

[Ibn Qudamah al-Maqdisi](#) (1147-1223) - Hanbali jurist - was a noted Islamic scholar and author of many treatises of Hanbali jurisprudence and doctrine, including *al-Mughni* (the most widely known textbook of Hanbali fiqh). Ibn Kathir said of him, "Shaykh al-Islam, an imam, an 'aalim, proficient, there was not found in his era nor before it by a long span of time, anyone possessing more fiqh – understanding of the religion – than him." Explains IS & J and paying jizya:

"Every nation must fight the enemies that are its immediate neighbors...

No one can engage in jihad without the permission of his father and mother, if they are alive and Muslims, unless the jihad is an individual duty that strictly obliges...

It is permitted to surprise the infidels under cover of night, to bombard them with mangonels and to attack them without declaring battle...

The chief of state decides on the fate of the men who are taken prisoners; he can have them put to death, reduce them to slavery, free them in return for a ransom or grant them their freedom as a gift...

"The jizya can be demanded only from the Peoples of the Book and from Zoroastrians (Magus), who pledge to pay it and submit to the laws of the community. The Peoples of the Book are understood to mean the Jews and those who follow the religion of the Torah, as well as the Christians and those who follow the religion of the Gospel. When People of the Book or Zoroastrians ask to pay the jizya and to submit to the laws of the community, one must grant their request, and it is forbidden to fight them. The jizya is collected at the beginning of each year. It is set at 48 dirhems for a rich man, at 24 dirhems for a man of moderate means, and at 12 dirhems for a man of lowly estate. It cannot be demanded from children who have not reached the age of puberty, from women, helpless old men, the sick, the blind, or slaves, nor from poor people who are unable to pay it. An infidel subject to the jizya who converts to Islam is free of this obligation. When an infidel dies, his heirs are responsible for the jizya.

Excerpted from Henri Laoust, trans., *Le precis de droit d'Ibn Qudama, jurisconsulte musulman d'ecole hanbalite ne a Jerusalem en 541/1146, mort a Damas en 620/1123*, Livre 20, "La Guerre Legale" (Beirut, 1950), pp. 273-76, 281. English translation by Michael J. Miller.

(Andrew Bostom [Legacy of Jihad](#))