

[Imam Al-Shafi'i](#) (767 - 820) - founder of the Shafi'i school, jurist, one of the "4 great imams". Disciple of al-Shaybani and Imam Malik (founder of the Maliki school):

40. "Shafi'i replied: God has imposed the [duty of] jihad as laid down in His Book and uttered by His Prophet's tongue. He stressed the calling [of men to fulfill] the jihad [duty] as follows:

[...]

And He said:

Slay the polytheists wherever you find them, and take them, and confine them, and lie in ambush for them everywhere. But if they repent and perform the prayer and pay the zakat, then set them free. God is All-forgiving, All-compassionate. [\(9:5\)](#)

And He said:

Fight those who do not believe in God nor in the Last Day, who do not forbid what God and His Apostle have made forbidden, and who do not practice the religion of truth, of those who have been given the Book, until they pay the jizya out of hand and have been humbled. [\(K-9:29\)](#)

41. Abd al-Aziz b. Muhammad as-Darawardi told us from Muhammed b. Amr b. Alqama from Abu Salama [b. Abd al-Rahman] from Abu Hurayra, who said that the Apostle of God said:

I shall continue to fight the unbelievers until they say: "There is no god but God," if they make this pronouncement they shall be secured in their blood and property, unless taken for its price, and their reward shall be given by God."

42. Shafi'i said: These communications mean that the jihad, and rising up in arms in particular, is obligatory for all able-bodied [believers], exempting no one, just as prayer, pilgrimage and [payment of] alms are performed, and no person is permitted to perform the duty for another, since performance by one will not fulfil the duty for another."

(from Majid Khadduri, trans al Imam Muhammad ibn Idris *al-Shaf'i's al-Risala fi us ul al-fiqh: Treatise on the Foundations of Islamic Jurisprudence*. Cambridge Islamic Texts Society 1997, pp 82-85.) (Andrew Bostom [Legacy of Jihad](#))