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# Jurisprudential Examination of the Requirements of the Instances of Resistance Jurisprudence

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## ABSTRACT

Resistance jurisprudence refers to the rulings and principles that Islam has established in individual, collective, political, security, cultural, artistic, and other domains for the regulation of worldly and spiritual life of Muslims. Defensive jihad is regarded as one of the key dimensions of resistance jurisprudence, which obligates Muslims around the world to confront the aggression of infidels against Islamic lands. This struggle aims to preserve the foundation of religion (the essence of Islam) and to defend its territories. The outcome of this research, which is organized through a descriptive–analytical reasoning approach using library data, is an analysis of the position of defensive jihad within the framework of resistance jurisprudence from the perspective of Islamic jurists, based on religious texts. However, the innovation of this study lies in emphasizing the necessity of defensive jihad in the present era with the purpose of safeguarding the essence of Islam in its broadest sense in any region of the world.

**Keywords:** *position, jihad, defensive jihad, resistance jurisprudence*

## Introduction

Fiqh al-muqawamah (resistance jurisprudence) is a new chapter within Islamic jurisprudence, in which the discourse concerns a constant and enduring struggle against all matters that target the very foundations of Islam. In reality, this perpetual conflict is a confrontation between truth and falsehood—one that, according to Imam Khomeini, “will continue as long as polytheism and disbelief exist.” Therefore, the principal duty and grave responsibility of the scholars and practitioners of resistance jurisprudence is continuous struggle. At the same time, the key foundation of the resistance-jurisprudential framework for defending the essence of Islam (baydat al-Islam) and Islamic territories lies within the revealed textual sources (nusus shar’iyyah) (1).

Given the importance of this topic, the author pursues two main objectives: (1) to become acquainted with defensive jihad and the jurisprudence of resistance, and (2) to clarify the position of defensive jihad in the present era as a means of protecting the essence of Islam and Islamic lands. The research raises two principal questions: (1) What is meant by defensive jihad and by fiqh al-muqawamah? and (2) What is the contemporary status of



defensive jihad within resistance jurisprudence? Answers to these questions are developed throughout the text. Regarding innovation, this study asserts that the current status of defensive jihad reveals the necessity of defending the core of Islam and its territories. The research employs a descriptive-analytical method, based on library data collection and content analysis, using the Qur'an, hadith, and classical and modern juristic sources.

## Concepts

### *Defensive Jihad*

The root of the word *jihad* is *ajhada*, which connotes hardship and effort (2), endurance and difficulty (3), and striving accompanied by pain and fatigue (4). Al-Tabarsi interprets the Qur'anic phrase *jahadtū al-'adu* (Qur'an 2:217) to mean "I endured the hardship of fighting the enemy," and elsewhere (Qur'an 9:79) he explains both forms of the root—whether pronounced with damma or fatha—as referring to compelling oneself to hardship. Thus, the expression "so-and-so performed jihad" implies that he exerted his strength, endured difficulty, and strove with perseverance. Hence, *jahd* and *jihad* signify effort accompanied by hardship (5).

In juristic terminology, the prevalent definition of *jihad* is the expenditure of life and wealth in the path of God, whether in battle against rebels or unbelievers, or in striving to exalt Islam and uphold its symbols (6). The Arabic word *difā'* (defense) is derived from the root *dafa'a*, meaning to repel or ward off; hence *al-difā'* 'an al-Islam means "defending Islam" (5). The lexicographer al-Jawhari notes the forms *dhabb*, *daf'*, and *dāfi'* meaning "to protect" or "to defend" (7). Defense may also mean removing harm, protecting, or repelling an attacker. Jurists recognize several types of defense, including the defense of Islamic territory (6, 8), self-defense (6), protection of property (6, 9), and defense of honor or chastity (6). In all these instances, defense is considered obligatory.

According to the dominant opinion among jurists, *jihad al-difā'i* (defensive jihad) is armed struggle against an enemy with the objective of protecting Islam and its territories from an aggressor who threatens its foundations, seeks to occupy Islamic lands, violate the honor and property of Muslims, or kill them unjustly (10-12). Therefore, defensive jihad signifies confrontation with any adversary intending to annihilate Islam or invade its lands.

### *Fiqh al-Muqawamah (Jurisprudence of Resistance)*

The term *fiqh* literally means understanding or comprehension (2, 13, 14), and insight into religion (15). Technically, it refers to knowledge of the subsidiary rulings of the shari'ah derived from their detailed evidences (14). In modern jurisprudential discourse, *faqahah* implies that the mujtahid employs the recognized sources and methods of inference to deduce religious rulings (16).

The term *muqawamah* (resistance) denotes steadfastness, perseverance, durability, and constancy; it also means establishment or setting things in order (17), standing firm and bringing affairs to completion (3), opposition, equality in warfare, justice, moderation (18), persistence (19), adherence to the straight path without deviation (2), and resistance to distortion or corruption (20). Among these, the meanings of justice and moderation are the most widely recognized (7, 21).

Resistance jurisprudence, therefore, encompasses a wide range of juristic topics whose central concern is the preservation of Islamic law, identity, and integrity. According to several contemporary researchers, the rulings and principles that Islam has provided across the individual and collective domains—political, security, cultural, artistic,

and others—form the body of resistance jurisprudence. Whenever any of these domains face threat from external enemies, defensive action becomes a collective obligation upon Muslims (22, 23).

Thus, in the modern era—where the global forces of disbelief have targeted the essence of Islam through military and security aggression—defensive jihad, as an integral aspect of resistance jurisprudence, constitutes an individual duty upon every Muslim. Each believer is required to confront threats that endanger the identity and existence of Islam and to defend its sanctity and territories wherever they may exist throughout the world (24).

### The Position of Defensive Jihad

From a jurisprudential perspective, *jihad* is divided into five categories—four of which are defensive and only one offensive. The types of defensive jihad are as follows:

- (1) jihad for the preservation of the foundations of Islam against the invasion of infidels who attack Muslim lands with the intent to eradicate Islam and impose the rule of disbelief;
- (2) jihad for the repulsion of aggressors who assault the lives and honor of Muslims;
- (3) jihad to defend Muslims engaged in conflict with unbelievers, when there is fear that the unbelievers might overcome them; and
- (4) jihad for expelling and removing infidels who have gained control over Muslim lands (25).

What is certain is that fear of the destruction of Islam, the annihilation of Muslims, violation of their honor and progeny, and domination over their territories establishes the obligation of defensive jihad.

Regarding whether offensive or defensive jihad is fundamental, jurists differ. Some believe that offensive jihad (*jihad al-ibtida'i*) is the principle but consider defensive jihad superior, stating: “This type of jihad is the noblest of its kinds and the greatest means of attaining nearness to the Lord of the servants, and it is superior to the jihad intended to bring the unbelievers back to Islam” (6). Others maintain that defensive jihad is the original and essential form (26), especially emphasizing the superiority of the fourth form of defensive jihad mentioned above (25). Therefore, it can be concluded that the most virtuous form of jihad is defensive jihad, undertaken for the preservation of Islam’s existence.

Accordingly, the contemporary position of resistance jurisprudence identifies defensive jihad as the means of safeguarding the essence of Islam, repelling aggressors against the lives and honor of Muslims, and driving out the infidels who have taken control of Muslim territories.

What remains beyond doubt is that fear for the survival of Islam, as well as for the safety of Muslim communities, their honor, territories, and descendants, constitutes the ground for the obligation of defensive jihad. The Qur’anic text itself explicitly commands and emphasizes the importance of defense and its necessity:

“Indeed, Allah defends those who believe. Truly Allah does not love any treacherous ingrate. Permission to fight has been granted to those who are fought against because they have been wronged—and Allah is certainly able to grant them victory.” (Qur’an, al-Hajj: 38–39) (5).

According to contemporary jurists, the object of defensive jihad is exclusively the defense of religion itself. As Ayatollah Mohammad Javad Fazel Lankarani states, “If at any time a person fears that religion is in danger—whether in his own region or elsewhere—then based on jurisprudential evidence, it becomes obligatory upon anyone capable of confrontation to defend Islam” (24). In this interpretation, the obligation to defend religion in another region is equivalent to defending Islamic lands, which is among the necessities of Islamic jurisprudence or the *fiqh al-muqawamah*.

Shi'a jurists, in their works on jihad, have encouraged resistance and steadfastness against the enemies of Islam and Muslims who seek domination over Islamic lands. In essence, defensive jihad today serves the dual purpose of preserving the existence and foundation of Islam (*baydat al-Islam*) and protecting Islamic territories.

### *Defense of the Essence of Islam (Hifz Baydat al-Islam)*

The foremost current aspect of defensive jihad in resistance jurisprudence is the preservation of the essence of Islam. In juristic discourse, the term *baydat al-Islam* refers to the foundation and existence of Islam (22, 27), the Muslim community, the territorial and geographical domain of Islam. As one supplication states: “Do not place over them an enemy from outside themselves who would destroy their unity and the center of their rule and call.” (27).

The scholars' intent by *baydat al-Islam* is the fear of Islam's roots and community being eradicated and uprooted (27). Expressions such as “the dominance of disbelief” (*istilā' kalimat al-kufr*) and “the weakening of the word of Islam” (*da'f kalimat al-Islam*) or “the entry of infidels into Islamic lands” exemplify the state of fear for the *baydat al-Islam* (25).

If such a situation arises in the Muslim community, then in the presence of the Imam or his deputy, the protection of Islam's essence becomes obligatory upon them. Otherwise, the responsibility falls upon “every insightful person of sound judgment, learned in political matters, and acquainted with leadership intricacies,” and the people are obliged to assist him in this task. Whoever opposes such leadership is considered to have opposed the scholars, and likewise, to have opposed the Imam, the Prophet, and ultimately God (25).

The infallible Imams repeatedly emphasized the importance of preserving the essence of Islam. As narrated from Yunus ibn 'Abd al-Rahman: Imam Musa ibn Ja'far (peace be upon him) said that if fear arises for the destruction of Islam, then one must fight in defense of the *baydat al-Islam*, for the disappearance of Islam entails the obliteration of the remembrance of Muhammad (peace be upon him) (6, 28).

Thus, the Imam advised his followers that whenever there is fear for Islam and the Muslims, they must fight, defend, and resist. Although Shi'a jurists have not extensively discussed the conflict between defending Islam and other religious rulings, it is evident that safeguarding the essence of Islam, its lands, and Muslim lives takes precedence over all other obligations. Consequently, if defending Islam necessitates performing a prohibited act or the use of others' property, such actions become permissible. Defense of Islam, therefore, is a collective duty upon all Muslims.

Shi'a scholars, following the guidance of the Imams, frequently used the expression *baydat al-Islam* in their *Kitab al-Jihad* chapters with the same meaning intended in the Qur'an, as in: “Unless the Muslims are suddenly attacked in a way that threatens the essence of Islam or annihilates part of it...” (29). Shaykh al-Ta'ifah (Al-Tusi) thus deemed jihad obligatory even in the absence of the infallible Imam when the *baydat al-Islam* is in danger or when self-defense becomes necessary for Muslims.

Although the majority of Shi'a jurists prohibited initiating jihad without the Imam or his appointed deputy, they made exceptions when the core of Islam faced existential danger, stating: “Jihad becomes obligatory by the call of the just Imam or his deputy, and it is not permissible under a tyrant's command unless there is fear for the essence of Islam, its foundation, and its unity.” (13). Some have derived from the phrase “its foundation and unity” that *baydat al-Islam* represents the very essence and collective unity of the religion (11). Ibn Idris al-Hilli also describes *baydat al-Islam* as “the root and assembly of Islam,” referring to the foundational core of the faith and the Muslim community (30).

Therefore, it is evident that the current position of defensive jihad in resistance jurisprudence is the preservation of Islam and the unity of the Muslim community—a unity upon which the very endurance of Islam depends.

### *Defense of Islamic Lands*

The second current position of defensive jihad in *fiqh al-muqawamah* (resistance jurisprudence) is the defense of Islamic territories and the repulsion of aggression against Muslims and the oppressed worldwide. Today, the enemies of Islam—fearing the expansion of Muslim influence and power on the international stage—threaten Muslims and seek domination over Islamic lands. They dread Islamic awakening, Muslims' control over their own destiny, and, especially, their unity and cohesion. Under contemporary conditions, all Muslims—particularly the younger generation—must, while knowing the proud legacy of their tradition, defend its dignity and honor wherever it may be found. Accordingly, the duty to defend Islamic lands is among the necessities of resistance jurisprudence. Moreover, the command of *fiqh al-muqawamah* to stand firm against aggressors is not confined to Muslims alone; every nation regards such defense as its legitimate right. On the basis of revelation (al-Hajj 39–40), resistance jurisprudence deems the survival of humanity and its creedal commitments contingent on defense and grants permission to those wronged to wage just resistance in defense of their rights: “Permission is given to those who are fought because they have been wronged... those who were driven from their homes without right except that they said, ‘Our Lord is Allah.’ Were it not that Allah repelled some people by means of others, monasteries, churches, synagogues, and mosques—wherein the name of Allah is much mentioned—would surely have been demolished” (5, 31). Thus, fighting an invading, oppressive enemy is the legitimate right of every oppressed people—*bi-annahum zulimū* (because they have been wronged)—even if some of them are non-Muslims unjustly expelled from their homes and lands. Contemporary experience repeatedly illustrates this, as media reports chronicle the dispossession of the Muslim people of Palestine from their ancestral homes and lands (32).

In the juristic literature, the rationale for defensive jihad is to prevent the loss of rights, the defeat of the domain of faith, and the victory of disbelief and idolatry (33). Some jurists state: when unbelieving enemies assault Muslims seeking to seize their lands, enslave them, plunder their wealth, or violate the sanctity of their women and children, defensive jihad becomes due (11). At times, jihad is for repelling aggressors against Muslim lives and honor; at other times, it is for assisting a group of Muslims engaged with unbelievers when there is fear the latter will overpower them; and, finally, it is for expelling unbelievers who have occupied Muslim lands and for rescuing Muslims from the hands of transgressors—“jihad to drive them from Muslim towns, villages, and lands, to remove them after they have taken control, to repair the ‘egg’ (core) of Islam after it has been cracked, and to strive to deliver Muslims from the hands of the accursed unbelievers” (25). Some jurists, while detailing the obligations of Muslims to liberate Islamic territories—by sacrificing reputation, wealth, arms, and sound strategy—have deemed this type of jihad the most superior form and the greatest means of nearness to God, even superior to offensive jihad intended to invite unbelievers to Islam (6, 25).

Defense of Islamic lands is grounded in the revealed texts. Concerning al-Baqara 190–191—“Fight in the path of Allah those who fight you, but do not transgress... Drive them out from where they drove you out; persecution is worse than killing”—the first verse clearly establishes the obligation of defensive jihad and permits fighting hostile unbelievers. The occasion of revelation relates to the period after the Treaty of Hudaibiyyah, where the polytheists pledged to allow Muslims entry to Mecca for pilgrimage the following year. The Prophet anticipated their possible treachery and, disliking warfare in the sacred months, received the command permitting self-defense while warning

not to transgress limits; the second verse identifies the sedition of the idolaters as more grievous than fighting in the sacred months, thereby allaying that concern (5). Some exegetes have even extended the verse to personal defense of life and property against armed assailants, maintaining that the verse primarily manifests defensive jihad—and that the sanctity of place or time does not bar it when defense is required (34).

A key implication of the second verse, particularly apt to our case, is the imperative to *reclaim Islamic territory* from the hands of the enemies of religion by expelling them. War against polytheists who seize Islamic lands becomes necessary and obligatory. Mecca—citadel of monotheism, city of the Messenger, the locus of revelation—belonged to the Muslims; the polytheists had no right to expel them and themselves were to be expelled from the sacred precinct. Hence, Muslims are charged to struggle against the agents of sedition to recover their homeland and drive them from Mecca (5, 31).

Exegetes outline several revealed scenarios governing the defense of Islamic lands: (1) if the aggressor is an unbeliever, all Muslims are obliged to repel the aggression in defense of the oppressed—e.g., defending Palestinian Muslims against the occupying regime; (2) if the aggressor is a Muslim faction or polity, all Muslims must first seek reconciliation between the two parties; if reconciliation fails, they must fight the party initiating aggression until it ceases, then effect a reconciliation founded on justice and the enforcement of divine rulings for those wronged—life taken, honor violated, or property usurped (5); and (3) defense of the oppressed who call upon Muslims for help, as in al-Nisa' 75—“Why do you not fight in the path of Allah and for the downtrodden men, women, and children who say, ‘Our Lord, deliver us from this town of wrongdoers; appoint for us from Yourself a protector and a helper?’”—a group who are believers, oppressed, and anguished, raising a cry for justice (5). Supporting the oppressed holds a special place in the sources, and the Commander of the Faithful enjoined: “Be an enemy to the oppressor and a helper to the oppressed” (28). Likewise, the obligation of defensive jihad in our case, supported by al-Imran 103 (commanding unity) and al-Baqara 193 (ending sedition), establishes that genuine unity among Muslim states and peoples safeguards Islam, dignity, honor, and independence; conversely, disunity enables foreign exploitation. All Muslims are thus bound to “hold fast together to the rope of Allah and do not be divided,” rising to preserve the independence and honor (life, property, and chastity) of Islamic lands—where “the rope of Allah” signifies clinging to God and His Messenger (5).

As for combating seditionists per the text—“Fight them until there is no sedition (fitnah)” (al-Baqara 193)—defense remains an obligation upon every free person, all the more upon Muslims, as long as centers of corruption and sedition persist. Precedence is given to invitation (da'wah): if it is accepted, there is no fighting; if it is rejected, they forfeit claim to divine guardianship, for Allah aids only His faithful servants (5).

Beyond the verses of jihad, which establish the necessity of defending Islamic lands and the independence, honor, and dignity of Muslims as one category of jihad, narrations also demonstrate the obligation of defensive jihad. The Commander of the Faithful said: “Allah has made jihad obligatory, exalted it, and made it His victory and helper. By Allah, neither the affairs of this world nor religion are set aright except through it” (28). He also said, “Be an adversary to the oppressor and a helper to the oppressed” (28). Reported merits of participating in defensive jihad include nearness to the Beloved (35), the greeting of the angels through the Gate of the Mujahidin (36), and the reward of martyrdom (37). Conversely, abstaining from defensive jihad (despite ability) leads to humiliation, abasement, impoverishment, and a forfeiture of faith's vitality (36, 38).

## The Ruling of Defensive Jihad

Jurists enumerate the characteristics of defensive jihad as follows: (1) it does **not** require the presence of the infallible Imam or his specific deputy; (2) it is obligatory upon every capable individual—men and women, old and young; (3) the criterion of obligation is capacity to fight; (4) it is permissible even in the sacred months (al-Baqara 217); (5) invitation to Islam is **not** a prerequisite in defensive jihad; and (6) its obligation may recur multiple times within a single year (6, 25, 39, 40). Therefore, defending the *baydat al-Islam* does not require the Imam's permission, and defensive jihad—whether Muslims are few or many—is obligatory. The intention must be **defense**, not initiation. Obedience to the one who calls for defense (righteous or otherwise) against the enemy is obligatory; parental permission is not a condition. Whoever is killed in defensive jihad has the legal status of a martyr and may be buried without ritual washing and shrouding (6).

Preserving the *baydat al-Islam* is among the most important divine obligations and, in cases of conflict, supersedes other rulings (22). Defensive jihad, based on the text of al-Hajj 39–40, also entails defending sacred places; its implicature indicates the prohibition of destroying such sanctuaries. Where the essence of Islam is at stake, defense by any effective means takes absolute priority—“Permission is given to those who are fought because they have been wronged.” This license is **not** conditioned upon the presence of the Imam or his special deputy. So grave is defensive jihad that it is permitted even in the sacred months (al-Baqara 217), and it may lawfully recur repeatedly within a single year (6, 25, 39).

Furthermore, al-Nisa' 75–76—“Why do you not fight in the path of Allah and for the oppressed men, women, and children... Those who believe fight in the path of Allah, while those who disbelieve fight in the path of taghut; so fight the allies of Satan; indeed, Satan's plot is weak”—confirms preserving the existence and core of Islam, while verses such as al-Hajj 78 (“Strive for Allah with the striving due to Him...”) and al-Nisa' 74 (“Let those who sell the life of this world for the Hereafter fight in the path of Allah...”) exemplify *sabil Allah* in its clearest form (5). The practice (sunnah) of the Imams likewise indicates the obligation of defensive jihad to safeguard the *baydat al-Islam* (38, 41). This is a point of consensus among Muslim jurists and consistent with the rational practice of humankind (6, 42). Consequently, defensive jihad is, at present, an individual obligation (*fard 'ayn*) upon every Muslim—male and female, old and young—and its realization does not depend on the Imam's presence; upon sensing danger to the *baydat al-Islam*, defense becomes obligatory by all effective means (8, 24, 25, 39). Nearness or distance (geography) and parental permission play no role in this obligation (8, 24).

The uprising of Imam Husayn is a paradigmatic instance of defensive jihad (43). Likewise, Imam Khomeini's leadership—in the present era, especially his stance on the defense of Palestine and its Muslim people—manifests defensive jihad: Palestine, as the first qiblah of Muslims and a part of Islamic territory—“a piece of the body of Islam”—belongs to all Muslims. Therefore, jihad against Israel, which has usurped part of the lands of Islam, is an individual obligation upon every Muslim—man and woman, old and young. They must not withhold assistance and must continue this sustained struggle until the usurpers are expelled and the first qiblah of the Muslims is liberated (1, 24, 32).

## Proofs for the Obligation of Defensive Jihad

The proofs for the obligation of defensive jihad upon Muslims can be identified in matters such as: (1) the loftiness and superiority of Islam, and (2) the prohibition of unbelievers' domination over Muslims—both of which are grounded in the revealed texts.

### *The Loftiness and Superiority of Islam*

“Prepare against them whatever force you can, and steeds of war, by which you may terrify the enemy of Allah and your enemy” (al-Anfal 60). This blessed verse contains a command for readiness and military preparation by every possible means so that the enemies of God are always in awe of Muslim power. Such a command is ordinarily issued to ensure military preparedness for defense against any aggression and thus functions as a deterrent, so that military strength prevents the enemy from attacking. Although the command also covers cases where a government or army decides to initiate an attack, it accords more intrinsically with defensive readiness. When military preparation by all possible means is obligatory for Muslims, then defense against aggression—which is the very aim of such readiness—is certainly obligatory as well. Muslims are obligated to maintain themselves in a state of preparedness such that the enemies of God and of the Muslims are dissuaded from desiring aggression against them. Thus, in this verse the obligation of defense against enemy aggression is assumed as a given and is predicated on military preparedness (5, 31).

Likewise, the well-known Prophetic hadith “al-Islam ya’lu wa la yu’la ‘alayh” (Islam is supreme and nothing is above it) indicates Islam’s authority and superiority over other religions and doctrinal systems; its fame among jurists obviates detailed isnad scrutiny. Jurists have employed this report as a jurisprudential principle, such that, by this rule, the highest rank and station belong to Islam (28, 44, 45). In our case, the Islamic ruler must be the executor of security for the *baydat al-Islam* and its lands, ensuring that the foundations of Islam and the dignity, honor, and independence of Islamic territories are not imperiled. Moreover, jurists have deemed defensive jihad in these contexts obligatory on the basis of “and to Allah belongs honor, and to His Messenger, and to the believers” (al-Munafiqun 8), since the ascendancy of disbelief is more harmful than any other corruption afflicting Muslims (6). Therefore, given this principle—which reserves the highest standing for Islam—failure to defend the *baydat al-Islam* and its lands results in the victory of disbelief, the humiliation of Islam, and the defeat of Muslims.

### *No Domination of Unbelievers over Muslims*

“Allah will never grant the unbelievers any way (authority) over the believers” (al-Nisa’ 141). This noble verse negates any form of dominance by unbelievers over Muslims (an indefinite in a negative construction conveys generality). The majority of exegetes understand the verse as legislative in tenor, and the majority of jurists interpret “negation of a way” as negation of the unbeliever’s authority over the Muslim—i.e., God has not instituted any law by which an unbeliever gains authority over a believer. Accordingly, Muslims must, by adhering to divine law, avoid every kind of submission to enemy domination (8, 29, 31, 44-50).

Jurists have articulated from this verse the jurisprudential maxim of *nafyi al-sabil* (negation of a way/authority), applying it wherever any form of the unbeliever’s guardianship or ascendancy over a Muslim is posed—for example, a Muslim woman’s marriage to a non-Muslim man, a non-Muslim’s ownership of a Muslim slave, the conclusion of any treaty that empowers unbelievers over Muslims, the bar of disbelief in inheritance, and many other cases—

negating such arrangements by appeal to this maxim. Negating unbelievers' domination over Muslims is the first step toward guaranteeing the independence of the Islamic world. Islam therefore not only rejects the unbeliever's mastery over the believer, it affirms, in contrast, the honor and authority of Islam and the believers over all nations and systems: "and to Allah belongs honor, and to His Messenger, and to the believers" (al-Munafiqun 8). Manifestly, an enemy's invasion of Islamic lands—culminating in domination over the various facets of Muslim life—is unlawful, and defense against such invasion is an individual obligation upon all Muslims. (5, 6).

## **Instances of the Current Position of Defensive Jihad in Fiqh al-Muqawamah**

### *Formation of the Resistance Front*

A first contemporary instance of defensive jihad was the formation of the resistance front in the wake of the Arab Spring, aimed at Islamic awakening and the elevation of the Shi'a community's status. In South Lebanon—under the leadership of Imam Musa al-Sadr and with the cooperation of Mostafa Chamran and Yasser Arafat—the Movement of the Deprived (Amal) arose to struggle and resist the Zionists. As 'Adil 'Awn, the military head of Amal, stated: today Hezbollah has become a revolutionary model and a light for all freedom-seekers worldwide and for those who seek the liberation of Palestine; internally, Hezbollah's political role, grounded in national–Arab–Islamic principles, has preserved the line of unity between Amal and Hezbollah. In effect, today Amal and Hezbollah, with Iran's support, are key allies within the axis of resistance in the region (32).

### *Dispatch of Military Advisors*

Another instance of the defensive-jihad posture is the dispatch of military advisors in support of Islamic awakening goals—both to defend sacred sites and to defend the essence of Islam—together with the mobilization of volunteer forces from Islamic countries. Thus, when unbelievers are at war with an Islamic country, Muslims are obligated to defend Islam, Muslims, and their homeland. And when unbelievers in a non-Islamic country oppress a group of Muslims—or even a non-Muslim group—by depriving them of their legitimate rights, then, pursuant to the verse "and why should you not fight in the path of Allah and for the oppressed..." (al-Nisa' 75), Muslims have the duty to repel the injustice and aggression against the oppressed. However, given current global conditions—norms such as non-interference—direct military intervention may be impermissible where it entails severe adverse consequences or the loss of higher-order interests. Contemporary international law and doctrine increasingly discuss that, where people in any state or region—even far away—are wronged and their fundamental rights violated, other states or international organizations (e.g., the Organization of Islamic Cooperation) bear a right or duty to support them and to prevent oppression—precisely the emphasis conveyed by the cited verse (5, 51).

### *Convening Political and Cultural Forums of Islamic Nations and Strengthening the Infrastructure of Fiqh al-Muqawamah*

Bolstering the defensive capabilities of Islamic polities—so as to support the resistance front and instill fear in the enemy—is among the most urgent necessities and has clear scriptural warrant: "Prepare against them whatever force you can..." (al-Anfal 60). Resistance has its own principles, foremost among them the principle of "resilience-building." In present international law and doctrine, if people in any part of the Islamic world—even remote—are wronged and their fundamental human rights violated, other states or international organizations (such as the OIC)

have a right or duty to support them and to restrain oppressors; this is likewise underscored by the divine command “and why should you not fight in the path of Allah and for the oppressed...” (5, 51).

### *Emphasis on Islamic Unity*

According to the leaders of the Islamic Revolution, the unity of the ummah is a “strategic matter,” not a mere tactic. The objective is that, under the true and necessary slogan of Muslim unity, Muslims gradually diminish and eliminate sectarian differences that only serve the enemies. With this sound motivation, the issue of Muslim unity has been made a foundational policy; institutions have planned and acted on this basis, and numerous addresses have reiterated it. As Imam Khomeini repeatedly affirmed, if Muslims were united, Israel would be swept away; yet, despite recognizing the causes of division and weakness, many do not resort to the definitive cure—unity—and do not neutralize the colonial schemes to weaken them. The remedy lies with the governments and peoples of the Muslim world (32). Division between Shi’a and Sunni is the design of foreigners; Muslim brothers must avoid every form of discord, and the Muslims of all lands must unite, for the satanic powers seek to destroy the very foundations of Islam (32).

### *Unreserved Support for the Resistance Front in Pursuit of its Aims*

As Imam Khomeini taught, defending the lives and property of Muslims is obligatory; likewise, the Leader has stated that supporting Lebanon and the resistance front is an obligation upon all Muslims. A sound narration from Sukkuni reports: “Whoever wakes not caring for the affairs of Muslims is not a Muslim” (Man lam yahtamm bi-umur al-Muslimin fa-laysa bi-Muslim) (52). On this basis, given the current exigencies of the resistance front and the brutal crimes of the Zionists in Gaza, Lebanon, and Palestine, Muslim women have donated their jewelry to aid the people of Gaza and Palestine in line with the aims of fiqh al-muqawamah—fulfilling their religious duty thereby. Public bodies have also launched solidarity initiatives to support the resistance. There is no doubt that today Palestine and Gaza constitute the front line of the Islamic resistance; should that line be weakened and fail to withstand the excesses of the usurping Israel—agent of colonialism and atheism—the entire Islamic world would meet a similar fate. The jihadi movement in Gaza— Hamas—has inflicted heavy blows upon the usurping regime; the ummah must support such forces and Islamic movements, share in this great defensive jihad, and prepare itself to defend Palestine by all possible and permissible means. The bleeding eyes and grief-stricken hearts of Gaza await the support of the ummah of Muhammad (peace be upon him). Whoever has the ability must support Gaza through every feasible form of jihad (28, 32).

Accordingly, in view of the conditions facing the people of Gaza and Palestine and the jihadi movement Hamas, unreserved support for the resistance front is a religious obligation whose weight every Muslim should feel upon their shoulders—and one about which they ought to entertain no doubt.

### **Conclusion**

Resistance jurisprudence encompasses the legal rulings and principles that Islam provides across individual, collective, political, security, cultural, and artistic domains to regulate the worldly and spiritual life of Muslims. From a jurisprudential standpoint, jihad is divided into five types, four of which are defensive. Therefore, the most superior form of jihad is defensive jihad, which constitutes a core dimension of resistance jurisprudence. Defensive jihad,

grounded in scriptural texts, is intended to preserve the existence and essence of Islam and obligates Muslims worldwide to resist aggression by unbelievers against Islamic lands wherever they may occur.

Furthermore, the consensus of jurists—both derived and transmitted—attests to the obligatory nature of defensive jihad for preserving the existence and geographical integrity of Islam. In defending Islamic territories, if the aggressor is an unbeliever, it is incumbent upon all Muslims to rise in defense of the oppressed, as exemplified by the defense of Palestinian Muslims against the occupying regime. If, however, the aggressor is a Muslim faction or nation, all Muslims must first seek reconciliation between the two sides, and if reconciliation fails, they must fight the party that initiated the aggression. The obligation of defensive jihad thus extends to preserving the unity of the Islamic world, combating seditionists, and eradicating corruption from the earth.

The significance of defensive jihad is underscored by its permissibility even during the sacred months. The superiority of Islam and the prohibition of unbelievers' domination over Muslims are among the primary proofs establishing the obligation of defensive jihad. The principle of *nafyi al-sabil*—negation of unbelievers' authority—represents the first step toward ensuring the independence of the Islamic world.

Contemporary manifestations of defensive jihad include the formation of the resistance front, the dispatch of military advisors, the organization of political and cultural conferences among Muslim nations to promote Islamic awakening, the strengthening of the intellectual and defensive foundations of the resistance movement, emphasis on Islamic unity to reinforce the power of the resistance front, and unwavering support for the resistance in achieving its goals. Accordingly, unreserved support for the resistance—grounded in divine command—is a sacred duty felt upon the shoulders of every Muslim, leaving no room for doubt in its fulfillment.

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### **Authors' Contributions**

All authors equally contributed to this study.

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The authors of this article declared no conflict of interest.

### **Ethical Considerations**

All ethical principles were adhered in conducting and writing this article.

### **Transparency of Data**

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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