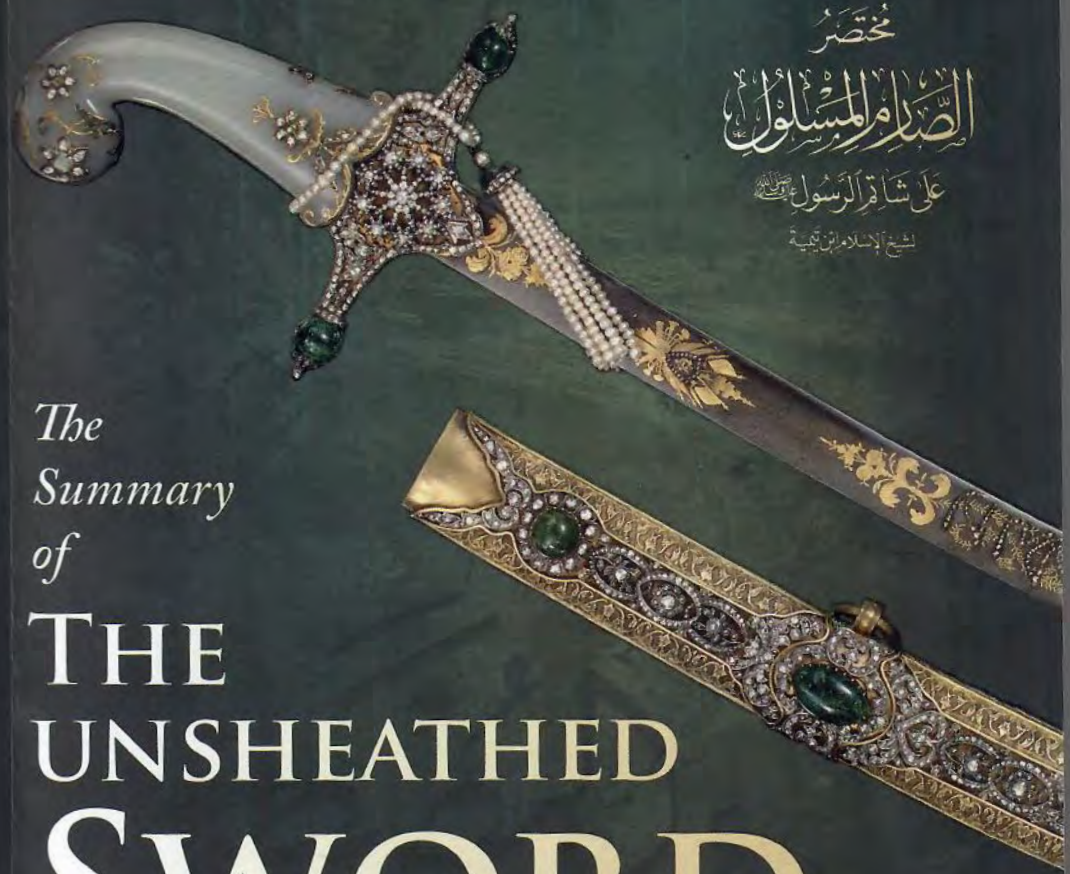

مختصر

الصارم المسلول

على شاتم الرسول ﷺ

لشيخ الإسلام ابن تيمية

The Summary of

THE UNSHEATHED SWORD

Against the One who Insults the Messenger ﷺ

By Shaykh Al-Islam

Ibn Taymiyyah

5 PILLARS PUBLISHING

THE SUMMARY OF
THE UNSHEATHED SWORD AGAINST THE ONE WHO
INSULTS THE MESSENGER ﷺ

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Disclaimer: The contents of this book are primarily related to the theological and jurisdictional rulings related to cursing the Prophet Muhammad ﷺ. Therefore one should read the text accordingly and not apply sentences on to specific individuals, in particular those which can only be implemented by an Islamic government. As the author of this book dealt with the subject in a concise manner, it is advisable for those who wish to learn more about this subject to refer to reputable scholars and relevant books.

The Summary of

THE UNSHEATHED SWORD

Against the One who Insults the Messenger ﷺ

BY
SHAYKH UL-ISLĀM
IBN TAYMIYYAH
رحمه الله

Summarized by
Al-'Allāmah Muhammad Al-Ba'alī Al Hanbalī

Based on the tahqīq of Alī bin Muhammad Al 'Imrān
Under the supervision of Al-'Allāmah Bakr Abu Zayd

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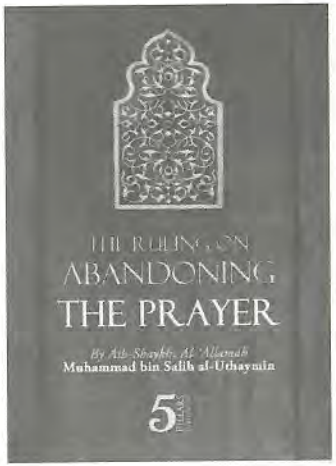

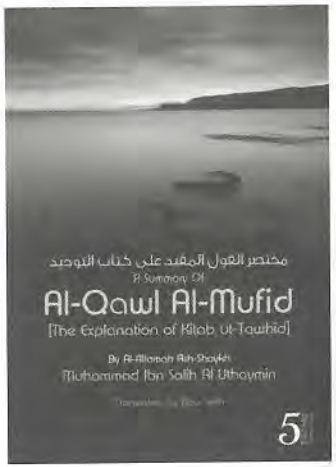

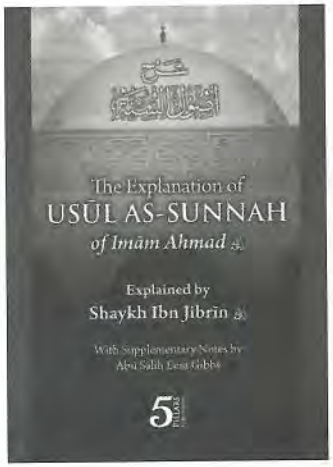

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بسم الله الرحمن الرحيم

Translator's Introduction

The perfect praise and thanks are due to Allah who guides whoever He wills to the straight path and I bear witness that there is no true God, who alone is worthy of worship except Allah. And I bear witness that Muhammad is His servant and Messenger, the most noble and generous of the worshippers who was sent with the guidance and true religion to make it apparent over all the over religions even if those who are stubborn dislike it.

The contents of this book concern the Islamic ruling upon those who insult the final Prophet and Messenger, Muhammad ﷺ. The purpose of this book is not to elucidate the excellence and unparalleled status of the Prophet, nor to refute the distortions and fabrications of the enemies of Islam concerning him.[1]

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[1] Consider though how there are even non-muslim scholars who have spoken very highly of him. For example: LaMartine said in 1854:"If greatness of purpose, smallness of means, and astounding results are the three criteria of human genius, who could dare to compare any great man in modern history with Muhammad? The most famous men created arms, laws and empires only. They founded, if anything at all, no more than material powers which often crumbled away before their eyes. This man moved not only armies, legislations, empires, peoples and dynasties, but millions of men in one-third of the then inhabited world; and more than that, he moved the altars, the gods, the religions, the ideas, the beliefs and souls... the forbearance in victory, his ambition, which was entirely devoted to one idea and in no manner striving for an empire; his endless prayers, his mystic conversations with God, his death and his triumph

Neither is this book a call to those who reside in non-Muslim countries[1] to implement any prescribed punishment

---

after death; all these attest not to an imposture but to a firm conviction which gave him the power to restore a dogma. This dogma was twofold, the unit of God and the immateriality of God; the former telling what God is, the latter telling what God is not; the one overthrowing false gods with the sword, the other starting an idea with words. Philosopher, orator, apostle, legislator, warrior, conqueror of ideas, restorer of rational dogmas, of a cult without images; the founder of twenty terrestrial empires and of one spiritual empire, that is Muhammad. As regards all standards by which human greatness may be measured, we may well ask, is there any man greater than he?" Lamartine - Histoire de la Turquie, Paris 1854, Vol II, pp. 276-77:

Reverend. Bosworth Smith said in 1874: "He was Caesar and Pope in one; but he was Pope without Pope's pretensions, Caesar without the legions of Caesar: without a standing army, without a bodyguard, without a palace, without a fixed revenue; if ever any man had the right to say that he ruled by the right divine, it was Mohammed, for he had all the power without its instruments and without its supports" Mohammed and Mohammadanism, London 1874, pg 92.

George Bernard Shaw said: "I believe that if a man like him were to assume dictatorship of the modern world, he would succeed in solving the problems in a way that would bring the much needed peace and happiness. Europe is beginning to be enamored of the creed of Muhammad. In the next century it may go further in recognizing the utility of that creed in solving its problems" (A Collection of writings of some of the eminent scholars, 1935)

Montgomery Watt said in 1953: "His readiness to undergo persecutions for his beliefs, the high moral character of the men who believed in him and looked up to him as leader, and the greatness of his ultimate achievement – all argue his fundamental integrity. To suppose Muhammad an impostor raises more problems than it solves. Moreover, none of the great figures of history is so poorly appreciated in the West as Muhammad" Mohammad at Mecca, Oxford, 1953, page 52.

[1] Even though Allah says: Verily as for those whom the angels take (in death) while they are wronging themselves, they (angels) say (to them): 'In what condition were you?" They reply: 'We were weak and oppressed on the earth" They (angels) say: 'Was not the earth of Allah spacious enough for you to emigrate therein?" Such men will find their abode in Hell – what an evil destination! Except the weak ones among men, women and children who cannot devise a plan, nor are they able to direct their way. Surah An-Nisa:97-98. And

upon any person who insults the Prophet or any of the other Prophets.[1]

The Arabic summary which this book is based upon is 100 pages excluding the introduction of the verifier and the indexes etc. Unauthentic narrations have been omitted, whilst a number of the verifier's footnotes have been utilised

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the Prophet ﷺ said: 'I disown any muslim who lives with the polytheists, they should not see each others fires' (Reported by At-Tahāwī in Mushkil Al-Āthar 8/274; declared sahīh by Shaykh Muqbil in Al-Jāmi As-Sahīh mimma laysa fi as sahīhayn 5/201).

[1] Even though there are to be found scholarly sayings (such as what follows) regarding the carrying out of prescribed punishments by people other than the muslim rulers:

Imam Ash-Shawkānī said when explaining the saying: "It is obligatory upon the Imam and his ministers to establish them (prescribed punishments) outside of the masjid if it occurs in the time and place in which he has authority". "This statement is based on the understanding that the prescribed punishments (huduud) are for the Imams and that no one else can implement them upon those who deserve them. But this has no basis whatsoever! There is no doubt that the Imam and his ministers are more deserving of implementing them than the rest as we have already mentioned, but to say that no one can implement them except the Imams, or that they are to be dropped if they occur in a time when there is no Imam, in a place that he is not in authority over...that is falsehood! And it means dropping the obligation of the huduud which is mentioned by Allah in His Book. Islam is here. The Book and the Sunnah are also here. And the people of knowledge and righteousness are also here. So how can the huduud of the Shari'ah be dropped due simply to the absence of ONE of the Muslims?!"(As-Sail Al Jarrar 4/311)

Also Shaykh Uthaymīn said in explanation of the saying of Al Hajawi concerning the apostate: **So if they do not become muslim they are to be killed by the sword:** 'The scholars say they are not to be killed except by the Imam or his deputies....up to his words: 'The scholars say: Except if the person joins a land of war, meaning that this apostate and Allahs refuge is sought, due to apostating is scared of the sword so they leave for the land of disbelief. They say: Then it is for every muslim to kill them. This is because there is no Islamic ruler in the lands of disbelief and they only rule by the rulings of disbelief. And also because there is no authority for the disbelievers over the muslim in this' (Sharh Al Ghayat' Chapter: Hukm Al Murtad 6/276 Dar Al-Ifkār edition)

in this translation in addition to supplementary footnotes from other sources.

Shaykh ul-Islam Ibn Taymiyyah mentioned in his very short introduction to 'As-Sārim Al-Maslūl' that the objective of this work of his was to clarify the Islamic ruling on this subject. He also said that this subject is based upon four issues, namely:

> The First issue: That the one who insults him (the Prophet) whether Muslim or disbeliever is to be killed.
>
> The Second issue: That they are to be killed even if they pay a protective tax in a Muslim state.[1]
>
> The Third issue: Concerning the Islamic ruling if they repent.
>
> The Fourth issue: Clarification of what constitutes insulting.

[1] The word dhimmi refers to a non-Muslim citizen of an Islamic state. Dhimma allows rights of residence in return for taxes. As citizens in an Islamic state, the dhimmi has certain restrictions. They are excused or excluded from specific duties assigned to Muslims, but are otherwise equal under the laws of property, contract and obligation.

The Summary of

THE UNSHEATHED SWORD

Against the One who Insults the Messenger ﷺ

THE FIRST ISSUE

WHOEVER INSULTS THE PROPHET ﷺ IS TO BE KILLED WHETHER THEY ARE MUSLIM OR A DISBELIEVER

This is the general view of the scholars. Ibn Al Mundhir said[1]:

> The generality of the scholars have consensus that whoever insults him is to be killed. Mālik, Layth, Ahmad, Ishāq and Ash-Shāfi'ī also said this.

It is narrated from An Nu'mān[2] that the dhimmi is not killed.

And it is narrated from Abu Bakr Al-Fārsi[3] from the companions of Ash-Shāfi'ī that the Muslims have unanimous agreement upon killing whoever insults the Prophet ﷺ as it is the ruling that whoever insults other than him is to be lashed.

And this consensus is taken to be the consensus from the tābi'īn and the Companions of Allah's Messenger ﷺ as Shaykh ul-Islam Ibn Taymiyyah said or that what is meant is

---

[1] In 'Al-Awsat' 2/682, 'Al-Ishrāf' 2/244, 'Al-Iqnā'' 2/584 and refer to 'Al Ijmā'' pg. 70 for it.

[2] Abu Hanifah.

[3] He is Ahmad bin Al Husayn bin Sahl, one of the Shāfi'ī Imams. This speech of his is from his book: 'Al-Ijmā'' refer to 'Fath Al-Bārī' 12/293

their consensus upon the obligation of killing such a person if he is a Muslim, and Al Qādi 'Iyād restricted it to this.

And Ishāq bin Rahawayh said:

> The Muslims have a consensus that whoever insults Allah or insults His Messenger ﷺ or rejects anything from what has been revealed by Allah, or kills a Prophet, then such a person is a disbeliever, even if he affirms everything that what was revealed by Allah.

Al-Khattābī[1] said:

> I do not know anyone who differed concerning the obligation of killing such a person.

Muhammad bin Sahnūn said:

> The scholars have consensus that whoever insults the Messenger (attributing a defect to him), then such a person a is a disbeliever and that whoever doubts such a persons disbelief, they too are guilty of disbelief

And the saying that the Muslim who insults is killed, there being no disagreement concerning that, then this is the view of the four imams and other than them. And the dhimmi is to be killed also according to Mālik and the people of Madinah. This is also the view of Ahmad and those with undertanding of the hadīth (Fuqahā ul-hadīth); there being numerous texts from Ahmad upon this.

[1] In 'Ma'ālim As-Sunan' 6/199

Hanbal, Abu Saqr, Al-Khallal, Abdullah and Abu Tālib narrated that the Muslim and disbeliever are to be killed. It was said to Ahmad: 'Is that in the hadīth?' He replied:

> Yes, in several hadīth; from them: the hadīth of the blind man who killed a woman when he heard her insulting the Prophet ﷺ and the hadīth of Husayn.[1]

Imam Ahmad said:

> And repentance is not to be sought from them. Abu Bakr reported it in (the book) 'Ash Shāfi'ī'[2].

So there is no difference of opinion narrated from him concerning the killing and that it breaks the covenant (between the dhimmi and the Muslim state).

And Al Qādi[3] mentioned in a narration concerning the dhimmi that it doesn't break the covenant, following in this a group from the companions (of Ahmad) like Ash-Shareef, Ibn Aqīl, Abu Al-Khattab and Al-Huluwni. So they mentioned two narrations concerning the actions which constitute a belittlement of the Muslims or one of them, concerning their selves, or their property or religion, such as insulting the Messenger ﷺ, along with their agreement that the covenant is broken due to that according to the madhhab.

[1] Reported by Masdad in his Musnad, Al-Hārith bin Abu Usamah in his Musnad and Al Khallal in 'Al-Jāmi'. All of its narrations are via Husayn bin Abdur Rahman As Salamī on the authority of a man who was not named, and with Al-Khallal: A shaykh. And in the narration of Al-Hārith: '(from) Husayn that Ibn Umar', without (mention of) an intermediary and Husayn did not hear from Ibn Umar, see Tadhīb At-Tadhīb, 2/381.

[2] He is Abu Bakr 'Abdul-Azīz bin Ja'far. Refer to Tabaqāt Al-Hanābilah, 3/213

[3] He is Abu Ya'alā Ibn Al Farā', the shaykh of the Hanbalis.

Then all of them mentioned that the one who insults the Messenger ﷺ is to be killed, even if they are a dhimmi and that this breaks their covenant.

Shaykh ul-Islām said: And this is what is closest to the truth from these routes of transmission and according to the narration that says: 'their covenant is not broken due to that,' then it is only the case when that is not made a condition upon them (the dhimmis), then if it is made a condition, concerning that there are two views:

> The first of them: that they break their covenant by that, as Al Khiraqi said and as was held to be correct by Al-Amidi.
>
> The second: that it does not break their covenant, as Al Qādi said.

And that which the generality of those who preceded from our companions and from those who followed them from those who came later on is the affirmation of the texts concerning that case. And there are texts from them that the one who insults the Messenger ﷺ is to be killed and that this necessitates the breaking of their covenant, like their spying upon the Muslims, or committing fornication or adultery with a Muslim woman or by killing a Muslim or committing highway robbery. And from them also that slandering a Muslim or committing sorcery upon them does not constitute a breach of their covenant.

Shaykh ul-Islām said: And this is what is compulsory, to affirm what they related as nothing is excluded from it due to the distinction between its texts.

As for Ash-Shāfi'ī then it is reported from him that insulting the Prophet ﷺ breaks the covenant and that such a person is to be killed[1]. And as for his companions, then two viewpoints have been mentioned concerning when Allah or His Messenger or His Book are mentioned in an evil way: from them are those who make a distinction between whether the dhimmi's not speaking evil about them was made a condition of the covenant or not. And from them are those who narrated the first view and supported in their books about differences of opinion that insulting the Prophet ﷺ breaks the covenant and necessitates that they be killed.

As for Abu Hanīfah and his companions, they say: the covenant is not broken due to insulting and the person who does that is not to be killed, rather they are to be given a discretionary punishment for manifesting evil in public. And from their principles is that whatever matter in which there is no death penalty on them, such as due to oppression/overtaxing (mithqqal) or sodomy when a person does this repeatedly then it is for the Imam to kill them and to increase upon the fixed punishment that is prescribed (by the Shariah) if they see a benefit in doing that. They (the Ahnāf) also take that which comes concerning the Prophet ﷺ and his Companions of killing due to the likes of these reasons to be according to a perceived benefit in doing that. They call this: the political killing.

They also hold that it is for the Imam to give a discretionary punishment with killing in those matters made more offfensive by there repeated occurrence. And the

[1] See 'Al Umm' 4/208-211

majority of them gave the religious verdict that the dhimmi who insults the Messenger ﷺ on numerous occassions is to be killed, even if they (repent and) become Muslim.

The evidence for the obligation of killing the one who insults

The evidence for the obligation of killing the one who insults Allah or His Messenger ﷺ, or His religion, or His Book, and that such behaviour breaks the covenant is in the Qur'ān, the Sunnah and the consensus of the Sahabah and Tābi'īn. Also it is based on reflection.

As for the Qur'ān: the first place is in the saying of Allah, the Most high:

> **'Fight against those who believe not in Allah, nor in the last day, nor forbid that which has been forbidden by Allah and His Messenger and those who acknowledge not the religion of truth among the people of the book (Jews and Christians) until they pay the jizyah[1] with willing submission and feel themselves subdued.'[2]**

So the order is to fight them until they pay the jizyah and feel themselves subdued, so it is not permissible to leave them alone until they are in a subdued state and pay the

[1] A tax taken from the Jews and Christians who are under the protection of a Muslim government.
[2] Surah At Tawbah 29

jizyah. Also it is known that their paying the jizyah is while submitting it in a humbled state and that their state of being subdued is throughout their duration (in the Muslim state). So whoever insults Allah or His Messenger then they are not in a subdued state. That is because the one who is subdued is lowly and this action is an action of one with power.

The second place is in the saying of the Most High:

> **'But if they violate their oaths after their covenant, and attack your religion with disapproval and criticism then fight the leaders of disbelief for surely their oaths are nothing to them.'[1]**

Allah ﷻ negated a covenant for them unless their oaths to us remain. So we know that the covenant of a polytheist/idol worshipper does not remain unless they adhere to their oaths. And it is known that by (such) incidents occurring concerning our Lord, our Prophet, our Book and our religion it violates the establishment (of the covenant) just as if they were to go to war with us. Rather, that is more severe upon us if we are believers.

So then indeed, it is an obligation upon us to sacrifice our blood and wealth until the word of Allah is uppermost and there appears nothing in our lands that is harmful to Allah or His Messenger. And that is clear in His (Allah's) saying:

> **'How that when you are overpowered by them, they regard not the ties, either of kinship or of covenant with you?'[2]**

[1] Surah At Tawbah:12
[2] Surah At Tawbah: 8

That is, how can there be a covenant for them when, if they over power you, they pay no regard to the ties of kinship/relation nor covenant! So we know that whoever's condition is such that if they were to over power us they would not regard that which is between us and them from the covenant, then there is not a covenant for such people. Also, that whoever makes apparent their criticism of our religion that is evidence that if they were to overpower us they would not regard the covenant.

So indeed, when lowly people exist who do this, then how would it be if they had power?! And this is different to the case of those who do not make apparent to us the likes of this (bad) speech.

The third place is the saying of He the Most High:

> **'But if they violate their oaths after their covenant, and attack your religion with disapproval and criticism then fight the leaders of disbelief.'**[1]

And this verse is evidence from a number of perspectives:

The first of them: that violation of their oaths by itself necessitates fighting them and criticism concerning the religion is a specific and stronger reason for the obligation of fighting. Or that is mentioned by way of clarifying the reason for fighting or because of it fighting was obligated in this verse, with His saying: **'Then fight the leaders of disbelief'** and with His saying: **'Will you not fight a people who have violated their oaths and intended to expel the messenger'**[2] so according to that, it is permissible that an

[1] Surah At Tawbah:12
[2] Surah At Tawbah:13

assurance of safety is given and that a covenant is made with those from whom only a violation of their oaths came, but as for those who criticised the religion or something from it, then indeed it is prescribed that they are to be fought. And this is the way (sunnah) of the Messenger of Allah ﷺ that he would spill the blood of whoever harmed Allah and His Messenger and criticised the religion or something from it.

So if it is said: this is according to the understanding that whoever criticises the religion and violates the oath it is obligatory to fight them. As for whoever criticises the religion only, then what is understood from the verse is that this by itself does not necessitate this ruling (of fighting). Because the ruling is attached to two attributes, so it is not for when only one of these attributes exist.

Then we say: without doubt, there is no escape from the fact that the existence of any of the attributes effects the ruling, as it is not permissible to make the ruling conditional on an attribute which is absent. So every description /attribute independently effects the ruling, as would be the case if it was said: 'Zaid is to be killed as he is an apostate and adulterer', which gathers two separate things. And every attribute has an effect due to its part being present. Like the saying of Allah:

> **'And those who invoke not any other god along with Allah, nor kill such person as Allah has forbidden, except for just cause, nor commit fornication/adultery and whoever does this shall receive the punishment.'**[1]

[1] Surah Al Furqan:68

And the description necessitates everything from it, and brings into effect the ruling (i.e punishment) whether one of these things is done independently of the other things (mentioned) or is combined with another thing.

Likewise is the saying: 'They disbelieve in Allah and His Messenger' and 'disobey Allah and His Messenger' so doing one of these things necessitates that part even without the other part.

Likewise is the saying of the Most High:

'Verily, those who disbelieve in the verses/signs of Allah and kill the prophets without right, and kill those men who order just dealings, then announce to them a painful torment;'[1] and this verse obligates torment due to whichever part is committed.

So indeed, breaking the covenant permits their being fought; and criticising the religion or any part of it, is an emphasised part that obligates it (fighting). So we say that when there is offensive criticism (of the religion) we fight whoever we don't have a covenant with and that is what is obligated. And as for whoever we have a covenant with, the fighting is obligated due to the need to subdue them even more so.

The second perspective: That if a dhimmi insults the Messenger or insults Allah or finds fault with Islam publicly then they have broken their oath and have criticised our religion. This is because there is no difference of opinion amongst the Muslims that they are to be punished for that and taught a lesson. So we know that there is no covenant based on that and it is compulsory to kill them according to

[1] Surah Al Imran:21

the text of the verse and this is a strong and fine evidence. So if we discover those who have broken their oaths and criticised our religion, the Qur'ān obligates the killing of whoever has broken it (the oath) and criticised our religion.

The third perspective: That is their being called the leaders of disbelief due to their criticising the religion (of Islam) and a second reason is because there is no oath for them, so they are those who combine the breaking of their oaths and criticising the religion. And the one who is a leader of disbelief calls to it and has only ended up being a leader (of disbelief) due to their criticising of the religion and calling to that which opposes it. And this is how a leader is, so whoever criticises the religion then he is a leader in disbelief and his being fought against has been obligated with the saying of Allah: **'Fight the leaders of disbelief.'**

The fourth perspective: And that is His saying:

'Will you not fight a people who have violated their oaths and intended to expel the Messenger while they did attack you first?'[1]

So their intending to expel the Messenger is from the least of the reasons to fight them and that is due to the harm of him contained in it. And insulting him is more offensive than intending to expel him because he pardoned those people who had intended to expel him on the day of the conquest (of Makkah) and did not pardon those who insulted him.

The fifth perspective: His saying:

[1] Surah At Tawbah:13

'Fight against them so that Allah will punish them by your hands and disgrace them and give you victory over them and heal the breasts of a believing people'[1]

So He ﷻ commanded the fighting of those who broke their oaths and criticised the religion and within that, if we do it, they will be punished and disgraced and we will be given victory over them; also that the chests of the believers who have been hurt by their violating their covenant will be cured and the anger in their hearts will leave. So this is evidence that the one who criticises is deserving of all of that and that the one who insults the Messenger, violating and criticising him, deserves to be killed.

The sixth perspective: That His saying:

'And heal the hearts of a believing people and remove the anger of their hearts.'[2]

Is evidence that healing the breasts is from being hurt by the violation of the oath and the criticising, and that the removing of the anger is what is achieved (a matter sought by the divinely prescribed law). So whoever insults the Messenger, then indeed it angers the believers and hurts them more than their blood being shed and their property being taken so indeed this effects hatred for the sake of Allah and His Messenger. Then Shaykh ul Islam mentioned that this anger does not leave except with the killing of the one who insulted and that belongs to the fourth perspective.

[1] Surah At Tawbah:14
[2] Surah At Tawbah:14-15

The fourth place: The saying of the One free of all imperfections:

'Know they not that whoever opposes and shows hostility to Allah and His Messenger, certainly for him will be the fire of hell to abide therein. That is the extreme disgrace.'[1]

So indeed that is evidence that whoever harms the Prophet ﷺ has opposed and shown hostility to Allah and to His Messenger because this verse follows His saying:

'And among them are men who annoy the Prophet and say: "He is (lending his) ear (to every news)". Say: "He listens to what is best for you, he believes in Allah, has faith in the believers and is a mercy to those of you who believe". But those who annoy Allah's Messenger will have a painful torment.'[2]

And the reason for this verse being revealed was as an admonishment to whoever insulted him from the polytheists and hypocrites.

The fifth place: The saying of the One free from all imperfections:

'Indeed those who annoy Allah and His Messenger, Allah has cursed them in this life and the hereafter.'[3]

And this necessitates that whoever harms Allah and His Messenger is killed and we do not make a covenant with

[1] Surah At Tawbah:63
[2] Surah At Tawbah:61
[3] Surah Al Ahzab:57

them based upon this harm. And this is made clear in the Prophet's saying: 'Who will (kill) K'ab bin Ashraf for indeed he has harmed Allah and His Messenger?'[1]

The numerous evidences that the one who insults has disbelieved and is killed, even if he displays Islam

Such as the saying of the Most High:

> **'And among them are men who annoy the Prophet and say: 'He is (lending his) ear (to every news)'** - up to-: **'But those who annoy Allahs Messenger will have a painful torment.'**–up to His saying:- **'Know they not that whoever opposes and shows hostility to Allah and His Messenger, certainly for him will be the fire of Hell to abide therein.'**[2]

So we know that annoying the Messenger of Allah is to oppose and show hostility to Allah and His Messenger because the mention of annoying necessitated the mention of opposing and showing hostility so it must enter into it. So it is evidence that the annoying, opposing and showing hostility is disbelief because we are informed that for such a person is the fire of Hell to abide therein[3]. Rather the opposing and showing hostility means the person is an enemy and that is disbelief and waging war. So the one who annoys the Messenger of Allah ﷺ is a disbeliever, an enemy of Allah and His Messenger who is waging war against them.

[1] The hadīth comes shortly after in this book and is found in Sahih Bukhārī & Muslim

[2] Surah At Tawbah:61-63

[3] And the Shaykh said: 'And it was not said: 'That is his reward' and there is a distinction between this speech and that (i.e that he will 'reside therein')

And in a hadīth it states that a man insulted the Prophet so he ﷺ said: 'Who will suffice me concerning my enemy?'[1]

And also Allah's saying:

> **'You will not find any people who believe in Allah and the last day loving and making friendship with those who oppose Allah and His Messenger.'**[2]

[1] It is reported by Abdur Razzaq in 'Al Musannaf' 5/237, 307 on the authority of 'Ikrimah the servant of Ibn Abbās in mursal form and it contains a man who is unnamed. And it is reported by Abu Nu'aym in 'Al Hilyah' 8/45 via the path of Ibrahim Ibn Adham on the authority of Muqātil bin Hayyan on the authority of 'Ikrimah on the authority of Ibn Abbās, then he mentioned it. Abu Nu'aym said: 'The hadīth of Ibrahim is gharīb and we did not record it except from this direction'. And it is also reported by Abdur-Razzāq 5/307 and from this route Ibn Hazm reports it in 'Al-Muhallā' 11/413 from Simāk bin Al Fudayl that he informed me that Urwa bin Muhammad – and he is As Sa'dī – concerning a man ...with its like. And the one who killed the person here is Khalid bin Al-Walīd and in the first narration it is Zubayr bin Al 'Awwām.

Ali Ibn Al Madīnī used it as proof and Ibn Hazm declared it sahīh saying: 'The chain of narration of this hadīth is sahīh'. And concerning Urwa bin Muhammad As Sa'dī no one declared him to be reliable other than Ibn Hibban. Al Hāfith said concerning him in At-Taqrīb: 'He is acceptable.'

[2] Surah Al Mujadilah:22.

Allah also says: **'O you who believe! Take not the Jews and the Christians as Awliyā' (friends, protectors, helpers), they are but Awliyā' of each other. And if any amongst you takes them (as Awliyā'), then surely, he is one of them. Verily, Allah guides not those people who are the Zālimūn (polytheists and wrongdoers and unjust).'** [al-Ma'idah :51]

Shaykh al-Shanqītī said: In this verse Allah tells us that whoever takes the Jews and Christians as friends is one of them. Elsewhere Allah states that taking them as friends incurs the wrath of Allah and residing in His punishment, and that if the one who takes them as friends was a believer he would not have taken them as friends. Allah says: **'You see many of them taking the disbelievers as their Awliyā' (protectors and helpers). Evil indeed is that which their ownselves have sent forward before them; for that (reason) Allah's Wrath fell upon them, and in torment they will abide. And had they believed in Allah, and in the Prophet (Muhammad) and in what has been revealed to him, never would they have taken them (the disbelievers) as Awliyā' (protectors and helpers); but many of them are the Fāsiqūn (rebellious, disobedient to Allah).'** [al-Ma'idah:80-81]

So when it is the case that whoever loves and makes friendship with the one who opposes (Allah and His Messenger) is not a believer, then how about the one who is in that state of opposition (of Allah and His Messenger) itself?!

And it is said that the reason for this verse being revealed is that Abu Quhafah insulted the Prophet ﷺ so Abu Bakr intended to kill him. So it is established that the one who opposes is a disbeliever and his blood is allowed to be spilled[1]

Elsewhere Allah forbids taking them as friends and explains the reason for that, as He says: **'O you who believe! Take not as friends the people who incurred the Wrath of Allah (i.e. the Jews). Surely, they have despaired of (receiving any good in) the Hereafter, just as the disbelievers have despaired of those (buried) in graves (that they will not be resurrected on the Day of Resurrection).'** [al-Mumtahanah:13]

In another verse Allah explains that this is so long as they are not taken as friends because of fear or taqiyah (i.e., being friendly with them in order to avoid harm); if that is the case then the one who does that is excused. Allah says: **'Let not the believers take the disbelievers as Awliyā' (supporters, helpers) instead of the believers, and whoever does that, will never be helped by Allah in any way, except if you indeed fear a danger from them.'**[Āl 'Imran:28]

This verse explains all the verses quoted above which forbid taking the kāfirs as friends in general terms. What that refers to is in cases where one has a choice, but in cases of fear and to protect ones self it is permissible to make friends with them, as much as is essential to protect oneself against their evil. That is subject to the condition that one's faith should not be affected by that friendship and the one who behaves in that manner out of necessity is not one who behaves in that manner out of choice. It may be understood from the apparent meaning of these verses that the one who deliberately takes the kuffār as friends by choice and because he likes them, then he is a disbeliever like them. [Adwa' al-Bayān, 2/98,99]

[1] Reported by Ibn Al-Mundhir via Ibn Juraiy who narrated that Abu Quhafah...the report. See 'Ad-Dar Al-Munthūr' 6/274 and 'Asbāb An-Nuzūl' pg 478 of Al-Wāhidī. And it is said that the reason for this verses revelation is other than that.

The second evidence: Allah's saying:

'The hypocrites fear lest a chapter should be revealed about them, showing them what is in their hearts. Say: (Go ahead and) mock!' – up to-: **'Say: Was it at Allah and His verses/signs and His Messenger that you were mocking? Make no excuses; you have disbelieved.'**[1]

This is a text that states that mocking Allah, His signs and His Messenger is clear disbelief. So this verse indicates that whoever ascribes a defect to the Messenger of Allah whether being serious or joking then they have disbelieved.

The third evidence: The saying of the One who is free from all imperfections:

'And of them are some who accuse you (O Muhammad) in the matter of (the distribution of) the alms (as sadaqat);'[2] and accuse means to find a fault/defect and to criticise.

And Allah said:

'And among them are men who annoy the Prophet.'[3]

So that is evidence that everyone who accuses and annoys him is from them. So due to the information that those who accuse the Prophet ﷺ and annoy him are from the hypocrites, the evidence of their hypocrisy is established.

The fourth evidence: Allah's saying:

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[1] Surah At Tawbah: 64-66
[2] At Tawbah:58
[3] At Tawbah:61

'But no, by your Lord, they can have no faith, until they make you (O Muhammad) judge in all disputes between them.'[1]

The one free of all imperfections swears by Himself that they do not believe until they make the Prophet the judge in the controversies/disagreements which occur between them, then find no resistance in their souls regarding his judgement but rather submit to it outwardly and inwardly.[2]

And He said before that:

'Have you seen those who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go to for judgement (in their disputes) to the taghut (false judges)?' - up to-: **'And when it is said to them: 'Come to what Allah has sent down and to the Messenger,**

[1] An Nisa:65. Shaykh 'Uthaymīn said: This oath begins with the words Fa lā (But no) which is used for emphasis, then Allah swears by the most specific type of Lordship – which is the Lordship of Allah to His Messenger ﷺ – that the one who does not do the following things has no faith:

1 – Referring for judgement to the Messenger ﷺ, because He says **"until they make you (O Muhammad) judge"**. The one who seeks judgement from anyone other than Allah and His Messenger is not a believer, and is either a kāfir who is beyond the pale of Islam or a kāfir in the sense of lesser kufr.

2 – Contentment with and acceptance of his ruling, so that they do not find in themselves any resistance against what he has decreed, rather they accept it and are content with what the Prophet ﷺ has decreed.

3 – That they accept with full submission, i.e., submit totally.

Beware, O Muslim, of cancelling out your faith. [Sharh al-Wāsitiyyah by Ibn 'Uthaymīn, p. 181/182]

[2] Shaykh ul Islam said: 'And as for whoever adheres to the judgement of Allah and His Messenger inwardly and outwardly, but they disobeyed and followed their desires then their status is like that of whoever is sinful/disobedient.' [Minhāj As-Sunnah 5/131]

you see the hypocrites turn away from you with aversion.'[1]

So it is made clear that whoever is called to refer judgement to the Book of Allah and to His Messenger, then they turn away, then they are a hypocrite. Alongwith His saying:

'The only saying of the faithful believers. When they are called to Allah and His Messenger to judge between them, is that they say: "We hear and we obey".'[2]

So whoever is called to obedience to the Messenger and resists his judgement then he is a hypocrite and not a believer[3]. Rather, the believers are whoever says: 'We hear and we obey.'

[1] An Nisa:60-61

[2] An Nur: 51

[3] Shaykh Sālih Āl Ash Shaykh said regarding judging by other than what Allah has legislated: 'There are four circumstances: Concerning the legislator and the one who obeys him in making the permissible forbidden and the forbidden permissible and in contradiction with the law of Allah, this one is a disbeliever, and whoever obeys him in this, he has taken him as a lord besides Allah.

(So concerning) the ruler with this legislation, then there is a distinction (to be made):

1) If he rules once or twice or more times, but this is not a habit, and he knows that he is a sinner, meaning from the direction of the judge who judges, he knows that he is a sinner and he judges without the law of Allah, then he has the ruling of his similar sinners, he is not declared a disbeliever until he declares it permissible to do so. This is why you see some people of knowledge say that judging with other than the law of Allah is not disbelief until one makes it permissible, and this is correct but this condition does not reach the condition of making a law and legislation. So the ruler, as said by Ibn 'Abbās (is guilty of): 'Disbelief less than disbelief,' not the one they are going to, this is lesser disbelief, meaning the one who ruled in a case or two cases by his desire with other than the law of Allah and he knows he is a

sinner and he does not make it permissible, this is lesser disbelief.

2) As for the ruler who does not rule with the law of Allah at all, and always rules and makes other than the law of Allah incumbent upon the people, then some people of knowledge said that he is declared disbeliever absolutely, like the legislator. As Allah said: **"They wish to go for judgement (in their disputes) to the Taghut (false judges, etc.)"** so they established the one who rules by other than the law of Allah absolutely as a taghut and He said: **"While they have been ordered to reject it."** Some from the people of knowledge said: even this category, he is not declared a disbeliever until he declares it permissible because he can do this and rule by it and he is in himself a sinner, so he has a rule similar to those who remain upon sins and do not repent from it.

And the first saying, that the one who always rule by other than the law of Allah and makes it incumbent on people, then he is a disbeliever, and this is what is correct for me, and this is the saying of my grandfather Shaykh Muhammad ibn Ibrahim ﷺ in his Risālah Tahkīm Al-Qawānīn, because in reality this is not done except by someone whose heart has not rejected the Taghut, rather it is not done except by someone who respects the man-made laws and respects ruling by the man made laws.

The third circumstance is the circumstance of the one who refers (to these laws), meaning the one who goes with his litigant and they refer to the man made law, and there is a distinction to be made with in this as well:

1) If he desires to refer judgement with desire in this and considers that the ruling with such is permissible, and he desires to refer the judgement to the Taghut and he does not dislike this, this one is a disbeliever as well, because he is included in this verse, and as said by the scholars, the desire to refer the judgement to the Taghut cannot be combined with faith in Allah, rather this negates the other, and Allah says: **"Have you seen those who claim that they believe...?"**

2) The second case is that he does not desire referring the judgement, but either he is forced to as it happens in other countries, to come with his litigant to a judge who will judge by the man made laws, or he knows that the right is with him in the Shar', so he refers the matter to the judge in the man made law because he knows that he will agree with the ruling of the Shar', so he is the one who refers his matter in his claim against his litigant to the judge of the man made law because of his knowledge that the Shar' gives him his right and that the man made law is in accordance with the Shar' in this, and this is the most correct for me, that it is permissible.

Some people of knowledge however say that he is a polytheist even if the right is with him.

The fourth circumstance: the status of the country that rules by other than the law of Allah, which judges with the man made laws, according to the speech of Shaykh Muhammad ibn Ibrahim and the detailed speech about this topic in his Fatatwa or what is obtained and derived from it: rejecting the man made laws is an obligation, and ruling by the man made laws in a country:

1) If it is hidden and rare, the land is a land of Islam, meaning the country is a Muslim country, and it will have the ruling of its like from polytheism occurring in its land.

2) He (Shaykh Muhammad ibn Ibrahim) said: If it is apparent and overwhelming, the land is a land of disbelief, meaning the country is a country of disbelief.

So the ruling upon a country will return to this distinction, if ruling by man made law is little and hidden, it will have the similar ruling of unjust countries that has sins and disobedience and the appearance and presence of some polytheism in it. And if it is apparent and overwhelming, its appearance contradicts it being hidden and it being overwhelming contradicts being little, then the land is a land of disbelief.

This distinction is what is correct, because we know that there are in Muslim countries legislations not in accordance with the law of Allah, and the scholars in first times did not rule upon the land that it is a land of disbelief nor on these countries that they are countries of disbelief. And this because polytheism has an influence upon the land, when we say land we mean country, so when it is apparent and overwhelming, the country is a country of disbelief, and when it is little apparent and it is objected, the land is a land of Islam, and in consequence the country is a country of Islam.' [At-Tamhīd Sharh Kitāb At-Tawhīd]

Shaykh Muhammad Ibrahim said: 'As for that which is described as lesser disbelief, it is when he refers the dispute to other than the Book of Allah knowing that he is disobeying Allah by doing so, and that the ruling of Allah is the truth, and he does it once. Such a person would not be committing major disbelief. As for those who legislate laws and make others obey them, this constitutes infidelity, even if they claim that they made a mistake and that the laws of Allah are more just; such is considered as an disbelief which entails apostasy.'

And he also said in his Fatāwā (6/No. 1451): 'Maybe you want to say: if the one who rules by the man made law says: I believe that it is falsehood, then it has no effect, rather it is a removal of the law. It is like if someone was to say: I am worshiping an idol and I believe that it is falsehood.' (Translated Umm-ul-Qura. See http://docs.umm-ul-qura.org/Taghut.pdf)

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So when hypocrisy is established by their resisting the judgement of the Messenger ﷺ alone, then how about the case of one who attributes defect to him and insults him and the like?!

The fifth evidence: Allah's saying:

'Indeed those who annoy Allah and His Messenger, Allah has cursed them in this life and the hereafter and has prepared for them a humiliating torment. And those who annoy believing men and women undeservedly, bear on themselves the crime of slander and plain sin.'[1]

So He linked annoying the Prophet with annoying Himself as He linked the obeying of the Prophet with obedience to Himself. So whoever annoys him has annoyed Allah and that has been textually stated. And whoever annoys Allah is a disbeliever whose blood it is permissible to spill. It is also abundantly clear that He has placed the love of Allah and His Messenger, the pleasure of Allah and His Messenger, the obedience to Allah and His Messenger as one thing. Likewise He has placed the opposition of Allah and His Messenger and hostility towards Allah and His Messenger, the annoying of Allah and His Messenger and the disobedience of Allah and His Messenger as one thing. So in that is the clarification for the necessity of adhering to two rights and that concerning Allah and His Messenger they come from one direction. So whoever annoys the Messenger has annoyed Allah, and whoever obeys the Messenger has obeyed

[1] Surah Al Azhāb:57

Allah. This is because he is the intermediary between Allah and between the creation[1] and there is not for a single one of them a path other than his. And He has established Him as an establisher himself with regards to His orders, forbiddances, informing and explaining. So it is not permissible that we make a distinction between Allah and His Messenger in anything from these matters.

And also, if he makes a distinction between annoying Allah and His Messenger and between annoying the believing men and believing women, then he will bear the crime of slander and carry a great sin and Allah's curse will be on him in this life and the next and He has prepared for him a humiliating punishment. And it is known that for annoying the believers lashing is prescribed, so it is from the major sins, and there is nothing above it except disbelief and killing.

And also, indeed He curses them, and the curse refers to being far removed from the mercy of Allah and there is none who is expelled from the mercy of Allah in this life and the hereafter except for the disbeliever. So there is no right with regard to their blood, rather it is permissible to spill. This is due to a tremendous mercy being witheld, and that which supports this is His saying:

'Accursed, wherever found, they shall be seized and killed with a (terrible) slaughter.'[2]

[1] As regards the one who: 'places between himself and between Allah an intermediary, making du'a to them, asking them for intercession and trusting in them, then they have disbelieved by unanimous agreement (of the [illegible]). (Nawaqid Al Islam, of Shaykh ul-Islam Muhammad Ibn Abdul [illegible])

[2] Al Ahzāb:61

And this is also supported by the fact that the rest of those who are cursed by Allah in His Book are either: disbelievers or those whose blood is permissible to be spilt.

So if it is said, you are refuted by His saying:

'Verily, those who accuse chaste women, who never even think of anything touching their chastity and are good believers, are cursed in this life and in the Hereafter, and for them will be a great torment;'[1] alongwith the fact that this is only slander and not disbelief.

Then the answer to this is from a number of perspectives:

The first of them: That this verse was revealed concerning 'Ā'ishah as Ibn Abbās[2] and other than him said. So in that slander of her was criticism and harming of the Prophet. If a man's wife was to actually commit adultery then it would hurt and annoy him, and for this reason (Imam) Ahmad was of the view, in one narration from him, that whoever slandered a woman who was not a muhsan[3] like a slave girl

[1] Surah An Nur:23

[2] Reported by Ibn Abi Hātim and Al-Hākim, and he declared it sahīh, also Ibn Mardawiyyah as in 'Ad-Dar Al-Munthūr' 5/64. And in its chain of narration is Sa'id bin Mas'ud (and he is Al-Marwazī) he was mentioned by Ibn Hibban in: 'Ath Thiqāt' 8/271 and it occurs as 'narrates it from Yazīd bin Marwān' and this is a distortion concerning: 'Yazīd bin Harūn'.

[3] There are 5 conditions that need to be fulfilled for a person to be considered a muhsan:

1) Consummation of the marriage (i.e that they had sexual intercourse)
2) That the marriage was a valid one
3) That the married couple had both reached the age of puberty
4) That they were of sound mind
5) That they were free and not slaves

or a dhimmi and she had a husband or child who was a muhsan they are to be punished due to ascribing shame to her child or husband who were muhsan.

So this verse is specifically concerning whoever slandered the wives of the Prophet ﷺ, then whoever seeks to attribute a fault or defect to the Prophet ﷺ by attributing a fault to his wives then they are a hypocrite. As for the person who accuses a (chaste) Muslim woman of fornication/adultery then they are defiantly disobedient as Allah says, unless they repent.

And the definite article (in arabic- Al) in this verse refers to the wives of the Prophet as this speech is concerning the slander (of Ā'ishah).[1]

And the saying of the Most High:

'And as for him among them who had the greater share therein, his will be a great torment.'[2]

So we know that the one who slanders the mothers of the believers attributes a fault/defect by that to the Messenger of Allah and the one who had the greatest share therein is concerning the story of the hypocrite Ibn Ubayy. So accusing them is hypocrisy which makes the spilling of blood permissible when the intent behind that is to annoy and hurt

[illegible] Vol 6/163 of Sharh Al Mumti' 'Alā Zād Al Mustaqni' by Shaykh Al-Uthaymin

[illegible] Allah says concerning 'Ā'ishah: **'Allah forbids you from it (slander) and warns you not to repeat the like of it forever, if you are believers.'** [Surah An Nur:17] Ibn Kathir said in his Tafsīr: 'The scholars [illegible] unanimously agreed that whoever accuses or slanders her after the revelation of this verse is a disbeliever, because [illegible] have rejected the Qur'an'

[illegible] Surah An Nur:11

the Prophet ﷺ or to hurt/annoy them after knowing that they are the wives of the Prophet ﷺ in the hereafter.

And due to this is the saying of the Prophet in that which is established in Sahih Bukhari and Muslim: 'Who will excuse me (help me) concerning a man who I have heard is speaking in an offensive manner about my family? By Allah, I know nothing but good about my family.'

And concerning this Sa'd bin Mu'adh said: 'Indeed we will excuse you concerning him, if he is from the tribe of Al-Aws we shall strike his neck.' And the Prophet ﷺ did not disapprove of Sa'd for saying that.

And there were those from the people of the slander who did not make that accusation due to hypocrisy and the Prophet ﷺ did not kill any of them concerning that insult, rather they disagreed concerning lashing them, so indeed they did not intend to harm or annoy the Prophet ﷺ and there is no apparent evidence of that. This however is different from the case of Ibn Ubayy whose only intention by that was to harm the Prophet ﷺ.

And it was not established with them that his wives in this life will also be his wives in the hereafter and the occurrence of that concerning his wives is possible to be understood. And due to this the Prophet ﷺ dropped (the incident concerning them).

The second perspective: That the verse is general and narrated concerning other perspectives: that accusing a chaste woman of fornication/adultery is from the major sins. And it is also said that it is concerning the polytheist Arabs from Makkah, who when a women emigrated to the Messenger of Allah ﷺ would slander her. So this concerns

whoever slanders a believing woman to divert (people) from (true) faith and censures the believing women in order to make people flee and have a distaste for Islam, as was done by K'ab bin Al-Ashraf.

So based upon this, whoever does that is a disbeliever and his station is that of whoever insults the Prophet ﷺ.

And it is said that the verse is general and absolute but His saying: **'Are cursed in this life and in the Hereafter'**[1] does not name who is doing the cursing. So it is possible that the one cursing is other than Allah from the angels and mankind. And it is possible that Allah curses them during a (particular) time or curses some of them but not others. Also (it is possible that) some of his creation curse them during a (particular) time and Allah only curses those whose slander was in criticism of the religion.

And as for the some of the creation cursing others then that is with the meaning of making du'a (praying) against them with the meaning that they are far from the mercy of Allah. And that which supports this is is that when a man accuses his wife of adultery he invokes a curse[2]. And similar to that is His saying:

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[1] Surah An Nur:23

[2] **'And for those who accuse their wives, but have no witnesses except themselves, let the testimony of one of them be four testimonies (i.e. testifies four times) by Allah that he is one of those who speak the truth. And the fifth (testimony) (should be) the invoking of the Curse of Allah on him if he be of those who tell a lie (against her). But it shall avert the punishment (of stoning to death) from her, if she bears witness four times by Allah, that he (her husband) is telling a lie. And the fifth (testimony) should be that the Wrath of Allah be upon her if he (her husband) speaks the truth.'** (Surah An Nur:6-9)

'Then we pray and invoke (sincerely) the Curse of Allah upon those who lie.'[1]

So from that which the one who slanders is cursed with is that he is lashed and his testimony is rejected and he is declared to be defiantly disobedient (a fāsiq) so indeed there is punishment for him, yet he still remains a citizen who is granted protection and acceptance and this is from the mercy of Allah. This is in opposition to those whom Allah informs us He has cursed in this life and in the hereafter. So indeed this cursing by Allah necessitates that support is lifted from the person from every perspective and they are far away from the causes of mercy.

And what strengthens this is that He says here: **'And has prepared for them a humiliating torment'**[2] and a humiliating torment does not come in The Qur'ān except for the disbelievers, like His saying:

[1] Surah Āl Imran: 61. Prior to this Allah says in verses 59, 60 & then verse 61: **'Verily, the likeness of Jesus before Allah is the likeness of Adam. He created him from dust, then (He) said to him: "Be!" - and he was. (This is) the truth from your Lord, so be not of those who doubt. Then whoever disputes with you concerning him [Jesus] after (all this) knowledge that has come to you, [i.e. Jesus] being a slave of Allah, and having no share in Divinity) say: (O Muhammad) "Come, let us call our sons and your sons, our women and your women, ourselves and yourselves - then we pray and invoke (sincerely) the Curse of Allah upon those who lie.'**

Shaykh ul-Islam Ibn Taymiyyah said in 'As-Sārim' 2/108: 'Allah ordered His Messenger that He calls those who argue concerning Jesus after what has come to him of knowledge, that they pray for the curse of Allah to be on the liars so this is from what the slanderer is cursed with.'

[2] Surah Al Azhab:57

'And for the disbelievers there is a humiliating torment.'[1]

And as for His saying:

'And whosoever disobeys Allah and His Messenger (Muhammad), and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have (lahu) a disgraceful torment.'[2] Then that is concerning whoever rejects the obligations, taking them lightly.

(Also) upon the fact that He did not mention that He has prepared it for them (those who disobey Allah and His Messenger) and that the punishment is only prepared (u'idda) for the disbelievers, then indeed the hellfire was created for them because there is no escape for them from whoever amongst them enters it unlike those who will be taken out.

And as for the people guilty of major sins from amongst the believers, then it is possible for them that they do not enter it at all if they are forgiven. And if they do enter it then indeed they will be taken out of it, even if that is after a long time.

The sixth evidence: The saying of the One who is far removed from all imperfection:

'Raise not your voices above the voice of the Prophet, nor speak aloud to him in talk as you speak aloud to

[1] Surah Al Baqarah:90. And in many other verses.

[2] Surah An Nisā:14

one another, lest your deeds may be rendered fruitless while you perceive not.'[1]

So the perspective of the evidence is that Allah forbade them to raise their voices above the Prophet's ﷺ voice and speak aloud to him as the people would speak aloud to each other. The reason for that is because it would lead to their good deeds being wiped out without them realising. Therefore it is obligatory to abandon whatever would wipe out the good deeds. And the good deeds are wiped out due to disbelief (Al-Kufr) due to His saying:

'And whoever denies the faith - his work has become worthless.'[2]

And nothing wipes out all of the good deeds except for disbelief (Al-Kufr), because whoever dies as a believer, they will undoubtedly enter paradise and if all of their good deeds had been wiped out they would not enter it. This is although they may have some of their good deeds wiped out due to the existence of that which spoiled them such as reminders of a person's generosity or by injury.[3]

So when that is established concerning raising voices above his and speaking aloud with him, then it is to be feared that a person may disbelieve while not realising. This

[1] Surah Al Hujurat:2

[2] Surah Al Ma'idah:5

[3] **'O you who believe! Do not render in vain your Sadaqah (charity) by reminders of your generosity or by injury, like him who spends his wealth to be seen of men, and he does not believe in Allah, nor in the Last Day. His likeness is the likeness of a smooth rock on which is a little dust; on it falls heavy rain which leaves it bare. They are not able to do anything with what they have earned. And Allah does not guide the disbelievers.'** (Surah Al Baqarah:264)

is due to bad manners and underestimating him and taking him lightly and that is without realising! So how about the case of whoever insults him, belittles and takes him lightly and harms him intentionally?! So such a person is a disbeliever even more so.

The seventh evidence: The saying of the One who is free of all imperfection:

'Make not the calling of the Messenger among you as your calling of one another. Allah knows those of you who slip away under shelter (of some excuse without taking the permission to leave, from the Messenger). And let those who oppose the Messenger's commandment beware, lest some Fitnah befall them or a painful torment be inflicted on them.'[1]

So He ordered that those who oppose His order beware of a fitnah befalling them, and that is apostasy and disbelief due to His saying:

'And fight them until there is no more Fitnah and (all and every kind of) worship is for Allah (Alone).'[2]

Imam Ahmad said[3]: 'The fitnah is ash-shirk (polytheism)' because it is feared that if he refuses some of his (the Prophets) sayings some deviation will enter his heart and he will be destroyed. And Allah followed it with this verse:

[1] Surah An-Nur: 63

[2] Surah Al-Baqarah:193

[3] In the narration of Al-Fudayl bin Ziyād

'But no, by your Lord, they can have no Faith, until they make you (O Muhammad) judge in all disputes between them.'[1]

And He (Imam Ahmad) said[2]: I find it amazing that a people know the chain of narration and the authenticity (of a hadīth) yet they go to the opinion of so-and-so or so-and-so... He (Allah) says: **"And let those who oppose the Messenger's commandment beware, lest some Fitnah befall them or a painful torment be inflicted on them."** Do you know what this fitnah is? It is disbelief. So they decline the hadīth and their desires over take them and they take an (opposing) opinion.'

So when the one who opposes His command is warned from disbelief or a painful torment and is led to disbelief only by what he has combined of taking the Prophet's ﷺ right lightly as Iblis did, then how about whoever does that which is even more serious than that of insulting him, attributing defect to him and that which is similar?!

The eighth evidence: That the One who is free from all imperfection says:

'And it is not for you to harm the Messenger of Allah or to marry his wives after him, ever. Indeed, that would be in the sight of Allah an enormity.'[3]

So it was prohibited upon this nation that they marry the Prophet's wives after he died due to the harm/annoyance

[1] Surah An-Nisā:65
[2] In the narration of Abu Tālib Ahmad bin Hamīd
[3] Surah Al-Ahzāb:53

that would entail. And Allah regards such a thing as an enormity. So if anyone was to have married one of his wives or servant girls, his punishment would be to be killed due to what they would have violated from that which is prohibited. So the one who insults him is even more deserving of that (being killed).

And the evidence for that is in what Muslim narrates in his Sahih on the authority of Anas that a man was charged with fornicating with the slavegirl of Allah's Messenger ﷺ. Thereupon Allah's Messenger said to 'Ali: 'Go and strike his neck.' 'Ali came to him and he found him in a well cooling down his body. 'Ali said to him: 'Come out,' and as he took hold of his hand and brought him out, he found that his penis had been cut. 'Ali refrained from striking his neck. He came to Allah's Prophet ﷺ and said: 'Allah's Messenger, he doesnt even have a penis.'

As for the proofs from the Sunnah

The first hadīth: Reported by Ibn Abbās that a blind man had a freed concubine who used to insult the Prophet ﷺ and say bad things about him. He told her not to do that but she did not stop, and he rebuked her but she did not heed him. One night, when she started to say bad things about the Prophet and insult him, he took a short sword or dagger, put it on her belly and pressed it and killed her. The following morning that was mentioned to the Messenger of Allah ﷺ. He called the people together and said, 'I adjure by Allah the man who has done this action and I adjure him by my right over him that he should stand up.' The blind man stood up and said, "O Messenger of Allah, I am the one who did it;

she used to insult you and say bad things about you. I forbade her, but she did not stop, and I rebuked her, but she did not give up her habit. I have two sons like pearls from her, and she was kind to me. Last night she began to insult you and say bad things about you. So I took a dagger, put it on her belly and pressed it till I killed her.' Thereupon the Prophet said: 'Bear witness, there is no blood money due for her.'[1] Ahmad used it as proof.

So it is possible that this is the incident of the Jewish woman[2] and this was the saying of Al-Qādi Abee Ya'lā and other than him. So they regarded those two narrations as being about the same incident, and it is also possible that this is a separate incident.

Al-Khattābee said[3]: 'Within this narration is that the one who insults the Prophet is to be killed because insulting him is apostasy.'

So this is evidence that he firmly believed that the woman in this incident who was killed, was a Muslim. However there

[1] Reported by Abu Dawud (4361), An-Nasa'i (7/107), Ad-Daraqutni (3/112) via the path of Abu Dawud and Al Hākim (4/354) and Al-Bayhaqi (7/60) all via the path of Uthman Ash Shahām on the authority of Ikrimah on the authority of Ibn Abbās with it. The hadīth was declared sahīh by Al-Hākim and Ibn Hajr said in: 'Bulugh Al-Maram' (2/138) its narrators are reliable. Al-Albāni said it is sahīh in Sahih Abu Dawud (3655).

[2] The hadīth in Abu Dawūd (4362) narrated from 'Ali that a Jewish woman used to insult the Prophet and say bad things about him, so a man strangled her until she died, and the Prophet ruled that no blood money was due in this case. Ibn Taymiyyah said in As-Sārim al-Maslūl (1/162): 'This hadīth is jayyid.' However this hadīth is narrated from Ash-Sha'bī from Ali, and though Ash-Sha'bī narrated from 'Alī in Sahih Al-Bukhārī (6812) some of the scholars refuted this and Ad-Daraqutni held that Ash Sha'bī did not hear from Ali any hadīth except for that one. See 'Fath Al-Barī' 12/121.

[3] Ma'alim As Sunan 6/199

is no proof for that in the hadīth. Rather, what is apparent is that she was a disbeliever. Then within the hadīth is that her master repeatedly forbade her from insulting the Prophet ﷺ, and if she was an apostate then why would it be possible to leave her to be for a long duration.

The second hadīth: Which Ash Shāfi'i used as evidence that if a dhimmi insults the Prophet they are to be killed, and it is the famous and well known story of K'ab bin Ashraf. And the Prophet ﷺ said concerning that: 'Who will kill K'ab bin Al Ashraf for indeed he has hurt Allah and His Messenger?' So Muhammad bin Maslama got up saying: 'O Messenger of Allah, would you like that I kill him?' The Prophet said: 'Yes.' Muhammad bin Maslama said: 'Then allow me to say something (i.e to deceive K'ab).' The Prophet said: 'You may say it.' So he went to him (K'ab) and said: 'That man (the Prophet) demands charity from us and he has troubled us.' So due to what K'ab heard, he said: 'By Allah you will get tired of him…' etc. Then they killed him.[1]

And it is a narration that is agreed upon, and K'ab had spoken poetry that defamed the Prophet so the Messenger of Allah ﷺ deputised people to kill him. And K'ab had a covenant but due to his insulting the Prophet, this covenant was broken. And in this hadīth is the words: 'For indeed he has hurt Allah and His Messenger,' so everybody who hurts Allah and His Messenger is to be killed; and the insulter has hurt Allah and His Messenger by agreement of the Muslims and it is compulsory to kill them.

[1] Bukhārī (2510), Muslim (1801) and other than them from the hadīth of Jābir bin Abdullah ﷺ.

The third hadīth: It was narrated that Abu Barzah said a man spoke harshly to Abu Bakr As Sideeq and I said: 'Shall I kill him?' He told me off and said: 'That is not for anyone after the Messenger of Allah ﷺ.' Reported by An Nasa'i.[1]

And a group of the scholars have used this as evidence that the one who insults the Messenger is to be killed. From them: Abu Dawud, Isma'il bin Ishāq, Abu Bakr Abdil Azeez, Al Qādi Abu Ya'ala and other than them.

And in the hadīth is that whoever insults him it is permissible to kill them and this is general concerning the Muslim and the disbeliever who does that.

The fourth hadīth: The hadīth of Ibn Abi Sarh, and it is from that which the people of knowledge have agreed upon.

Sa'd ibn Abi Waqqās said: 'On the Day of the Conquest of Makkah, the Messenger of Allah ﷺ granted safety to the people except for four men and two women, and he named them, and Ibn Abi Sarh... As for Ibn Abi Sarh, he hid with 'Uthmān ibn 'Affān, and when the Messenger of Allah called the people to give their allegiance to him, he brought him to stand before the Messenger of Allah. He said, "O Prophet of Allah, accept the allegiance of 'Abdullah." He raised his head and looked at him three times, refusing him, then he accepted his allegiance after the third time. Then he turned to his companions and said: "Was there not among you any smart man who could have got up and killed this person when he saw me refusing to give him my hand and accept his allegiance?" They said, "We do not know what is in your

[1] No. 4076-4082. It was declared hasan by Al Hāfith Az Za'i in his checking of Sunan An Nasa'i. Ibn Taymiyyah declared one of its chains of narrations to be sahīh also.

heart, O Messenger of Allah. Why did you not gesture to us with your eyes?" He said, "It is not befitting for a Prophet to betray a person with a gesture of his eyes."[1]

And the Messenger of Allah wanted his blood spilt and he (Ibn Abi Sarh) was Uthman's foster brother so he intereced for him with the Messenger of Allah, so he left him be. And this Ibn Abi Sarh became Muslim then apostated and joined the polytheists and he used to write down the revelation for the Messenger of Allah but when he apostatized he claimed that he used to add whatever he wanted to the Revelation. This was a lie and a fabrication against the Prophet and was a kind of insult.

And it is said[2] that concerning it the following verse was revealed:

> **'And who is more unjust than one who invents a lie about Allah or says, "It has been inspired to me," while nothing has been inspired to him, and one who says, "I will reveal [something] like what Allah revealed"'.**[3]

And there was another person who invented a lie against him similarly. Anas narrated that: 'There was a Christian who embraced Islam and read Surah Al-Baqarah and Āl-Imran

[1] Reported by Abu Dawud (2683, 4359), An-Nasa'ī (7/105-106), Al-Hākim (3/45) and Al-Bayhaqi (7/40). Declared Sahīh by Al-Hākim, Adh-Dhahabi agreed. Ibn Taymiyyah and Albānī (As Sahīhah 1723) declared it sahīh also.

[2] See Tafsīr At-Tabarī 5/268. Ibn Kathīr mentions that: 'Ikrimah and Qatādah said that this verse was revealed concerning Musaylimah the liar' Shaykh Muqbil said: 'The narration of 'Ikrimah is with At-Tabarī 11/533 and is da'if. And the narration of Qatādah has an authentic chain of narration up to him, reported by At-Tabari also' (Tahqīq Ibn Kathir, 3/367)

[3] Surah 'An'ām:93

and he used to write the revelation for the Prophet. Later on he reverted to Christianity and used to say: "Muhammad knows nothing but what I have written for him." Then Allah caused him to die and the people buried him but in the morning they found that the earth had thrown out his body. They said: "This is the deed of Muhammad and his Companions. They have opened the grave of our companion and took his body out because he ran away from them." So they again dug the grave deeper for him, but in the morning they again found that the earth had thrown the body out. They said: "This is a deed of Muhammad and his companions." So they dug a third grave for him as deep as they could, but in the morning they found that earth had thrown the body out. Then they believed that what had befallen him, was not by a man, and they had to leave the body on the ground.'[1]

So this is from the clearest evidences that Allah takes revenge on His Messenger's ﷺ behalf upon anyone who criticizes him.

So the blood of Ibn Abi Sarh was permissible to be spilt after he came back to Islam repentant. And the fact that the Prophet ﷺ forgave him after is evidence that he had the option to have him killed or to pardon him. And it is also evidence that he could kill whoever insulted him even if they repented and returned to Islam.

Then know that the lie upon the Messenger of Allah ﷺ invented by Ibn Abi Sarh and the other Christian writer is a

[1] Bukhārī (No. 814) and it is also in Muslim.

clear lie[1] For indeed the Prophet ﷺ did not have anything recorded other than what Allah revealed to him and he

[1] Shaykh ul-Islam Ibn Taymiyyah discussed this matter at length and mentioned the ruling on one who tells lies about the Prophet verbally, the ruling on one who tells lies about him in a report and the ruling on one who narrates a hadīth knowing it to be false. He was of the view that the one who tells lies about him verbally is a kāfir. He said in al-Sārim (2/328-399), after quoting the hadīth of Buraydah (which was omitted here due to its being da'if): 'A clan of Banu Layth in Madeenah was of two minds. A man had proposed marriage to one of their womenfolk during the Jāhiliyyah but they did not accept his proposal. He came to them wearing a hullah (a suit of clothing) and said: "The Messenger of Allah gave me this hullah to wear and told me to rule over your wealth and your blood." Then he went and stayed with that woman whom he loved. The people sent word to the Messenger of Allah ﷺ and he said: "The enemy of Allah is lying." Then he sent a man and said: "If you find him alive – although I do not think that you will find him alive – then strike his neck (kill him). And if you find him dead then burn him with fire." He said: This is what the Messenger of Allah said concerning "one who tells lies about me deliberately."'

Shaykh al-Islam said: 'This is a sahīh isnād according to the conditions of al-Sahih and we do not find any fault in it.'

[TN: Adh-Dhahabi said in Siyār An-Nubulā (7/373-374): 'Our shaykh Abul 'Abbās (Ibn Taymiyyah) has relied upon the hadīth of Sālih bin Hibbān in the book As-Sārim Al-Maslul and he was upon delusion in this.' Ibn Adi also reported it in Ad-Du'afa in the biography of Sālih bin Hibbān (4/5453)]

Then he (Ibn Taymiyyah) said: 'There are two opinions concerning this hadīth:

1 – That the apparent meaning should be followed and the one who deliberately tells lies about the Messenger of Allah ﷺ should be killed. Among those who were of this view were some who said that the one who does that becomes a disbeliever due to that. This was the view of several including Abu Muhammad al-Juwayni. Ibn 'Aqīl quoted his Shaykh, Abu'l-Fadl al-Hamdāni, as saying: "The innovators, liars and fabricators of hadīth are worse than the heretics because the heretics want to attack Islam from without but these people want to attack it from within. They are like people who try to destroy a city from within whilst the heretics are like those who are laying siege to it from without, and those who are inside open up the fortress. So they are more dangerous to Islam than those who do not appear outwardly to be Muslims."

The main point of this opinion is that telling lies about him is tantamount to telling lies about Allah. Hence he said: "Telling lies about me is not like telling lies about one of you." What the Messenger ﷺ commanded is what Allah commanded, and it must be followed just as the commands of Allah must be followed. Whatever he told us must be believed, just as whatever Allah told us must be believed. Whoever rejects what he told us or refuses to follow his command is like one who rejects what Allah told us or refuses to follow the command of Allah. It is well known that the one who tells lies about Allah by claiming to be a Messenger or Prophet of Allah, or tells false things about Allah, such as Musaylimah and other fabricators of his ilk, is a kāfir whose blood may be shed, and the same applies to one who tells lies about the Messenger of Allah ﷺ.

Thus it is clear that telling lies about him is tantamount to disbelieving in him. Hence Allah mentions the two things together in the verse where He says: **"And who does more wrong than he who invents a lie against Allah or denies the truth, when it comes to him?"**[al-'Ankabut:68]

Indeed, telling lies about him may be a greater sin than disbelieving in him, so Allah mentioned that first, just as the one who is sincere towards him is higher in status than one who believes what he says. If the liar is like the denier, or worse, then the one who tells lies about Allah is like the one who disbelieves in Him, and the one who tells lies about the Prophet is like the one who disbelieves in him.

Thus it becomes clear that disbelieving in him is akin to lying, because denying what he says implies that one thinks that what he says is not true, which is tantamount to saying that the religion of Allah is false. It makes no difference whether one rejects one thing or everything that he says. Rather the person who does that becomes a disbeliever because that implies that he thinks that the message and religion of Allah are false. And the one who tells lies about him deliberately introduces into the religion something that is not part of it, and claims that the ummah is obliged to believe this report and follow this command because it is the religion of Allah, knowing that it is not part of the religion of Allah.

Adding something to the religion is like taking something away from it. There is no difference between rejecting a verse of the Qur'ān or deliberately adding some words and saying that this is a surah of the Qur'ān.

Moreover, if a person deliberately tells lies about him meaning to mock him or belittle him, by claiming that he issued commands that he did not issue, and that it is not permissible for him to issue, this is tantamount to attributing foolishness or false statements to the Prophet ﷺ and claiming that he is a liar, and this is blatant disbelief.

If someone claims that Allah enjoined fasting of another month other than Ramadān, or a sixth prayer, etc, or that bread and meat are harām, knowing that he is lying, then he is a disbeliever according to scholarly consensus.

Whoever claims that the Prophet ﷺ enjoined something that he did not enjoin, or that he forbade something that he did not forbid, has told lies about Allah, like the one described (in the paragraph) above, with the additional factor that he clearly says that the Messenger ﷺ said that. He is issuing a fatwa without pointing out that this is ijtihād. In conclusion, whoever deliberately tells a blatant lie about Allah is like one who deliberately disbelieves in Allah and is even worse. It is obvious that the one who tells lies about the One Whom he should venerate is mocking Him and disregarding His sanctity.

The one who tells lies about him (the Prophet ﷺ) is inevitably seeking to dishonour and belittle him by lying. It is well known that the one who lies about him as Ibn Abi Sarh did when he said, "He used to learn from me," or by attributing evil actions and foul words to him, becomes a disbeliever due to that. The same applies to the one who tells lies about him, because he is attributing to him a command or a narrative or an action. If he attributes to him a command that he did not issue, he has added something to his sharee'ah, which cannot be part of it and which he could not have uttered, as he said: "I have not omitted anything that will bring you closer to Paradise but I have enjoined it upon you, and there is nothing that will keep you further from Hell but I have commanded you to do it." If he did not enjoin it, then it is not permissible to enjoin it. Whoever narrates that he did enjoin it has attributed to him something that it is not permissible to enjoin and that is tantamount to attributing foolishness to him.

Similarly, if he transmits a narrative from him, if this was something that he should have told us he would have told us, because Allah completed the religion. If he did not tell us of it then it is not something that he should have told us. Similarly with regard to actions that are falsely attributed to him; if the action is something that he should have done then he would have done it, but if he did not do it then it is better not to do it.

The point is that the Prophet ﷺ is the most perfect of mankind in all senses. Whatever he did not say or do, it is better not to say or do it, and whatever he did do, it is better to do it than not to do it. If a man deliberately tells a lie about him or narrates something from him that did not happen, then whatever he says is tantamount to attributing shortcomings to him, because if it was something good he would have done it, and whoever attributes shortcomings to the Messenger ﷺ is a disbeliever.

It should be noted that this view is very strong but a distinction should be made between the one who tells lies about him verbally and the one who tells lies about him that he claims to have heard from someone else, such as saying: "So and so the son of So and so told me such and such from the Prophet" In this case he is telling lies about that man and attributing the hadīth to him. But if he says "This hadīth is sahīh" or "It was proven that he said that", knowing it to be false, then he is telling lies about the Prophet. But if he fabricates it and narrates it in silly manner, this is subject to further discussion, especially since the Companions are regarded as being dignified and of good character and if one of them were to lie it would cause a great deal of harm to the religion. Therefore the Prophet ﷺ wanted to kill the one who told lies about him and he hastened to punish him so that would be means of preventing any of the hypocrites being counted as one of the Companions of good character.

But if a person narrated a hadīth knowing it to be false, this is haram, as it was narrated in a sahīh hadīth that the Prophet ﷺ said: "Whoever narrates a hadīth from me that he knows is false is one of the liars." But he is not a disbeliever unless he adds to that narration something that implies disbelief, because he believes that his Shaykh narrated it, but he knows that his Shaykh is lying and it is not permissible for him to narrate it. So he is in the same position as one who witnesses a deal, a testimony or a contract knowing it to be invalid. This testimony is prohibited but he is not bearing false witness per se (shahādat al-zūr).

Then he mentioned the second view and said:

2 – The liar is to be punished severely, but he is not regarded as a disbeliever and it is not permissible to kill him, because the factors that determine who is a disbeliever and is to be killed are well known and this is not one of them. It is not permissible to affirm something for which there is no basis. Whoever says that he is not to be executed has to stipulate that telling lies about the Prophet ﷺ does not imply any criticism or defamation of him. But if he says that he heard him say something that implies belittling the Prophet ﷺ or criticizing him, such as the hadīth about "the sweat of horses" and other such silly fabrications, this is obviously mocking him, and the one who says this is undoubtedly a disbeliever whose blood may be shed. Those who were of the view that such a person is not to be executed responded to this hadīth by saying that the Prophet ﷺ knew that he was a hypocrite so he killed him for that and not for lying, but this answer does not count for anything.

delivered it as Allah, the Most High willed without any changes to it[1]

Thereafter the scholars differed: did the Messenger of Allah ﷺ give him consent to write something other than what he commenced, and did he say anything to him? There are two opinions:

1. The Christian and Ibn Abi Sarh lied about the whole incident and he did not issue any consent to write other than what he said in the first place, and they only lied about this in order to make the people turn away from him.
2. The Prophet ﷺ did tell him something; he said and dictated the words "The Hearing, the Seeing", but he (Ibn Abi Sarh) wrote "The Hearing, The Knowing". So the Prophet told him to remove it[2].

And both of these modes had been revealed, so he (ﷺ) said to him: 'Write this, and if you wish, write that' for they are both correct; and a declaration of the Prophet ﷺ has been related that he said: 'The Qur'ān was revealed in seven modes; all of them are decisive, sufficient. If you say "The Mighty, the Wise" or "The Forgiving, the Merciful", then it is similar to the verse of mercy which does not end with (the

[1] Allah says: **'And if he [Muhammad] forged a false saying concerning Us [Allah], We surely would have seized him by his right hand (or with power and might), and then certainly should have cut off his life artery.'** (al-Hāqqah:44-46) and: **'Verily We: It is We Who have sent down the Dhikr (Quran) and surely, We will guard it (from corruption).'** (Al Hijr:9)

[2] Recorded by Ahmad (3/245-246) from the route of Thabit, from Anas; he also recorded something similar to it in (3/120-121), (it was also recorded by) Ibn Hibban in "al-Ihsan" (2/62), from the route of Humayd, from Anas. Shaykh al-Islam authenticated it (2/242).

mention of) punishment, or an ayah mentioning punishment which does not end with (the mention of) mercy.'[1]

Thus, the hadīths illustrate that according to the seven modes in which the Quran was revealed in, the end of a single verse can end by various names of Allah the Most High according to the substitute. The reciter may choose whichever of them he wishes. And the Prophet ﷺ chose to dictate whatever he wished from those modes and perhaps, the Prophet ﷺ recited a particular mode, and it was said to him: 'or (shall I write) such-and-such?' due to the many times he heard him give him the choice between two modes. So he (the Prophet ﷺ) would say to him: 'Yes, both of them are the same', because a verse may have been revealed in two modes together, so he confirmed that. Thereafter Allah abrogated some of those modes during the times when Jibril would present (a reading of) the Quran to the Prophet ﷺ every Ramadan. And the final presentation is according to the mode recorded by Zayb bin Thabit, which is recited by the people today, and is the one which 'Uthmān and the Companions compiled for the people.

And another viewpoint has been reported[2]: namely, that he said to the Prophet ﷺ: 'Should I write "ta'malun (they

[1] This hadīth is oft-narrated, and from the mutawatir ahadīth. The scholars of the Sahih, Sunan and Musnad collections concorded in recording it, and note that some of its routes contain additional words. The wording mentioned (by Shaykh al-Islam) is fabricated in multiple reports. See "Qatf ath-Thamar" (p.163) and "al-Murshid al-Wajiz" by Abu Shamah (p.77-95).

[2] Recorded by Imam Ahmad in "an-Nasikh wa'l-Mansukh", as occurs in the (original) as-Sarim (2/245) and he recounted it's isnad, as well as Ibn Abi Hatim, as stated in ad-Durr al-Manthur (3/55) in summary; and the isnad, along with the fact that it is mursal, is extremely weak.

did)" or "taf'alun (they did)"?' So he (ﷺ) replied: 'Write whichever of them you wish.' And thus, Allah gave him success in writing what was correct, and he wrote what was the more beloved of the two modes to Allah, if they were both revealed; or he only wrote what Allah revealed. And this choice demonstrated by the Prophet ﷺ indicated the scope of the revelation, and trust in Allah in the preservation of the Quran, and knowledge that he would not write down except what was revealed; and this is not a reason to deny a Book which Allah took upon Himself to protect, in which no falsehood can approach it from any angle.

And some have mentioned a third scenario: that he heard the verse from the Prophet ﷺ and nothing remained of it except a word or two, so he completed it by what he deduced from what he read from it, as the discerning and intelligent do. Thus he wrote it down and read it to the Prophet ﷺ who said: "It was revealed accordingly" just as it was approved to 'Umar bin al-Khattab the saying of Allah the Most High:

> '(Allah) **said: "In a little while, they are sure to be regretful."'** (al-Mu'minun:14)

Shaykh al-Islam said: The first saying is the most probable.

The fifth hadīth: That on the day of the conquest, the Prophet ﷺ entered Mecca, wearing a helmet on his head. When he took it off, a man came and "said, Ibn Khatal is clinging to the curtain of the Ka'ba.' The Prophet said, 'Kill him.'[1]

[1] Bukhari (1846) and Muslim (1357) from the hadīth of Anas ﷺ.

There were three crimes for which the blood of Ibn Khatal was made permissible: Killing a soul (unjustly)[1], apostasy and ridiculing (the Prophet).[2]

Then it is not possible that his killing was due to retaliation (i.e. life for a life) as his surrender to the guardians/allies of the killed man would be required, for

[1] In a narration recorded by Ibn Ishāq it is mentioned that Ibn Khatal killed a man and apostated afterwards. There is no mention of its authenticity in 'As Sārim' of Ibn Taymiyyah nor in the Mukhtasar. It is said that he (Ibn Khatal) was deputed by the Prophet along with a man from the ansar to collect zakat, whereupon he apostated and killed the ansari, stole the zakat money and fled to Makkah.

NB: Ibn Ishāq was called a liar by Imam Mālik. Imam Ahmad discounted the reliability of Ibn Ishaq if he alone narrates a hadīth. Also, Imams Yahya Ibn Ma'īn (in another narration from him), An-Nasa'ī and ad-Daraqutnī stated that Ibn Ishaq was weak in hadīth. The great Imam of Sunnah, Imam Ahmad, also added that Ibn Ishaq's narrations are not accepted if they are about the Sunan stating that even [in the rare occasions] where Ibn Ishaq clearly stated that he heard a Hadīth from his teacher, he would often contradict other narrators. Therefore, and as Imam Ahmad stated, if Ibn Ishaq alone reports a Hadīth, then that narration is not accepted. Adh-Dhahabi also stated that if a narration that Ibn Ishaq reports contradicts other [more established] narrators, then Ibn Ishaq's narration is rejected.

Ibn Taymiyyah said: 'It is well known that most of what was reported in aspects of Tafsir (commentary on the Qur'an) is similar to narrations reporting Maghazi (or Sīrah) and battles, causing Imam Ahmad to state that three matters do not have Isnad: Tafsir, Mala'him, and Maghazi. This is because most of their narrations are of the Marāsīl (plural of Mursal)* type, such as narrations reported by Urwah Ibn az-Zubayr, ash-Sha'bī, az-Zuhrī, Musa ibn Uqbah and **Ibn Ishaq**.' [Majmu' Al Fatāwā, 13/345]

* The mursal hadīth is not a valid proof as Imam Muslim said: "In our basic view and the view of the scholars of narrations, the mursal hadīth is not a valid proof, neither in our view nor in the view of the learned scholars of hadīth." [Muqaddimah, Bāb Sihhat Al-Ihtijāj Bil-Hadīth Al-Mu'an'an]

[2] In Fat'h Al Bari Sharh Sahih Bukhārī in 'Kitab Al Maghāzi' Ibn Hajr mentions a narration on the authority of Mālik that says: 'And Ibn Khatal ridicules the Messenger of Allah with poetry.'

them to either kill him or pardon him or take blood money from him.

Also it is not possible that he was killed for apostasy alone as repentance is sought from the apostate, so it is established therefore that he was only killed due to ridiculing and insulting the Prophet ﷺ.

As for the consensus of the Companions of the Prophet ﷺ

That is narrated from them in numerous judgements scattered far and wide, and no one from among them has disapproved or rejected that so it has become a consensus.

Shaykhul Islam said: And know that it is not possible for a false claim of consensus of the companions, upon a subsidiary issue when it has reached us via these paths.

So from them: What Harb narrates in his 'Masā'il' on the authority of Layth on the authority of Mujahid who said: 'a man came with Umar who had insulted the Prophet ﷺ so he killed him and then said: "Whoever insults Allah or His Messenger or anyone of the Prophets, then kill them."'

And Mujahid said on the authority of Ibn Abbās ﷺ: 'Whichever Muslim insults Allah or His Messenger or anyone of the Prophets then they have lied and rejected the Messenger of Allah. And that is apostasy, their repentance is to be sought, so then they either repent or are killed. And whichever (non Muslim) who has a covenant insults anyone of the Prophets, then they have broken their covenant so kill them.'

And it is reported by Harb also that 'Umar said to the Nabatean man[1] who wrote books for him when he entered Ash-Sham and (bad) things occurred from him: 'I will not allow you to enter upon us in our religion and I will not give you a covenant of protection to enter upon us in our religion and verily if you return we will strike your neck'.[2] So by this it is known that the Companions had consensus that there is no covenant for the one who makes apparent his opposition to our religion and that their blood is permissible.

And indeed from that which is most serious in opposition is insulting the Prophet ﷺ and this is apparent not hidden.

And Ibn Mubarak mentions with his chain of narration that Gharahfah bin Al-Hārith Al-Kindī heard a Christian insulting the Prophet ﷺ so he struck him on his nose. So the incident was taken to 'Umar who said: 'Indeed we have given them a covenant.' So Gharafah said: 'Allah's refuge is sought that we give a covenant to a person who insults the Messenger of Allah.' So Umar said: 'He has spoken truthfully.'[3]

As for reflection, then from it's perspectives

Firstly: That attributing defect or fault to our religion and insulting our Prophet ﷺ is striving against us and waging war against Allah and His Messenger ﷺ. So it breaks the covenant like waging war with the hands, and even more so.

[1] Nabatene -the borderland between Arabia and Syria, from the Euphrates to the Red Sea.

[2] Reported by Ibn Asākir in his 'Tarikh'.

[3] Reported by Al-Bukhārī in 'At-Tarikh Al-Kabir' (7/110) and Abu Ya'lā in his musnad and Al-Bayhaqi in 'Al-Kubra' (9/220). Al-Bosayrī declared its chain of narration sahīh (5/210)

And that is clarified in His saying:
'And strive hard with your wealth and your selfs in the cause of Allah.'[1] And striving concerning our selfs is by the tongue as it is with the hands.

Secondly: We give them a concession regarding what they believe from disbelief and it is (also) a concession upon what they conceal of hostility. But as for their making apparent an insult to Allah and His Messenger ﷺ and his religion then that is waging war (against Allah and His Messenger) which breaks their covenant.

Thirdly: That in absolute terms the covenant between us and them necessitates that they suffice us from displaying criticism and insulting (of The Prophet ﷺ etc.), just as it necessitates the refraining from spilling blood. However, insulting is even more serious than spilling blood. This is because we give our wealth and lives upon honouring the Messenger ﷺ and making the religion uppermost and they know this from our religion, so if they oppose us in this then their covenant is broken.

Fourthly: That the covenant which 'Umar made with them contained a clarification concerning that and made it a condition upon them. As is narrated by Harb with an authentic (Sahih) chain of narration from AbdurRahman bin Ghanm.[2]

Fifthly: That the covenant with the people of dhimmah is upon them residing with us in a place which is ruled by Islam and that they are a people who are subjugated and

[1] Surah At Tawbah:41

[2] At the time of Sālih the Christian of Ash-Shām.

upon this they make a covenant and make peace/rectification. So if they manifest insulting the Messenger ﷺ and criticising the religion that negates their being lowly and subdued.

Sixthly: That Allah has obligated us to strengthen and honour His Messenger ﷺ, to assist him and defend him and that necessitates preserving his honour from every angle.

Seventh: That assiting the Messenger of Allah ﷺ is an obligation upon us, because that is from strengthening him and is from the greatest jihad and Allah -the Most High says:

> **'If you do not aid the Prophet - Allah has already aided him.'**[1]

Rather it is compulsory to assist any one of the Muslims, then how about asssiting the leader of the sons of Adam?

Eighth: That the disbelievers made a covenant with us that they would not manifest anything of evil from their religion/way of life. So when they manifest anything evil from it they are punished. Likewise, if they manifest insulting of the Messenger ﷺ, they deserve punishment for that, and that is to be killed.

Ninth: That there is no difference of opinion amongst the Muslims that they are prohibited from manifesting insulting and that they are to be punished if they do that after having being forbidden from it. So it is known that they were not given a concession concerning that, so if they do that which they were not given a concession for from offences, then they deseve to be punished by unanimous agreement. Then insulting other than the Messenger ﷺ

[1] At Tawbah:40

warrants their being lashed and like that, if they insult the Messenger ﷺ, that warrants their being killed.

Tenth: That clear analogy necessitates that when they oppose anything from that which the covenant was made upon, this breaks their covenant, as is the view of a group of the jurists. And if they dont meet their agreement their covenant is nullified, just like their business transactions and other than that, when they do not meet any condition from that which they made the covenant upon. And the wisdom in this is apparent. So the adherence is only that they adhere to the conditions (set) upto the last part/the end of it, so if they don't do that, they are not adherents. So indeed the ruling is attached to the condition and is not established if absent by agreement of those with intellect.

So if that is made clear, then it is deserving that the one who made the covenant does their upmost to obey even without a condition (being made) and the covenant is not nullified if that (condition) is missing or expires, but they may dissolve it, just as if a mortgage was made a condition in a business transaction.

And even if the right was belonging to Allah (that the covenant be fulfilled), or for other than Him from those whom He authorises, then it is not permitted to execute the contract, rather, it is revoked due to the condition being absent, or it becomes obligatory to revoke it, in the same way as when a marriage is made conditional that the wife be a free Muslim woman, but then it becomes clear that she is an idolatrous.

And the covenant of security is not a right belonging to the imam, rather, it is the right of Allah and the Muslims as

a whole. If they differ in anything which has been made conditional upon them, then it is said: It is obligatory upon the Imam to revoke the contract; and its revokation is to locate his place of security and remove him from dar al-Islam. And this (view) is weak because the condition is a right belonging to Allah, so the contract is revoked due to its (the agreements) absence and not due to the revokal itself, and there are conditions of security which are a right belonging to Allah.

And if permission for their confirmation, without it being a condition, was to be imposed, then that would only be in that which there is no harm upon the Muslims; and as for that which would harm the Muslims, then their confirmation is not permitted in any case. And if their confirmation was imposed in that which would harm the Muslims in their selfs and wealth, their confirmation would not be permitted as it would be based on trying to corrupt the religion of Allah, and insulting His Book and His Messenger ﷺ.

The covenant of security is on the basis that they do not openly curse the Messenger (ﷺ), just like the security in the thing bought (as it is on the basis that) it is free from defect or adjustment in price, and the security of the woman and the husband being free from injunctions – and the Islam of the husband and his being free (and not a slave) is from the absolute and necessary requirements of the (marriage) contract, for its requirement is apparent according to custom, even if it is not spelled out verbally. And abstinence from insulting and cursing is acknowledged as part of what the Muslims intend by the covenant of security, and they

seek it just as they seek refrainment from fighting them, and even more so, for it is from the greatest forms of harm.

If it is said: We accepted about the people under security that they follow their own religion, but that includes the lawfulness to curse. So if they agree (to the covenant) then they are not saying other than what we accepted about them.

We respond: From their religion is the lawfulness to fight Muslims, take their wealth and go to war with them in any manner, but along with this fact, its not something they may do after the covenant is made, and if they do (any of those things), their covenant is nullified. And that is because, even though we accepted that they believe differently, and they conceal things (such as hatred for the Prophet ﷺ), we do not accept these things to be manifested or spoken off among Muslims. We do not view the nullification of the curser's covenant until we hear him (curse) or the Muslims testify to it, for if that happens, then they have manifested it (in which the covenant is nullified).

And if we were to accept them based on their religion (both inwardly and outwardly), it would mean accepting them destroying the masjids, burning the Quran and killing the scholars and righteous ones, for this is what their religion teaches, and there is no difference of opinion that they do not admit to this at all.

The Second Issue

Killing is prescribed on him (the one who insults the Prophet ﷺ) and it is not permissible to imprison or show favour to him or to ransom him

As for if they are Muslim then that is by unanimous agreement, as such a person is a type of apostate or hypocrite (zindeeq) and killing is prescribed for the apostate and likewise the hypocrite (zindeeq) regardless of whether they are male or female. If they are a person who had a convenant of safety then it is prescribed to kill them also, regardless of whether they are male of female. This is the view of the generality of the jurists from the righteous predeccesors (salaf) and those who followed them.

In this regard the saying of Ibn Mundhir has preceded: 'The generality of the people of knowledge unanimously agree that killing is prescribed for the one who insults the Prophet ﷺ.'

From those who said this are Mālik, Al-Layth, Ahmad, Ishāq and it is the school of thought of Ash-Shāfi'ī. As for An-Nu'mān: 'The dhimmi is not killed.'

This is speech that is evidence of the obligation to kill such a person according to the generality of the scholars.

Furthermore, due to this killing, two things can be deduced:

1) That it nullifies the convenant of safety
2) That it is a prescribed punishment as the jurists of hadīth say.

Ibn Rahawayh said: 'They made it apparent that they killed the one who insulted (the Prophet ﷺ) and regarded as mistaken the one who said: 'Their being polytheists is more serious than their insulting the Prophet ﷺ'. Ishāq said they are killed because they have broken their convenant of safety and Umar bin Abdul-Azeez acted likewise, so there is no doubt in that. Ibn Umar also killed Ar-Rāhib who insulted the Prophet ﷺ and he said: 'There is no making peace with them over this.'

Likewise, there are texts from Imam Ahmad on the obligation of killing such a person and that it nullifies their convenant of safety. Some of these texts from him have preceded. Similarly there are texts from the generality of his companions that he mentioned this specifically in places and also while speaking about the one who nullifies his convenant of safety. Then those who came earlier and a group of those who came later[1] said: 'What is fixed/prescribed is their killing and killing whoever else nullified their covenant,' just as the speech of Ahmad indicated.

A group from them mentioned that the Imam is to choose what he regards as the best option regarding the dhimmi who nullified his covenant, just as he has the choice

[1] i.e From the Hanbalis

with regard to the captives/prisoners. So they included this one who insults (the Prophet ﷺ) in the generality of the speech (of having a choice regarding the one who nullified their convenant), however the verifiers such as Al-Qādī[1] and other than him restricted that to other than the one who insults (the Prophet ﷺ). As for the one who insults, then it is prescribed that they are killed.

So it is either that there is no opposition related concerning it being prescribed for such a person to be killed, this being due to those who made an absolute statement restricting that statement in another place. Therefore it does not enter into the general speech (of the Imam having a choice regarding the one who broke their agreement).

Or, it is the case that it is related from an angle that is weak (da'eef) due to those who spoke with such a saying in one place having a different saying in another place.

The companions of Ash-Shāfi'ī also differed (on this), with some of them saying: 'What is prescribed is for them to be killed,' and others saying that which opposes it: 'They are like those other than them,'[2] and that it is permissible to kill such a person. They said: 'They are like the prisoner/captive and it is an obligation upon the Imam to do what he sees as most befitting concerning them.'

And the speech of Ash-Shāfi'ī necessitates that the one who nullifies their covenant has the ruling of one at war (al-harbi) and in one place the order for them to be killed is stipulated instead of giving the Imam a choice.

[1] Abu Ya'ala Al Farra'

[2] i.e from those who nullified their covenants.

As for Abu Hanīfah then in this nothing comes according to his foundation, which is that the covenant of the dhimmis is not broken unless they become a mighty force that stands up against the Imam so that it is not possible to carry out our rulings upon them.

And in the school of thought of Mālik: 'The covenant of safety is not broken unless they rebel and prevent us from: taking the protective tax (jizyah) without oppression or they join a land of war (dar al-harb). However, it is obligatory on the ruler to kill the one who insults the Messenger ﷺ.'

And he said: 'If a dhimmi forces a Muslim woman to commit fornication or adultery then he is to be killed if he is one of their noble people; if however, he is a common person amongst them he is to be given a severe punishment.'

So therefore, it is prescribed for the one who insults that they are to be killed as the texts from the Imams state. This is either upon the saying of those who say: 'It is prescribed for everyone who breaks their covenant and is in our hands,' or: 'It is fixed to kill everyone who breaks their covenant with that which is harmful to the Muslims,' as is mentioned from the school of thought of Imam Ahmad. Likewise the saying of Ash-Shāfi'ī which is used as evidence with regards to this. Or that: 'It is prescribed to kill everyone who breaks their convenant by insulting the Messenger ﷺ alone;' as was mentioned by Al Qādi and a group from the companions of Ash-Shāfi'ī.

It was also mentioned by the generality who mentioned it as a breaker of covenants who said that the Imam has a choice concerning the one who breaks their covenant, which they mentioned in a general sense. However, they mentioned

in another place that they are to be killed without the Imam having a choice which is apparent.

As for the saying of those that: 'The Imam has the right to choose regarding every breaker of their covenant,' then we have already mentioned that they said: 'They are to live up to the rights of the convenant such as killing, the prescribed and discretionary punishments because the covenant of the dhimmi is that we carry out our rulings upon them and these are our rulings'. Then when we have met an agreement, the Imam is entitled to choose what he sees as most befitting concerning it like in the case of the captive.

Then according to this saying, it is possible to say that the killing of the insulter is a prescribed punishment, as would be the case if they broke their covenant by fornication, adultery or by highway robbery. So indeed, they would be killed if killing was necessitated by that[1].

Rather, the killing of the dhimmi is a prescribed punishment even if they haven't broke their covenant, as would be the case if they killed another dhimmi. From this angle it is possible to accomodate the madhab of Mālik if there is amongst them those who say: 'They do not break their covenant.'

Therefore the saying that the imam has a choice to do what he sees as most suitable concerning them, then this is only indicated by the general speech of some of the jurists or in an absolute sense, like their saying: 'If he joins a land of war.'

[1] TN: Not all highway robbery warrants killing as a punishment for the one guilty of it, just as not all zina warrants killing of the one guilty of that, such as the one who fornicated but who has never been married. Hence the conditional 'if' in the statement 'if killing is necessitated by that'.

And taking from these generalizations of the madhhabs has led to them being wrongfully accused of making a mistake, so we must therefore take the detailed speech of the madhhabs and with this sentence, even if it is affirmed that there is a difference of opinion in this issue, then this opposition is weak and we have already brought the evidence that killing (the one who insults the Messenger ﷺ) is prescribed, this coming from the sayings of the Companions, the Tābi'īn, the Sunnah and from verses of the Qur'ān.

THE THIRD ISSUE

ANY MUSLIM OR NON-MUSLIM (WHO INSULTS THE PROPHET ﷺ) IS TO BE KILLED AND REPENTANCE IS NOT SOUGHT FROM HIM

Imam Ahmad said: 'Every person who insults the Prophet ﷺ whether Muslim or disbeliever is to be killed and I view that they are to be killed and that repentance is not to be sought from them'; along with the reports from him that such a person apostates if they are Muslim and that they break their covenant if they are a dhimmi.

Likewise, the overwhelming majority of his companions were certain that such a person is to be killed and they made no mention of seeking their repentance. To the point that whoever slanders the nation of the Prophet ﷺ, then they were certain that such a person is to be killed and no repentance should be sought from him.

As regards to killing apostates other than those who insulted (the Prophet ﷺ) and whether it is an obligation to seek their repentance or recommended then there are 2 narrations.

If a person repents from insulting in that they become Muslim again or they return to their covenant if they are non-Muslim and give up this insulting, then in that case, Al-

Qādī and other than him[1] said: 'The repentance of whoever insults the Prophet ﷺ is not accepted due to the dishonour and disgrace being attached to him.' Similarly, Ibn Aqīl said: 'And it is his human right which we do not know to be forfeited/waived.'

The generality of the companions said: 'Their repentance is not accepted rather they are to be killed even if they repent'. By this they differed with Abu Hanīfah and Ash-Shāfi'ī in their saying: 'If they are Muslim then their repentance is to be sought, so either they repent or are killed.'

As for if they are dhimmis then Abu Hanīfah said: 'They do not break their covenant.' The companions of Ash-Shāfi'ī also differed concerning this.

Ash-Sharīf said in *Al-Irshad*: 'And it is from those whose narration is depended upon that whoever insults the Prophet ﷺ is to be killed and their repentance not sought. Also that whoever insults him from the dhimmis then they are to be killed even if they become Muslim.'

And Abu 'Alī bin Al Banā' said in *Al-Khisāl*: 'It is compulsory to kill whoever insults the Prophet ﷺ, and to not accept their repentance, even if that person is a disbeliever who then becomes Muslim. So that which is correct from the madhhabs is that they are also to be killed and repentance is not to be sought from them.'

And the madhhab of Mālik is like our madhhab and the generality of them did not mention any difference concerning the obligation to kill the Muslim and non-Muslim. There is also no difference mentioned by them

[1] And it is reported in a text concerning Ahmad.

concerning this not being dropped due to repentance via a person becoming Muslim or other than that.

Al-Qādī said in *Al-Jāmi' As-Saghīr*: 'Whoever insults the Prophet ﷺ is to be killed and their repentance is not accepted, even if they are a disbeliever who repents and becomes Muslim. And concerning this there are two narrations.'

Likewise, Abu Al-Khattāb mentioned concerning the one who insults his nation that their repentance is not accepted, even if they are a disbeliever, and there are two narrations concerning this. It is narrated via some of our companions that a Muslim's repentance is accepted, also in one narration[1], that they become Muslim (again) and return from this insulting. Likewise this is narrated from Abu Al-Khattāb in *Al-Hidāyah* and those who came later imitated him likewise in this. So in summary they narrated three different sayings concerning the repentance of the insulter:

1) That their repentance is not accepted and that is what is supported.
2) That it is accepted,
3) That a distinction is made between the disbeliever and the Muslim. So the repentance of a disbeliever is accepted but the Muslim's is not. And the repentance of a dhimmi if we say it is accepted, then it is by their becoming Muslim and as for if they give up (their insulting) and seek a second covenant then they are not protected according to one of the narrations as has preceded.

[1] Meaning from Imam Ahmad.

And according to our saying that the Imam has a choice to do that which he sees as most befitting concerning them as in the case of the prisoner/captive, then it is legislated to seek their repentance by a return to their covenant, however this seeking of repentance is not obligatory according to one narration.

And according to that which is mentioned by Abu Al-Khattāb, then indeed, if the dhimmi becomes Muslim the killing is dropped from them. And according to the saying of the one who says that it is obligatory to call every disbeliever (to repent) then it is obligatory to seek the repentance of the dhimmi.

As-Sāmrī mentioned: 'There are two narrations concerning the repentance of the Muslim and as for the repentance of the disbeliever, then it is not accepted'. This being the opposite of what was reported from what his companions mentioned regarding a distinction being made (ﷺ). And the matter is not like that, rather, this is a defective saying. So without doubt, if we say that the repentance of the Muslim is accepted with their becoming Muslim again, then the repentance of the dhimmi via their becoming Muslim is more deserving of acceptance as Shaykh ul-Islam mentioned[1].

Then he said: And it has come via the angle As-Sāmrī mentioned in that the one who insults (the Prophet ﷺ) is a Muslim but that this error is without belief in what he or she said, this is when they are young/like children in speech and writing, then in that case their repentance is accepted. However, as for the dhimmi their insulting is purely harmful

[1] Meaning Ibn Taymiyyah in 'As-Sārim', 3/564-565

and without doubt, when it is obligatory to apply the prescribed punishment to them then it cannot be lifted by their Islam, just like the case is with the remaining prescribed punishments.

So in summary, their repentance (Muslim and kāfir) is not sought in the well known texts transmitted to us, so if they repent then their repentance is not accepted as is well known also. And it is narrated concerning the dhimmi if they become Muslim then the killing is suspended, even if repentance is not sought from them.

It is also narrated that the Muslims repentance is sought and accepted and derived from that is that the dhimmis repentance is also sought, and this is far from being correct.

And know that there is no distinction to be made between the insults which are slander and other than it. For this there are texts and the generality of the companions (of Ahmad) have mentioned it as have most of the scholars.

And Ash-Shaykh Abu Muhammad[1] has made a distinction between slander and insult, so he mentioned two narrations concerning the Muslim and likewise the disbeliever concerning that which is slander, then he said: 'And similar to that is the insulting of him (the Prophet ﷺ) with other than slander except that that would be suspended/dropped by a person becoming Muslim,' and words concerning that will soon come.[2]

As for the madhhab of Mālik, then the one who insults is killed and his repentance is not sought, this being well known from his madhhab. Also that the repentance of a

[1] Ibn Qudamah, the author of 'Al Mughni'
[2] See the fourth issue

Muslim is not accepted when he insults (the Prophet ﷺ) and that his ruling is that of the hypocrite (zindīq).

And the killing remains a prescribed punishment with them and not disbelief if repentance of the insulter is made apparent. And it is narrated from him that he regarded it as apostasy, his companions saying: 'So based upon this, the persons repentance is sought, so if they repent we refrain and if they refuse to repent they are killed.'

As for the dhimmi, if he insults then becomes Muslim then is the killing prevented? There are two narrations concerning this issue. These two narrations were mentioned by AbdulWahhab[1] and other than him.[2]

As for the Shāfi'ī madhhab, then there are two angles on the issue of the one who insults:

1) That the person is like an apostate, so if they repent the killing is dropped
2) That it is a prescribed punishment in every situation

And As-Saydalānī mentioned a third saying: That the who insults by way of slander is killed due to apostasy. So if he repents the killing is lifted and he is given 80 lashes due to this slander. And if it is by other than slander than a discretionary punishment is given according to that which is deemed appropriate.

Then he mentioned[3] evidence for those who say that their repentance is not accepted and mentioned what opposes that, replying to these oppositions with evidence from the

[1] Al-Qādi Abdul-Wahhab bin 'Alī bin Nasr Al-Baghdadi Al-Mālikī
[2] See 'Ash-Shifā', 2/488
[3] This is summarized speech from the last paragraph

Book (Of Allah) the Sunnah, the consensus and the speech concerning these evidences that it is not possible for anyone to reject.[1]

[1] Ibn Taymiyyah mentioned 70 ways that indicate that the killing of the dhimmī and muslim who insult the Prophet –Sallallahu alayhi wa sallam is imperative in 'As Sārim' 3/709-862 then he answered the arguements of those who differ and their objections, which number 55 in 'As Sārim' 3/864-940.

THE FOURTH ISSUE

CLARIFYING THE INSULTING THAT HAS BEEN REFERRED TO AND THE DISTINCTION BETWEEN IT AND BETWEEN THAT WHICH IS NOT DISBELIEF

And before that it is appropriate to precede it by saying: Insulting Allah or His Messenger ﷺ is disbelief, outwardly and inwardly regardless of whether the one who insulted believed that such an act was forbidden or whether they regarded it as permissible or whether they were distracted concerning their belief. This is the madhhab of the fuqaha and the rest of Ahl us-Sunnah who say that faith is speech and action.

Ishāq bin Rahāwayah, who is one of the Imams praised by Ash-Shāfi'ī and Ahmad, said: 'The Muslims have consensus that whoever insults Allah or insults His Messenger (ﷺ) or rejects anything that was revealed by Allah, or kills a Prophet, then such a person is a disbeliever even if they affirm every revelation of Allah.'

Accordingly, Sahnūn said: 'And whoever doubts the disbelief of such a person has disbelieved and there are texts on this from more than one of the imams. Ahmad, Ash-Shāfi'ī and other than them said: "Every person who makes fun of anything from the verses of Allah is a disbeliever."

And likewise our companions and other than them said: "Whoever insults Allah or His Messenger ﷺ has disbelieved if they were joking or serious in that." And this is what is correct.'

Al-Qādī[1] said: 'Whoever insults Allah or His Messenger ﷺ, then indeed they have disbelieved whether they regarded such an act permissible or didn't regard it as permissible. So if he says: "I did not regard it as permissible" that is not accepted from him with regards to the outward ruling in one narration, and such a person is an apostate and the ruling upon his disbelief is only outwardly. As for inwardly, if he is truthful then he is a Muslim as we have said concerning the hypocrite (az-zindīq).'

And Al-Qādī mentioned that some fuqaha said concerning the one who insults the Prophet ﷺ that if they regard that as permissible then they are guilty of disbelief and if they don't regard it as permissible, then they are merely an evil doer (a fāsiq) and are not declared guilty of disbelief like in the case of one who abuses the Companions (of the Prophet ﷺ). And it is narrated concerning some of the people of Iraq concerning the one who insults the Messenger ﷺ that they are to be lashed. So Mālik rejected that and refuted this opinion.

And Ibn Hazm narrated that some of the people didn't regard it as disbelief. Al-Qādī 'Iyād mentioned after refuting these narrations from some of the fuqaha of Iraq and this opposition which was mentioned by Ibn Hazm, that which has been narrated of consensus from more than one (scholar)

[1] Abu Ya'lā in his book: 'That which is relied upon in the foundations of the religion'.

and he took the narrations of these people on the understanding that these people are not known for knowledge and explained their verdicts to be due to this.

Shaykh ul-Islam said: Those narrations which were mentioned from some of the fuqaha, that a person disbelieves if they regard such acts (of insulting) permissible, otherwise they don't have no basis for them. And it was only mentioned by Al-Qādī[1] from the books of some of the people of theological rhetoric (Al-Mutakallimīn) who narrated it from some fuqaha. And it is a lie and mere conjecture that is in accord with their principles, so do not think that there is in this issue a (real) difference of opinion as this is only a mistake.

Then returning to what was sought by discussing this (fourth) issue we say:

It is established that the blood of every person who insults is permissible to be spilt and that this is disbelief, even if every disbelief is not an insult. And we shall mention the speech of the scholars:

Imam Ahmad said: 'Whoever insults the Messenger ﷺ or attributes a defect to him whether Muslim or disbeliever then they are to be killed and their repentance is not to be sought.'

And he said: 'Whoever mentions something which conficts with what the Lord (Allah) has mentioned then they are to be killed.'

And our companions said: 'Opposition due to insulting Allah or insulting His Messenger is apostasy like the declarations (of disbelief) and there is no difference of

[1] Meaning Abu Ya'lā

opinion amongst our companions that whoever defames or slanders his nation then this is from the insults that necessitate being killed and is even fouler.'

And Al-Qādī 'Iyād said: 'Every person who insults him, finds fault or attributes deficiency to him in his person, his lineage, his religion, his qualities or objects or suspects anything about him which is from the paths of insulting him and contempt of him and finding fault or defect concerning him then such a person is an insulter of him who is to be killed whether he voices this or does it by making signs. Likewise is the case for whoever curses him or wishes harm for him or makes prayer against him or attributes to him that which is not attributable to him by way of censure or attributes defect to him concerning his distinctive rank, supporting foolish, obscene, evil, denounced and false speech or blaming him with anything that comes from this evil scourge and obscene language or belittling or under valuing him due to the typical, permissible human symptoms he has.'

He said: 'And all of this is according to the consensus of the scholars and the imams of religious verdict from the Companions.'

And Mālik said: 'Whoever insults him is to be killed and repentance is not to be sought from them.'

Ibn Al-Qāsim said: 'Whoever insults him or attributes a defect to him is to be killed like the heretic (az-zindīq).'

And some of the Mālikis mentioned that whoever designated upon the Prophet anything from the disliked matters then they are to be killed and their repentance is not to be sought.

And 'Iyād mentioned the responses of a group of the famous Māliki fuqaha with killing and no seeking of repentance in their judgements. From them:

- A man who a people heard was mentioning the attributes of the Prophet when a man with an ugly face and beard walked past them, so he said: 'Do you desire to know his (the Prophet's) attribute? It is the same as this man who walked past.'[1]
- A man who said that the Prophet ﷺ was black.[2]
- And from them a man to whom it was said: 'No by the right of the Messenger of Allah!' So he said: 'Allah did such a thing to him.'[3]
- And from them: that a tax collector said: 'Pay and complain to the Prophet.'[4]

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[1] Abu Muhammad ibn Abi Zayd gave a fatwa to kill a man who was listening to some people discussing what the Prophet looked like. When a man with an ugly face and beard walked by, he said to them, 'You want to know what he looked like? He looked like this passer-by in physique and beard.' Abu Muhammad said, 'His repentance is not accepted. He lied, may Allah curse him. That could not come out of a heart with sound belief.' (En. translation of Ash-Shifā)

[2] Ahmad ibn Abi Sulayman, the companion of Sahnun, said, 'Anyone who says that the Prophet was black should be killed.' (Ash-Shifā)

[3] He was told about a man to whom someone said, 'No, by the right of the Messenger of Allah,' and he replied, 'Allah did such a thing to the Messenger of Allah,' mentioning some ugly words. People said to him, 'What are you saying, enemy of Allah?' Then he said some even harsher things and added, 'I wish for a scorpion for the Messenger of Allah.' When someone asked him for fatwa about this man, Ibn Abi Sulayman said, 'Testify against him and I will be your partner,' i.e. in killing him and getting the reward. Habib ibn ar-Rabi' said that because trying to explain away the literal expression is not accepted because it is clear contempt and lack of respect for the Messenger of Allah. His blood is permitted. (Ash-Shifā)

[4] Abu 'Abdullah ibn 'Attab gave a fatwa about a tax-collector who said to a man, 'Pay and complain to the Prophet. If I ask or am ignorant, the Prophet was ignorant and asked,' to the effect that he be killed. (Ash-Shifā)

- And from them: that a man called him 'the orphan' and 'the in-law of the lion (i.e Ali)' and claimed that his abstinence from the worldly things (zuhd) was not intentional and that if he had been able to have good things, he would have eaten and drunk them and that which resembles this.[1]

Ash-Shāfi'ī said: 'Every thing in which he is made susceptible to being made light of or under rated or scorned is an insult.'

[1] The fuqaha' of Andalusia gave a fatwa that Ibn Hatim, the scholar of Toledo, be killed and crucified because there was testimony that he made light of what is due to the Prophet ﷺ. In the course of a debate, he called him 'the orphan' and the 'in-law of the lion (i.e. 'Ali),' and claimed that his doing-without (zuhd) was not intentional. He alleged that if he had been able to have good things, he would have eaten them. He said other similar things.

Qadi Iyad said: Know that all who curse Muhammad, or blame him or attribute imperfection to him in his person, his lineage, his deen or any of his qualities, or alludes to that or its like by any means whatsoever, whether in the form of a curse or contempt or belittling him or detracting from him or finding fault with him or maligning him, the judgement regarding such a person is the same as the judgement against anyone who curses him. He is killed as we shall make clear. This judgement extends to anything which amounts to a curse or disparagement. We have no hesitation concerning this matter, be it a clear statement or allusion.

The same applies to anyone who curses him, invokes against him, desires to harm him, ascribes to him what does not befit his position or jokes about his mighty affair with foolish talk, satire, disliked words or lies, or reviles him because of any affliction or trial which happened to him or disparages him, because of any of the permissible and well-known human events which happened to him. All of this is the consensus of the 'scholars' and the imams of fatwa from the time of the Companions until today.

And he said: This is also my position regarding the judgment of anyone who belittles him or insults him about having been a shepherd, oversight, forgetfulness, sorcery, any wound he received, the defeat of one of his armies, injury by an enemy, the intensity of his illness or his being attracted to his wives. The judgement of all this is that the one who intends to disparage him by it is killed. (Ash-Shifā)

And Abu Hanifah and his companions said about anyone who disparages or attributes a defect to the Prophet ﷺ, proclaims himself free of him or calls him a liar that he is an apostate.

So the texts of the scholars are in agreement from the various groups that attributing deficiency to him is disbelief which makes the blood permissible, and they were in disagreement as preceded concerning the seeking of repentance from such a person.

And there is no distinction between the one who intended to attribute a defect to him and those who did not intend that.

And whoever says something of a curse or a disparagment against him (ﷺ) then he has offended Allah and His Messenger, and he is seized for harming the people with such offensive words, even if he did not intend to offend them. Have you not heard the saying of Allah the Most High:

"We were only talking idly and joking…".[1]

Therefore whoever quarrels with another and investigates with him a decision (made by the Prophet ﷺ), and it leads him[2] to mention the Messenger of Allah to the extent that he uses obscene language (about the Messenger ﷺ), then he is a disbeliever according to the revealed text, due to the statement of Allah:

"But no, by Your Lord, they can have no Faith, until they make You (O Muhammad) judge in all disputes

[1] Surah Tawba: 9.

[2] i.e. he feels restricted until it leads him to mention him (ﷺ) and he feels obliged to.

between them," and he is not excused intending to merely respond to this opponent.

And from this subject, the statement: "this is a portion in which the Face of Allah was not intended by,"[1] and the words "be just, for you have not been just!"[2] and the words of the Ansari who said: "that was your cousin!"; for these are clear words of kufr yet he was pardoned, just like the one who said "Indeed this is a portion in which the Face of Allah was not intended by," and like the one who said: "be just!". And we mentioned[3] from 'Umar ﷺ that he killed a man who was not pleased with the decision of the Prophet ﷺ and then something of the Quran was revealed in agreement to this[4], then what of the one who makes insults about his decisions!?

And a group (of scholars) mentioned, including Ibn 'Aqil and the companions of Ash-Shafi'i, that his (the insulter's) punishment is chastisment, and then some of them said he is not chastised, because it is not obligatory; and from them were those who said he is pardoned, because the right belongs to him. And from them were those who said that he is to be punished because Az-Zubayr was commanded to irragate the water and prevent it until it returned to the wall;

[1] The one who said it was Dhu al-Khuwaisirah, and his story was recorded by al-Bukhārī (6150), Muslim (1062) from the hadīth of Ibn Mas'ud ﷺ and it is has also been related from others.

[2] i.e. Az-Zubayr bin al-Awwam in the story of the Shiraj al-Hirrah; recorded by al-Bukhārī (2362).

[3] i.e. in the original book (2/85) and not the summary.

[4] This story is recorded by Is`haq bin Rahawayh in his tafsir, Ibn Duhaym in his tafsīr, Ibn Jarir (4/162) and Ibn Abi Hatim in his tafsir. See as-Sarim (2/81-85), Fat`h al-Bari (5/46) and ad-Durr al-Manthur (2/322) and Ibn Taymiyyah and Ibn Hajr inclined to the view that it is reliable.

and these views are all rejected and whoever ponders this does not have misgivings that he deserved to be killed.

If it is said: in an authentic narration it states that he was from the people of Badr, and it is not said about a participant of Badr that he disbelieved.

Then it is said: this addition (stating that he was a participant of Badr) was mentioned by Abu al-Yaman, from Shu'ayb, but the majority of the narrators did not mention this, therefore it is conjecture;[1] just as it occurs in a hadith that Ka'b and Hilāl bin Umayyah[2] were from the participants of Badr while the historians did not differ that they did not witness Badr.[3]

And due to this, Ibn Is`haq did not mention this in his report from Az-Zuhri, however it is apparently authentic.

So we say then: there is no indication in the hadith that the incident occurred after Badr; and perhaps it was before Badr and the man was called a participant of Badr (badri) because Ibn az-Zubayr related the incident after the man became a 'badri'. And if it happened after Badr then the man repented and sought forgiveness, for repentance cancels what happens before it.[4]

[1] Ibn Taymiyyah did not (in the original) assert that it was conjecture, for he said: 'therefore it is possibly conjecture.'

[2] This is how it reads, as with the original (3/987). But in the reference is an ommission: 'just as it occurs in the hadīth of Ka'b regarding Mirarah bin ar-Rabi' and Hilal bin Umayyah...'. Therefore this addition is necessary because Ka'b clarified that he did not participate in Badr but in his hadīth, it is mentioned that Mirarah and Hilal were from the participants of Badr.

[3] Look at the difference regarding this in Fat`h al-Bari (7/361-362 and 724-725), Zad al-Ma'ad (3/577); al-Hafiz (Ibn Hajr) inclined to the view that they both participated in Badr and Ibn Qayyim viewed the opposite, and they both have proofs and evidences.

[4] As occurs in as-Sirah an-Nabawi (2/534).

Chapter[1]

If it is confirmed that every clear or indirect curse necessitates execution, then it is necessary to pay attention to the difference between the curse for which repentance is not accepted and disbelief for which repentance is accepted. We say:

This ruling is linked in the Book and Sunnah to the term 'offending Allah and His Messenger', and in some hadiths the words swearing and cursing are mentioned, as well as in the speech of some of the Companions and fuqaha. And a term, if it does not have a restriction in the (Arabic) language, like the terms earth and heavens, nor in the Shari'ah, like the terms Salah, Zakah, Kufr and Iman, then it returns to the restriction if it is known in the custom of the people, such as *qabd* and *hirz*.

Therefore it is obligatory to refer the restrictions of the terms 'offending', 'curse' and 'swear' to the custom of the people, therefore whatever the people (of custom) count as a curse, a disparagement, a censure, insult or its like, then it is from the types of cursing and whatever they do not count as such [and it is kufr] then it is counted as kufr and not cursing. [And consideration is to it being a curse and offence to the Prophet ﷺ even if it is not a curse or offence to other than him.[2]] Then accordingly, if any of these things are said to other than the Prophet ﷺ, then it necessitates some kind

[1] The word "chapter" is not present in As-Sarim (3/992).
[2] A qualifying addition from as-Sarim.

of chastisment or a punishment, for it is considered as cursing the Prophet ﷺ, just like defamation, profanity, etc.

As for what is specific to vilifying prophethood, then if it entails nothing but the mere absence of belief in it, then it is pure kufr, and if it entails disdaining and making light of the matter, without disbelief (in it), then it is a type of cursing.

And these are issues of ijtihad which the scholars of fiqh have fallen into indecisivness over: is it a type of cursing, or pure apostasy? Then, for what is affirmed as not cursing, then if its doer tries to conceal it, then it is counted as heresy, and the ruling on him is that of a heretic, otherwise, he counted as a pure apostate; and the investigation of the types and the differences between them are mentioned elsewhere.

Chapter[1]

As for the dhimmi, then it is an obligation to differentiate between his mere disbelief and his cursing, for if he disbelieves in the Prophet (ﷺ), then this does not nullify the covenant and the blood of the covenantor is not made lawful by agreement, and as for his cursing, then (if he does so), it nullifies the covenant and it is obligatory to execute him as has preceded.

Al-Qādī said: 'The contract of security is obligatory to offer to them, accepting their denial of him (the Prophet) but not their cursing of him ﷺ.'

Thus we say: The narrations of the Companions and the Salaf are all absolute regarding the one who curses (the

[1] As-Sarim (3/994).

Prophet ﷺ), be he Muslim or a covenantor; they did not differentiate between one insult and another, nor did they differentiate whether the curse was repeated or not, or whether it was made in public or private – and I mean by my saying 'private' that it is not said among a gathering of Muslims, for if it is not, then the punishment is not applied until two Muslims testify that they heard him cursing or admitting that he did so, except if it was assumed that he said the curse while alone in his house, and his Muslim neighbours heard him or eavesdropped.

Malik and Ahmad said: 'All those who curse him or belittle him, be it a Muslim or kafir, then he is to be killed.' And likewise, all our companions said in absolute terms: if one belittles him, be he a Muslim or kafir, then he is to be killed.

And Al-Qadhi and Ibn 'Aqīl said: 'All that which nullifies faith is what is manifested.' And Ibn 'Aqīl[1] dismissed the analogy made with all that which nullifies faith from dualising and tripalising,[2] like the statement of the Christians that God is one of a trinity; and similarly, the dhimmi, when he publicises what he learnt of his religion which contains shirk, then his covenant is nullified.

Al-Qādī stated: 'And it is recorded that Ahmad [bin] Hanbal said in a report: "Anyone who mentions something by which he insinuates something (evil) about the Lord

[1] In as-Sarim, it reads: "And al-Qadhi and Ibn 'Aqil dismissed..."

[2] Dualising, as in the creed of the Majus who believe the management of affairs, and benefitting and harming occurs from light and darkness, and tripalising, as in the creed of the Christians is well known as believing in the father, the son and the holy ghost.

(Allah), then he is to be killed, be it a Muslim or a kafir," and this is the madhhab of the people of Medina.'

And Ahmad said regarding a Jewish man who heard the muazzin perform the call to prayer and remarked: 'you have lied!': 'He is to be killed for he has cursed (Allah and His Messenger ﷺ)!'

And Ibn al-Qasim said regarding the one who curses the Prophet by saying 'he is not a Prophet ﷺ' or 'a Messenger' or that 'the Quran was not revealed to him and he is only a man': 'he is to be killed.' And if the man says: 'He was not sent to us as a Messenger, he was only sent to the Muslims, and our only Prophets are Mūsā and 'Eesā," then there is no punishment on them for that.'[1]

And if the person says that his religion is better than our religion, then he is reprimanded, and imprisoned for a lengthy period. This is the view of Muhammad bin Sukhnun, and he related it on the authority of his father. And they opined that if he was to curse with a particular curse by which he disbelieves, then he is not killed, but if it is by other than (something kufr), he is killed unless he accepts Islam.[2]

And he said regarding the Jew: If he says to the muazzin when he calls out the testimony (of faith): 'you have lied', then he is punished and imprisoned. The record of Imam Ahmad similar to this situation has preceded and states he should be killed because he cursed.[3]

[1] See Ash-Shifā (2/485)

[2] See Ash-Shifā (2/486)

[3] See Ash-Shifā (2/486)

Similarly, the companions of Ash-Shāfi'ī differed over the curse which nullifies the dhimmi's covenant and for which he is executed, if this is what we are to adopt, according to two opinions:

1. The covenant is nullified by the sheer cursing of our Prophet and/or disparaging our religion in public, even if that is their religious creed, and this is the view of the majority.
2. If they mention what they believe religiously[1], that he is not a Messenger and that the Quran is not the speech of Allah, then it is similar to them publicising their view in the Messiah and their belief in the trinity. They (the companions of Ash-Shāfi'ī) viewed that this did not nullify the covenant if it was not done so frequently, and they they should be rebuked for publicising it. And if they were to mention something without believing it religiously, such as insulting the Prophet's lineage, then that is what is viewed as a nullification of the covenant. This was the preferred view of As-Saydalani, Abu al-Ma'ālī[2] and others.

And the evidences indicate that cursing, whether it be something they believe in religiously or not, are the same, and the sheer cursing necessitates execution. And this has been covered sufficiently. Therefore, whoever ridicules the Prophet (ﷺ), faults him and turns people away from him and

[1] The phrase in as-Sarim was mistated as 'if they publicise it, even if they believe in it religiously that...' and it was a slip of the eye of the line before it.
[2] The mention of As-Saydalānī has preceded, as for Abu al-Ma'ālī, he is 'Imam al-Haramayn', Al-Juwaynī (d. 478h).

only does so because it is something they believe in (religiously), irrespectively, they are instructed to be killed.

And this differentiation is utterly erroneous[1].

Also, if we were to say that such-and-such is not a curse as long as it is not something religious for them, everyone who curses him is in a position to say 'I believe in this religiously' in which case, we say:

Talking about cursing him hypothetically and mentioning the description of it weighs down on the heart and tongue; and we consider it grave to utter these things, however, due to the need for speaking about it, we postulate about the types of curses in general without specificying them, such is how the faqih takes part in this.

There are two types of curses: supplication and description. The example for this is the saying of a person to another: 'may Allah curse him,' or 'may Allah disfigure him', 'may Allah shame him', 'may Allah not have mercy on him', 'may Allah not be pleased with him', 'may Allah destroy him', etc. These are curses whether they are made at Prophets or others, likewise, if one was to say about a Prophet: 'may Allah not bless him or send upon him peace', or 'may Allah not increase his mention', or 'may Allah erease his name', and so on from the supplications which contain harm either in life, religion or the hereafter. Any of this, if it stems from a Muslim or a covenantor, then it considered a curse, and the Muslim is to be killed in any case, and the dhimmi is to be killed if he publicises it; and as for if he supplicates against him in public or disguises the

[1] The original mentions three reasons why they are erronous and what the summariser has mentioned here is the third reason.

supplication in a manner which is recognised by the sound of it, whereby some people understand it and not others, such as the words 'as-sam alaykum (death be upon you all)' in place of the Islamic greeting, but apparently he said 'as-Salam (peace)', then regarding this there are two views:

1. It is a type of curse due to which he is killed, and the Prophet ﷺ only pardoned the Jew who greeted him likewise because at the time, Islam was in a weak state during which he was commanded to pardon much. And this is the view of a group of Māliki, Shāfi'i and Hanbali scholars.[1]
2. It is not a type of curse by which a covenant is nullified because the sayers have not manifested the curse or made it audible, and they have only uttered the greeting of peace and ommitted the letter '*lām*' in a subtle manner which troubles some people and not others[2]; due to this, we are commanded to not reply to them, and it has remained as a Sharia rule among us. And this is the view of a group of scholars from our companions (the Hanbalis) who have passed, and others. It is not said that the supplication for death contains a truth and is not a curse, for the supplication against the Muslims to die and leave their religion is from the gravest of curses, whereas the supplication for health and security is honourable.

[1] See ash-Shifā (2/415-416) and Fat`h al-Bari (12/293-294).
[2] In as-Sarim (3/1007) it reads: 'but the majority are not troubled by it.'

The second type[1] of curse is the description. Therefore anything which the people consider an insult, curse or belittlement, then it is obligatory to carry out the execution (on the one who does so against the Prophet ﷺ), as has preceded. This is because kufr is not an implication of cursing. For a single word can be a curse in one situation and not in another. Thus it is known that the ruling differs according to the people, the situation and the statement. And since the curse does not have a linguistic or Shariah restriction, the matter is referred to by what is customary. So whatever is considered a curse in the custom of the people, then the speech of the Companions and scholars is applied, and if not then it is not applied. We will mention categories from this as follows:

Undoubtedly, publicising a belittlement and mockery among Muslims is considered a curse, such as calling someone a donkey or a dog, or describing him as poor, humiliated, shamed, or announcing that he will be damned, and he is from the most sinful of creations, and likewise, publising a lie in the form of a insult about the person, such as describing him as a decieving and crooked magician, one who harms whoever follows him, and if this is eulogised in poetic form, then it is a far-reaching curse for it may be memorised (by the people).

As for declaring one's belief about a person without insulting him, such as 'I don't follow him', 'I don't believe him', 'I don't like him' or 'I'm not happy with him' without there being any indication of belittling him, then he is

[1] As-Sarim (3/1009).

merely stating what he believes, and it occurs due to his ignorance, or his stubborness, jealousy and imitation of fools.

And if a person says 'he is neither a Messenger or a Prophet' then this is considered a clear cut lie, and every lie leads it to be attributed to its sayer and he is then described a liar. However, between the words 'he is not a Prophet' and 'liar' is a difference since it only contains a lie by way of us knowing that the Prophet ﷺ said 'Indeed I am the Messenger of Allah'. And not everything negated about a person regarding some of his attributes is an absolute negation, such as the one who negates it (the prohethood of Muhammad ﷺ) to suit his own denial of his claim (of prophethood) and a single meaning can be carried out by several uses of speech, some of which may be considered a curse while others are not.

Section: The one who insults Allah, the Most High

So if they were Muslim it is compulsory to kill them by unanimous agreement. This is because they become a disbeliever (by this), rather, they are of the worst type (of disbeliever).

Then our companions and other than them differed upon two sayings regarding the acceptance of their repentance, meaning: Is their repentance sought like the apostates, and should the killing be suspended if they make their repentance apparent after (their affair) has been raised to the ruler?

The first saying: Their station is that of the one who insults the Messenger concerning which there are two narrations just like there are two narrations concerning the one who insults the Messenger ﷺ. This is the path of Abu Al-Khattāb and those who followed him from those who came later on, and they use as evidence the speech of Ahmad. This is also the view of the people of Madinah.

And according to this path, that which is apparent in the madhhab is that the killing is not suspended due to repentance after the person has been apprehended, as we mentioned concerning the one who insults the Messenger ﷺ.

As for the second narration, then they are apostates. And Mālik, Layth and Ibn Al-Qāsim spoke according to the first narration, that is, that indeed they are to be killed and repentance is not sought from them.[1]

[1] Ash Shifā 2/491

As for the second saying: Their repentance is sought and is accepted and their station is that of the apostates, and this is the saying of Al-Qādi, Ash-Sharīf[1], Ibn Al-Banna and Ibn 'Aqīl alongwith their saying: 'If they insult the Messenger ﷺ, their repentance is not sought.' And this is the saying of a group from Madinah. Likewise, this was mentioned by the companions of Ash-Shāfi'ī who said: 'Insulting Allah is apostasy.' This is also the view of Abu Hanīfah.

And as for the path of those who seek the repentance of the one who insulted Allah and His Messenger, they say this is apostasy.

And whoever makes a distinction says: Insulting Allah is pure disbelief which is attached (solely) to the right of Allah, and we know that He ﷻ drops His right concerning the one who repents. And that doesn't lessen the sanctity of Him in the heart of the servant and is not a humiliation or a degrading of the One who is far greater than that anyone should have the nerve to dishonour Him.

And with this the distinction between Allah and His Messenger ﷺ is made apparent, and his human right is not dropped by repentance.

And with this consideration to that which is the right of Allah, then for those who have the nerve to commit the prohibitions of Allah, then we do not remedy that except with the prescribed punishment for that. So it resembles fornication, theft and drinking alcohol.

And even if the one who insults Allah is a dhimmi, then it is like if he had insulted the Messenger, and the text from Ahmad that he is to be killed, whether Muslim or dhimmi,

[1] Abu Ja'far Al Hanbali

has preceded. Likewise, our companions, the school of Mālik and his companions as well as Ash-Shāfi'ī and his companions (view the matter).

However there are two issues here:

The first issue: That the one who insults Allah is of two categories:

1) Insulting with that which is not from their religion but is rather from disregard on the part of the speaker and other than him, such as cursing (Allah) and this is insulting without a doubt.
2) That it is from their religion but they believe they are glorifying Allah by it, for e.g. the saying of the Christian that He (Allah) has a son and a companion. Then this is from that which there is a difference of opinion concerning, if they make it apparent.

So Al-Qādi and Ibn Aqīl viewed that this breaks the covenant. Whereas Mālik and Ash-Shāfi'ī say that that which is from their religion is not meant as an insult. And this is apparent from the speech of Ahmad and that is that the disbeliever does not say that as an insult, rather, according to them it is glorifying (Allah).

And the second issue: Concerning the seeking of repentance from the dhimmi, then the majority of our companions accept their repentance. And this is well known from the school of Ash-Shāfi'ī, Ibn Al-Qāsim and other than him from the Mālikis say: 'Indeed, their repentance is sought.' And it is textually reported from Mālik: 'Their

repentance is not sought, rather they are killed.' And this is apparent from the speech of Ahmad.

So with this, the one who insults Allah is of three levels:

1) That which is from their religion, like the saying of the Christians concerning Jesus and that which is similar to it. So the ruling on this one is the ruling of the remaining types of al-kufr (disbelief). And we have mentioned the difference of opinion concerning the breaking of the covenant when this is made apparent/displayed. And when it is said that the covenant is broken by it, then killing is suspended concerning it if they (the insulter of Allah) becomes Muslim, and this is the saying of the majority.
2) That they mention that which is from their religion and it is an insult to the religion of the Muslims. Like the saying of the Jews to the Muazzin: 'You have lied' and like what the Christian said to Umar. Likewise, if they find fault with any of the rulings of Allah. So the ruling upon this one is the ruling of the one who insulted the Messenger ﷺ in that their covenant is broken by it, and it is that which the jurists were referring to with their saying: 'Speaks bad about Allah or His Book.' And as for the suspension of their killing due to them becoming Muslim, then that is like the case of the one who insults the Messenger ﷺ.
3) That insulting Allah is with that which is not from their religion, but rather it is prohibited in their religion, like cursing. So there is no apparent distinction between such a doer and between the

Muslim who insults (Allah), rather, perhaps this is more severe. However he is like the dhimmi when they commit fornication/adultery, kill or steal and then become Muslim.

So if we say the repentance of a Muslim who insults Allah is not accepted, then it is even more deserving that it is not accepted from the dhimmi, alongwith the difference concerning the one who insults the Messenger ﷺ, and that resembles the one who commits fornication/adultery with a Muslim woman.[1]

And the jurists have differed concerning this level with three sayings:

1. That repentance is sought from the dhimmi and likewise the Muslim.
2. That repentance is not sought, but if they become Muslim they will not be killed. And this is the saying of Ash-Shāfi'ī and it is in a narration from Ahmad. It is also the saying of Ibn Al-Qāsim.
3. That they are killed in every circumstance, and this is the apparent speech of Mālik and Ahmad as we said,

[1] When it is forbidden in his religion, but if he becomes Muslim, it (killing) is not dropped from him.

Benefit: As regards to drinking alcohol and the prescribed punishment connected to it, Shaykh Al-Uthaymīn said commenting on the words of Al-Hajawi: 'And when the muslim drinks it,': 'This is the first condition that needs to be fulfilled, and the non-Muslim is excluded from it even if they are under obligation like the dhimmi. So indeed they are not given the prescribed punishment, because the Muslim is the one who believes in its prohibition, as for other than the Muslim, they do not believe that it is prohibited. And due to this they are not given the prescribed punishment if they drink alcohol, but they are prevented from doing that openly in the lands of the Muslims.' (6/199)

taking from it the prescribed punishments for fornication/adultery and theft because it is forbidden with him and with the Muslims. And the evidences for this are numerous.

Section

So if they insult an attribute or name of Allah's or of some of His Messengers, however it is apparent that the person did not intend that and that was not what they meant, then this speech is prohibited in totality. The repentance of such a person is to be sought if they did not know that what they said was prohibited and they are to receive a discretionary punishment if they did know (it was prohibited), however they do not disbelieve by that nor are they killed.

For example, a person abuses time[1] as the Prophet ﷺ said: 'Do not insult time for indeed Allah is time.'[2] And likewise, whoever insults a man and says: 'O son of so-and-so' up until it reaches Adam, then they have come with a grevious thing alongwith the fact that that includes Nuh, Idris,

[1] Shaykh Al-'Uthaymīn said: 'When a person insults or speaks bad against time as the cause of events, as if he means that time is what causes things to alternate between good and bad, this is major shirk. Becasue when a person attributes events to something other than Allah, this means that he believes there is another creator besides Allah.

When a person insults or speaks against time but believes that the one who causes things to happen is Allah but he insults or speaks against it because of the bad things that happened, this is prohibited because it is contrary to having patience, but it is not disbelief because the person does not directly speak against Allah. If he were to do that, he would be a disbeliever.' (Fatāwā Al-'Aqīdah, 1/197)

[2] Muslim (2246) from the hadīth of Abu Hurayrah.

Sheeth and other than them from the Prophets although they did not intend (to insult) them.

And likewise, the saying of Ibn Abee Zayd concerning those who said: 'May Allah curse Bani Israeel and Bani Adam' intending only the wrongdoers from them and not the Prophets. Then it is for him to be disciplined according to what the ruler sees as correct (ijtihād) and some people were of the view that they should be killed.

And that is the analogy of one of the perspectives of our companions concerning the one who said: 'I will disobey Allah in everything He orders me with.'

Section

The ruling concerning the remaining Prophets is like the ruling concerning our Prophet ﷺ and it is not known that anyone made a distinction between one Prophet and another and there is no doubt that the crime of insulting is more serious than the insulting of other than him.

Section

As for insulting the wives of the Prophet ﷺ, then whoever slanders 'Ā'ishah concerning that which Allah has declared her innocence then they have disbelieved. Consensus has been relayed concerning that by more than one scholar.[1]

And as for whoever insults other than her from the wives of the Prophet then concerning that there are two sayings:

[1] It is mentioned in As-Sārim that from them is: Ismā'īl bin Ishāq.

1. That it is like insulting anyone of the Sahabah based upon what will soon follow
2. And it is what is correct, that whoever slanders or defames anyone of the mothers of the believers then it is like slandering 'Ā'ishah.

Section

As for whoever insults any of the Companions ﷺ, then Ahmad stated unrestrictedly (mutlaq) that we refrain concerning declaring their disbelief and killing them. However, he said: 'They are to be punished and lashed and put in confinement until they die or return from that (i.e. repent)' and this is famous from the school of Mālik.

Ibn Al-Mundhir said: 'I do not know of anyone who obligated their killing.'[1]

Qādi Abu Ya'lā said: 'Whoever insults the Companions regarding that as permissible, then they have disbelieved, otherwise they are defiantly disobedient (fāsiq) whether that was declaring them guilty of disbelief or criticising them in their religion. The jurists affirm this.'

A group from the jurists excluded themselves and held that whoever insults the Companions is to be killed and they declared the Rāfidah disbelievers and many of our companions were explicit in that.

Abu Bakr bin 'Abdul-Azīz said in 'Al-Muqni' about the Rāfidah: 'If they insult them then they have disbelieved so they are not to be married.'

[1] 'Al Ishrāf 'alā Madhāhib Ahl ul-Ilm' 2/245

And the wording of some of them: 'If they insult them with that which is a slander or defamation concerning their religion or their uprightness and integrity, they have disbelieved. And if the insult is not a slander or defamation, for e.g that they insult the father of one of them or out of being angry with one of them, then they have not disbelieved.

And Ahmad said concerning a man who insulted Uthman: 'This one is a heretic (zindeeq).' And he said in a narration from Hanbal: 'Whoever insults a man from the sahabah of the Prophet, I do not view that they are upon Islam.'

And Al-Qādi said: 'Then Ahmad has unrestricted sayings that the one who insults anyone of the Companions has disbelieved and in the narrations of Abdullah and Abu Tālib he has refrained concerning their being killed. And the completion of the prescribed punishment and affirming of the discretionary punishment necessitates that they are not ruled to be guilty of disbelief.'

He said: 'So it is likely that the saying of Ahmad: "I do not view that they are upon Islam" means whoever regards that as permissible, so indeed they disbelieve (by that) with no difference of opinion.'

And to take the saying regarding suspending their killing to refer to the one who does not regard that as permissible, and that whoever insults them, criticising them concerning their uprightness and integrity, then they are killed. And whoever insulted them not due to criticism then they are not to be killed. For example his saying: 'They had little

knowledge and good in politics and courage and they had stinginess and love for this worldly life.'

He said: 'And it is likely that this speech is to be taken upon what is apparent from it.' So concerning the insulting of them there are two narrations:

1) That they disbelieve
2) That they are defiantly disobedient (a fāsiq)

Shaykh ul-Islam said: And according to this the saying of Al-Qādī and other than him is established, there being two narrations concerning the declaration of their disbelief (takfir):

Al-Qādī said: 'So whoever slanders or defames 'Ā'ishah with that which Allah declared her innocent of then they have disbelieved with no difference of opinion concerning that.'

Shaykh ul-Islam said: And this speech we put into two seperate sections:

1) Concerning the ruling on the one who insults unrestrictedly.
2) Concerning that where there is a distinction in the ruling upon the insulter.

So as for the first, then insulting the Companions of the Prophet ﷺ is prohibited, according to the Book and the Sunnah.

As for the Book, then it is because that is backbiting, and Allah says:

'And do not backbite one another.'[1]

[1] Al Hujurāt:12

And His saying:

'And those who annoy believing men and women undeservedly, bear on themselves the crime of slander and plain sin.'[1]

And His saying:

'Indeed Allah was pleased with the believers when they gave their pledge of allegiance to you (O Muhammad) under the tree.'[2]

And the Most High says:

'Allah has forgiven the Prophet, the Muhajirun and the Ansar.'[3]

And He says:

'And those who came after them say: Our Lord forgive us and our brethren who have preceded us in faith and put not in our hearts any hatred against those who have believed. Our Lord you are indeed full of kindness, Most Merciful.'[4]

So we know that seeking forgiveness for them and purifying our hearts from hatred (towards them) is a matter beloved to Allah and He praises the one who does that.

And it is established in As-Saheeh (Muslim): 'No one who made the pledge of allegiance beneath the tree will enter the fire.'

[1] Al Ahzāb:58
[2] Al Fath:18
[3] At Tawbah:117
[4] Al Hashr:10

And other than that from the Sunnah.

And if insulting them is established with this then the least thing concerning that is for there to be a discretionary punishment. And this is from that which we know of no difference of opinion amongst the people of jurisprudence (fiqh) and knowledge from the companions of the Prophet and those who followed them in goodness. And the rest of Ahl us-Sunnah wal Jamā'ah are unanimous upon the fact that is obligatory to praise them and ask for them to be forgiven, for (Allah) to have mercy on them and to be pleased with them, to love them, have allegiance to them and punish whoever ill treats and insults them.

Then whoever says: 'The person is not to be killed due to insulting them,' this is due to His (the Prophet's ﷺ) saying: 'A Muslims blood is not permissible except in one of three (cases)[1]...' and because maybe some of them insulted others and no one was charged with disbelief due to that.

And whoever said: 'The insulter is killed or declared to be guilty of disbelief, then they use a number of things as proof; from them: Allah's saying:

> **'Muhammad is the Messenger of Allah, and those who are with him are severe against disbelievers, and merciful among themselves. You see them bowing and falling down prostrate (in prayer), seeking Bounty from Allah and (His) Good Pleasure. The mark of them (i.e. of their Faith) is on their faces (foreheads) from the traces of (their) prostration (during prayers). This is their description in the Taurat (Torah). But**

[1] Reported by Bukhārī and Muslim from the hadīth of Ibn Mas'ud ﷺ and the hadīth is related from a group of the Sahabah.

> **their description in the Injeel (Gospel) is like a (sown) seed which sends forth its shoot, then makes it strong, it then becomes thick, and it stands straight on its stem, delighting the sowers that He may enrage the disbelievers with them. Allah has promised those among them who believe and do righteous good deeds, forgiveness and a mighty reward (i.e. Paradise).'[1]**

Therefore whoever is enraged by them, he has sided with the disbelievers whom Allah has debased, disgraced and subdued for doing, and whoever is coupled with the disbelievers in what they have been subdued in as a recompense for their disbelief, then such a person is a disbeliever like them because a believer is subdued as a recompense for disbelief.

Allah clarifies that He has connected the ruling with an appropraitely selected description, as kufr is fitting because it diminishes its doer. Since it is necessary (the ruling of kufr) because its doer is enraged by the Companions of Muhammad ﷺ, therefore anyone whom Allah diminishes by them, then it is found to be rightful that it necessitates kufr, and this is the saying of Imam Ahmad: "they are not viewed to be following Islam," i.e. the Rāfidah.

And in relation to this is the statement of the Prophet ﷺ: 'Whoever hates them, then he has hated me, whoever harms them, then he has harmed me, whoever curses them, then upon him is the curse of Allah, the Angels, and all of mankind, Allah will neither accept from him repentance or

[1] Al Fath:29

ransom'[1]. And insulting Allah and His Messenger ﷺ is kufr, and by this the difference is made apparent between insulting them before the companionship was affirmed as well as other Muslims and insulting them after the confirmation of companionship; indeed whoever is a Companion to the Prophet ﷺ and dies in that state and then he is insulted, the one he was a Companion to is also insulted. Ibn Mas'ud ﷺ stated: 'Consider people according to their friends;'[2] just as it is said:

Do not ask about a man but rather ask about his friend,
For every friend takes after the one he accompanies.[3]

And Malik said: 'They (the Rāfidah) are a people who wish to vilify the the Messenger ﷺ but are unable, so they vilify his Companions, till it is said: "An evil man is the one who has evil companions."'

Ibn 'Umar stated: 'Do not curse the Companions of Muhammad, for indeed the station of one of them is better than your actions [entirely].'[4]

And 'Ali said: 'Indeed it is a vow which the Messenger of Allah promised me: "None loves you but a believer, and none hates you but a hypocrite."' It was recorded by Muslim.[5]

[1] Its reference has preceded on page 120.
[2] Ibn Battah records it in al-Ibanah (2/439), edited by Rida' Na'san.
[3] The couplet is by 'Adi bin Zayd al-Ibadi. See 'Uyun al-Akhbar (3/79) and Bahjat al-Malabis" (1/2/705).
[4] Ibn Majah recorded it in the introduction to his Sunan (162), Imam Ahmad in al-Fada'il (1/57) and Ibn Abi 'Āsim in As-Sunnah (2/470, no.1006) and its isnād is authentic.
[5] No. 87.

And in the two Sahihs[1]: 'The sign of faith is having love for the Ansar, and the sign of hypocrisy is hate for the Ansar.'

And in the two (Sahihs)[2]: '[None loves the Ansar but a believer, and none hates them but a hypocrite], whoever loves them, Allah loves him, and whoever hates them, Allah hates him.'

Thus, whoever curses them, he has increased in hating them, so it necessitates that he is a hypocrite. And the Prophet ﷺ only specified the Ansar because they took charge of the state and faith from the Muhajirūn, and they accomodated the Messenger of Allah ﷺ, supported him and helped him; they extended their selfs and wealth in service of his religion and made war against the nations for him; they consoled the Muhajirūn with wealth as they were small in number, strangers, impoverished and weak. The Messenger ﷺ sought to impart to the people the worth of the Ansar, due to his knowledge that the people would grow in number and the Ansar would diminish and the authority would be in the hands of the Muhajirūn; therefore whoever sides with the Ansar in supporting Allah and His Messenger ﷺ in whatever possible way, then he is their partner in truth; And hating the one who supports Allah and His Messenger ﷺ is hypocrisy; this applies to every Companion who supported the religion, and the one who hates them is a hypocrite disbeliever according to what we have mentioned.

[1] Al-Bukhārī, no.17 and Muslim, no.74 from the hadīth of Anas ﷺ.
[2] Al-Bukhārī, no.3783 and Muslim, no.75 from the hadīth of Bara' ﷺ.

Imam Ahmad reported[1], with an authentic isnad from Ibn Abi Laylah who said: 'They dispute about Abu Bakr and 'Umar. So a man commented: "Umar is better than Abu Bakr" and Al-Jārud[2] said: "Rather Abu Bakr is better than him." So the dispute reached 'Umar and so he gave him a severe beating with a stick until his legs quaked. Then he turned to Al-Jārud and said: "Leave me be!" He then said: "Abu Bakr is the best of all men, after the Messenger of Allah ﷺ in such-and-such..." then he said: "Whoever says other than this, we will establish upon him the punishment of the slanderer."'

Thus, if the two rightly-guided caliphs 'Umar and 'Ali, may Allah be pleased with them, would lash those who preferred 'Ali over Abu Bakr and 'Umar, or 'Umar over Abu Bakr, and that does not constitute cursing, it is deduced that the punishment for cursing according to the two of them would have been much greater.

Chapter[3]

And the details of this view is as follows:

Whoever couples his cursing with the claim that 'Ali is a god, or that he is a Prophet, or that Jibreel erred, then there is no doubt that this is kufr, moreover, there is no doubt about the kufr of the one who witholds from making takfir of him.

[1] In al-Fada'il (1/300) as well as his son in as-Sunnah (2/579).
[2] Al-Jārud bin al-Mu'ālā was the chief of 'Abdul-Qays. He accepted Islam in the year of the delegations and was martyred in Nahawund. See Al-Isābah (1/216).
[3] As-Sārim (3/1107).

Likewise, for the one who claims that the Qur'ān is incomplete and that it has been concealed, or that it has hidden interpretations which eliminate Shariah based actions, and its like. And this is the saying of the Qarāmitah and Bātiniyyah, and from them the Tanasakhiyyah; there is no difference of opinion regarding the kufr of these groups.

As for the one who curses the Companions in a way which does not disparage their trustworthiness or religion, such as describing some of them as stingy, or cowardly, or short of intellect, unabstinent, etc. then such a person requires disciplining and punishment, and he does not disbelieve thereby, and according to this is how the speech of those scholars who did not make takfeer of them is understood.

As for the one who curses them and disparages them outright, then this is a case of differing opinions. The matter wavers between the angry curse and the religiously-motivated curse.

As for whoever surpasses that and claims that they apostated after the death of the Messenger of Allah ﷺ except a small contingent who did not pass 10 in number, or that they behaved criminally, then there is no doubt also in the disbelief of the one who says this, moreover, there is no doubt about the kufr of the one who witholds from making takfir of him.

These are people whom Allah has made examples of, and their faces have repeatedly been transformed into that of pigs in life and death[1].

[1] See what Shaykh al-Islam mentioned in Minhaj as-Sunnah (1/485).

And in summary, from the categories of people who curse is the one who undoubtedly disbelieves, one who is not ruled to have disbelieved, and one who it is wavered in respect to, and this is not the place for examining it for it is very lengthy, this is only in respect to what the situation necessitated.

And Allah knows best.