenger of Allah, may Allah bless him and grant him peace, was sitting by a grave which was being dug at Madina. A man looked into the grave and said, 'An awful bed for the mumin.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Evil? What you have said is absolutely wrong.'

The man said, 'I didn't mean that, Messenger of Allah. I meant being killed in the way of Allah.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Being killed in the way of Allah has no like! There is no place on the earth which I would prefer my grave to be than here (meaning Madina). He repeated it three times.'

Things in Which Martyrdom Lies

21.15.34: Yahya related to me from Malik from Zayd ibn Aslam that Umar ibn al-Khattab used to say, "O Allah! I ask you for martyrdom in Your way and death in the city of Your Messenger!"

21.15.35: Yahya related to me from Malik from Yahya ibn Said that Umar ibn al-Khattab said, "The nobility of the mumin is his taqwa. His deen is his noble descent. His manliness is his good character. Boldness and cowardice are but instincts which Allah places wherever He wills. The coward shrinks from defending even his father and mother, and the bold one fights for the sake of the combat not for the spoils. Being slain is but one way of meeting death, and the martyr is the one who gives himself, expectant of reward from Allah."

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[UNTITLED]

Ibn Abi Zayd al-Qayrawani

(d. 996)

Jihad is a precept of Divine institution. Its performance by certain individuals may dispense others from it. We Malikis [one of the four schools of Muslim jurisprudence] maintain that it is preferable not to begin hostilities with the enemy before having invited the latter to embrace the religion of Allah except where the enemy attacks first. They have the alternative of either converting to Islam or paying the poll tax <jizya>, short of which war will be declared against them. The jizya can only be accepted from them if they occupy a territory where our laws can be enforced. If they are out of our reach, the jizya cannot be accepted from them unless they come within our territory. Otherwise we will make war against them.

It is incumbent upon us to fight the enemy without inquiring as to whether we shall be under the command of a pious or depraved leader.

There is no inconvenience to kill white non-Arabs who have been taken prisoner. But no one can be executed after having been granted the aman <protection>. The promises made to them must not be broken. Women and non-pubescents will not be executed. One will avoid killing monks and rabbis unless they have taken part in battle. Women also will be executed if they have participated in the fighting. The aman granted by the humblest Muslim must be recognized by others [Muslims]. A Women and a non-pubescent child can also grant the aman when they are aware of its significance. However, according to another opinion, it is only valid if confirmed by the imam. The imam will retain a fifth of the booty captured by the Muslims in the course of warfare and he will share the remaining four fifths among the soldiers of the army. Preferably, the apportioning will take place on enemy ground.

Excerpted from Leon Bercher, *La Risala ou Epitre sue les elements du dogme de la loi d'Islam* (Algiers, 1945); English translation from Bat Ye'or, *The Decline of Eastern Christianity under Islam: From Jihad to Dhimmitude Seventh–Twentieth Century* (Madison, NJ: Fairleigh Dickinson University Press, 1996), p. 295.