

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Fiqhi Page

Answer to Question

Ruling on Joining the Armed Forces in Muslim Countries

To Ahmad Sadid

(Translated)

Question:

Assalamu Alikum Wa Rahmatullah.

Dear brother, I have a question about those who are working as police or soldiers in the Islamic countries in this system, what is the hukm regarding this?

I am the member of Hizb ut Tahrir, this question has confused me because my father and my brother are commanders in Afghanistan.

I will appreciate it if you can provide an answer.

Thank you.

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

My brother, regarding being disturbed due to the participation of your father and brother in the army of Afghanistan... We have previously issued an Answer to a Question about the permissibility or impermissibility of entering the army... We said that entering the army is not permissible in certain cases, but it is permissible in other cases. I quote the text of the Answer to you:

(On the authority of Abi Saeed and Abu Huraira, they said: the Messenger of Allah (saw) said: «لِيَأْتِيَنَّ عَلَى النَّاسِ زَمَانٌ يَكُونُ عَلَيْهِمْ أَمْرَاءُ سَفَهَاءُ، يُقَدِّمُونَ شِرَارَ النَّاسِ وَيُظْهِرُونَ بِخِيَارِهِمْ، وَيُوَخَّرُونَ الصَّلَاةَ عَنْ»
«لِيَأْتِيَنَّ عَلَى النَّاسِ زَمَانٌ يَكُونُ عَلَيْهِمْ أَمْرَاءُ سَفَهَاءُ، فَمَنْ أَدْرَكَ ذَلِكَ مِنْكُمْ فَلَا يَكُونَنَّ عَرِيفًا وَلَا شَرْطِيًّا وَلَا جَابِيًّا وَلَا خَازِنًا»
Soon you will encounter leaders who will keep the evil ones close to them, they will delay Salah from its appointed time. If you do encounter such leaders, [you should not be under their employ], not as a [minister], nor as a police officer, nor as a tax collector nor as a treasurer". Narrated by Abu Ya'la and its men (narrators) are the same men in the Sahih except Abdul Rahman Ibn Masood, and he is trusted.

In another narration in Kanz Al-U'mmal from Al-Khateeb from Abu Huraira: «... فَمَنْ أَدْرَكَهُمْ»
«... فَمَنْ أَدْرَكَهُمْ»
If you do encounter such leaders, [you should not be under their employ], not as a [minister] nor as a tax collector nor as a treasurer, nor as a police officer". Kanz Al-U'mmal- Al-Khateeb from Abu Huraira

By looking deeper into the issue, it becomes clear that:

1- The Hadith of Abu Ya'la that the Prophet (saw) forbids these four under the rule of the foolish and oppressive rulers in general (Mutlaq). In the Hadith of Kanz Al-U'mmal, these four are forbidden for the unjust rulers in particular, as it was mentioned in the Hadith (lahum (them)) and the (lam) is for specification. The prohibition is related to the special guards of these rulers and those who collect money for them and store it for them. The general (Mutlaq) is applied to the restricted (Muqayad), so the prohibition is not about the minister, the tax collector, the treasurer and the policeman in countries whose rulers do not govern by Islam, but rather the prohibition is related to the minister, the policeman, the tax collector and the treasurer working with the persons of these rulers, i.e., their personnel.

2- The one who accepts the judgment of the unjust, foolish rulers is a sinner, whether he is in the army or not, because not changing the rulers who do not rule by what Allah has

revealed, and not rejecting them, or accepting them, all of that is a great sin, as the Messenger of Allah (saw) said: «سَتَكُونُ أَمْرَاءُ فَتَعْرِفُونَ وَتُشْكِرُونَ، فَمَنْ كَرِهَ فَقَدْ بَرِئَ، وَمَنْ أَنْكَرَ فَقَدْ سَلِمَ، وَلَكِنْ مَنْ رَضِيَ وَتَابَعَ» **“In the near future there will be Amirs and you will like their good deeds and dislike their bad deeds. One who sees through their bad deeds (and tries to prevent their repetition by his hand or through his speech), is absolved from blame, but one who hates their bad deeds (in the heart of his heart, being unable to prevent their recurrence by his hand or his tongue), is (also) faye (so far as Allah's wrath is concerned). But one who approves of their bad deeds and imitates them is spiritually ruined”.**

3- Asking for Nusra (support) from the people of power, whether they are in the guard of the ruler or not in his guard, to change the rule of the foolish (Ruwaibidah) and unjust who do not rule by what Allah has revealed, is permissible, but after explaining the reality of the corrupt regime in which they work, and that it is a duty that must be changed, if they are convinced of that and respond to Allah and His Messenger, then their work is a great work, Allah willing. And if they use their positions to expedite the establishment of Allah's rule, they would have done a great job.

This is because the Messenger of Allah (saw) used to go to the tribes, who were kuffar, inviting them to Islam. If they responded, became Muslim, He (saw) would request the Nusra to establish Allah's rule from them. Thus, if the workers in the army of the unjust respond to the truth and know the ruling of Shariah that it is necessary to denounce the oppressors and change them, and are prepared to act, the request for their support is permitted.

4- Yes, it is permissible to fight with the unjust rulers if it is a fight against the kuffar and not against the Muslims, because jihad is obligatory on Muslims in all cases, under the shadow of the Muslim ruler, regardless of his condition, whether he is righteous or immoral, as long as he is fighting against the kuffar, and that is because the verses of fighting came as general (Mutlaq) and not restricted (Muqayad). **“And what is [the matter] with you that you fight not in the cause of Allah”** [An-Nisa: 75] **«الَّذِينَ آمَنُوا يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ»** **“Those who believe fight in the cause of Allah”** [An-Nisa: 76]. **«فَلْيُقَاتِلْ فِي سَبِيلِ اللَّهِ الَّذِينَ يَشْرُونَ الْحَيَاةَ الدُّنْيَا»** **“So let those fight in the cause of Allah who sell the life of this world for the Hereafter”** [An-Nisa: 74].

And many other verses did not stipulate that the ruler should be unjust or not, as long as the fight is against the kuffar.

There are also explicit Hadiths indicating that the injustice of the ruler does not prevent fighting with him against the kuffar, which means to fight with the unjust imam. On the authority of Anas, he said: The Messenger of Allah (saw) said: **«وَالْجِهَادُ مَاضٍ مِنْذُ بَعَثَنِي اللَّهُ إِلَى أَنْ يُقَاتِلَ آخِرُ أُمَّتِي الدَّجَالَ، لَا يُبْطِلُهُ جَوْرُ جَائِرٍ وَلَا عَدْلُ عَادِلٍ»** **“Jihad continues from the time Allah sent me till the last of my people fights with the dajjal, being annulled neither by the tyranny of a tyrannical ruler nor the justice of a just one.”**

20 Jumada Al-Awal 1424 AH-20/7/2003 CE)

I hope that this answer is sufficient, and Allah Knows Best and is Most Wise.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

10 Muharram 1444 AH

8/8/2022 CE

The link to the answer from the Ameer's Facebook page:

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/612118667142173>