

It is also mentioned in the following Hadith of the Prophet of Allah (saw):

«جاهدوا المشركين بأموالكم وأنفسكم وألسنتكم»

**“Do perform Jihad against the Mushriks with your wealth, hands and tongues.”** narrated by Abu Dawud on the authority of Anas [Sunan, #2504].

In order for fighting to be carried out according to the way determined by Shariah, with the aim of defeating the enemy and conquering the land, military training is necessary, which is compulsory like Jihad, in accordance with the Shariah principle that States: ‘That which is necessary to accomplish a duty is itself a duty’. The soliciting of fighting falls within the order to fight. When Allah (swt) says, «وَقَاتِلُوهُمْ» **“And fight them”**, this is an order to fight and an order to perform any task that makes the fighting possible. In addition Allah (swt) says:

«وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ»

**“Make ready for them all that (of armed force) you can.”** [8:60]

Training and high military expertise form part of the preparation of fighting power, for they have to be available in order to make the fighting possible. Thus training forms part of the force that must be obtained such as military hardware and military missions etc.

As for the Military conscription, which is the assignment of people to be part of the armed forces permanently, i.e. to have Mujahidin performing effective Jihad and whatever the duty

of Jihad entails, this is compulsory, for the performing of Jihad is a continuous duty whether the enemy attacked us or not, which is why military conscription is a collective duty that is included in the hukm of jihad.

In regards to the rule of conscription which is only for men above the age of fifteen years, this is due to the hadith reported by Al-Bukhari through Nafi’ when he stated:

«حدثني ابن عمر أن رسول الله ﷺ عرضه يوم أحد وهو ابن أربع عشرة سنة فلم يُجزني، ثم عرضني يوم الخندق وأنا ابن خمس عشرة سنة فأجازني»

Ibn ‘Umar (ra) told me that the Messenger of Allah (saw) turned to him on the day of Uhud when he was fourteen years old, but did not allow me. Then he turned to me on the day of the trench when I was fifteen years old and he allowed me to fight.” [Bukhari, Sahih, #2664]

Nafi’ said, “I visited ‘Umar ibn ‘Abd al-Azib when he was a Khalifah. I told him of this hadith and he said, ‘This is indeed a limit between the young and the mature.’ So, he wrote to his governors to make duty for whoever reached fifteen years.” It means to assign rizq (funds) to them in the divan of the army. Therefore we adopt that the one that reaches the age of fifteen has to be trained in the military service.

[Source: The Institutions of State in the Khilafah (In Ruling and Administration) by Hizb ut Tahrir]

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بِإِذْنِ الْحَاكِمِ إِلَّا لِلَّهِ أَمْرٌ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ

# Ameer of Jihad



## Amir of Jihad – War Department (Army)

The war department is one of the State's organisations, and its head is called the amir of jihad, rather than the manager of jihad. This is because the Messenger (saw) used to give to the leaders of the army the names of amirs. Ibn Sa'd narrated that the Messenger of Allah (saw) said:

أمير الناس زيد بن حارثة، فإن قتل فجعفر بن أبي طالب، فإن قتل فعبد الله بن رواحة، فإن قتل فليترض المسلمون بينهم رجلاً فيجعلوه عليهم.

**“The amir of the people is Zayd ibn Haritha; if he was killed then the amir is Ja'far ibn Abi Talib; and if was killed the amir is Abdullah ibn Ruwahah; and if was killed let the Muslims choose one man from among them and make him their amir.”**

Al-Bukhari narrated that Abdullah ibn 'Umar (ra) said:

«أمر رسول الله ﷺ في غزوة مؤتة زيد بن حارثة...»

“The Messenger of Allah (saw) appointed Zayd ibn Haritha as amir in the expedition of Mu'tah...” Al-Bukhari narrated has from the hadith of Salamah ibn Al-Akwa':

«وغزوت مع زيد، وكان يؤمره علينا»

**“I went on an expedition with Zayd; he was appointed amir over us”.**

Al-Bukhari and Muslim narrated that Abdullah ibn 'Umar (ra) said:

«بعث النبي ﷺ بعثاً، وأمر عليهم أسامة بن زيد، فطعن بعض

الناس في إمارته، فقال النبي ﷺ: إن تطعنوا في إمارته فقد كنتم تطعنون في إمارة أبيه من قبل، وأيم الله إن كان لخليقاً للإمارة...».

The Prophet (saw) sent an army and appointed Usama ibn Zayd as an amir over them. So some people defamed his leadership, so the Prophet (saw) said:

«كان رسول الله ﷺ إذا أمر أميراً على جيش أو سرية أوصاه...»

**“If you defame his leadership you defamed the leadership of his father before. By Allah! He is worthy of leadership...”** [Bukhari, Sahih, #4250 and Muslim, Sahih, #2436].

The Sahabah used to call the army of Mu'tah the army of amirs. Muslim narrated from Ibn Buraydah, he said: “The Messenger of Allah (saw) used to advise the person whom he appointed as amir over an army or an expedition ...” The war department takes charge of all the issues connected to the armed forces, in terms of the army, equipment, weapons, facilities, ammunition and the like. This is in addition to military academies, military missions and whatever is necessary of Islamic and general culture for the army and everything related to war and planning of it. The task of sending spies against the belligerent disbelievers is also the role of the war department and there should be a special section for this purpose. The evidences for this are well known in the seerah of the Messenger (saw).

All of this is undertaken and supervised by the war department as its name indicates it is related to war and fighting. War needs an army, and the army needs formation and preparation in terms of its leadership, chiefs of staff, officers and soldiers. The formation of the army needs preparation and training, physical as well as technical. Such training addresses the art of fighting, the use of various weapons, and training in the use and developing of modern weapons. Therefore, the technical and military study, training in the art of fighting and learning the use of various weapons is an essential requirement for the army.

Allah (swt) has honoured the Muslims by making them the propagators of the message of Islam to the entire world. He defined for them the method of conveying Islam by da'wah and jihad. He made jihad obligatory upon them and training in the military service a duty.

Henceforth, every Muslim male that reaches the age of fifteen years is obliged to have training in military service to prepare for jihad. In regards to military conscription, this is a duty of sufficiency (collective duty).

The evidence for military service is His (swt) saying:

«وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِئْتَةً وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ»

**“And fight them on until there is no persecution and the submission is to Allah in its entirety.”** [TMQ 8:39]