Ruling Regarding Women Travelling To The Land of Jihad

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Do you advise for women to travel to the lands of fighting, especially since there exists a Khilafah state towards which Hijrah is allowed even without a Mahram (any close relative who cannot be married to her)? And if a woman does reach there, then is it allowed for her to get married herself on her own? Or is it necessary that her father who is in her country should agree to whichever man who comes to her?

Personally, from experience I do not advise women to go to the land of battle, especially those lands which are not stable and their control goes around between you and your enemy. And now all the battlefronts are following the tactic of ‘attack and retreat’, and there is no land of Jihad that is stable today (like how it was under the Taliban during the 1990’s) for us to consider it possible or permissible for the women and children to come to such stable lands.

And some of the scholars and leaders have seen and warned about its danger.

From amongst them is Aasim al Mu'ammar, an Arab leader who was present in Afghanistan after the American invasion, and who wrote an article entitled “The danger of women travelling for Jihad in our present time and stories from the ground”. He mentioned in it some tragic and painful scenes which happened to some of the families of the Muhajireen after the fall of the government of the Taliban, scenes which he had himself witnessed, and how some of the apostates distributed these women amongst themselves and so on, and other such stories, which if a person were to
read them, he would cry in anguish and in pain.

Shaykh Abu Muhammad al-Maqdisi had mentioned in his letter ‘Advise to the brothers who are asking their wives and children to join them in Syria’, that “The ferocity of the battle in Syria has not yet begun”. He then said:

“If the brother who is asking his family and the women to join with him in the field of Jihad in Syria is unaware of these realities, then he is one of the most negligent of people about what is being plotted and planned against him. And such negligence is unbecoming to the Mujahideen. And if he is not negligent of it, and this is what I consider as being more likely and what I think the people of Jihad to be, then how can it be permissible for him to drag his family into such turmoil while our Syrian brothers are themselves fleeing with their women and daughters away from it. And those of them who would wish to wage Jihad would then return back after they have secured their families in a place far away from the battlefield. And they only do this because they are aware of the criminality of this regime and how great is its enmity towards the people of Islam and how they do not hesitate to rape their free women”. (Page 4)

And when Shaykh Eesa al Awshan (who is a judge of Al Qaeda in Saudi Arabia) spoke in the magazine (Sawt al Jihad, issue no. 15, page 26) regarding the story of Khalid al-Sebeit, he said “Khalid went to Azerbaijan and then from there to Turkey where his wife was with the women of the Arab Mujahideen, who went out at the beginning of the war”.

So the Mujahideen did not keep their women with them in the land of battle, rather they moved them to a safe place which is away from the area of conflict and fighting due to the fear of the occurrence of the worst.

All what has been mentioned, warned the women from accompanying their husbands to the lands of Jihad!! So how about doing so without even a Mahram in the first place?!

Some of the Shaykhs of Jihad have exempted the one who is being pursued or is wanted by the security.

Secondly: Who is the Khalifah?

It is reported in the two Saheehs (Bukhari and Muslim) that “The Imaam (leader) is no more than a shield behind whom the enemies are fought and the people are protected”.

Shaykh Abu Muhammad al-Maqdisi says in Risaala Ath-Thalaatheeniya (page 148) that “What it means is that shelter is sought under the Imaam and under him there is safety and protection for the subjects as he is like a shield and armour for them”.

That is, the actual leader is the one who has the ability to protect the Muslims who are under him. But if we look at the case of al-Baghdadi, he cannot pray in a mosque publicly like how the previous Khalifas used to do, due to his fear of being targeted. So he is not able to protect himself, let alone protect the others.

So when Allah said: “O you who believe! When believing women come to you as emigrants, examine them, Allah knows best as to their Faith. And if you ascertain that they are believers, then do not send them back to the disbelievers”, (Surah Mujaadila) this was after the treaty of Hudaybiyah and after the pillars of the Prophetic authority had become stable in Medina.

Despite the fact that the Kuffar tried to kill the Prophet who was the leader, he did not hide but he
kept mingling with the people and prayed with them and associated with them, and the location of
the Prophet and the Khalifas after him were well known. And this is an evidence for having gained
the actual stability, and not the false stability.

So we cannot compare this situation with the situation of Medina and apply the same evidences in
a situation which is completely different.

Thirdly: If we assume that there is someone who did not pay attention to this and she went to the
land of Jihad and it became a reality, and she wanted to marry, then the leader or the judge of the
group will have the status of the Wali (her guardian) in this case.

Shaykh Abu Qatada said in his third meeting with Ghurfath Al Fajr al Islamiyyah "As for her
staying there, if she married one of the youth of Islam who is a match for her, then it is allowed for
her". (Page 13)

That is, it is allowed for her to marry him without the permission of her real Wali through the
judge or the leader of the group.

But there is one final point: Sometimes the women go to the land of Jihad, not for the sake of
marrying, but for living under the authority of the Jihadi groups, while she does not want to marry.
Then a young man comes and proposes for marriage to her, and the judge gets her married to him
against her will or without her desiring it - is this permissible?

One of the Shaykhs, Dr. Aamir al-Busalamah wrote a treatise that he named as "The ruling on
forcing women to marry" in which he made a comparative study on the four Islamic Mazhabs
(Maliki, Hanafi, Hanbali, Shafi'i) and their opinions regarding conducting the woman’s marriage
against her will, and he then concluded with the opinion which is the most correct, and he said:

"And that which is apparent from the sayings of the scholars is that it is not allowed to conduct the
marriage of a sane adult woman against her will, regardless of whether she is a virgin or not a
virgin. Rather it is necessary to have her consent".

Then he quoted the saying of Imaam ibn al Qayyim which states:

"And the ruling for this is that an adult woman is not to be forced for marriage, and she should not
be married without her consent ..... And this is the statement which we believe in. And we do not
believe in any other than this. And this is in accordance with the ruling of the Messenger of Allah,
may peace and blessings of Allah be upon him, and his commands and prohibitions, and the
fundamentals of his Shariah, and the benefit of the Ummah" (Zaad al Ma'ad Fee Hadyi Khayr al
Ibaad, 5/96)

Then he stated the evidences from the two Saheehs and the analogy and benefits and harms that
support this saying of the impermissibility of marrying a woman against her will and that her
consent is a condition for the marriage as Ibn Hazm has stated.

And this is what I have to say about this subject, may Allah reward you with good.

And our final supplications are that all praise belongs to Allah the Lord of all that exists.

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