**Qitaal At-Tawaa’if Al-Mumtani’ah**

**(Fighting the Desisting or Refusing Groups)**

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**Section: What is the reality of the “Desisting Groups” and the types of desisting groups.**

**At-Taa’ifah (the group/faction):** The worded expression is applied upon the singular or more. The “Taa’ifah” (group or faction) could consist of one single person as came mentioned in His statement تعالى:

فَلَوْلَا نَفَرَ مِن كُلِّ فِرْقَةٍ مِّنْهُمْ طَائِفَةٌ لِّيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ

**For there should embark from every division of them a *Taa’ifah* (group) to obtain understanding in the Deen and warn their people when they return to them that they may beware** (9: 122).

It is known by the necessary dictates of the senses and the mind and by the necessary dictates of the Shar’a (Islamic legislation) that if a single person embarked in obtaining knowledge in the Deen and the undertaking of warning (others), in the case where the required sufficiency is attained as dictated by the Shar’a, then this divine command would have been responded to in a manner through which the sin is lifted and the questioning is waived.

It is also like what came mentioned in His statement تعالى:

وَلَئِنْ سَأَلْتَهُمْ لَيَقُولُنَّ إِنَّمَا كُنَّا نَخُوضُ وَنَلْعَبُ ۚ قُلْ أَبِاللَّهِ وَآيَاتِهِ وَرَسُولِهِ كُنْتُمْ تَسْتَهْزِئُونَ \* لَا تَعْتَذِرُوا قَدْ كَفَرْتُمْ بَعْدَ إِيمَانِكُمْ ۚ إِنْ نَعْفُ عَنْ طَائِفَةٍ مِنْكُمْ نُعَذِّبْ طَائِفَةً بِأَنَّهُمْ كَانُوا مُجْرِمِينَ

**And if you ask them, they will surely say: “We were only conversing and playing”. Say: “Is it Allah and His verses and His Messenger that you were mocking?” (65) Make no excuse; you have disbelieved after your belief. If We pardon one *Taa’ifah* (group) of you, We will punish (another) *Taa’ifah* (group) as they were criminals** (9: 65-66).

It has been mentioned that a single man was intended here in this context by the wording Taa’ifah.

Imam Al-Qurtubiy said in his Tafsir: [It has been said that they were a group of three. Two of them mocked whilst one laughed. The one who was pardoned is the one who laughed but did not speak. Khalifah bin Khayyaat said in his “History”: “His name was Makhashin bin Humayyir”. And it was said that he was Muslim except he heard the hypocrites and then laughed for them and did not denounce them. And he would say: “O Allah I have heard an Aayah (verse) which intends me (in its meaning), it brings terror and fright to the skin and hearts. O Allah, so, make my death being killed in your path (i.e. as a martyr), where none will say that: I have been washed, shrouded and buried”. He was then struck down on the day of (the battle of) Al-Yamamah. There was none from the Muslims except that they found other than him] End of the speech of Al-Qurtubiy.

It was reported from Ma’mar that he said: [Some of them said: It was a man from among them who did not support them in the speech but was walking close to them. The Aayah (verse) was then revealed and he was called **a Taa’ifah, whilst he was one (person)**].

It was reported from Ibn Ishaq that he said: [The one who was intended, as far as it has reached me, was Makhshan bin Himyar Al-Ashja’iy, the ally of Bani Salamah. That was because he showed his disapproval to them for some of what he heard (from them)].

Consequently, the Taa’ifah (group) could in its simplest form be a single person, just as it can be much more complex than that to be applicable to a collective of people who have gathered together in the form of an entity, an independent state which has a subjective personality and a considerable presence in the international arena, in accordance with the stable international customs, which they refer to as “**International Law**”. Between these two extremities there are many different levels and types.

**(a) The subject of Al-Imtinaa’ (desisting or refusal):** This refers to desisting from compliance to the Ahkam (rulings) of Islam which were obligatory upon that Taa’ifah (group or party) to comply with. That is like the one upon whom Zakah has been obliged desisting from giving it to the official collectors whom the Shar’a and regime have authorised.

**(b) The manner of desisting or refusal:** This only refers to the desisting or refusal by the sword (i.e. armed force) in actuality or in accordance to its ruling. Civil disobedience, peaceful desistingand what is similar to that does not fall under this description.

Similarly, the one who challenges the Shar’iy system by for instance declaring openly his contraction of marriage to one of his Mahaarim (prohibited non-marriageable relations or family members) or to a male or animal, does not fall under this description. These realities have no connection to the subject area of “**At-Tawaa’if Al-Mumtani’ah**” (The Desisting groups). That is even though they deserve war treatment where a military unit is dispatched with a war flag attached to it and the perpetrator is killed without being provided the opportunity to repent and his wealth is confiscated for the Bait ul-Maal (state treasury). That is like what was evident from the treatment of the Prophet ﷺ to someone who married one of his Mahaarim (prohibited non-marriageable relations or family members), like marriage to the wife of his father for example. That is as the command of the Prophet ﷺ to strike his neck, for his wealth to be taken as booty for the Bait ul-Maal (state treasury) and for a war “**flag**” to be designated, just like those designated for the armies, has been authenticated. This is apparent from the following evidences:

- Mu’awiyah bin Qurrah related from his father, may Allah be pleased with him, (that) he said:

“**The Messenger of Allah (ﷺ) dispatched me to a man who had married his father's (former) wife, to strike his neck (kill him) and confiscate his wealth**”. Recorded by Ibn Majah with a Jayyid (good) Isnad and Ad-Daraqutniy.

I say: The Hadith does not mention his being questioned, an investigation into the motives or a request for repentance. These all represent essential matters which are not permissible to have occurred and then neglected to be mentioned by the narrator. Otherwise, the promise of Allah to preserve and protect the Dhikr (i.e. revelation) would have no meaning; Allah be High and Glorified from such a matter. An affirmation of that has also come in the following Hadith concerning another similar incident, in the case where the narrator explicitly expressed that: “**Then, they did not question him nor speak to him before striking his neck**”.

- Al-Hakim recorded in his “**Al-Mustadrak**” that it was related from Al-Baraa’ bin ‘Aazib, may Allah be pleased with him, (that) he said:

“I was looking around for a she-camel of mine that had lost its way. I was walking around the houses when suddenly I found myself among riders and horsemen. The people of the water then started to gather around my house. They (i.e. the horsemen) went around my courtyard and took a man out from it. **Then, they did not question him nor speak to him before striking his neck!** Then when they left I asked about him (i.e. the man) and they said: He married the wife of his father!”. This Hadith is reliable and Sahih and the definite evidential proof is established by it. Adh-Dhahabiy classified it as Sahih whilst Ahmad and Abu Dawud recorded similar to it.

- Al-Hakim also recorded in his “**Al-Mustadrak**” that it was related from Al-Baraa’ bin ‘Aazib, may Allah be pleased with him, (that) he said:

“I met my maternal uncle Abu Burdah (He was Abu Burdah bin Niyaar who was present at the battle of Badr) and he had a banner or flag (Raayah) with him. I asked him: “Where are you heading?” He said: The Prophet ﷺ dispatched me for a man who had married the wife of his father. So, he commanded me to strike his neck and confiscate his wealth!”.

This Hadith is Hasan in itself and Sahih with its supporting evidences and corroborations. Evidential proof is definitely established by it and Al-Hakim classified it as Sahih. He said that it (the classification) was upon the conditionality (Shart) of Muslim and Adh-Dhahabiy agreed with him. Ahmad also recorded it from a number of paths, one of which was Sahih, and he used it as evidential proof, in addition to Abu Dawud, An-Nasa’iy, Ibn Majah and Ad-Daramiy. Al-Hafizh (Ibn Hajar) said in (his) “**Al-Fat’h**”: [It has supporting evidence from the path of Mu’awiyah bin Qurrah from his father which was recorded by Ibn Majah and Ad-Daraqutniy. Ahmad held the opinion inline with its apparent meaning].

The two incidents being different is apparent in the two Hadith of Al-Baraa’ bin ‘Aazib, which is not change. It could have been that the practise of the marriage of the wife of the father had been widespread among the people of Al-Baraa’ bin ‘Aazib during Al-Jahiliyah (pre-Islamic period) which led to the repetition of the occurrence of this horrendous crime among them after the prohibition came concerning it. These two mentioned incidents in the two Hadith of Al-Baraa’ bin ‘Aazib are definitely different from the incident mentioned in the Hadith of Mu’awiyah bin Qurrah from his father, may Allah be pleased with him.

**The subject matter here is the “Contraction”** of the Nikah (marriage) to the Mahram (prohibited family member or relative). It represents the “**practical or action-based making of the Haram Halal**” (Istihlaal ‘Amaliy), open opposition to the Sharee’ah (Divine Islamic Law), the announcing of rebellion and going out in opposition to it, from a regular person from the general masses. It is therefore making war (Muhaarabah) against Allah and His Messenger in terms of Hukm (ruling) even if it is not actual “**war making**” (Muhaarabah) by unsheathing weaponry. By greater reason this case or situation is not one of “**Desisting by armed force**”.

Also, by greater reason, the treatment of the warring apostate (Al-Murtadd Al-Harbi), must be the specific treatment of the rulers and the Ahl ul-Hall Wa l-‘Aqd (the people of power and influence in the state), those with the greatest responsibility and heavier burden of sin. That is especially as they are always desisting and it must be undertaken by necessity with armed force and the power of the authority and its stature.

**The subject matter here is therefore not** the perpetration of illegal sexual relations (Zina) with the Mahaarim (prohibited non-marriageable family members of relations) as some of the Fuqaha’ (jurists) believed it to be. That falls under another category and is not our subject in this case. That is as some of the Fuqaha’ confused this subject of ours which is the “**contraction of the marriage**” to the non-marriageable relation (Mahram) which represents the “**practical or action-based making of the Haram Halal**” with the subject of having “**illegal sexual relations (Zina) with the Mahaarim (prohibited non-marriageable family members of relations)**”, thus representing a serious error. Indeed, it is counted among the horrible lapses of the ‘Ulamaa’, concerning which it is feared, that if they were to continue without being countered immediately by way of critiquing and correction, it would undermine Islam and demolish it from its foundations; may Allah’s refuge be sought. What is the relationship of the openly declared marriage contraction, which represents the “**practical or action-based making of the Haram Halal**” (Istihlaal ‘Amaliy), with Zina (illegal sexual relations), even if that Zina was perpetrated with the non-marriageable relations, O people of understanding?!

There is no question that Zina is a horrendous major sin and that Zina perpetrated with Mahaarim is even more horrendous and atrocious. However, despite that it does not reach the level of disbelief and apostacy unless it was accompanied by rejection, Istihlaal (making the Haram Halal), mockery of the Shar’a (divine Islamic ruling) or other than that from the acts which make one a disbeliever, and may Allah’s refuge be sought!

The treatment towards the perpetrator of this crime of the “**contraction of the marriage to the non-marriageable relation (Mahram)**” is the same treatment provided to:

(1) The disbeliever who is at war with you (Al-Kafir Al-Harbiy).

(2) Or the apostate who has joined with Dar ul-Harb (the land at war) and is then apprehended before repenting which means that he had not repented before being in their hands. He would be a Harbiy (person at war) in Hukm (ruling), even if he did not bear weapons and did not participate in an armed rebellion.

It represents a treatment of the utmost severity and harshness. There is no offer for repentance, no questioning about motives and no searching for an excuse. Rather, his neck is struck without any talk or revision. Then his wealth (or property) is confiscated and taken as booty for the Bait ul-Mal (State treasury) of the Muslims! This is not at all the same as the punishment for the one who perpetrates unlawful sexual relations (Zina), whether married (adultery) or unmarried (fornication).

This is what the punishment must be for the one who contracts his marriage to a man and the one who openly and blatantly makes a contract upon “**Riba**” (usury) as this in itself represents making war against Allah and His Messenger in accordance with the (clear) text of the Qur’an, obliging the perpetrators treatment to be that of the Harbiy (person at war).

If this is the case in respect to the one who contracts marriage to the wife of his father, in personal individual circumstances, then what is the case in respect to the one who legislates an absolute general public system which all the people are bound by where he makes Riba (usury), prostitution, homosexual practise or the marriage of prohibited relations or those of the same sex permissible (or lawful) amongst other such definite prohibited acts?! Is this not more worthy of: **Firstly**: To be described with disbelief and apostacy, in respect to the person himself, which is a matter which does not concern us greatly here and consequently will not delve further in it … And **Secondly**: **The matter which exactly concerns us here**: That he is more deserving of that harsh and severe treatment, the treatment afforded to the Harbiy (person at war), represented in the striking of the neck and confiscation of his property for the Bait ul-Mal (treasury) of the Muslims, without being questioned, his excuses being examined or his repentance being sought. Yes, there is no doubt that he is more deserving of that than that wretched disbelieving criminal who married his father’s wife. He may have been excused due to being infatuated by her and having fallen desperately in love with her, without being capable of keeping himself from her?! Yes, it is true that if this miserable person had committed Zina with the wife of his father secretly because he had been infatuated and desperately in love with her and unable to keep himself from her, whilst at the same time he acknowledged his sin and admitted in the depths of himself his act of disobedience, then such a case he would not have exited from Islam, but would rather be a Fasiq (rebelliously sinful) and perpetrator of an act of disobedience. As for contracting her in marriage in an openly proclaimed manner, then this is Kufr (disbelief). Indeed, it is a declaration of war, in terms of Hukm (ruling), against the Islamic Shar’iy system. It is therefore necessary to deal with the perpetrator in accordance with the treatment of the disbeliever apostate warring person (Al-Kafir Al-Murtadd Al-Harbiy). That is by fighting (him) if he was desisting by way of armed force. Then, if was to be killed during the clash there would be no issue. Otherwise, he would be taken as captive and then killed. The wealth or property would be confiscated as booty and would be given to the treasury of the Muslims without showing mercy or lenience.

**Returning to the heart of our issue we observe some matters that could cause difficulty and require clarification. These include**:

(1) Some of the Ahkam (rulings) of Islam could be a point of difference among the Fuqaha’ (jurists) and there could be multiple Ijtihaadaat (derivations). There are also texts which are open to interpretation. Just as there are some situations and circumstances of strife concerning which the people of examination (scrutiny) and Fiqh (juristic knowledge), let alone other than them, are in a state of bewilderment about! As such its is necessary to be reserved to (only) that which is clear and unequivocable from the clear rulings of Islam which are known by the definite certain evidences in terms of both transmission (Thuboot) and meaning (Dalaalah). That is like the obligation of the Salaah (prayer), Zakah (alms), Siyaam (fasting) and Hajj (pilgrimage), and the prohibition of the governing of disbelievers, Riba (usury), Zina (adultery/fornication), homosexual acts, theft and killing the innocent etc. This is where the acknowledgement of these represents an Islam which is definite whilst denying, rejecting and mocking them represents blatant and fragrant disbelief (Kufr): “**For which we have a Burhan (clear proof) from Allah**” or “**We have its Ta’weel (i.e. interpretation and understanding) from the Kitab (i.e. Qur’an)”** as came mentioned in the Hadith related by ‘Ubadah bin As-Samit, may Allah be pleased with him.

(2) That the Taa’ifah (group) is not excluded or exempted from the compliance to the rulings of Islam due to a valid Shar’iy text (stipulating that). The intended meaning of exemption is that exemption related to the treatment of this worldly life:

(a) With non-desisting individuals and groups, in respect to raising matters before the judiciary and in relation to the dealing and confrontation with the executers and rulers.

(b) With the desisting groups concerning that which relates to warfare and fighting.

As for what relates to accountability and questioning on the Day of Judgement, then everyone whom the message has reached and evidential proof established before him, has been addressed by all of the rulings connected to all circumstances, although this is not the subject of our examination here.

Our intended meaning of “**Excluded Groups**” is made clearer through presenting examples of that, such as:

(a) The states and entities under peace treaty: These are the entities from whom neither Islam nor the Muslims have befallen any hostility in origin. The clearest example of that was the Abyssinian state during the time of the Prophet ﷺ and the period of the companions following him. It has been definitely established by Tawatur transmission (i.e. concurrent reports) that there did not exist between the Prophet ﷺ and it anything other than peace and no fighting. That continued even after the return of Ja’far and his companions from the lands of Al-Habashah (Abyssinia), after the death of the Muslim Najashiy (Abyssinian ruler), may the peace and pleasure of Allah be upon him, and following the Prophet ﷺ writing to his successor inviting to Islam, as came recorded in Sahih Muslim. The age of the Sahabah (companions) came to an end without a single letter at all being written about the occurrence of an armed confrontation between the Islamic state and the Abyssinian kingdom. Rather, the Islamic state left them and their affair be without interference. Indeed, it has been related with an unproblematic chain of narration that he ﷺ said: “**Leave Al-Habashah (Abyssinia) as long as they are at peace with you and leave the Turks as longs as they leave you be**”.

The hostility against Islam is reflected in hostility against the Islamic Da’wah by preventing the Da’wah (invitation) by force or by aggressing against those engaged in the invitation by killing, torturing, imprisoning and pursuing them, or against the Muslims (generally) by killing, torturing, imprisoning and pursuing them, or by humiliating and insulting them, or by expelling the Muslims or their Ahl udh-Dhimmah (non-Muslims living under their protection) from their homes, just as the Quraish did with the Muhaajireen (emigrants) and like what the usurping aggressing Zionists did and continue to do with the people of Palestine, or by supporting their expulsion from their lands just as America, Britain and most of the states of the western bloc do with their support for Israel.

In our current time most of the neutral states like Sweden, Switzerland and the states which emerged recently following the passing of the explicit direct colonialism, like Mozambique and Burundi, are in a state of peace with Islam and the Muslims, with the exception of those who participated in the American aggression against Afghanistan, Iraq, or supported Israel in its aggression against the Muslims and its expulsion of them from their homes. Such lands are considered to be at war by ruling (**Hukman**), like France and Germany, under all circumstances. The warring could also be actual and effective (**Fi’lan**) manifested in the raising of arms and involvement in the killing and fighting, like Israel, America, Britain, Spain, Australia, Turkey and Pakistan amongst others.

**(b) The states and entities which are Mu’aahadah** (a treaty has been made with them): These are entities which in origin were warring. Then the situation or state of war came to an end through convening peace or security treaties (whether that security was called a peace treaty, treaty of good neighbourly relations or something similar to that). That is upon the condition that the treaties be binding, which means:

**(1)** That it has been convened correctly by the one who has the qualification (or right) to contract on behalf of the Muslims.

**(2)** That it remains applicable and in effect.

**(c) The states and entities which pay the Jizyah**: They are entities which in origin were at war. They then submitted to the Islamic State and accepted its protection in exchange for the payment of the Jizyah. It is a situation of war that has come to a permanent ending whilst preserving its entity-based character and its incorporeal personality. We state the permissibility of this circumstance as a precaution, even though it is predominant that the one that has accepted to pay the Jizyah loses his entity-based character or description and his subject status becomes one of a “**Dhimmiy**” or “**Citizen**” within the Islamic State. However, this is a complicated subject and independent from our subject area.

**(d) The Dhimmiyoon (Ahlu dh-Dhimmah) or Citizens:** These are the individuals residing under the

authority of the state from among the citizens (Dhimmiyoon), the asylum seekers and those who

have entered or are passing through with a provided security. It similarly includes the collectives or groups consisting of them. The Fuqaha’ (jurists) in the past and more recent times have differed in respect to these:

**(1)** Is the original position that they are bound by the Ahkam (rulings) of Islam apart from that which the text has excluded. This is the opinion of the great Imam Abu Muhammad ‘Ali bin Hazm Al-Andalusiy, or

**(2)** That the original position is that they are not bound by the Ahkam of Islam apart from that which the text has compelled or bound them with?!

This area is of the utmost importance from the constitutional perspective due to its connection to the system of the Islamic state. It also has a significance and relationship to our subject of “**Fighting the desisting groups**”. That is because the one from among those who refrains or refuses with armed force to comply with that which he must comply with from the rulings has breached his Dhimmah (contract of protection), his citizenship and subject status becomes null and void and he returns to the status of being a Harbiy (person at war). This is a serious matter concerning which leniency is not at all permitted. That which we view to be the preponderant view in accordance with the evidences (although this isn’t the place to list them) is that **the Asl (original position) is that they are not bound by the detailed Ahkam (rulings) of Islam apart from that which the text has brought compelling them with**. This opinion also comes from the angle of precaution and blocking the doors to killing, fighting and the spilling of blood.

We believe that our prior division is a restrictive division for all of the kinds or categories which the Shar’a has exempted from all or some of the Ahkam (rulings) of Islam related to the Ahkam (rulings) of the Dunyaa (life of this world). If we have missed a kind or division, then there is no problem for the one who found it to incorporated it, with our thanks and gratitude, to this list of ours. And to Allah belongs the Tawfeeq and upon Him we rely.

**It may be that you, O sharp reader, have observed as well that**:

**(a) We have greatly widened** the kinds or categories that have been permitted to not commit to all or some of the rulings of Islam.

**(b) We have greatly constricted** the definition of desisting or refusal (Al-Imtinaa’) as we have not considered except the desisting or refusal accompanied by armed force whilst we have not included civil disobedience, peaceful desisting and what is similar to that. All of that reflects a departure from the disagreements of the Fuqaha’ and to block or close the doors to fighting and the spilling of blood, so that fighting does not take place nor blood be shed except in the circumstances which are agreed upon by consensus and which are inescapable in order to preserve the system of the Islamic state and the sanctities of the Muslims, and to prevent the “**Fitnah**” which is the sovereignty of Kufr (disbelief) and Shirk (polytheism), and which is greater and more severe to Allah than killing.

We will move on quickly here and state that our opinion in the issue of the inviolable sanctity of blood and properties is: **Humanity protects the blood and property. Disbelief does not allow blood to be spilled and does not make properties permissible to be taken. Rather, the blood is only shed and permitted to be spilt in circumstances of exemption which the Shar’a (Islamic legislation) has mentioned in the texts. This returns in general to warfare, whether Fi’lan (actual war) or Hukman (war by way of ruling) or to the perpetration of specific crimes. Islam is not a protector for the blood and properties as it is permissible to kill some Muslims and to confiscate their wealth or properties. However, Islam only adds to those inviolable sanctities in terms of substance and emphasis**.

As such, we do not agree with the majority of the scholars of the Shaafi’iy and Zhaahiriy Madh’habs, some of the Hanbaliy Madh’hab and many of the contemporary Jihadis in that: “**The Kufr (disbelief) is sufficient for the blood to be spilt whilst Islam or an ‘Ahd (covenant) protects it**”. It is an invalid and false principle. Despite that, the Mujahid brother Rifaa’iy Ta Ha went to length to argue for it, to the point that he almost grasped the evidences, in his book: “**Revealing some of the Rulings of the Highest Peak of Islam**”. This isn’t the right place to refute his deduction point by point and evidence by evidence, which we will undertake at another juncture. However, it is sufficient here to see to matters:

**The first: That our opinion is more cautious and safest** in respect to closing the doors to fighting and the shedding of blood. That is as fighting and spilling of blood would not occur except in the situation of necessity from which there is no way out and after the inescapable clear proof and evidence that cannot be argued against has been established.

**The second**: **Our opinion is more accurate and precise**. Consequently, the one deserving to be killed and fought does not escape from that, in spite of his affiliation to Islam, whether his affiliation was real and actual or apparent and in name. That is because there is no longer a need to tie the killing and fighting exclusively to Kufr (disbelief) alone, whilst it is not necessary to enter the maze of the studies related to declaring disbelief (Takfeer) and its preventions; that choppy sea which few who enter it are saved from, indeed that accursed maze which entangles many within it because they have set off from the incorrect and invalid principle or premise: “**That the Kufr (disbelief) permits the shedding of blood whilst Islam or the ‘Ahd (covenant) protects it**”, all of which shall soon become evident in this study.

**Every Taa’ifah (faction, party or group) which has refrained or refused by armed force, whether Fi’lan (in actuality) or Hukman (in ruling), with the exclusion of the exempted categories mentioned above, is representative of a “Taa’ifah Mumtani’ah” (Desisting or refusing group) which deserves to be fought against and it has an incorporeal personality which is treated with the treatment of the single person or the single thing.**

**As for the “Desisting group” being treated with the treatment of the single person or the single thing, in other words as a single incorporeal personality, then this is a sensed and rational necessity which arises from it being fought against and its behaving like the single person, even if some of it is closely connected to some of it and some of it supports some of it, to that which was being “refrained” from in origin. This reflects the sensed real reality which the A’immah (Scholars) have spoken upon**:

- The Imam, Sheikh ul-Islam, Abu l-‘Abbas Ahmad bin Taymiyah, said in his “**Majmoo’ Al-Fataawa**” (Vol: 28, p: 311 onwards):

[If those criminal Muhaaribeen (highway or armed robbers) are a Jamaa’ah (group or collective), then one from among them engages in the fighting by himself, **whilst the remainder are supporters and helpers to him**, then it has been said that the one who engaged is only to be killed. **That is whilst the Jumhoor (majority) state that all of them are killed, even if they number one hundred, and that the one who supports or assists and the one who engages are the same** (with no difference between them). This is what has been recorded from the rightly guided Khulafa’. That is as ‘Umar bin Al-Khattab, may Allah be pleased with him, killed the lookout of those Muaahribeen, the person who sits at a high place acting as a lookout for them for who is approaching. And it is because the one who engages is only enabled in his killing by the force or strength of the help and his support.

**And concerning the Taa’ifah (group), if some of its parts is supported by others, to the point where they become from those who desist (together), then they share together in the reward and punishment**. That is like the Mujaahideen as the Prophet ﷺ said: “**The blood of the Muslims is equal. They hasten to support the protection offered by the lowest of them. They are one hand to the exclusion of all others and those of them who are on expeditions return (booty) to those who stayed behind from them**”. This means that the army of the Muslims, if a part of it went on a military expedition and attained property as booty, then the army shares with it in respect to what they gained of booty. That is because it was through its support and strength that it was enabled. Rather, it is given a share of the booty as the Prophet ﷺ used to give a fourth in booty to an expeditionary force if they were in their beginning (or initial force) after the fifth. Then if they returned to their lands and an expeditionary force went on an expedition, he would give them a third of the booty after the Khumus (Fifth). Similarly, if the army attained booty the expeditionary force would share with them in it because that is in the interest of the army, just as the Prophet ﷺ allocated a share to Talhah and Az-Zubair on the day of the (battle of) Badr as he had sent them out in the interest of the army. As such, the helpers of the “**Desisting Group**” and its supporters are from it in respect to what is for them and against them.

The same applies in respect to those who fight against each other upon Baatil (falsehood) which has no Ta’weel (justifying interpretation) for it, like those who fight over ‘Asabiyah (tribalism) or a call to Jahiliyah (pre-Islamic ignorance), like what occurred between (the tribes of) Qais and Yaman for example, where both were transgressors and in the wrong. That is in accordance with what the Prophet ﷺ said: “If two Muslims meet with their swords, then the killer and the killed are in the hellfire” It was asked: “O Messenger of Allah, this is for the killer but why for the one killed?!” He said: “He wanted to kill his companion” (Recorded in the two Sahihs). Each group or party guarantees what it has damaged or injured to the other group or party in terms of life and property, even if the exact killer is not known. **That is because the single desisting group, with all of its parts, is comparable to the single person]. Here ends the extracted quotation whilst the original text is very long. It has however been placed in the addendum in full**.

- The following also came stated in “**Daqaa’iq At-Tafsir**” (Vol: 2, p: 34 onwards):

[**Therefore, the helpers of the “Desisting group” and its supporters are from it, in respect to what is for them and against them**. The same applies in respect to those who fight against each other upon Baatil (falsehood) which has no Ta’weel (justifying interpretation) for it, like those who fight over ‘Asabiyah (tribalism) or a call to Jahiliyah (pre-Islamic ignorance), like what occurred between (the tribes of) Qais and Yaman for example, where both were transgressors and in the wrong in accordance with what the Prophet ﷺ said: “If two Muslims meet with their swords, then the killer and the killed are in the hellfire” It was asked: “O Messenger of Allah, this is for the killer but why for the one killed?!” He said: “He wanted to kill his companion”. Recorded in the two Sahihs**. Each group or party guarantees what it has damaged to the other faction in terms of life and property, even if the exact killer is not known. That is because the single desisting faction, with all of its parts, is like the single person**]. **End of quote. The text in full is also important and has also been placed in the addendum**.

As for the “Taa’ifah Al-Mumtani’ah” (Desisting or refusing group) deserving to be fought and killed when necessary, then that is in accordance with the evidences of the Kitab (Al-Qur’an) and the Sunnah Al-Mutawaatirah which oblige entering into Islam completely and to judge (or rule) by what Allah has revealed in all affairs; both small and large. That is in addition to the texts obliging Al-Jihad and Al-Qitaal (fighting) until there is no Fitnah and the Deen is solely for Allah, to fight against the A’immah (heads and leaders) of Kufr (disbelief), to fight the Mushrikeen (polytheists) until they repent, to fight the Ahl ul-Kitab (People of the Book) until they repent and pay the Jizyah, indeed the command to fight all the people until they enter Islam and abide by the right of Islam, the command to fight the excessive Khawaarij whilst extolling praise upon those who fight and kill them, to fight the rebellious groups until they comply with the command of Allah, including killing when necessary, and other evidences besides these. They are many indeed and we will not go on to mention them all, especially as they are known to all from the masses of the Muslims. **An Ijma’ (consensus) of the Sahabah has been convened over that and indeed the Ijma’ of the Ummah after them. This “Al-Haqeeqah Ash-Shar’iyah” (Legislative truth) has also been mentioned by the A’immah (Major Scholars)**:

- The following came stated in “As-Siyasah Ash-Shar’iyah” (Vol: 1, p: 106 onwards):

[**Whatever desisting Taa’ifah (faction or group) affiliated to Islam but refrains from some of its apparent Mutawaatir legislations is obligatory to have Jihaad undertaken against it by the agreement of the Muslims, until the Deen is solely for Allah**. That is like when Abu Bakr As-Siddeeq, may Allah be pleased with him, and the rest of the Sahabah, may Allah be pleased with them, fought against those who withheld the Zakah. Some of the Sahabah had hesitated in respect to fighting them and then they agreed … Until ‘Umar bin Al-Khattab said to Abu Bakr, may Allah be pleased with them both: “How can we fight the people when the Messenger of Allah ﷺ has said: “**I have been commanded to fight the people until they bear testimony to Laa Ilaaha Illallah and that Muhammad is the Messenger of Allah. If they say that then their blood and property is protected from me except in its due right and their account is with Allah**””. Abu Bakr said to him: “The Zakah is from its due right and by Allah if they were to withhold from me a young goat which they used to give to the Messenger of Allah ﷺ I would fight them for withholding it”. ‘Umar said: “As soon as I realized that Allah has expanded the chest of Abu Bakr to fight them, I knew that it was the truth”.

**It has also been reported authoritatively from him ﷺ from many angles that he commanded that the Khawaarij be fought against**. For example, in the two Sahihs (Al-Bukhari and Muslim) it was related from ‘Ali bin Abi Talib, may Allah be pleased with him, that he said: I heard the Messenger of Allah ﷺ saying:

سَيَخْرُجُ قَوْمٌ فِي آخِرِ الزَّمَانِ، حُدَّاثُ الأَسْنَانِ، سُفَهَاءُ الأَحْلاَمِ، يَقُولُونَ مِنْ خَيْرِ قَوْلِ الْبَرِيَّةِ، لاَ يُجَاوِزُ إِيمَانُهُمْ حَنَاجِرَهُمْ، يَمْرُقُونَ مِنَ الدِّينِ كَمَا يَمْرُقُ السَّهْمُ مِنَ الرَّمِيَّةِ، فَأَيْنَمَا لَقِيتُمُوهُمْ فَاقْتُلُوهُمْ، فَإِنَّ فِي قَتْلِهِمْ أَجْرًا لِمَنْ قَتَلَهُمْ يَوْمَ الْقِيَامَةِ

“In the last time people will come forth, young and foolish, speaking the finest words men speak, but their faith will not pass their throats. They will fly out from the Deen as an arrow flies out from its target. Wherever you meet them, kill them, for verily there is a reward for killing them for those who kill them on the Day of Judgement”.

In a narration recorded by Muslim and related by ‘Ali bin Abi Talib, may Allah be pleased with him, he said: I heard the Messenger of Allah ﷺ saying:

خْرُجُ قَوْمٌ مِنْ أُمَّتِي يَقْرَءُونَ الْقُرْآنَ لَيْسَ قِرَاءَتُكُمْ إِلَى قِرَاءَتِهِمْ بِشَيْءٍ وَلاَ صَلاَتُكُمْ إِلَى صَلاَتِهِمْ بِشَيْءٍ وَلاَ صِيَامُكُمْ إِلَى صِيَامِهِمْ بِشَيْءٍ يَقْرَءُونَ الْقُرْآنَ يَحْسِبُونَ أَنَّهُ لَهُمْ وَهُوَ عَلَيْهِمْ لاَ تُجَاوِزُ صَلاَتُهُمْ تَرَاقِيَهُمْ يَمْرُقُونَ مِنَ الإِسْلاَمِ كَمَا يَمْرُقُ السَّهْمُ مِنَ الرَّمِيَّةِ ‏"‏ ‏.‏ لَوْ يَعْلَمُ الْجَيْشُ الَّذِينَ يُصِيبُونَهُمْ مَا قُضِيَ لَهُمْ عَلَى لِسَانِ نَبِيِّهِمْ صلى الله عليه وسلم لاَتَّكَلُوا عَنِ الْعَمَلِ

“There would arise from my Ummah a people who would recite the Qur'an. Your recital would seem insignificant to their recital, your prayer insignificant to their prayer, and your fasting insignificant to their fasting. They would recite the Qur'an thinking that it supports them, whilst it is an evidence against them. Their prayer does not get beyond their collar bone; they would fly out from Islam just as the arrow passes through the target”. **If the army which is to encounter them were to know what has been assured to them by their Messenger ﷺ (in terms of reward), they would completely rely upon this deed (alone and cease to do other good deeds)**.

Abu Sa’id related from the Messenger of Allah ﷺ in relation to this Hadith:

يَقْتُلُونَ أَهْلَ الإِسْلاَمِ، وَيَدَعُونَ أَهْلَ الأَوْثَانِ، لَئِنْ أَنَا أَدْرَكْتُهُمْ لأَقْتُلَنَّهُمْ قَتْلَ عَادٍ

“**They will kill the people of Islam but will leave be the idolaters. If I were to live until their time, I would surely kill them as the people of 'Aad were killed**” Agreed upon.

And in a narration reported by Muslim:

تَكُونُ فِي أُمَّتِي فِرْقَتَانِ فَتَخْرُجُ مِنْ بَيْنِهِمَا مَارِقَةٌ يَلِي قَتْلَهُمْ أَوْلاَهُمْ بِالْحَقِّ

“There would be two groups in my Ummah, and there would emerge another group (seceding itself from both of them), and the party nearer to the truth among the two would kill them (the group of the Khawaarij)”.

Therefore, those whom the Ameer ul-Mu’mineen ‘Ali, may Allah be pleased with him, killed, when the division occurred between the people of Iraq and Ash-Shaam (Greater Syria). They were called Al-Haruriyah. The Prophet ﷺ made clear that both the divided parties were from his Ummah, that the companions or followers of ‘Ali were most upon the truth and he did not entice the fighting except against that seceding group who exited from Islam, departed from the Jama’ah (Muslim collective) and made the blood and wealth or properties of other Muslims Halal (permissible) for them to take. **It has therefore been affirmed by the Kitab, the Sunnah and the Ijma’ (consensus) of the Ummah that the one who exits from the Sharee’ah of Islam is fought against and even if he pronounces the two Shahadahs (testimony of belief)**.

The Fuqaha’ (jurists) held two different opinions in relation to whether it is permitted to fight the “**At-Taa’ifah Al-Mumtani’ah**” (The desisting or refusing group) if it was to abandon a fixed set Sunnah action like the two Rak’ah performed before Fajr. As for the clear and thoroughly established obligations and prohibitions, **then they are fought against by the agreement (of the Fuqaha’)** until they commit to establishing the obligatory prayers, to giving the Zakah, fasting the month of Ramadhan and making pilgrimage to the House (Al-Bait), and commit to leaving the prohibited acts like marrying the sisters, eating or devouring the Khaba’ith and aggressing against Muslims in their lives and properties etc. The initiation of fighting against those is obligatory after the Da’wah (invitation) of the Prophet ﷺ has reached them concerning these rulings. So, if they initiate against the Muslims, then fighting them is clear, as we have mentioned in relation to fighting the refrainers from the aggressing highway or armed robbers. The most emphatic obligatory Jihad against the disbelievers and those who refrain from or refuse some of the Islamic legislations, like those who refuse to give the Zakah, the Khawaarij and those like them, is obligatory to be initiated and repelled. If it is initiated, then it is Fard ‘Ala l-Kifaayah (An obligation of sufficiency). If some undertake it the obligation falls from the remainder. The favour belongs to the one who undertakes it as Allah تعالى said:

لَّا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولِي الضَّرَرِ

**Not equal are those of the believers who sit (at home), except those who are disabled (by injury or are blind or lame, etc.)** (4: 95).

If the enemy wants to attack the Muslims, then repelling it is obligatory upon all those who have been targeted in addition to those who have not been targeted due to the obligation to support and assist them. That is as Allah تعالى said:

وَإِنِ اسْتَنصَرُوكُمْ فِي الدِّينِ فَعَلَيْكُمُ النَّصْرُ إِلَّا عَلَىٰ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُم مِّيثَاقٌ

**And if they seek you help in the Deen, then you must help, except against a people between yourselves and whom is a treaty (8: 72).**

And just as the Prophet ﷺ commanded that the Muslim be helped and supported. That applies equally whether the man was from the fighting mercenaries or not. It is obligatory in accordance with possibility (or capability) upon everyone with his life and wealth, with the few or many, and whether walking or riding. This is like the situation of the Muslims when the enemy targeted them in the year of the Khandaq (Trench). Allah did not grant permission to anyone to leave it. He permitted in respect to leaving the Jihad which is initiated and seeks the enemy, dividing them into the one who sits (i.e. stays behind) and the one who goes out (i.e. for Jihad). Indeed, He rebuked those who sought the permission of the Prophet ﷺ:

يَقُولُونَ إِنَّ بُيُوتَنَا عَوْرَةٌ وَمَا هِيَ بِعَوْرَةٍ ۖ إِن يُرِيدُونَ إِلَّا فِرَارًا

**Saying: “Verily, our houses are unprotected” while they were not exposed. They did not intend except to flee** (33: 13).

This is defence of the Deen, the inviolable sanctity and lives. It is the fighting of necessity whilst the other fighting is for the purpose of adding (or expanding) to the Deen, raising it high and striking fear into the enemy, like the Ghazwah (expedition) of Tabuk and those (expeditions) like it. Therefore, this kind of punishment if for **the Tawaa’if Al-Mumtani’ah (Desisting groups)]. This is the end of the speech of Imam Sheikh ul-Islam Ibn Taymiyah. The original text is longer than this one and has also been placed in the addendum.**

We are (in agreement) with the deduction of Sheikh ul-Islam (Ibn Taymiyah). There are however some observations and clarifying comments upon the texts that he presented, including:

**Firstly**: Concerning the debate that took place between Abu Bakr and ‘Umar, may Allah be pleased with them. Even though the narrators only brought a summarized version and focused upon the main part of the subject, there was nevertheless no mention and not even by a single word, of the apostacy of those who were desisting or refusing to pay the Zakah to Abu Bakr or that they had disbelieved or departed from the Millah (i.e. Deen of Islam). Rather, the discussion only revolved around the permissibility of fighting them for their refusal by armed force to hand over the Zakah payments to the collectors of Abu Bakr. The subject is therefore either:

(**a**) The refusal by armed force to obey Abu Bakr which manifested in the form of their desisting from handing over the Zakah to his collectors, even though they had given it and distributed it among themselves. This is what has been related in the sources of Seerah and history concerning the case of some of them.

(**b**) Or the refusal of adhering to the obligation of Zakah in origin; either due to arrogance or with the claim that it was due only to the person of the Prophet ﷺ and had been abrogated by his death. It may be that this was the case of another group from among those who withheld the Zakah.

Whatever the case, the debate among the senior Sahabah only revolved around the subject of the permissibility of fighting them whilst it was not at all about declaring or passing judgment upon their individuals to be disbelievers. It is also known that the Sahabah fought against them in the same manner as the disbelievers and apostates are fought: They killed the fighters (or combatants), took women and children as slaves and took their properties as booty, just as they did with the apostates who had returned to idol worship and the apostates who had disbelieved by denying the seal (or finality) of the Prophethood (of Muhammad ﷺ) and followed Musailamah Al-Kadh’dhaab, or Al-Aswad Al-‘Ansiy, or Sajah, or Tulaihah, or others from the great liars who falsely claimed Prophethood for themselves. Had the Sahabah wasted time in the study of the subject of “Kufr Al-Mu’ayyin” (i.e. declaring the individual as a disbeliever) and the Mawaani’ (preventions) of declaring a person a disbeliever, then Islam would have disappeared and become extinct whilst they were occupied in that futile Byzantine debate (i.e. one which goes on forever without being productive). However, Allah protected from that!

Some may have some doubt concerning this matter as the books of history, in sum, named this fighting with all its various types by one single name: “**Huroob Ar-Riddah**” (The Wars of Apostacy). So as a result they believed that this name dictates that the Sahabah passed judgement upon all of those they fought with disbelief and apostacy in their capacities as individuals, with the exception of those whom it had been affirmed that they possessed something from the preventions of being judged to be disbelievers (Mawaani’ At-Takfeer). However, this is a major error. The truth is that the dialogue of Abu Bakr and ‘Umar concerning those who were withholding the Zakah invalidates this view for certain. That is because the discussion did not revolve around passing the judgment of disbelief (Takfeer) or the Hukm (ruling of Riddah (apostacy). Rather, it exclusively revolved around the fighting based upon the reasoning of their refusing to hand over the Zakah to the collectors of Abu Bakr, meaning it revolved around a “**Haqq (right) of Islam**” alone and nothing other than that. The books of history and Seerah have only transmitted to us the manner of how that fighting was undertaken and that it was in conformity with the fighting of the apostates: Killing the fighters (or combatants), enslaving the women and children and taking the properties as booty.

There is another raised doubt, which is that ‘Umar retracted some of what Abu Bakr did where he freed some of the slaves from the women and children. It has been said that “**Al-Hanafiyah**” the mother of Muhammad bin ‘Ali bin Abi Talib, who is well known as “**Muhammad bin Al-Hanafiyah**”, may the pleasure and peace of Allah be upon them, was from among those who were freed. And in the case where ‘Umar retracted the Hukm (ruling) of Abu Bakr, the Ijma’ (consensus) was broken and it is not permissible to state that the consensus has been convened upon it.

**We say: This raised doubt definitely amounts to nothing**. That is because the freeing of the women and children and possibly returning some of the properties, encompassed some of the followers of Musailamah who were certainly from the apostates, like “**Al-Hanafiyah**” the mother of Muhammad bin ‘Ali bin Abi Talib, may the pleasure and peace of Allah be upon them. This was only undertaken by ‘Umar in order to reconcile the souls, draw the hearts together, heal the rifts from the accursed Fitnah (strife), bring reconciliation amongst them, strengthen the internal rank and direct all the strength towards the external enemy represented in the Romans and Persians. In this regard he excelled and did well. That is whilst it as not been transmitted from him and not by even a single word that he retracted the legitimacy of fighting those who withheld the Zakah. Indeed, everything that has been transmitted is contrary to that.

**Conclusion: The fighting of those who “withheld the Zakah” was only due to their preventing its delivery to the legitimate (Shar’iy) Imam to whom the Bai’ah (contracting pledge) had been given, whose obedience is obligatory and concerning whom it is obligatory to hand over the Zakah to his collectors**. The form of this fighting was the same as the fighting against the apostates. And when those apostates were living in independent homelands, equivalent to states and independent states, then they are dealt with just like the independent states of disbelief are dealt with, like the state of Quraish, the state of Bani Quraizhah, the Jewish states of Khaibar and the Persians and Romans etc.

**Secondly**: The fighting of the rogue excessive Khawaarij was only due to the ‘Illah (reasoning) of their rebellion by the sword against the Jamaa’ah (Islamic collective), their killing of the people of Islam whilst leaving alone the people of idols, their desisting by armed force, their forming of a bloc and supporting one another, whilst they were from those who uttered the two Shahadahs (testimonies of Islamic belief). Indeed, they claimed that they alone were the true Muslims and that they were more abundant in Salah, fasting and their passion for the Deen, than the companions of Muhammad ﷺ. Despite that, the Prophet ﷺ went to great lengths to mention the reward associated with fighting and killing them. He ﷺ said:

لو يَعْلَمُ الجَيْشُ الَّذِينَ يُصِيبُونَهُمْ ما قُضِيَ لهمْ علَى لِسَانِ نَبِيِّهِمْ صَلَّى اللَّهُ عليه وَسَلَّمَ، لَاتَّكَلُوا عَنِ العَمَلِ

**If the army that fights them knew what reward they will have, as spoken on the lips of their Prophet ﷺ, they would cease striving whilst relying on that (i.e. they would focus on that act alone).**

It may be that the Hikmah (wisdom) of that great emphasis, whilst Allah knows best, was so that no doubt would remain among anyone in respect to the permissibility of fighting them, despite the excessive appearances of religiousness which reach the level of whispers and infatuation.

In spite of that, the excessive Haruriyah Khawaarij who rebelled against the Imam of guidance, the Ameer ul-Mu’mineen ‘Ali bin Abi Talib, may the pleasure and peace of Allah be upon him, were dealt with by the Imam of guidance with the complete treatment afforded to the apostates. That is as he did not take the women and children as slaves and he did not take their properties as booty apart from that which was in their possession at the time of fighting in terms of weapons and properties, whilst he did not confiscate from their homes and places of storage. The ‘Illah (reason) for that was that they were not in an independent homeland but were rather in the same homeland, the Dar (land) of Islam and the Khilafah. They did not at all form or declare an independent homeland and they did not leave the Dar (homeland) of Islam and join with one of the homelands of Shirk (disbelief and polytheism). Consequently, it was not permitted to consider their women and children from amongst the sum of the “**Desisting Taa’ifah (group)**” and as such were not treated as being from the people of (or at) war.

**Yes**, it is true that a disagreement has occurred in the past and present concerning the Takfeer (passing the judgement of disbelief) upon the Haruriyah Khawaarij: The Azariqah, Sifriyah and Najadah and the majority are upon the view that they are not disbelievers. A group of examiners from the people of knowledge said that some of their statements are statements of disbelief in terms of the statements themselves, however their individuals, in sum, were excused due to Jahl (ignorance), or Ta’weel (room for some interpretation) or other than that from among the Mawaani’ (preventers) of Takfeer (passing judgement of disbelief). That study however has no relationship at all with our current subject, which is exclusively: **Fighting the Tawaa’if Al-Mumtani’ah** (the desisting factions).

**From what has preceded the major error of those who have wasted time in research related to Takfeer or Takfeer Al-Mu’ayyin (passing judgement of disbelief specifically upon an individual) has become evident, instead of following the path of Haqq (truth) and guidance which is the study focused solely on ascertaining the reality of the desisting group, the permissibility to fight it, the manner of how it should be fought, its limits, conditions and restrictions**.

Therefore, the “**Taa’ifah Al-Mumtani’ah**” (Desisting group) deserves to be fought against in its description as being an entity and its incorporeal personality. All of its individuals are deserving to be fought when necessary; in the case of armed combat and confrontation, or the case of defence when faced with an assault and attack. Some of its individuals from those characterised by a particular characterization may warrant be targeted to be killed in a pre-emptive manner, where an assault and combat is not waited for from them, as will be detailed soon.

Before that we will present some examples of some of the types of the Tawaa’if Al-Mumtani’ah (desisting groups) which warrant being fought against whilst focusing upon our current day reality. Included among them for example, whilst not being restricted solely to them, as the types of desisting groups which warrant and deserve to be fought against can virtually not be enumerated, in contrast to the “**Exempted groups**”, which we have previously listed, are:

**(1) The first category**: Those highway robbers who rob and plunder whilst openly and blatantly using weapons and those similar to these etc. In “**Daqaa’iq At-Tafseer**” (Vol: 2, p: 34 onwards) under the chapter heading: “The chapter of the punishment of clear combatants and those who intercept the paths (highway or armed robbers)” it has mentioned at length the rulings of this category and the applications of the Hadd (fixed prescribed punishment) for Al-Muhaarabah, just as came stated in His statement تعالى:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَن يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُم مِّنْ خِلَافٍ أَوْ يُنفَوْا مِنَ الْأَرْضِ ۚ ذَٰلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا ۖ وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

**Verily, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment** (5: 33).

It also mentioned the Hukm (ruling) of assassination and what resembles that. The text in full is in the addendum and can be revised there. Due to the numerous Fiqhiy (juristic) problematic or difficult matters and disagreements around the subject of the Muhaaribeen (those who wage war), it primarily concerns the judges, jurists and legitimate governing authority. It falls as a whole under the subject of the “Punishment or penal system” and rarely concerns the Muslim individuals and Mujaahideen. Consequently, we will not spend time on its study.

**(2) The second category**: The groups fighting among each other upon the basis of tribal, regional, sectarian, territorial or nationalistic Jaahiliy (Pre-Islamic ignorance) and ‘Asabiy (partisan) claims or calls. Each of these is transgressing and it is obligatory to bring reconciliation or peace between them. If one of them refuses, or all of them, then each group or party that has refused becomes a “**Taa’ifah Mumtani’ah**” (Desisting group) and it is obligatory to fight against it until it complies to the command of Allah. In most cases these groups are rebellious or transgressing due to the predominance of anger, misguided enthusiasm and partisanship, whilst they are not groups of disbelief and apostacy. As such, those groups are fought against like the Khawaarij are fought against if they are present within the same homeland (i.e. state or country). However, some of them may indulge in wickedness and seek to make the spilling of the blood of Muslims permissible or fight the people of Islam under the banner of the disbelievers, just as the accursed Northern Alliance did in Afghanistan. In such circumstances the group deserves to be fought against exactly like the people of disbelief, apostacy and the withholders of Zakah are fought against, and especially if they are in an independent land with an independent entity.

Yes: This is the reality of what is called “**The Northern Alliance in Afghanistan**” in these days. They are from the Tawaa’if (groups or factions) of disbelief and apostacy due to their fighting under the American banner. Fighting with the disbelievers under their banner of disbelief against the Muslims represents a mortal blow and everlasting entanglement, as they are from the actions of disbelief leading to the perpetual curse and eternal fire, may refuge be sought in Allah تعالى. There is no way out from this accursed entanglement except to acknowledge the disbelief that has been fallen into, to make sincere repentance, renew the two testimonies of Iman (belief) and turn the weapons towards the aggressing colonialist disbeliever.

It is not said that from among those doing that there could be someone who is not a disbeliever due to ignorance (Jahl), which is the case of the majority of the men of the “**Northern Alliance in Afghanistan**” who for certain are more ignorant than cattle, or due to some interpretation (Ta’weel) or invalid Fatwa (verdict), which could for example be the case of the misguided and criminal Burhanuddin Rabbani and Abdul Rasul Sayyaf, as strong connotations show. All of this is true, however, it is not permissible to become preoccupied in that as we are only examining the Hukm (ruling) of the “**Taa’ifah Al-Mumtani’ah**” (The desisting group), the Ahkam (rulings) related to fighting it and the manner of how to deal with it. We are not discussing the ruling of individuals and specific persons. May Allah’s refuge be sought from permitting ourselves to pass judgement upon anyone entering Jannah (Paradise) or the Naar (hellfire).

**(3) The third category**: Those who withheld or refused to give the Zakah during the days of Abu Bakr from those who attested to the two testimonies of belief and represented a “**Taa’ifah Mumtani’ah**” (Desisting group) whom the Sahabah agreed to fight against in accordance with the manner of fighting undertaken against the people of disbelief and apostacy.

**(4) The fourth category**: The disbelieving warring states who aggress against Islam and the Muslims. They may be occupying their lands by armed force like the United States of America and Britain, particularly after their most recent aggression against Iraq. This category is fought in accordance with the usual manner of fighting the warring disbelievers: Their combatants are fought whilst women and children are avoided in addition to the non-combatants according to the most precautious and preponderant opinion, and so they are not targeted in the first instance.

It is only permissible to target the “**civilians**” upon the basis of like for like treatment, exactly like the Mujahideen rightfully targeted the “**citizens**” of America in the blessed expedition of New York and Washington, because America had for a long time before that begun targeting the Muslim civilians, killing and exterminating them. For example, they did that directly in Iraq and in Palestine by their support for the Israeli aggression and its crimes against the civilians of Palestine. Indeed, it has targeted in an aggressive and pre-emptive manner citizens of many nations and peoples; at the forefront of which were the people of Japan. Therefore, it deserves a just reprisal for its crimes and tyranny against the people in general and Muslims in particular. We have explained this in detail in our study entitled: “**The Centre of Global Trade**”, indeed, we have dealt with the subject thoroughly, and so it can be referenced.

**(5) The fifth category**: **The warring disbelieving states who are aggressing against Islam and the Muslims, have occupied some of the Muslim lands, expelled its people from them, illegally seized their land, homes and properties, like Israel, that cancerous malignant Zionist entity in Palestine**. This category is fought against with the usual manner of fighting the warring disbelievers: Their combatants are fought and it is permissible to target those who they have named “**civilians**” from those holding their citizenship. That is because they are usurpers of the land and residing and living with complete impudence upon the usurped land, whilst refusing (i.e. to return what they have usurped) by employed armed force. It is therefore necessary to expel them at the point of spears. Whoever from them leaves to return to the land he originally came from, whether that is in London, New York or Moscow, has secured his life and property, saved his skin and saved his family and children. So why do they not do that and then they would have done well and good?!

**(6) The sixth category: This is an important category which we will focus upon in the following section**: The ruling gang (or faction) in an Islamic land in which the majority of its people are Muslims and they are the strongest faction and the people of power and Man’ah (protective force) in that land, where the security of the land is accomplished by their security and it is protected by their power (or force). This ruling faction are from the inhabitants of the land and yet despite that they refuse to apply Islam completely, or are involved in fighting Muslims under the banner of the disbelievers, or ally with the disbelievers against the Muslims, and what resembles these matters from among the kinds of flagrant disbelief (Kufr Bawaah), for which we have a Burhan (clear proof) from Allah. This category is fought like the fighting undertaken against the warring apostate disbelievers, just like the Sahabah fought the apostates at the time of Abu Bakr, although it is observed that they were in the same homeland and not an independent land. Their combatants are fought against however their women and offspring are not considered to be members of the “**Taai’fah Al-Mumtani’ah**” (Desisting or refusing group) from the whole of the “**Taa’ifah Al-Mumtani’ah**”, as will be detailed soon by Allah’s permission. The clearest examples of this include:

(**a**) ‘Aali (the family of) Saud and its regime who we will use as the model example in a continuous manner. It is a regime of disbelief (Kufr) due to its replacing of the Islamic legislations, its legalising (or permitting) of usurious banks, its membership if regional and international disbelieving organisations like the United Nations and the Guld Cooperation Council amongst others. We have established the definite evidences in our book “The definite evidences for the legal illegitimacy of the Saudi state” for the Kufr (disbelief) of the third Saudi state since it enactment of the system of Saudi citizenship, that rotten accursed racist system, in the year 1350 AH (1932 CE). Thereafter, the Kufr matters and contraventions to what is definite from the Ahkam (rulings) of Islam became numerous within its fundamental system, its systems, laws, codes and non-Islamic courts which they named “The committees of settling the disputes” in a miserable attempt to name the Kufr (disbelief) by other than its name. The regime of the Saudi family is therefore a racist factional Kufr loathsome regime which hides behind the Wahabi Da’wah whilst fraudulently and falsely making claim to Islam and Salafiyah. That is whilst Islam and Salafiyah is free and innocent of it, just like the wolf was innocent of the blood of the son of Ya’qub (i.e. Yusuf, peace be upon them).

In addition, the allying of the family of Saud to the warring states of disbelief, America and Britain, and their fighting behind the banners of disbelief against the Muslims in Afghanistan, Iraq and what they called the “**War on terror**”, is clearer and more evident that the sun in broad daylight and does not require any evidencing. That is as the family of Saud and especially in this third state of theirs, has not made war against the idol worshippers at all, but rather they have been in continuous wars against the people of Islam, whilst maintaining the best treatment and indeed veneration and respect for the idolaters, particular if those idolaters (Awthaan) were from the masters of the English and Americans. That is in the case where the honouring and respecting of the warring disbelievers turns into subservience, humiliating despicable submissiveness and contemptible servitude and agency that rouses revulsion.

This is the truth about the situation of the family of Saud and their reality, regardless of their shameless lies concerning their “**complete**” application of Islam and their far-famed, empty and fantasy based (false) claims, that they alone are the “**People of the Sound Aqeedah**”, whilst other than them are disbelievers and Mushrikeen (polytheists), or misguided deviants in the best of circumstances. Despite their attempt to fool the masses of the Muslims through the maintenance of the Haramaini (in Makkah and Madinah), paving their land with white marble, the printing of the “**King Fahd Mushaf!**” and distributing it for free, their placing of some food tables in this Masjid or that one, or participating in this charity or that, whilst designating at the same time thousands of millions for that which is even more important to them; from the Contra (rebels) in Nicaragua to the gambling tables of Monte Carlo and the prostitutes of Lebanon and Paris!

(**b**) If this is the situation and reality of the Saudi family, then by greater reason the situation of other than them from the ruling cliques in the Islamic world is worse: From the malicious racist sectarian state of Iran, which falsely and fraudulently makes claim to Islam and Shi’ism, whilst at the same time it makes war against the people of Islam in Afghanistan under the American banner and hands over the Mujahideen to the regimes of disbelief in the Islamic world, for them in turn to hand them over to America when America commands that, or torture and kill them themselves … to the opportunist ruling military dictatorship in Sudan which for a time hid itself behind the veil of “**Islam**”; the Islam of Turabi, the great opportunist liar.

Of course, there is no need for us in origin to make a mere mention of the tyrants of Tunis, the criminal francophone gang of Algeria, the Turkish military, or the Hindu-American agents in Pakistan under the leadership of Pervez Musharraf, as the situation of those is clearer, more apparent and evident than the need to be discussed or evidenced.

**(7) The seventh category and this is the other important category**: The ruling clique in an Islamic land where the majority of the population are Muslims but that land is subject to a military aggression from a hostile disbelieving state and subsequently comes to be under occupation, whilst the occupier hides behind the veil of offering protection, guardianship, mandate or another one of the innocent looking and glittering names which in truth mean: That the independence of the land is deficient and the security of the land is not held by the power of its own population of Muslims, but rather by the power or force of the occupying disbelieving state. This category had died out and the people believed that it had gone for good, but then the great calamity struck with the recent American invasion of Iraq and its occupation of it.

What has been called the “**Interim Governing Council**” in Iraq these days, the departments under it and the bodies or agencies that follow its command, are representative of a “**Taa’ifah Mumtani’ah**”; a group that is desisting from the Ahkam (rulings) of Islam. Indeed, the reality of this council is even more repugnant and repulsive than the preceding category because it desists by the force of the occupying invading disbeliever state. Fighting it has become a Fard ‘Ain (obligation upon every individual) in accordance with the Shar’a (Islamic law), in accordance with the Ijma’ (consensus) of the Muslim ‘Ulama’ (scholars). We will use the “**Interim Governing Council**” in Iraq as a model example of this second category.

This category or type is also fought with the manner of fighting employed against the warring disbelievers and apostates, just like the Sahabah fought the apostates at the time of Abu Bakr, whilst observing that they are within the same land and not in an independent land. As such, their combatants are fought but their women and children are not considered to belong to the “**Taa’ifah Al-Mumtani’ah**” (desisting group) from the sum of the “**desisting group**”. In this circumstance, fighting the warring disbelieving occupier is added (to the obligation) until it is expelled from the land of Islam and the land and its people are purified from its filth and impurities, and all that has been brought contrary to the system of Islam is eradicated, including the purge of the “**desisting group**” which desisted by its (i.e. the enemy’s) sword, enjoyed its protection and executed its will and plans.

The priority is to the correct action in accordance with the Usool (fundamentals) and Qawaa’id (principles) mentioned previously. That is to regard the local ruler and the foreigner as being representative of one single desisting group. That is because that is their reality and truth. War must be undertaken and they must be fought against in unison; a matter which we will soon explain in detail.

In respect to these last two categories, which are the two important categories, we find a public debate about the Shar’iyah complications connected to the legal legitimacy of fighting and killing those who are affiliated, if only my name and appearance, to Islam. That is because in origin their blood and properties are protected just as the blood and properties of the Ahl udh-Dhimmah are protected (i.e. the non-Muslim citizens or subjects). That is whilst at the same time however, they are apparently cooperating with the regimes concerning which we have a clear proof (Burhan) from Allah, that they have exhibited Kufr Bawah (flagrant or manifest disbelief) and desisted (i.e. from adherence to Islam) by armed force.

Indeed, some of those cooperating have different excuses and Ta’weelaat (justifying interpretations), and a real concern for the interests of the people and the attempt to lighten and ease their suffering is apparent from the actions and statements of some of them, especially in the countries which suffer under the grip of foreign occupation, like in the form of a military invasion like Iraq. Indeed, some of them present connotations, concerning the strength of which there is no issue, indicating that the Mujtahid (deducing scholar) who seeks justifying interpretations does not desire except that which is good!

These complications or problematic areas are not hidden and it is not possible to deny their existence. The state backed jurists from among the traitorous heretic Sheikhs or the ignorant who live in the dark, the likes of Rabee’ Al-Madkhali, Falih Al-Harbi, Ubaid ul-Jaabiri, Abdullah bin Abdul Muhsin At-Turki, As-Sadlan (The Shaytan), Al-Lohaydan, the judge of Aali Saud and the head of their high judicial council, Ibn Ash-Sheikh, the Mufti of Aali Saud, Tantawi, the Mufti of Hosni Mubarak, and some of those who have falsely and fraudulently taken the names of “Ayatollah” in Iraq and Iran, whilst in truth the “Ayat Ash-Shaytan” and their likes, have all done well at playing the tune of these problematic issues and confusing the sincere Mujahideen as a result of them. The Mujahideen assisted them in an indirect manner by involving themselves in the studies of Takfeer (i.e. what relates to passing judgement upon someone as being a disbeliever), the details of the Takfeer Al-Mu’ayyin (Judgement of disbelief upon a particular person) from one angle, and from another angle by not examining the “**membership**” of the “**desisting groups**” in a precise manner and instead of that examining the reality of “**Cooperation**” and its limits.

The correct view is that the mere “Cooperation” is not suitable as a basis as anyone who lives under the authority of a state could be considered to be cooperating in one form or another, even if only by paying taxes or following traffic laws for example.

The correct view to solve the problem and fulfil what is obliged, is to consider the rulers, those in authority and possessing the mandatory power or jurisdiction to command and forbid within the regimes of disbelief, to be the heads of the **Taa’ifah Al-Mumtani’ah** (the group or faction desisting by **employing armed force**). This desisting group encompasses:

**(1) The first group is that of the rulers and those who possess the true or real authority, those who are the leaders of disbelief and heads of misguidance** (the civil service and administrators are not included among those). For example, in the regime of the family of Saud, it is obligatory to consider the heads of Aali Saud to be: Salman bin Abdul ‘Aziz, Nayef bin Abdul ‘Aziz, Ahmad bin Abdul ‘Aziz, Sultan bin Abdul ‘Aziz, Abdullah bin Abdul ‘Aziz, Khalid Al-Faisal, Saud Al-Faisal, Muhammad bin Fahd, Saud bin Fahd, Abdul ‘Aziz bin Fahd, Muhammad bin Nayef and others from the Aali (family of) Saud who have been appointed in the ministerial positions, ministerial deputies and Emirs (governors) of the regions, whilst of course at the forefront of all of them is the current Taghut (devilish tyrant) of the Peninsula: Fahd bin Abdul ‘Aziz. They are rulers from the heads of the Taa’ifah Al-Mumtani’ah (desisting group).

As for the remainder of the ministers, deputies of the minsters and Emirs (governors) of the regions who are not from the family of Saud, like the minister of health for example, then they are in reality no more than administrators or managers, who do not possess the rule or authority, just as their command is not usually followed and not even by a single policeman. However, the system, the main system, and similarly the system of the government or cabinet, stipulates contrary to that. That is as they are rulers in accordance with this system or regime and they are participators in the rule and authority. In the case where the stipulated text of the system or regime is to be taken into account, and not the good application or bad application, then it is necessary to regard them as being a part of the ruling apparatus and to deal with them in accordance with what relates to our subject matter here, which is “**Fighting the Tawaa’if Al-Mumtani’ah (desisting groups)**”, in accordance with the treatment of the remainder of the heads of the desisting group, regardless of them not enjoying in reality the jurisdiction or mandatory powers of ruling and authority. That is because it is their own choice, reflects their judgement upon it and what they have accepted for it.

As for their actual reality being contrary to their placement within the system, then that is only taken into secondary consideration, and so they are not placed at the top of the list of those being targeted etc.

As for the stipulated text of the system or regime primarily being taken into account, and not the good application or bad application, then that is clearly apparent in the example of a Muslim who acknowledges Zina (fornication or adultery) being prohibited not being declared a disbeliever for merely perpetrating the crime of Zina. That is because he acknowledges the origin or basis of the system, which is the prohibition of Zina. He is a Muslim entitled to the name of Islam and the rulings of Islam are applicable to him, even if he did not apply the ruling in origin or misapplied it. His action is not called “**Kufr**” (Disbelief) but rather is called “**Ma’siyah**” (Sinful act of disobedience), and as such is only deserving of the label of the “‘Aasiy” (sinfully disobedient) or the “Fasiq” (rebelliously disobedient). That is contrary to the one who rejects the ruling of the prohibition of Zina, whether he rejects it based upon denial, doubt, disbelief, refusal, stubbornness, conceit, arrogance, mockery, contempt, or hatred and dislike. Such a person has rejected the origin of the system, whether he did not apply it or applied it by coincidence. This person has actually perpetrated an act from the acts of “**Kufr**” (disbelief) and his action which is the “**Rejection of the Hukm (ruling)**” is called Kufr, whether he perpetrated Zina or did not perpetrate it. The case of our father Adam (peace be upon him) is that of the first case; the case of the one who perpetrated a Ma’siyah (act of disobedience):

وَعَصَىٰ آدَمُ رَبَّهُ فَغَوَىٰ

**And Adam disobeyed his Lord and erred** (20: 121).

And the case of Iblees, Allah’s curse be upon him, is the second case:

أَبَىٰ وَاسْتَكْبَرَ وَكَانَ مِنَ الْكَافِرِينَ

**He refused and was arrogant and became of the disbelievers** (2: 34).

And there is a huge difference between the two.

This is how the matter must be in respect to every matter: “**The stipulated text of the system (or regime) is given priority in terms of being taken into consideration over the good or bad application of the system**”, in accordance with the necessity of the Shar’a (Islamic legislation) based upon the necessity of the senses and mind.

The leaders of Kufr (disbelief), the heads of misguidance, are permitted to be targeted from the offset as the existence of the “**Taa’ifah Al-Mumtani’ah**” is tied to their existence, as they are desisting themselves from the application of the Islamic legislations by their practicing of the rule by other than what Allah has revealed or by making allies with the disbelievers and their fighting against the Muslims under banners of disbelief, or by both of these together. Each one of these, in himself and in his personal (individual) description, is a ruler by other than what Allah has revealed and an ally maker of the disbelievers, and there is no difference whether he is in the headquarters of his work of lying upon his bed with his wife.

He is a Harbiy (person at war) by way of Hukm (ruling), meaning an enemy of Islam and Muslims in himself, by his mere existence in the position of ruling and leadership. For that reason, it is permissible to target them from the offset and there is no need for any of them to have actually engaged in fighting or unsheathed his sword, as that almost never happens in reality, even though he is like that at all time and circumstances by way of ruling (Hukm). This noble, elevated and purifying Sharee’ah has brought this as is evident in the generality of the evidences which we have previously indicated to and from His Qawl (statement) تعالى:

فَقَاتِلُوا أَئِمَّةَ الْكُفْرِ ۙ إِنَّهُمْ لَا أَيْمَانَ لَهُمْ لَعَلَّهُمْ يَنتَهُونَ

**Then, fight the leaders of disbelief, for indeed, there are no oaths [sacred] to them; [fight them that] they might cease** (9: 12).

That is in addition to the following specific evidences:

**(a)** “**The military coup**” undertaken against Al-Aswad Al-Ansiy, the great liar self-proclaimed Prophet who falsely invented against Allah; the enemy of Allah and His Messenger. We have a summarized study of this significant occurrence and for the legal legitimacy of the “**military coup**” which can be found in the addendum.

**(b)** “The solitary Sariyah (expedition) of Abdullah bin Unais, may Allah be pleased with him, to assassinate Khalid bin Sufyan bin Nubaih Al-Hudhaliy. He used deception and trickery against him until he was able to kill him and as a result the hosts which he had been gathering together to make war against Allah and His Messenger dissolved. It is a famous blessed expedition which can be found in the “**As-Seerah An-Nabawiyah**” (Prophetic Seerah) and can be referenced there.

**(c)** There is also the Sariyah (expedition) of Abdullah bin Rawahah and his companions, including the hero Abdullah bin Unais, to assassinate Al-Yusair bin Rizaam, who had been at Khaibar gathering (the tribe of) Ghatafan to attack the Messenger of Allah ﷺ. They employed deception and trickery against him until they killed him in addition to a group from his companions. This has also been mentioned in “**As-Seerah An-Nabawiyah**” (The Prophetic Seerah). It is apparent from these occurrences that Abdullah bin Unais was from the people of skill and expertise in respect to assassinating the heads of disbelief, and his achievement is due to Allah. This story can be found and revised in “**As-Seerah An-Nabawiyah**”.

**(d)** The Sariyah (expedition) of Muhammad bin Maslamah and his companions, may Allah’s pleasure and peace be upon them, to assassinate Ka’b bin Al-Ashraf, the devilish tyrant of Bani An-Nadeer, the enemy of Allah and His Messenger. This mission **contains important Fiqhiy (juristic) features which can be found discussed in the addendum**.

**(e)** The Sariyah (expedition) of Abdullah bin ‘Ateek and his companions, may Allah be pleased with them, dispatched to Abu Raafi’ bin Abi Al-Haqeeq An-Nadariy at Khaibar. They succeeded in assassinating him and relieved the Muslims from their dirty plans and its details can be found in the addendum.

**(f)** What has previously been discussed and established in relation to the legal legitimacy of fighting the one who openly married the wife of his father and how he is dealt with in accordance with the treatment afforded to the warring disbeliever, even if he does not unsheathe a sword or desist using armed force. Therefore, this applies by greater reason to the heads of the “Taa’ifah Al-Mumtani’ah” (Desisting group) who do so by armed force and are immersed in the violent suppression and torture of the people, in making alliances with and befriending the warring disbelievers and fighting under their banner.

There are many incidents besides these which have been transmitted by way of Tawaatur (definite concurrent reports), which establish in their collectiveness certain definite knowledge, the legal legitimacy to initiate the fight against the heads of disbelief, to kill and assassinate them, even if they were lying upon their beds with their wives. It is not permissible for there to be the least doubt in respect to that for anyone who has believed in Allah and the Last Day, whilst whoever has disbelieved, then Allah is sufficient from any need from all that He has created.

The heads of the desisting group in the case of occupied Iraq include for example:

(1) The heads of the disbelieving warring invading states: The American President, his secretaries of state, the rulers (or governors) of the Unites States of America and what is similar to these. All of them live outside of the Islamic land and on the other side of the seas.

(2) The American heads of the local ruling apparatus: The civil American ruler and the American military rulers.

(3) The members of the “**Iraqi Interim Governing Council**”, the Iraqi rulers and governors of the provinces or states, the members of the interim government and those resembling these. They are Iraqis who are usually residing inside Iraq, without their being any difference between them.

This Hukm (ruling or judgment) does not change due to some of those affiliated to the apparatus of ruling and authority, being in reality believers who are concealing their Iman (belief) and working secretly for a military coup to take place, for example. That is because one of these being killed by the hand of someone from the Mujahideen who is not aware of his situation means that the one who was killed has succeeded by attaining martyrdom and the one who has killed has attained the reward of killing the heads of the desisting group of disbelief, whilst what lies in wait from Allah in terms of favour is superior and greater!

Similarly, this Hukm (ruling and judgement) of taking the initiative in respect to killing and assassination, is not permitted to be influenced by the probability of casualties occurring from some of the innocent people. The contemporary reality shows that the heads of the tyrants in our current age usually employ armoured cars and vehicles, air cover, walls, fortified palaces and buildings and a large number of highly trained guards which form a protective cordon encompassed by another protective cordon and possibly by other kinds of defensive cordons. This contemporary reality could oblige the use of heavy explosives or possibly an attack by armoured vehicles (or tanks) and aircraft, which could expose many innocents to death.

**This incidental killing of innocents who do not deserve to be killed is a serious (or grave) matter** which must be taken into consideration to the greatest extent, however, it is not permissible, under any circumstances, for that to lead to **the complete abandonment of Al-Jihaad**, or to abandon fighting the Taa’ifah Al-Mumtani’ah (Desisting group).

وَالْفِتْنَةُ أَشَدُّ مِنَ الْقَتْلِ

**And Fitnah is more severe (i.e. worse) than killing** (2: 191).

وَالْفِتْنَةُ أَكْبَرُ مِنَ الْقَتْلِ

**And Fitnah is greater (i.e. more grievous) than killing** (2: 217).

And it is because what lies in wait from Allah in terms of recompense (or compensation) for the one who is killed from among the innocents, is better for them than the life that they lost. Indeed, it is better than the Dunyaa and all that it contains, with there being no difference in respect to the one who is killed being a believer or disbeliever. Being killed accidentally means: Martyrdom for the believers and a lightening of punishment for the disbelievers.

However, initiating the killing and fighting is decisively prohibited in the Sacred House of Allah. It is only permitted to engage in defence and repelling the aggression in it as Allah تعالى said:

وَلَا تُقَاتِلُوهُمْ عِندَ الْمَسْجِدِ الْحَرَامِ حَتَّىٰ يُقَاتِلُوكُمْ فِيهِ ۖ فَإِن قَاتَلُوكُمْ فَاقْتُلُوهُمْ ۗ كَذَٰلِكَ جَزَاءُ الْكَافِرِينَ

**And do not fight them at al-Masjid al-Haram until they fight you there. But if they fight you, then kill them. Such is the recompense of the disbelievers** (2: 191).

No definite equivalent text has come regarding the sacred Masjid of the Prophet ﷺ or the Sacred Masjid of Bait ul-Maqdis, however we state that out of precaution and to escape from falling into disagreement, whilst the Tawfeeq belongs to Allah.

**(2) The second group from among the groups of the “Taa’ifah Al-Mumtani’ah” (Desisting Faction): Their intelligence, investigative and spy agencies and those who work for them**. That is like the “**Mabaahith Al-‘Aammah**” (General Intelligence Services) in what has been called “Saudi”, the “**Mabaahith Amn Ad-Dawlah**” (State Security Services) in Egypt, the “**Amn As-Siyasiy**” (Political Security) department in Yemen, and others whatever name has been provided to them. That is because spying is from the major decisively prohibited acts in Islam unless the Muslim is a spy against the disbelievers who are at war with the Muslims, as has been mentioned in the texts, whilst we are not aware of any other case exempted by the texts.

As for spying on behalf of the disbeliever in a state of war against the Muslims, then this is from the most horrendous forms of “**Taking the disbelievers as Awliyaa’ (allies, friends and supporters) instead of the believers**”. It is, according to the correct opinion, from the actions of Kufr (disbelief), which make the person a disbeliever by his mere acting in accordance with it, removing him from the folds of Islam (with the exception of the one who has one of the Mawaani’ (preventions) of Takfeer Al-Mu’ayyin (the judgment of disbelief being passed upon his specific person). It is not permissible to be negligent or remiss in this at all as we have thoroughly dealt with in our book “**Al-Muwaalaat Wa Al-Mu’aadaat**”, particularly when we examined the true reality or essence of the terrible crime which Hatib bin Abi Balt’ah, may Allah be pleased with him, got himself entangled in, although this is not the subject matter of study here.

In the case where the “**Taa’ifah Al-Mumtani’ah**” (Desisting group or faction) is the subject of our study here, the warring group of disbelief and apostacy which is dealt with in accordance with the treatment of the people of disbelief and apostacy, just as the Sahabah dealt with the apostates at the time of Abu Bakr … In such a case, the spies and informers working for the interests of the “**Desisting group**” must be dealt like the treatment afforded to the spies of the people at war who have snuck into the camp of the Muslims, which is to be killed without seeking from him repentance or excuses, or undertaking an examination of Takfeer and its preventions (Mawaani’), or wasting time in relation to conveying the invitation (to Islam) or (seeking from him) repentance.

**The evidence for the validity (or correctness) of our view is**:

- The statement of the Prophet ﷺ: “**Seek him (out) and kill him**” in relation to a spy who had been sitting among his companions and then snuck off. Salamah bin Al-Akwa’, the narrator of the Hadith said: “**I beat them to him and killed him. I took his belongings which he (i.e. the Prophet ﷺ) gave to me**”. Related by Al-Bukhari and Muslim.

- The story of Hatib bin Abi Balt’ah, which we have thoroughly covered in our book “**Al-Muwaalaat Wa Al-Mu’aadaat**”. In it we have established definite clear proofs that Hatib bin Abi Balt’ah had perpetrated an act from among the acts of disbelief, whilst the Maani’ (prevention) preventing his Takfeer (being judged a disbeliever) was the “Ta’weel” (interpretation). However, the preventer (Maani’) preventing his being killed as a Ta’zeer (discretionary punishment) was his great precedence in Islam due to his witnessing of (the battle of) Badr. Points of precedence are taken into consideration when punishing people of statures and good deeds, it is said, except in the Hudood (set prescribed punishments in which there can be no adjustment or leniency).

We move on to make clear that Hatib was from the land of Islam, possessing the Islamic subject status and was not affiliated to the “**Taa’ifah Al-Mumtani’ah**” (Desisting group) of Quraish. Rather, he only slipped up and betrayed Allah and His Messenger when he divulged some of the war and security secrets of the Muslims to the Mushrikeen (polytheists) of Quraish to protect his relatives in Makkah. As such he was deserving of death as a Ta’zeer (discretionary) punishment but not the Hadd (prescribed fixed punishment). For that reason, being pardoned was permissible for him due to his precedence in Islam. His case is similar to the case of a Mujaahid who fell into the captivity of the enemy, became weak without being exposed to torture or dire compulsion, and then divulged a secret from among the security secrets of the Mujaahideen, in exchange for being let free or his family being spared harm etc… This is contrary to the spy in the previously mentioned story of Salamah bin AL-Akwa’ as this was a spy for the warring enemy who was subservient to (or a subject of) the warring enemy and consequently affiliated to the “**Taa’ifah Al-Mumtani’ah**” (Desisting group). For that reason, the Prophet ﷺ commanded that he be hunted down and killed, whilst the command was one of obligation. It is therefore not permissible to mix between the two cases, otherwise a major mix-up would take place and the Sharee’ah balances would become unbalanced and the whole matter will become jumbled and disordered, may Allah’s refuge be sought!

Those affiliated to the Saudi “**Mabaahith Al-‘Aammah**” (General Intelligence Services), the Egyptian “**Mabaahith Amn Ad-Dawlah**” (State Security Services) and the Yemeni “**Amn As-Siyasiy**” (Political Security) among others from the employees of the agencies of spying and informing, are members of the “**Taa’ifah Al-Mumtani’ah**” (Desisting group). In reality they are the soldiers allied with, assisting, supporting, defending, and when required, fighting under the banner of the “**Taa’ifah Al-Mumtani’ah**” (Desisting group), even if they do not wear the military uniform like and do not parade themselves carrying weapons. They do, however, usually carry a variety of concealed weapons and the military ranks usually organise them just like they organise the ranks of the army and police force. They are in effect secret police and secret police are also police, indeed the worst kind of police and the dirtiest or most underhanded of them.

The “**police**” when examined are from the soldiers of the regime whilst the soldiers of the regime are part of the “**Taa’ifah Al-Mumtani’ah**” (Desisting group). They are sinful by its sin and deserve the same treatment. That is like what has been stated by Allah تعالى when He said:

إِنَّ فِرْعَوْنَ وَهَامَانَ وَ**جُنُودَ**هُمَا كَانُوا خَاطِئِينَ

**Verily! Fir'awn (Pharaoh), Haman and their *soldiers* were sinners** (28: 8).

إِنَّ فِرْعَوْنَ عَلَا فِي الْأَرْضِ وَجَعَلَ أَهْلَهَا شِيَعًا يَسْتَضْعِفُ طَائِفَةً مِّنْهُمْ يُذَبِّحُ أَبْنَاءَهُمْ وَيَسْتَحْيِي نِسَاءَهُمْ ۚ إِنَّهُ كَانَ مِنَ الْمُفْسِدِينَ وَنُرِيدُ أَن نَّمُنَّ عَلَى الَّذِينَ اسْتُضْعِفُوا فِي الْأَرْضِ وَنَجْعَلَهُمْ أَئِمَّةً وَنَجْعَلَهُمُ الْوَارِثِينَ وَنُمَكِّنَ لَهُمْ فِي الْأَرْضِ وَنُرِيَ فِرْعَوْنَ وَهَامَانَ وَ**جُنُودَ**هُمَا مِنْهُم مَّا كَانُوا يَحْذَرُونَ

**Verily, Pharaoh exalted himself in the land and made its people into factions, oppressing a sector among them, slaughtering their [new-born] sons and keeping their females alive. Indeed, he was of the corrupters. And We wanted to confer favour upon those who were oppressed in the land and make them leaders and make them inheritors. And establish them in the land and show Pharaoh and [his minister] Haman and their *soldiers* through them that which they had feared** (28: 3-6).

The soldiers are treated with the treatment afforded to their head and they are punished with the punishment of their head (or leader). That is as it was stated:

فَأَخَذْنَاهُ وَجُنُودَهُ فَنَبَذْنَاهُمْ فِي الْيَمِّ وَهُوَ مُلِيمٌ

**So, We took him and his *soldiers* and cast them into the sea, whilst he was to be blamed** (51: 40).

Allah forbid the equalising in punishment except among those who are deserving of such equalisation, either:

(1) Due to being equally sinful, whilst your Lord does not wrong anyone.

(2) Or due to the group being punished possessing a single non-material (or incorporeal) personality which permits or obliges it to be dealt with like the treatment of one single person. That is like the army (mentioned in the Hadith related by ‘Aa’ishah) that attacks the Ka’bah and are all swallowed up by the ground. Thereafter, they are raised on the day of judgement in accordance with their individual intentions. That is because the constant system of the universe dictates that just as Allah تعالى has created it and determined it to be.

Consequently, it is obligatory to pursue those affiliated to the agencies of the “**Mabaahith Al-‘Aammah**” (General Intelligence Services), “**Mabaahith Amn Ad-Dawlah**” (State Security Services) and “**Amn As-Siyasiy**” (Political Security) among others from the employees of the agencies of spying and informing, and to kill them, even if they were upon their beds and in the embrace of their wives. That is until they cease and resign from their posts and detach themselves from the accursed and dirty jobs of spying and informing. If they were to do that, then there is no aggression except against the transgressors.

The fact that some of those affiliated to the “**Mabaahith Al-‘Aammah**” (General Intelligence Services), “**Mabaahith Amn Ad-Dawlah**” (State Security Services) and “**Amn As-Siyasiy**” (Political Security) may be spies for the Mujaahideen against the group of disbelief or that they may have volunteered themselves to ruin the affair of the “**Taa’ifah Al-Mumtani’ah**” (Desisting group) from the inside, does not change this ruling. If such a person was killed by someone from the Mujaahideen who was unaware of his situation, then the one killed would have succeeded with “**martyrdom**”, whilst the killer would have succeeded by attaining the reward of killing the “**spy of the Mushrikeen (polytheists)**” and taking his spoils i.e. what he had in his possession at the time of his death in terms of clothing, gear, ammunition, jewellery and money etc… which is all Halal and wholesome for him to acquire in such a circumstance.

Similarly, fear for the lives of the innocent in terms of bystanders and those present in the administrative buildings of “spying and informing”, is not permissible to act as a preventer from targeting those buildings, which are the dens of those despicable criminals. That is whilst there could be some of the Mujaahideen or innocents in detention inside the buildings being subject to torture and suffering, like the case in the “Alyashah” agency in Riyadh for example, and what is similar to that in any other place. It is also not unexpected for those despicable lowlifes to use the innocents as “**shields**” and to hide behind innocent names and slogans, as vileness and depravity are deeply rooted fundamental characteristics within them.

Despite that, we do not see a great fighting interest in targeting the administrative buildings and other than them from the dens in which those lowlife criminals are gathered, with the exception of rare and irregular circumstances. That is because it is the norm of the dogs of spying and informing, the enemies of Allah and His Messenger, to move around as individuals or in small teams, which make them easier to target and take out one by one, or small group by small group, without exposing bystanders and innocents to the frontline. This more than meets the sufficiency and should be observed with careful precision!

The definite prohibition of initiating fighting in the Sacred House of Allah (in Makkah) must also be observed, unless it is undertaken in defence, as we previously explained a short while ago.

**(3) The third group from the groups of the “Taa’ifah Al-Mumtani’ah” (Desisting group)**: The military forces with their various forms, referring to those organisational bodies which carry weapons and are permitted by the state’s system (i.e. its constitution, laws, statutes, codes and the settled custom which possesses the force of law) to utilise armed force. They include:

**(a) The armed forces**: These specifically relate to a system to defend the country’s entity from foreign powers. The laws and codes do not state the permissibility of utilising them inside the country (apart from exceptional circumstances). Therefore, it is in the least a system, that is in origin for the purpose of defending the entity, country and people. That is whilst it is not for the defence of the rule, which is only consequential and incidental, in origin or principle.

**(b) The police**: This includes riot police, national guard (or militia) and royal (or republic) guard. If this guard was royal then it may be attached administratively to the armed forces and subject to the defence minister or war minister. That is in addition to what resembles these roles like some divisions of police responsible for security and public order.

Not included in this category are: Traffic police, police response units, civil defence and what resembles these. That is because in reality they undertake actions of Hisbah (control) and emergency services. The Shar’iy naming of “**Ash-Shurtiy**” (Police) as came mentioned within the Ahadeeth, does not apply to their reality.

As for the armed forces, then their formal definition, philosophy and fighting doctrine differs from one Islamic country to another. This formal conceptualisation is what must be primarily taken as a reference whilst observing that the actual reality could be contrary to that. That is therefore taken into consideration and is observed from a secondary basis. That is in accordance with what we have previously explained and evidenced in general. In respect to: “**The stipulated text of the system (or regime) is given priority in terms of being taken into consideration over the good or bad application of the system**”:

In the land that has been called “**Saudi**” the statutes and codes stipulate, as a whole, that the army is Islamic and manifests clearly in the form of the oath. In addition, according to the system, it has been prepared to defend the country whilst the mention of the king only comes in a passing manner in the oath’s stated form, within the scope of obeying him in his official capacity as the high chief or commander of the armed forces and with the consideration that he is the legally legitimate (Shar’iy) ruler, as is believed by those who have been deceived and misguided.

(Translators marker: please remove).

The practical reality reveals that the majority of the officers and soldiers believe that the regime of Aali (the family of) Saud is an Islamic Shar’iy regime, that their reality conforms to the stipulated text of the regime (law and constitution) and that their profession is legally legitimate and lawful. In addition, the army has not been used for internal repression of any real significance, “with the exception of the incident of Juhayman and his protest inside the Haram, which was **a puzzling or complex Fitnah**, allowing for many contrasting interpretations”. Consequently, the army is not considered to be a real prop for the regime and its practical reality is that it is weak and poorly trained. It is therefore completely incapable of fulfilling its role of defending the country which was evident from the second gulf war, which they falsely and fraudulently called “the war of liberating Kuwait”. Therefore, we outweigh that the army in what has been called “**Saudi**”, including the navy, air force and air defence, is not part of the “**Taa’ifah Al-Mumtani’ah**” (Desisting group). As such, its soldiers and officers should be avoided and kept away from, unless they are actually involved in an armed action of fighting, pursuance or internal repression, undertaken in the interests of the “**Taa’ifah Al-Mumtani’ah**” (Desisting group). In such a circumstance they would be fought against in accordance with the fighting of necessity employed to repel the Saa’il (assailant or aggressor) and what is similar to that.

This may well be the reality of many of the armies like the Yemeni and Omani armies for instance. The situation of the national guard in what has been called “Saudi” is also similar to that, as in reality it is an alternative or counter army to confront the official army if it was to rebel against the family of Saud. However, the involvement of the national guard in internal repression had been a lot in the past, whilst the potential possibility for it to clash with the Mujaahideen in the future is greater.

In contrast to that we find that the “**Turkish army**” is a fiercely purely disbelieving secular army. The laws and statutes stipulate that it is the champion protector of Ataturk’s secularism. Similarly, the national security council, which the army presides over and controls, is a part of the ruling apparatus by the text of the system, indeed, the practical reality is even starker: That is because The chief of staff holds control over the president of the republic and prime minister, and directs threats to them when it is deemed necessary. As such, the leadership of the army in Turkey are definitely the ruling faction possessing the real authority, and they are the leaders (A’immah) of disbelief (Kufr) and heads of misguidance. The Turkish military institution is without question from the pillars of the regime and the Turkish army is the army of the regime. **Therefore, it must be treated in accordance with the treatment afforded to the combatants of the people at war: They are fought in attack and in defence, when being faced and when turning their back. Ambushes are laid for them and they are lain in wait for to ambush, with all harshness and without mercy or lenience**.

As for Iraq, then there is currently no official army, even if the disbelieving colonialist occupier is striving to establish an agent traitorous army to take over in its place the burden of fighting the Mujaahideen. Whatever the tasks assigned to that “**Iraqi**” army which they wish to bring about and regardless of the content of the texts of laws and statutes regulating it, it is certain that it will be subservient in its final source of reference to the foreign, disbelieving occupying force. It is therefore, in accordance with international custom and law, which has been given precedence and governance over the local law, and also in accordance with the sensed reality, no more than a division from the divisions of the foreign disbelieving occupying army. (That is as long as it does not turn against and begin to make war against it).

The Iraqi army is therefore subservient to the American-British occupation and it is an agent army that serves the authorities of the occupation and not an army of a people or Ummah (nation). The foreign disbelieving army of occupation, referring to the American and British forces themselves, and other international forces which they seek to recruit, **must be treated with the treatment afforded to the combatants of the people of war (Ahl ul-Harb):** **They are fought in attack and in defence, when being faced and when turning their back. Ambushes are laid for them and they are lain in wait for to ambush**.

Indeed, the agent manufactured Iraqi army and the traitorous recruited mercenary forces from the Arab and Islamic lands, will most likely be in the first line of confrontation. They therefore have a greater priority in respect to being fought against and receiving harshness, because they are adjacent and closest to us. It is like Allah تعالى states:

يَا أَيُّهَا الَّذِينَ آمَنُوا قَاتِلُوا الَّذِينَ يَلُونَكُم مِّنَ الْكُفَّارِ وَلْيَجِدُوا فِيكُمْ غِلْظَةً ۚ وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ

**O you who have believed, fight those adjacent to you of the disbelievers and let them find in you harshness. And know that Allah is with the righteous** (9: 123).

The situation of the army and police of the government of Karzai, the rest of the forces of the Northern Alliance, the American forces and the rest of the international forces in Afghanistan, in addition to the detachments of the Pakistani forces and likewise Iranian forces present upon the Afghani border and immersed in assisting America to hunt the Taliban and Al-Qaeda, then their situation is exactly the same as the situation of Iraq. All of them are those at war (Harbiyoon), whom it is obligatory to deal with in accordance with the treatment afforded to the combatant from the people of war (Ahl ul-Harb): **They are fought in attack and in defence, when being faced and when turning their back. Ambushes are laid for them and they are lain in wait for to ambush**.

As for the **Shurtah (police force or law enforcement)**, which includes the anti-riot forces, the national guard (or militia), the royal (or republican) guard (even if this royal guard may be administratively affiliated to the armed forces and subservient to the designated minister of defence or war) and what resembles them in terms of bodies like some of the police divisions responsible for security and public order who are placed directly under the command of the executers and rulers like the provincial and regional governors and rulers, then all of these police (Shurtah) are by necessity from the pillars of the ruling regime. The police by this definition do not differ much in respect to the reality of the subject of their work from the spying and informing apparatus, even if the manner of how they undertake their work differs. That is as the police undertake their work in the open and where a particular uniform, whilst the spying and informing apparatus undertake their roles in secret and stealth and wear ordinary clothing. The police are therefore not of the same category as the spies and informers, even if their roles are close to the others’ roles. As such it is not permissible to apply the Ahkam (rulings) of spies and informed upon them. However, they are definitely still from the “**soldiers of the regime**” and the verses and texts which we mentioned concerning the “**soldiers of the regime**” during our study of spying and informing, apply to them.

From another angle, the Shurtah (police) are usually of the greatest benefit to the “**Taa’ifah Al-Mumtani’ah**” (Desisting group) and more closely attached to it than the army which has been prepared to defend the country. Indeed, if the “**Taa’ifah Al-Mumtani’ah**” (Desisting group) utilised the army internally it would only utilise it in the actions which are in origin from the actions of the police, in the case where the police have been unable to fulfil them.

The Shurtah (police) are therefore without doubt from the pillars of the regime and the “**Jund (soldiers or army) of the Nizham (regime)**”, meaning the army of the “**Taa’ifah Al-Mumtani’ah**” (Desisting group). That is in contrast with the armed forces which is usually the army of the people and the country. The police must therefore also be dealt with in accordance with the treatment afforded to the combatant from the people at war: **They are fought in attack and in defence, when being faced and when turning their back. Ambushes are laid for them and they are lain in wait for to ambush, with all harshness and without mercy or lenience**.

It has also been established that the Prophet ﷺ forbade some particular occupations in service to the criminal and oppressive leaders who delay the prayer from its fixed time. Therefore, by greater reason the forbiddance will be even firmer for those same roles within the system (or regime) of disbelief and even greater still in respect to the roles of ruling, leadership and judiciary.

- The following was recorded in the “**Musnad of Abu Ya’la”**: [Ishaq bin Ibrahim Al-Marwaziy related to us: He said: Jarir bin Abdul Hamid informed us from Raqabah bin Masqalah, from Ja’far bin Iyaas, from Abdur Rahman bin Mas’ud, from Abu Sa’eed and Abu Hurairah, who (both) said: The Messenger of Allah ﷺ said:

“There will come a time for the people, where Sufahaa’ (foolish and criminal) rulers will be over them. They will bring forward the worst of people, put back their best and delay the Salaah (prayer) from its appointed times. So, whoever from among you reaches that time, he must not be an ‘**Areef** (a tribal chief who informs the ruler about the affairs of the tribe, people or military), a **Shurtiy** (law-enforcer), a **Jaabiy** (collector of taxes/revenues) or a **Khaazin** (treasurer)”].

Ibn Hibban also recorded it in his Sahih and the Isnad is Qawwiy Jayyid (Strong/good) and is definitely Sahih through its multiple paths and supportive evidence, including:

- What was recorded by At-Tabarani in his “**Al-Mu’jam As-Sagheer**”: [Ali bin Muhammad bin Ali Ath-Thaqafiy Al-Baghdadiy related to us from Mu’awiyah bin Al-Haitham bin Ar-Rayyan Al-Khurasaniy, from Dawud bin Sulaiman Al-Khurasaniy, from Abdullah bin Al-Mubarak, from Sa’id bin Abi ‘Arubah, from Qatadah, from Sa’id bin Al-Musayyib, from Abu Hurairah, may Allah be pleased with him, (that) he said: The Messenger of Allah ﷺ said:

“There will be near the latter times oppressive (or transgressing) rulers, Fasiq (Rebelliously sinful) Wazeers (assistant rulers), treacherous judges, deceitful (or lying) Fuqahaa’ (jurists). So, whoever from among you reaches that time, he must not be a **Jaabiy** (tax/revenue collector), an ‘**Areef** (chief who informs on peoples’ circumstances) or a **Shurtiy** (policeman/law enforcer)”].

At-Tabarani said: [No one besides ‘Arubah related it from Qatadah and none related from him apart from ibn Al-Mubarak, whilst Dawud bin Sulaiman was alone in relating it and he is a Sheikh with no issue (or problem) connected to him]. Al-Khateeb recorded similar to it in his “**Tareekh Baghdad**” via this same Dawud bin Sulaiman Al-Khurasaniy. This is therefore a path that has no problematic issue with it and is completely independent from the path of Abu Ya’la, thus raising the grade of the Hadith for certain to Sahih (with the exception of the word: “**Khaazin”** (treasurer).

There are additional supportive evidences from that which is Marfoo’ and from the guidance of the companions, may Allah be pleased with them:

- The following came recorded in “**Musnad Ash-Shamiyeen**”: [Abdullah bin Wahb Al-Ghazziy related to us from Muhammad bin Abi As-Sariy, from Muhammad bin Harb Al-Abrash, from Abu Salamah Sulaiman bin Saleem, from Salih bin Yahya bin Miqdam, from his father, from his grandfather: He said: The Messenger of Allah ﷺ said: “You have achieved success O Qadeem, if you have not met Allah as a **Jaabiy**, **Shurtiy** or ‘**Areef**”].

- The following was recorded in “**Al-Mu’jam Al-Kabeer**” (of At-Tabarani): ”: [Via the path of Ishaq bin Ibrahim from Abdur Razzaq, from Ath-Thawriy, from Abu Husain, from Ash-Sha’biy, from Mahdiy, who said: Ibn Mas’ud said: “How would you be O Mahdiy, if your best people were cast aside and the worst of you were appointed over you and the prayer was performed in other than its set times?!” I said: “I don’t know?” He said: “Don’t be a **Jaabiy**, an ‘**Areef**, **Shurtiy** or **Bareed** (message deliverer), and perform the prayer at its set timings!”].

- And in “**Musnad Ibn ul-Ja’d**”: [Salam bin Miskeen informed us: He said: I heard Muhammad bin Waasi’ relating from Al-Mahriy: he said: Abu Hurairah said: Woe to you: You must not be an ‘Areef, Jaabiy or Shurtiy!] This Isnad (chain of transmission) is Sahih and Muttasil and Musalsal (connected and continuous) in respect to the Tahdeeth (i.e. one person relating it to the next). It appears to be abridged from longer speech and resembles the speech in the previous narration of Ibn Mas’ud.

Observe that the wording “**Shurtiy**” in the Arabic language which we have been addressed with in the Qur’an and the Sunnah only applies to those who are from the executive security apparatus. As for regulating the traffic, offering emergency response or relief and monitoring the markets, then these are from the actions of “**Al-Ihtisaab**” (holding to account), in other words: “Al-Amr Bi l-Ma’ruf Wa n-Nahi ‘An il-Munkar” (Commanding the good and forbidding the wrong). In the past the Muhtasib used to undertake these roles. What has arisen in recent times in terms of specific departments being called “**Shurtiy**” (Police), like traffic police, first response police and so on, and the distinguishing of its employees by a special uniform, does not change anything in respect to the Shar’iy reality of those actions and that in accordance with the Shar’a (Islamic law) they do not fall within the understanding of the “**Shurtiy**” as named by the seal of Prophets ﷺ. All of this should be accurately observed when a study is being undertaken in general and specifically in this delicate study related to the “**Taa’ifah Al-Mumtani’ah**”.

Therefore, whoever accepts to be a “**Shurtiy**” or any of these other dirty roles and occupations in service to the wicked criminal leaders has disobeyed Allah and His Messenger and has entered himself by his self and own act, due to his preference for the life of this world over the hereafter, into the grave domain. By greater reason the one who is content in himself to be from the police (**At-Taa’ifah Al-Mumtani’ah** of disbelief) or from its soldiers, should not blame anyone apart from himself if he is exposed to being fought against or killed.

**(4) The fourth group from the groups of the “Taa’ifah Al-Mumtani’ah” (Desisting group)**: The one who is considered to be directly defending it by the tongue, arts of speech and propaganda, with there being no difference between a Mufti, journalist, writer, author, singer or actor. For example, a dancer or singer who spend the nights for sake of the anti-riot forces to raise their morale and to urge them on to repress the people and disperse their protests. This type of participation by the tongue (or what is equivalent to that in terms of dancing moves and displaying signs) in relation to the repressive operations, is equivalent to the one who attended and used the hand or weapons during them, without any difference between them. Indeed, it is stronger due to the great impact upon the morale and the tongue (including the arts, music and dancing etc.) is more dangerous and sharper than the teeth.

This also applies to the Jumu’ah Khatib who commends what the riot police are undertaking in terms of quelling the protestors and supplicating for them, and the Imams of the Masajid who supplicate for the tyrants, like As-Sudais did in his supplications for his ruler and his blessings, the ruler of the Arabian Peninsula and his brothers, provoking revulsion and tarnishing the nights of Ramadan through it.

It is observable that the young men of Jihad still fear categorising those affiliated to the “**Deen**” and “**Scholarship**” with the categorisation that is fitting for them. The legend of “**The flesh of the ‘Ulama’ (Scholars) is poison**” which they had been inculcated with since childhood remains obscuring their thoughts and employing of the name “**‘Ulama’**” to those great deceivers from the “**hypocrites of the towns**” still confounds the conceptions.

Those have failed to contemplate the statement of Allah تعالى:

إِنَّمَا يَخْشَى اللَّهَ مِنْ عِبَادِهِ الْعُلَمَاءُ ۗ إِنَّ اللَّهَ عَزِيزٌ غَفُورٌ

**Only those fear Allah, from among His servants, are the ‘Ulama’ (those who have knowledge) (35: 28).**

That is where our Lord judged, and there is nothing better than his judgement, that the ‘Ulama’ are limited to “**those who fear Allah**”. Therefore, the one who is not characterised by the fear of Allah is not at all considered to be from the ‘Ulama’ (Scholars), regardless of the extent of his information, number of memorised texts, certifications and Ijazahs. He is just someone carrying books like the donkey, in accordance with the judgment of Allah Al-Wahid Al-Qahhar.

They also missed His statement تعالى:

إِنَّ الَّذِينَ يَكْتُمُونَ مَا أَنزَلْنَا مِنَ الْبَيِّنَاتِ وَالْهُدَىٰ مِن بَعْدِ مَا بَيَّنَّاهُ لِلنَّاسِ فِي الْكِتَابِ ۙ أُولَٰئِكَ يَلْعَنُهُمُ اللَّهُ وَيَلْعَنُهُمُ اللَّاعِنُونَ

**Indeed, those who conceal what We sent down of clear proofs and guidance after We made it clear for the people in the Scripture - those are cursed by Allah and cursed by those who curse (2: 159).**

And His statement تعالى:

إِنَّ الَّذِينَ يَكْتُمُونَ مَا أَنزَلَ اللَّهُ مِنَ الْكِتَابِ وَيَشْتَرُونَ بِهِ ثَمَنًا قَلِيلًا ۙ أُولَٰئِكَ مَا يَأْكُلُونَ فِي بُطُونِهِمْ إِلَّا النَّارَ وَلَا يُكَلِّمُهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ وَلَا يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ

**Verily, they who conceal what Allah has sent down of the Book and exchange it for a small price, those do not consume into their bellies except the Fire. And Allah will not speak to them on the Day of Resurrection, nor will He purify them. And they will have a painful punishment (2: 174).**

His statement تعالى:

وَإِذْ أَخَذَ اللَّهُ مِيثَاقَ الَّذِينَ أُوتُوا الْكِتَابَ لَتُبَيِّنُنَّهُ لِلنَّاسِ وَلَا تَكْتُمُونَهُ فَنَبَذُوهُ وَرَاءَ ظُهُورِهِمْ وَاشْتَرَوْا بِهِ ثَمَنًا قَلِيلًا ۖ فَبِئْسَ مَا يَشْتَرُونَ

**And mention when Allah took a covenant from those who were given the Scripture, [saying]: “You must make it clear to the people and not conceal it”. But they threw it away behind their backs and exchanged it for a small price. And wretched is that which they purchased (3: 187).**

And also:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّ كَثِيرًا مِّنَ الْأَحْبَارِ وَالرُّهْبَانِ لَيَأْكُلُونَ أَمْوَالَ النَّاسِ بِالْبَاطِلِ وَيَصُدُّونَ عَن سَبِيلِ اللَّهِ ۗ وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يُنفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُم بِعَذَابٍ أَلِيمٍ

**O you who have believed, verily many of the scholars (or Rabbis) and the monks devour the wealth of people unjustly and avert [them] from the way of Allah. And those who hoard gold and silver and spend it not in the way of Allah, give them tidings of a painful punishment** (9: 34).

What then has afforded infallibility to the Ahbaar (Rabbis) and Ruhbaan (Monks) of this Ummah?!

Indeed, the extolling of some of those great deceivers has almost reached close to the grave point of making them Arbaab (Lords) besides Allah, just like the previous destroyed nations did:

اتَّخَذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا إِلَٰهًا وَاحِدًا ۖ لَّا إِلَٰهَ إِلَّا هُوَ ۚ سُبْحَانَهُ عَمَّا يُشْرِكُونَ

**They have taken their scholars (Rabbis) and monks as lords besides Allah, and [also] the Messiah, the son of Maryam. And they were not commanded except to worship one God; there is no deity except Him. Exalted is He above whatever they associate with Him (9: 31).**

Therefore, anyone whom you have assured yourself of, and your certainty has settled upon, following a precise study of his reality, to be with the **“Taa’ifah Al-Mumtani’ah” (Desisting group)**, in terms of fighting with it, defending it by the tongue or supporting it by spying and providing information, is from it. That is whilst the tongue (including the arts, music and dancing etc.) is more dangerous and sharper than the teeth.

**The obligation is therefore then:**

(a) To be sure and be certain with definite certain evidences about the appearance of decisively definite Kufr Bawah (flagrant disbelief), in other words, that “**concerning which we have a Burhan (clear proof) from Allah**”. In such a case the system (or regime) would be a system of Kufr (disbelief) and those upholding it and defending it from the people of power (Shawkah) and preventative force (Man’ah), in other words those desisting by the rigor of the authority and the force of the soldier, are from the A’immah (leaders) of the Kufr (disbelief) and heads of the **“Taa’ifah Al-Mumtani’ah” (Desisting group)**, even if they were fasting the days and standing in prayer during the nights.

(b) To know the remainder of the categories of the desisting group and to determine who belongs to it in a certain manner, where no doubt remains. If that is completed then fighting the desisting disbelieving group is **lawful and permissible in principle**, and the fighting undertaken against them would be like the fighting undertaken against the warring disbelievers or warring apostates, which would apply to each of its individuals. They are fought against and killed when necessary; all of them in their description of being representative of a group of disbelief. And if the Mujahideen are those undertaking the burial of the killed from the individuals of the **“Taa’ifah Al-Mumtani’ah” (Desisting group)**, it is not permissible for them to pray over them, stand over their graves nor bury them in the Muslim graveyards. What they had upon them in terms of individual clothing or ammunition and military equipment or weaponry, would be a spoils (Salb) and a booty (Ghanimah) for the fighter, and what they had in their possession in terms of properties (or wealth) besides that, would be a Ghanimah and Fa’i (spoils and booty) for the Mujahideen. It is not permissible to hand these to their relatives from the Muslims as they do not bequeath inheritance to Muslims and Muslims do not inherit from them, according to the (most) correct opinion. That is in addition to other Ahkam (rulings) related to the warring disbelievers.

There is no need to examine the matter of Takfeer (passing judgment of disbelief upon a person, group etc…) in origin as that is a sheer error as we previously explained. And by greater reason there is no need to investigate excuses and the preventers (Mawaani’) of Takfeer. That is because the situation is not one of raising a case to the judiciary, but rather one of warfare and fighting, attack and retreat, and ambushes being setup. Therefore, they are all fought in unison, killed **when necessary** and in accordance with what the policies of war and strategic and tactical operations dictate, whilst they will be raised on the day of judgement (each) according to their intention.

**However**: Is this fighting prohibited in certain circumstances?! And what is the relationship of that with the emergence of Fitnah (strife), the expansion of the Fitnah or great harm befalling the Muslims? All of that is a choppy sea of juristic differences of opinion which the state jurists (Fuqaha’ As-Salateen) increased in complication, as is usual for them seeing as they are the source of every adversity and making matters of the Deen obscure for the Muslim masses. We have studied this for two years and we still dare not publish the results before the completion of the study, especially as it represents a grave subject area in relation to which necks are struck.

However, this problematic issue only relates specifically to one category alone from the Tawaa’if Al-Mumtani’ah (**the sixth category**) mentioned earlier. It is the: **The ruling gang (or faction) in an Islamic land** in which the majority of its people are Muslims. That is where the Muslims are the strongest faction and the people of Shawkah (power) and Man’ah (preventative force) in that land, and the Amaan (security) of that land rests in their security and its protection by their power. This ruling faction are from the people (or inhabitants) of the land and despite that they resist the complete application of Islam, or they are complicit in fighting the Muslims under the banner of disbelief, or allied with the disbelievers against the Muslims, and what resembles these in terms of types of Kufr Bawah (flagrant disbelief), for which we have a Burhan (clear proof) from Allah. Therefore, if you are bold or you have reached the required conviction of the non-existence of regarded Shar’iyah Mawaani’ (preventers), following a precise study, in accordance with the Shar’iy Daleel (evidence), which frees the legal responsibility before Allah on the Day of Judgement, then go ahead and do not pay mind to our view, the views of others or the dissuasions and inhibitions of the state jurists (Fuqaha’ As-Salateen).

As for the other categories from the desisting groups, especially the seventh, which is the reality of Iraq today at the time of writing these lines, then it is not permissible for this problematic matter to be applicable to it. That is because the certain Ijma’ (consensus) of the Ummah has been established upon the legal legitimacy of fighting the invading disbeliever, indeed its obligation upon the individuals.

And we have discussed some of these problematic matters in an introductory manner and presented some suggestions in the addendum entitled “**The reality (or essence) of Al-Kufr Al-Bawah (flagrant or manifest disbelief)**” and consequently it can be referred to there.

**Addendum: The texts of the statements of the ‘A’immah (Scholars)**

- The following came stated in “**Daqaa’iq At-Tafseer**” (Vol: 2, p34 onwards):

[Chapter in relation to the punishment of the Muhaaribeen Bayyin Wa Qitaa’ At-Tareeq: Allah تعالى in respect to them:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَن يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُم مِّنْ خِلَافٍ أَوْ يُنفَوْا مِنَ الْأَرْضِ ۚ ذَٰلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا ۖ وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

**Verily, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is only that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment** (5: 33).

Ash-Shaafi’iy (may Allah’s mercy be upon him) related in his Sunan from Ibn ‘Abbas (may Allah be pleased with him) concerning the Qitaa’ At-Tareeq (highway or armed robbers): “If they have killed and taken property, they are killed and crucified. If they have killed but not taken property, they are killed but not crucified. If they have taken property but have not killed, their hands and feet are cut from opposite sides. If they have struck fear upon the path (or road) but have not taken property, they are exiled from the land”. This is the opinion of many of the people of knowledge like Ash-Shaafi’iy and Ahmad, and it is close to the opinion of Abu Hanifah (may have mercy upon him).

And there from among them those who said that it is for the Imam (leader) to make Ijtihad (exert his effort to deduce a ruling) in relation to them. Consequently, he kills the one whom he views his killing to be a Maslahah (interest or benefit). And if he did not kill him, for example where he is an obeyed head or chief among them. And he amputates the one whom he views his amputation to be a Maslahah and did not take the property, like if for example he is someone possessing strength and power to be able to take property. Just as there are some from them who view that if they have taken wealth, they are killed, amputated (i.e. from opposite sides) and crucified. The first opinion is the view of the majority. Therefore, those who are from the Muhaaribeen are killed. If the Imam kills him **as a Hadd (set prescribed punishment), it is not permissible to pardon him under any circumstance by the Ijma’ (consensus) of the ‘Ulama’**. Ibn ul-Mundhir mentioned that. His affair does not belong to the inheritors of the killed in contrast to if he had killed a man due to animosity, an argument between them or something similar from among the specific causes. In that case his blood belongs to the Awliyaa’ of the one killed. If they wish they can kill, if they wish they can pardon and if they wish they can take blood money. That is because he was killed for a specific reason.

As for the Muhaaribeen (i.e. highway or armed robbers), however, then they are only killed dur to taking the properties of the people. Their harm is therefore general like the status of the thief. Their killing was a Hadd (set prescribed punishment) for Allah and this has been agreed upon by the Fuqaha’ (jurists), even if the killed was not equivalent to the killer, like if for instance the killer was a free man and the killed a slave, or the killer a Muslim and the killed a Dhimmi or Musta’min. The Fuqaha’ have differed whether he is killed in relation to the Muhaarabah and the strongest opinion is that he is killed because he killed for the general (or public) corruption (Fasaad) as a Hadd, just as he is amputated if he took their properties and just as he barred their rights. And if the criminal Muhaaribeen were a group, where one of them perpetrated the killing by himself and the rest were assistants and a support for him, then it has been said that only the direct perpetrator is killed. The majority view is that they are all killed and even if they numbered one hundred, and that the support and the perpetrator are the same. This is what has been reported from the actions of the rightly guided Khulafaa’. That is as ‘Umar bin Al-Khattab (may Allah be pleased with him) killed the Rabee’ah of the Muhaaribeen, in the case where the Rabee’ah is the lookout who sits at an elevated position to see for them who is coming. And it is because the direct perpetrator is only able to kill the person due to the power and assistance of the support. And concerning the Taa’ifah (group or faction), if some of it supports another part of it until they become Mumtani’oon (a desisting group), then they share in the reward and punishment, like the Mujaahideen do. That is as the Prophet ﷺ said: ““**The blood of the Muslims is equal. They hasten to support the protection offered by the lowest of them. They are one hand over to the exclusion of all others and those of them who are on expeditions return (booty) to those who stayed behind from them**”. This means that the army of the Muslims, if a part of it went on a military expedition and attained property as booty, then the army shares with it in respect to what they gained of booty. That is because it was through its support and strength that it was enabled. Rather, it is given a share of the booty as the Prophet ﷺ used to give a fourth in booty to an expeditionary force if they were in their beginning (or initial force) after the fifth. Then if they returned to their lands and an expeditionary force went on an expedition, he would give them a third of the booty after the Khumus (Fifth). Similarly, if the army attained booty the expeditionary force would share with them in it because that is in the interest of the army, just as the Prophet ﷺ allocated a share to Talhah and Az-Zubair on the day of the (battle of) Badr as he had sent them out in the interest of the army.

As such, the helpers of the “**Desisting Group**” and its supporters are from it in respect to what is for them and against them. The same applies in respect to those who fight against each other upon Baatil (falsehood) which has no Ta’weel (justifying interpretation) for it, like those who fight over ‘Asabiyah (tribalism) or a call to Jahiliyah (pre-Islamic ignorance), like what occurred between (the tribes of) Qais and Yaman for example, where both were transgressors and in the wrong in accordance with what the Prophet ﷺ said: “If two Muslims meet with their swords, then the killer and the killed are in the hellfire” It was asked: “O Messenger of Allah, this is for the killer but why for the one killed?!” He said: “He wanted to kill his companion”. Recorded in the two Sahihs. Each group or party guarantees what it has damaged to the other group or party in terms of life and property, even if the exact killer is not known. That is because the single desisting group, with all of its parts (supporting each other), is like the single person.

However, if they only took the property but did not kill as the Arab Bedouins (or tribes) used to often do, then the right hand and left foot of each one of them is to be cut (or amputated) according to most of the ‘Ulama’ (scholars) like Abu Hanifah, Ash-Shaafi’iy, Ahmad and other than them. This is the meaning of the statement of Allah تعالى “Or their hands and feet are to be cut off …”. The hand which he acted violently with and the foot which he walks upon are amputated. His hand and foot are then completed (or cauterized) with boiling oil, or something similar, to stop the flow of blood, thus resulting in his (bodily) damage or injury. Similarly, the hand of the thief is cauterized with boiling oil and this act could be even more of a deterrent against killing (or murder). That is because if the Arabs (Bedouins and tribes) and the rebelliously sinful from the soldiers amongst others constantly saw the one amongst them whose hand and foot had been amputated, they would remember his crime by that and hence be deterred. That is in contrast to killing (or execution) as its occurrence could be forgotten. In addition, some proud people may actually prefer to be executed rather than having their hand and foot severed from opposite sides, and as such this would be the most severe of punishments for such a person and those like him.

However, if they were to brandish weapons but not kill a person or take property, then put the weapons away, or fled or abandoned acts of highway or armed robbery, they are exiled. It is said that their exile (Naf’y) means driving them away so that they are not left or permitted to abide in the land. It has also been said that it means imprisoning them, just as it has been said that it is what the Imam (leader) views to be most appropriate (and in the interest) in terms of banishment, imprisonment or something similar. The legally legitimate killing (or execution) is that undertaken by striking the neck with the sword or similar to that. That is because it is the quickest of the forms of killing, just as Allah has legislated the killing of what is permissible to be killed in terms of humans and animals, if this has been determined, upon this manner, and because the Prophet ﷺ said: “**Verily Allah has decreed that everything should be done in the best way, so when you kill use the best method for killing, and when you cut an animal’s throat you should use the best method for that. So, let each of you sharpen his knife and give the animal as little pain as possible**” and he said: “**Verily, the most virtuous of the people in respect of killing are the people of Iman (Belief in Allah)**”.

As for the mentioned crucifixion, then it means raising them to high place so that the people can see them and their affair to become well-known. That is after their execution according to the majority of the ‘Ulama’. Some of them have said that they are crucified and then killed whilst being crucified. Some of the ‘Ulama’ have permitted their execution by other than the sword. It has even been said: They are left upon a high place until they die by themselves without being executed.

As for mutilation, then that is not permitted unless it is upon the basis of Al-Qasaas (like for like retribution). ‘Imran bin Husain (may Allah be pleased with him) said: The Messenger of Allah ﷺ did not address us in a speech except that he commanded us to give Sadaqah (charity) and forbade us from mutilating, even the disbelievers if we fought against them. Therefore, we do not mutilate them after they have been killed and we do not cut off the ears and noses, or cut open their stomachs, unless they had done that to us, in which case we would do to them what they did to us, although leaving that is better. That is as Allah تعالى said:

وَإِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُم بِهِ ۖ وَلَئِن صَبَرْتُمْ لَهُوَ خَيْرٌ لِّلصَّابِرِينَ \* وَاصْبِرْ وَمَا صَبْرُكَ إِلَّا بِاللَّهِ

**And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed. But if you are patient, it is better for those who are patient \* And be patient, [O Muhammad], and your patience is not but through Allah** (16: 126-127).

It is said that it was revealed when the Mushrikeen (polytheists) mutilated Hamzah and other martyrs of the battle of Uhud (may Allah be pleased with them). So, the Prophet ﷺ said: “If Allah was to give me victory over them, I would mutilate them double what they mutilated us”. Then Allah revealed this verse and if it had been revealed prior to that in Makkah like the statement of Allah:

وَيَسْأَلُونَكَ عَنِ الرُّوحِ ۖ قُلِ الرُّوحُ مِنْ أَمْرِ رَبِّي

**And they ask you, [O Muhammad], about the soul. Say: The soul is of the affair of my Lord** (17: 85)

And His statement:

وَأَقِمِ الصَّلَاةَ طَرَفَيِ النَّهَارِ وَزُلَفًا مِّنَ اللَّيْلِ ۚ إِنَّ الْحَسَنَاتِ يُذْهِبْنَ السَّيِّئَاتِ

**And establish prayer at the two ends of the day and at the approach of the night. Indeed, good deeds do away with misdeeds** (11: 114).

And other than these from those Aayaat (verses) which were revealed in Makkah and then a cause occurred in Al-Madinah dictating the address and was thus revealed for a second time. That is as the Prophet ﷺ said: “Rather, we will be patient”. And recorded in Sahih Muslim and related from Buraidah bin Al-Khasib (may Allah be pleased with him), that he said: “When the Prophet ﷺ would dispatch a commander over a military expedition or army or particular need of his, he would enjoin them with the Taqwaa (fear) of Allah تعالى and to treat the Muslims with them well. He would then say: “Go forth for battle in the name of Allah and in the way of Allah. Fight those who have disbelieved in Allah and do not act dishonestly with the booty, do not act treacherously, do not mutilate or do not kill a child””.

And if they brandished weapons in a building and not the desert (or open land) to take property, it has been said that they are not Muhaaribeen (highway or armed robbers) but of the status of the Mukhtalis (snatcher) and the Muntahib (robber, looter) because the wanted is reached by the call for help if he calls for help from the people. The majority have said that their ruling in the building and the desert (or open land) is the same and that is the opinion of Malik in what is well-known from him, Ash-Shaafi’iy, most of the followers of Ahmad and some of the followers of Abu Hanifah. Indeed, in the building they are more deserving of the punishment than in the desert, because the building is a place of security and tranquillity and because it is a place where the people support and cooperate with each other. As such, their targeting of a building dictates the vehemence of the use of armed force and fighting force and because they are robbing a man in his own home of all of his property whilst the traveller does not in most cases have upon him except some of his property or wealth. This is the correct opinion and especially those professionals whom the general populations in Ash-Shaam (Greater Syria) and Egypt call Manaasir and the people of Iraq call Ghayyaareen.

If they were engaged in armed robbery using sticks, stones and things thrown by the hand or slings and so on, then they are also considered to be Muhaaribeen (armed robbers as mentioned in the Quranic verse). It has been reported from some of the Fuqaha’ (jurists) that there is no Muhaarabah (armed robbery) unless it is undertaken with something sharpened (Muhaddad) and some of them spoke of an Ijma’ (consensus) upon Al-Muhaarabah being that which is undertaken by the sharpened (Muhaddad) or heavy (Muthaqqal). Whether there is a difference of opinion or not, the correct view which the majority of the Muslims are upon, is that the killer who took property utilising any type of the types used for fighting, is classified as a Muhaarib conclusively, just like the disbeliever who fight against the Muslims utilising any type of the types used for fighting, is classified as a Harbiy (person at war), whilst the Muslim who fights the disbelievers with a sword, spear, arrow, rock or stick is classified as a Mujaahid in the way of Allah.

If, however, he was to kill people secretly to take property, like the one who sits in an inn for travellers and then kills them when he gets them alone from the people and takes their property or invites to his house the one whom he has hired for tailoring, medicine or some other purpose, and then kills him and takes his property, then this is called murder by deception and some of the general population call them Mu’arrijeen. As such, if property was involved are they like the Muhaaribeen upon whom applies the ruling of retaliation (Al-Qawad). Concerning this, there are two opinions among the Fuqaha’. The first is that they are like the Muhaaribeen because the killing by deception and trickery is like the killing by Al-Mukaabarah. Steps cannot be undertaken to avoid either of them, indeed the harm of this type could be greater as he is not aware of it, And the second opinion is that the Muhaarib is the one who is open in respect to the killing, whilst the affair of this assassin (or murderer by deception) returns to the Waliy of the blood (i.e. relative of the killed person with blood rights). The first opinion is closer to the Usool (fundamental principles) of the Sharee’ah and indeed, this may be more severe as he is unaware of it.

The Fuqaha’ (jurists) also differed in respect to the one who kills the Sultan (ruler) like the killers of Uthman and the killer of ‘Ali (may Allah be pleased with them both). Are they like the Muhaaribeen and as such are killed according with the Hadd (set prescribed punishment) or does their affair return to the Awliyaa’ of blood (i.e. relatives of the killed with blood rights). They differed into two opinions in the Madh’hab of Ahmad and other than him, because there is Fasaad (corruption) in his killing.

Section: All of the above is if the perpetrator is caught or detained. If, however, the Sultan (ruler) or his delegates summon them without aggression for the Hadd (prescribed set punishment) to be enforced but they refuse to come, then it is obligatory upon the Muslims to fight them in accordance with the agreement of the ‘Ulama’ (Scholars) until they are all captured. When they do not yield except by fighting, it leads to the killing of all of them. They are fought even if it leads to that, whether they killed or did not kill. They are killed in whatever manner is possible, in the neck and other than it. And whoever fights with them from those who protect and assist them are fought. This is classified as Qitaal (fighting) whilst that is the implementation of the Hadd (set prescribed punishment).

Fighting against them is more emphasised than fighting the desisting groups (At-Tawaa’if Al-Mumtani’ah) in the Islamic legislations. That is because those have joined forces to wrong the lives and properties and bring ruin to human civilisation. Their aim is not to establish the Deen or the authority. Those are like the Muhaaribeen (armed robbers) who seek refuge in fortified places, caves, tops of mountains or the bottoms of valleys etc. They intercept the road or path of those passing through them to commit robbery. Then, if an army of the ruler (Waliy ul-Amr) comes to them asking them to enter into the obedience of the Muslims and the Jamaa’ah (Muslim collective) to establish the Hudood (prescribed punishments of Allah), they fight them and repel them like the Arab (Bedouins or tribes) who commit highway robbery on the routes to the Hajj or other paths, or like the mountain folk who take refuge in the tops of the mountains or caves to perpetrate highway robbery, or like the Ahlaaf (alliances) who ally with each other to cut off the route between Ash-Shaam (Greater Syria) and Iraq, and call that An-Naheedah. Those are fought against as we have mentioned, however their fighting is not of the same degree or standing as the fighting against the Kuffar (disbelievers), as they are not disbelievers, and their properties are not taken unless they had taken the properties of the people without right (or unlawfully). Its liability is upon them and the amount which is taken from them is in accordance with the amount that they took. And if we didn’t know the exact taker and similarly if we did know the exact taker, then the helper and the perpetrator are considered as being the same as we have previously mentioned. However, if the exact perpetrator was known, then the decision of the liability is upon him and what he took is returned from him to the owners of the properties. If, however, it is not possible to return it to them, it goes to the interests of the Muslims from the Rizq (sustenance) of the fighting group for them and other than that. Indeed, the purpose behind fighting them is to gain mastery over them in order to implement the Hudood (set prescribed punishments of Allah) and to prevent them from causing corruption and wrong. As such, if the man from them is wounded with a debilitating wound that does not finish him off, it is obligatory for him to be killed. If he flees and we are safe from his evil, we do not pursue him unless a Hadd (prescribed punishment of Allah) is due upon him, or we fear the consequences of his being let go. And whoever is captured from them, the Hadd which is implemented upon other than him is implemented upon him. There are some from the Fuqaha’ (jurists) who have viewed more severe measures against them to the point where they view that their properties are taken as Ghaneemah (spoils) and a fifth is taken (i.e. according to the rules of spoils and booty). The majority reject that view. If, however they joined forces with a country of a group outside of the Sharee’ah of Islam and assisted them against the Muslims, then they are fought against just like that group is fought against (i.e. with the same rulings).

As for the one who is not from the highway robbers but rather takes a toll or tax from travellers upon heads (i.e. people), animals and loads which pass through for example, then he is a Makkaas (someone who takes taxes without right). The Fuqaha’ have differed in respect to the permissibility of killing him and he is not from the highway robbers. That is because the path has not been cut or blocked. Despite that, such a person is from the people with the most severe punishment on the Day of Judgement as the Prophet ﷺ said in relation to the Ghamidiyah woman who had committed adultery: “She has repented such a repentance that had the one who wrongfully took tax repented with it, he would have been forgiven”. It is permissible in accordance with the Ijma’ (consensus) of the Muslims for the transgressed against whose properties are being sought to kill the Muhaaribeen (highway or armed robbers). It is not obligatory for him to give them money or property, whether a small or large amount, when he is able to fight them. That is as the Prophet ﷺ said: “Whoever is killed in defence of his property, then he is a Shaheed (martyr). Whoever is killed in defence of his blood, then he is a Shaheed. Whoever is killed in defence of his Deen, then he is a Shaheed. Whoever is killed in defence of his Hurmah (inviolable sanctity i.e. honour of a woman), then he is a Shaheed”. Such a person (who assaults somebody in these matters) is whom the Fuqaha’ (jurists) have named a the Saa’il (assailant or attacker) and he is the Zhaalim (transgressor) without Ta’weel (justifying interpretation) or Wilaayah (authority). If his desire is to take property it is permissible to prevent him by which ever means are possible. If he is not repelled except by fighting, he is fought. But if he (i.e. the victim) chose not to fight and to give him some money, then that is permissible. However, if his desire is to violate a Hurmah (inviolable sanctity i.e. honour of a woman), like if he was to seek to have intimate relations with a person’s Mahaarim, or sought indecent acts from a woman or a boy, for example, then it is obligatory to repel him with whatever is possible and by fighting (i.e. resorting to force). It is not permissible under any circumstances to allow him to assault that in contrast to money or property. That is because it is permissible to enable him to take it as offering money is permissible (in origin), whilst offering indecent or immoral acts with the person or the Hurmah (inviolable sanctity i.e. wife or daughter’s honour etc.) is not permissible.

If, however, his intended aim was to kill the person, it is permissible for that person to defend himself. However, is it obligatory to kill him or not? There are two opinions of the ‘Ulama’ in the Madh’hab of Ahmad and other than it. This is if the people have a Sultan (ruler). If, however, and may Allah’s refuge be sought from it, it is a situation of Fitnah (strife and discord), like if two Sultans (rulers) of the Muslims are in disagreement and are fighting each other for the control over the authority, then is it permissible for the person when he enters the land of the other and the sword is brought out, for him to defend himself in this situation of Fitnah or should he surrender and consequently refrain from fighting in it. There are two opinions from the people of knowledge (scholars) in the Madh’hab of Ahmad and other than it concerning this. If the Sultan (ruler) was victorious over the criminal Muhaaribeen who had taken property (or money) belonging to the people, then he should take from them the properties belonging to the people and return it to them, in addition to implementing the Hadd (set prescribed punishment) upon their bodies. The same applies in respect to the Saariq (thief). Then, if they refuse to bring the property (or money) to them after it has been established against them, he (i.e. the Sultan) punishes them by imprisonment and beating until they are able to take it, either by them bringing it or by their delegating someone to bring it and inform about its location. That is just as every refuser of the fulfilment of a right that is obliged upon him is punished. That is because Allah has made it permissible for the man in His Book to beat his wife if she violates the duties of marriage and refuses or desists from the obligatory right due upon her until she fulfils it. Consequently, these have greater precedence and are more deserving by greater reason to receive that. This demand (i.e. to return the property) and punishment is the right of the owner of the property. As such, if he wishes to gift them the property (or money), to make reconciliation over it, or pardon the punishment, then he has the right to do that, in contrast to the implementation of the Hadd upon them, as there is absolutely no way open to offer a pardon in respect to it.

The Imam (ruler) does not have the right to compel the owner of the property to leave anything of his right and if the property had been finished by being used or another reason whilst it was with them or the Saariq (thief), then it is said that they guarantee it for its owners just as the rest of the those who owe a debt (or fine) are liable. This is the view of Ash-Shaafi’iy and Ahmad (may Allah be pleased with them). And it remains with the one with poverty in their responsibility until prosperity. And it is said that the fine and the cutting (i.e. the Hadd) do not come together, which is the view of Abu Hanifah (May Allah’s mercy be upon him). And it is said that they are liable for it with prosperity and not poverty, which is the opinion of Malik (May Allah’s mercy be upon him).

It is not permissible for the Sultan to take a financial reward from the owners of the properties for seeking out the Muhaaribeen, implementing the Hadd and taking back the properties of the people from them, or for seeking out the Saariqeen (thieves), neither for himself nor for the army unit that he dispatches to seek them out. Rather, seeking out those is like a type of Jihad in the way of Allah and so the army of the Muslims goes out in it just as they go out in other than it from the military expeditions which are called Al-Beekaar. The expenses of the Mujaahideen in this are taken from the same money source which is used for the rest of those who undertake military expeditions. If it has grants sufficing them and if not, then they are provided for fully and sufficiently for their expedition from the Maal Al-Masaalih (i.e. public funds) from the Sadaqaat. If this is from that which is Fee Sabeel (in the path of) Allah, then if it is for the sons of the path (travellers) from whom Zakah is taken, like the traders who could be taken (from), and then the Imam takes the Zakah of their properties and spends it in the path of Allah as a spending for those who are going after the Muhaaribeen, that is permissible. And if they have a powerful force which requires reconciliation, and the Imam provides from the Fai’ (spoils), the Masaalih (public funds) or the Zakah to some of their heads (or leaders) to assist them to bring in the remainder (of them) or to leave their evil acts behind, thus weakening the remainder, or something similar, then that is permissible. Those would be from the Mua’allafat Al-Quloob (those whose hearts are reconciled or inclined to act favourably by being gifted etc.). Like that has been mentioned by more than one of the A’immah (Scholarly) Imams, like Ahmad and others, and it is what is apparent from the Book of Allah, the Sunnah and the Usool (fundamental principles) of the Sharee’ah.

It is not permissible for the Imam to dispatch those that will enfeeble confronting the criminals and nor those who will take property (or money) from those who are taken from like the traders and their like from the travellers. Rather, he dispatches the most powerful and reliable of armed forces unless that is impossible, in which case he would send the next best alternative and then the next best and so on. If some of the deputies of the Sultan, or heads (or chiefs) of the towns, or their like, secretly or openly command the criminals to take (properties), so that if they took something they would give them a share of it, and protected them (the criminals) and sought to satisfy those whom had property taken, with (the return of) some of their properties, then that is even greater in criminality than the criminals perpetrate. That is because that (the criminals) can be repelled without that which this (the sponsor) is repelled with and it is obligatory to categorise them as a support and assistance for them. So, if they (i.e. the criminals) are killed, he is killed (i.e. the sponsor), which is in accordance with the view of the Ameer ul-Mu’mineen ‘Umar bin Al-Khattab (May Allah be pleased with him) and the majority of the people of knowledge. And if they take property (or money), his hand and foot is amputated, and if they kill and take money, he is killed and crucified, whilst according to a group of the people of knowledge he is amputated, killed and crucified. And it is said that a choice is offered between these two options. That applies even if he did not permit them (i.e. to undertake the crimes in origin), but then when he caught them, he shared the properties with them and suspended some of the rights (Huqooq) and prescribed punishments or limits of Allah (Hudood).

Whoever provides shelter to a Muhaarib (highway robber), thief, or killer and those similar upon whom the Hadd or right of Allah تعالى or right of another person is due and protects him from the one seeking to fulfil from him what is obligatory without employing hostility (or aggression), then he is his partner in respect to the crime and Allah and His Messenger have cursed him. Muslim recorded in his Sahih from ‘Ali bin Abi Talib (May Allah be pleased with him) that he said: The Messenger of Allah ﷺ said: “Allah has cursed the one who committed a crime or gave shelter to the criminal”. If mastery is gained over this person who gave shelter to the criminal, then he is asked to bring him forth or to inform about his whereabouts. If he refuses, he is punishment by imprisonment and by being beaten one time after another until that criminal is caught. This is like what we previously mentioned in that the one who refuses to give the obligatory property is punished. That is because the one who refuses to bring that which is obligatory in term of the persons and properties is punished. If the man knew the location of the sought-after property in truth or the location of the sought-after man in truth, whilst he is the one refusing or withholding that location, it is obligatory for him to inform about it and to guide to it. And it is not permissible for him to conceal. That is because it falls under the category of cooperating upon Al-Birr (righteousness) and At-Taqwaa (Fearing of Allah and obedience to Him). That is obligatory in contrast to the case if the life or property was being sought by falsehood. In that case it is not permissible to inform about it as that would be cooperation upon the Ithm (sin) and ‘Udwaan (transgression). Indeed, it is obligatory to repel that as it means supporting (and assisting) the oppressed or wronged and it has been reported in the two Sahihs (Al-Bukhari and Muslim) from Anas bin Malik (May Allah be pleased with him) that he said: The Messenger of Allah ﷺ said: “Support your brother whether he is a Zhaalim (transgressor) or Mazhloom (transgressed against)”. I said: “O Messenger of Allah, I support him when he is transgressed against but how do I support him if he is the transgressor?” He said: “You prevent him from the transgression and that is how you provide support to him”. Muslim also recorded similar to that from Jabir and in the two Sahihs from Al-Baraa’ bin ‘Aazib (May Allah be pleased with him), he said: “The Messenger of Allah ﷺ commanded us with seven (acts) and he forbade us from seven (acts). He commanded us to visit the sick, follow the funeral, invoke mercy upon the one who has sneezed, to fulfil the oaths, to accept the invitation and to support the wronged (or oppressed). And he forbade us from gold rings, drinking from silver vessels, Al-Mayaathir (saddle clothes), wearing silk, Qassiy, Deebaaj and Istabraq (all kinds of silk)”. If this person who knows the whereabouts refuses to disclose its location, it is permissible to punish him by imprisonment and other than that, until he informs about it. That is because he has held back from fulfilling an obligatory right due upon him which cannot be delegated. He is therefore punished as mentioned whilst it is not permissible to punish him unless it is known that he knows the location. And this is always from that which the Wulaat (rulers), judges and other than them assume the responsibility for in relation to anyone who refuses to fulfil an obligation in terms of statement or action. And this is not demanded for the man with a right obligated upon other than him and there is no punishment for the crime of another lest it falls under the statement of Allah تعالى:

وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ

**And no bearer of burdens will bear the burden of another** (35: 18).

And the statement of the Prophet ﷺ “Indeed, no criminal commits a crime except he brings (the consequence of that) upon himself”. That is like property (or money) being demanded from him that was obliged upon someone else whilst he was not a Wakeel (delegate), guarantor or has the other person’s money in his possession (to dispose of), or like punishing the man for the crime of his relation or neighbour, for instance, without having committed a crime, left an obligation or committed a prohibited act, as this is what is impermissible. As for such a person then he is only punished for his own crime and that is his knowledge of the location of the transgressor whose attendance had been sought in order for the right to be fulfilled, or his knowledge of the location of the property upon which the rights of those they belong hinge. He then refused to fulfil the assistance and support due upon him as obligated in the Kitab, Sunnah and Ijma’. His refusal was either due to affinity and strong emotional attachment to the transgressor just as the people of sinful acts may do for one another or due to animosity and hatred for the person who was transgressed against. Allah تعالى has said:

وَلَا يَجْرِمَنَّكُمْ شَنَآنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا ۚ اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ

**And do not let the hatred of a people prevent you from being just. Be just, that is nearer to Taqwaa (righteousness or being fearing of Allah and obedience to Him)** (5: 8).

Or it could be due to an aversion to stand up for the sake of Allah, to uphold the justice which Allah has made obligatory and cowardice, cowering and forsaking towards his Deen, just as those who have abandoned supporting Allah, His Messenger, His Deen and His book do, those who:

إِذَا قِيلَ لَكُمُ انفِرُوا فِي سَبِيلِ اللَّهِ اثَّاقَلْتُمْ إِلَى الْأَرْضِ

**When it is said to you:** “**Go forth in the cause of Allah”, you cling heavily to the earth?** (9: 38).

Under any evaluation this category deserves the punishment by the agreement of the ‘Ulama’, and whoever does not proceed upon this path has suspended the Hudood (prescribed punishments or limits of Allah), abandoned the rights and permitted the powerful to devour the weak. He resembles the one who has the property of the procrastinating Zhalim (wrongdoer) in terms of an item or debt and has desisted from handing it to a just ruler by which he will fulfil his debt or undertake the obligatory Nafaqah (spending) due upon him to his family, relatives, slaves or animals. That is as a right is often obligatory upon the man due to another, like when the Nafaqah (spending) is obligatory due to a near need (Haajah Qareebah) and like when the blood money is obligatory upon the clan (‘Aaqilah) of the killer. This type falls under the category of the Ta’zeer (discretionary punishment). It is the punishment for the one whom it is known has a property which or a person who it is obligatory to bring forward whilst he does not do so. Such persons include, for example, the highway robbers, thieves and their protectors. Or it is known that he is aware of the person’s or property’s location but does not inform about its location. If he however refuses to bring or inform so that the seeker or one with the demand does not aggress against him and wrong him, then that is meritorious. And one of them often resembles the other and the likeness and fame often meet. The obligation (here) is to distinguish the truth (Haqq) from the false (Batil). This situation often arises amongst the chiefs and heads of the people of both desert and urban areas. If someone has sought help or refuge with them, or there exists between them a relation or friendship, then positions of pre-Islamic fanaticism, of seeking honour by sin and maintaining the reputation amongst the rabble, lead them to support that person even if he was a transgressor and wrongdoer nullifying the right of the one who is wronged. That is especially if the wronged person is a chief who competes with them and they vie with him. As such, they view handing over the person who has sought their refuge to those who compete with them to reflect lowliness and weakness. This is pure pre-Islamic ignorance and is from the greatest reasons for the corruption of the Deen and Dunyaa. And it has been mentioned that this was the cause of the wars that took place among the Arabs, like the war of Al-Basus between Bani Bakr and Taghlib amongst other similar wars. And the reason for the Turks and Mongols entering the land of Islam and their taking over the kingdoms of what lay behind the river and Khurasan was due to such a cause. That is whilst whoever makes himself lowly to Allah has honoured it and whoever has expended the right from himself has honoured himself. That is as the most honourable of creation with Allah are those who have most Taqwaa (Fearing of Him and obedience to Him). Whilst, whoever seeks honour via transgression in respect to prevention or undertaking the sinful act has degraded himself and disgraced it. Allah تعالى said:

مَن كَانَ يُرِيدُ الْعِزَّةَ فَلِلَّهِ الْعِزَّةُ جَمِيعًا

**Whoever desires honour, then to Allah belongs all honour** (35: 10).

And He تعالى said in respect to the hypocrites:

يَقُولُونَ لَئِن رَّجَعْنَا إِلَى الْمَدِينَةِ لَيُخْرِجَنَّ الْأَعَزُّ مِنْهَا الْأَذَلَّ ۚ وَلِلَّهِ الْعِزَّةُ وَلِرَسُولِهِ وَلِلْمُؤْمِنِينَ وَلَٰكِنَّ الْمُنَافِقِينَ لَا يَعْلَمُونَ

**They say: “If we return to al-Madinah, the most honoured will surely expel therefrom the lowliest”. And to Allah belongs [all] honour, and to His Messenger, and to the believers, but the hypocrites do not know**” (8: 63).

And Allah تعالى also said in a description of this type:

وَمِنَ النَّاسِ مَن يُعْجِبُكَ قَوْلُهُ فِي الْحَيَاةِ الدُّنْيَا وَيُشْهِدُ اللَّهَ عَلَىٰ مَا فِي قَلْبِهِ وَهُوَ أَلَدُّ الْخِصَامِ وَإِذَا تَوَلَّىٰ سَعَىٰ فِي الْأَرْضِ لِيُفْسِدَ فِيهَا وَيُهْلِكَ الْحَرْثَ وَالنَّسْلَ ۗ وَاللَّهُ لَا يُحِبُّ الْفَسَادَ وَإِذَا قِيلَ لَهُ اتَّقِ اللَّهَ أَخَذَتْهُ الْعِزَّةُ بِالْإِثْمِ ۚ فَحَسْبُهُ جَهَنَّمُ ۚ وَلَبِئْسَ الْمِهَادُ

“**And of the people is he whose speech pleases you in the worldly life, and he calls Allah to witness as to what is in his heart, yet he is the fiercest of opponents. (204) And when he goes away, he strives throughout the land to cause corruption therein and destroy crops and animals. And Allah does not like corruption. (205) And when it is said to him: “Fear Allah”, pride in the sin takes hold of him. Sufficient for him is Hellfire, and how wretched is the resting place**” (2: 204-206).

The obligation upon the one who has given shelter to someone seeking it is only to provide him with support if he is wronged (Mazhloom). He is not established to have been wronged (Mazhloom) merely by his own claims. That is because how often does a man lodge a complaint (or grievance) whilst he himself is the wrongdoer (Zhalim), or information about him has been disclosed from his adversary or from others. Then if it turns out that he is the wrongdoer he is repelled from that in a gentle manner if that is possible, either by reconciliation or by a judgment based on justice. If that doesn’t work, then he is repelled by force. And if both of them are wrongdoers, like the people of desires from Qais and Yaman, their like and most parties of the regions and desert areas, or if none of them were wrongdoers due to a Shubhah (doubt), Ta’weel (justifying interpretation) or an error that had occurred between them, he would strive to reach a reconciliation or judgment between them, just as Allah تعالى said:

وَإِن طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا ۖ فَإِن بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَىٰ فَقَاتِلُوا الَّتِي تَبْغِي حَتَّىٰ تَفِيءَ إِلَىٰ أَمْرِ اللَّهِ ۚ فَإِن فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا ۖ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ ۚ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

“**And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other, then fight against the one that oppresses until it returns to the ordinance of Allah. And if it returns, then make settlement between them in justice and act justly. Indeed, Allah loves those who act justly. (9) The believers are but brothers, so make reconciliation between your brothers. And fear Allah that you may receive mercy**” (TMQ: 49: 9-10).

And Allah تعالى said:

لَا خَيْرَ فِي كَثِيرٍ مِّن نَّجْوَاهُمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ ۚ وَمَن يَفْعَلْ ذَٰلِكَ ابْتِغَاءَ مَرْضَاتِ اللَّهِ فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا

**There is no good in much of their private conversation, except for those who enjoin charity or that which is right or conciliation between people. And he who does this, seeking the good Pleasure of Allah, We shall give him a great reward** (4: 114).

Abu Dawud recorded in his Sunan concerning the Prophet ﷺ that he was asked: “Is it from the ‘Asabiyah (un-Islamic tribal partisan behaviour) that the man is supported by his people in respect to the Haqq (truth)?” He said: “No, however, it from the ‘Asabiyah (un-Islamic tribal partisan behaviour) that the man is supported by his people in respect to the Batil (falsehood)”. And he ﷺ said: “The best of you is the one who defends his people as long as they have not committed a sin” and: “The similitude of the one who supports his people in falsehood is like a camel that slips into a well and is pulled out by his tail” and: “Whoever mourns (or offers condolences) with the condolences of Al-Jahiliyah (per-Islamic ignorance i.e. tribalistic manner), then let him bite the private parts of his father, and do not shy away from saying that”.

That is whilst anything that is outside of the invitation of Islam and the Qur’an in terms of lineage, land, ethnic or racial origin, Madh’hab or Tareeqah (path), is considered to be from the ‘Azaa’ of Al-Jahiliyah. Indeed, when two men from the Muhajirin and the Ansar disputed and the Muhajir said: “O Muhajirin (rally!)” and the Ansari said: “O Ansar (rally!)”, the Prophet ﷺ said: “Are you making calls to Jahiliyah (pre-Islamic ignorance) whilst I am among you” and was extremely angry with that] End of the text taken from “**Daqaa’iq At-Tafseer**”.

- The following came stated in “**Zaad ul-Ma’ad**” (vol: 3 p: 443) during the discussion of Al-Haram Al-Makkiy Ash-Sharif: [The “**Taa’ifah Al-Mumtani’ah**” (Desisting group) in it (i.e. Makkah) which refrains from giving the Bai’ah (pledge) to the Imam is not fought against and especially if it has a Ta’eel (justifying interpretation). That is like when the people of Makkah refused from giving the Bai’ah (pledge) to Yazid and gave the Bai’ah (pledge) to (Abdullah) Ibn Az-Zubair, as fighting them, setting catapults against them and making the Haram (sacred precinct) of Allah Halal, was not permissible in accordance with the text or the Ijma’ (consensus). ‘Amr bin Sa’id Al-Fasiq (the rebelliously sinful one) and his supporting group only violated that and acted in opposition to the text of the Messenger of Allah in accordance with his own opinion and desires. That was as he said: “The Haram (sacred precinct) does not offer refuge to the one who disobeys”. It is said in response to him: Rather, it does not offer refuge to a disobedient person from the punishment of Allah. And if it did not offer him refuge from the spilling of his blood, it would not have been a Haram (sacred precinct) in respect to humans. And it was a sacred precinct in respect to birds, animals and cattle. It has remained offering refuge to the disobedient from the time of Ibrahim (Peace and blessings of Allah be upon him) and Islam was established upon that. Only Miqyas bin Subabah, Ibn Khatal and those named with them have not been offered refuge and that is because during those ours it was not a Haram (sacred precinct) but rather a Hall (permissible place), but when the hours of war came to an end, it returned to the status that had been set for it on the day that Allah created the heavens and earth. The Arabs during their pre-Islamic period had witnessed the man fighting his father or son in the Haram but did not use to retaliate against him. That was the special quality afforded to the Haram amongst them which came to be a sacred precinct. Then Islam came, reaffirmed and consolidated that. And the Prophet ﷺ knew that there would be from the Ummah those who will seek to imitate him in respect to making it permissible (i.e. to spill blood) by fighting and killing.

And so, he severed that linkage and said to his companions: “If anyone seeks to find a licence (i.e. to break the inviolable sanctity of the Haram) due to the fighting of the Messenger of Allah ﷺ say (to them): Verily, Allah gave permission to His Messenger and did not give permission to you”. Consequently, whoever had a Hadd (set prescribed punishment) or Qisaas (retaliatory punishment) pronounced upon him outside of the Haram that obliged that he be killed and thereafter sought refuge in the Haram, it is not permissible to implement that punishment upon him. Imam Ahmad mentioned from ‘Umar bin Al-Khattab (may Allah be pleased with him), that he said: “If you found within it (i.e. the Haram of Makkah) the killer of Al-Khattab, you cannot touch him until he has exited from it”. And he mentioned from Abdullah bin ‘Umar that he said: “If you found the killer of ‘Umar in it, you cannot descend upon him”. And it was related from Ibn ‘Abbas that he said: “If you found the killer of my father in the Haram, don’t seek vengeance from him until he leaves it”. This is the view of the majority of the Taabi’een and those who came after them. Indeed, an opinion contrary to that has not been recorded from any Taabi’ or Sahaabiy. This was the opinion of Imam Abu Hanifah (may Allah have mercy upon him) and those who conformed with him from the people of Iraq, in addition to Imam Ahmad and those who conformed with him from the Ahl ul-Hadith. Malik and Ash-Shaafi’iy viewed that justice is exacted from him within the Haram just as it exacted from him in the place of permissibility. This is the chosen opinion of Ibn ul-Mundhir and they used the generality of the texts for the exacting of the Hudood and Qisaas in every place and time, in addition to the Prophet ﷺ killing Ibn Khatal whilst he was hanging on the curtains of the Ka’bah as evidential proof for this opinion].

- The following came mentioned in “**As-Siyasah Ash-Shar’iyah**” (Vol: 1 p: 100 onwards):

[The punishments which the Sharee’ah brought for the one who has disobeyed Allah and His Messenger are of two types:

**The first**: The punishment of the one who has been able to be apprehended, whether it is the individual or a number, as has previously been discussed.

**And the second**: The punishment of the “Taa’ifah Al-Mumtani’ah” (Desisting group) like that which cannot be apprehended except by fighting.

The origin of this is to undertake Al-Jihad Fee Sabeelillah (in the path of Allah) against the disbelievers; the enemies of Allah and His Messenger. As such, whomever the Da’wah (invitation) of the Messenger of Allah ﷺ to the Deen of Allah which He sent him with has reached but did then not respond positively to it, must be fought until there is no Fitnah and the Deen is entirely for Allah. When Allah sent His Prophet and commanded him to invite the creation to His Deen, He did not permit him to kill or fight against anyone when engaging in that. That was until he migrated to Al-Madinah and then He gave permission to him and to the Muslims, by His statement تعالى:

أُذِنَ لِلَّذِينَ يُقَاتَلُونَ بِأَنَّهُمْ ظُلِمُوا ۚ وَإِنَّ اللَّهَ عَلَىٰ نَصْرِهِمْ لَقَدِيرٌ الَّذِينَ أُخْرِجُوا مِن دِيَارِهِم بِغَيْرِ حَقٍّ إِلَّا أَن يَقُولُوا رَبُّنَا اللَّهُ ۗ وَلَوْلَا دَفْعُ اللَّهِ النَّاسَ بَعْضَهُم بِبَعْضٍ لَّهُدِّمَتْ صَوَامِعُ وَبِيَعٌ وَصَلَوَاتٌ وَمَسَاجِدُ يُذْكَرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا ۗ وَلَيَنصُرَنَّ اللَّهُ مَن يَنصُرُهُ ۗ إِنَّ اللَّهَ لَقَوِيٌّ عَزِيزٌ الَّذِينَ إِن مَّكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنكَرِ ۗ وَلِلَّهِ عَاقِبَةُ الْأُمُورِ

**Permission [to fight] has been given to those who are being fought, because they were wronged. And indeed, Allah is competent to give them victory. (39) [They are] those who have been expelled from their homes without right, only because they say: “Our Lord is Allah”. And were it not that Allah checks the people, some by means of others, monasteries, churches, synagogues, and mosques would have been demolished in which the name of Allah is much mentioned. And Allah will surely support those who support Him. Indeed, Allah is Powerful and Exalted in Might. (40) [And they are] those who, if We give them authority in the land, establish prayer and give Zakah and enjoin what is right and forbid what is wrong. And to Allah belongs the outcome of [all] matters** (22: 39-41).

Then, after that, He made Al-Jihad obligatory upon them by His statement تعالى:

كُتِبَ عَلَيْكُمُ الْقِتَالُ وَهُوَ كُرْهٌ لَّكُمْ ۖ وَعَسَىٰ أَن تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَّكُمْ ۖ وَعَسَىٰ أَن تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ لَّكُمْ ۗ وَاللَّهُ يَعْلَمُ وَأَنتُمْ لَا تَعْلَمُونَ

**Fighting has been enjoined upon you while it is hateful to you. But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you. And Allah Knows, while you know not** (2: 216).

The obligation was further emphasised and magnified generally through the Madani Surahs (i.e. those revealed after the Hijrah) and those who abandoned it were condemned and characterised with hypocrisy and the sickness of hearts. Allah تعالى said:

قُلْ إِن كَانَ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ وَإِخْوَانُكُمْ وَأَزْوَاجُكُمْ وَعَشِيرَتُكُمْ وَأَمْوَالٌ اقْتَرَفْتُمُوهَا وَتِجَارَةٌ تَخْشَوْنَ كَسَادَهَا وَمَسَاكِنُ تَرْضَوْنَهَا أَحَبَّ إِلَيْكُم مِّنَ اللَّهِ وَرَسُولِهِ وَجِهَادٍ فِي سَبِيلِهِ فَتَرَبَّصُوا حَتَّىٰ يَأْتِيَ اللَّهُ بِأَمْرِهِ ۗ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الْفَاسِقِينَ

**Say: “If your fathers, your sons, your brothers, your wives, your relatives, wealth which you have obtained, commerce wherein you fear decline, and dwellings with which you are pleased are more beloved to you than Allah and His Messenger and Jihad in His cause, then wait until Allah executes His command. And Allah does not guide the defiantly disobedient people”** (9: 24).

And Allah تعالى said:

إِنَّمَا الْمُؤْمِنُونَ الَّذِينَ آمَنُوا بِاللَّهِ وَرَسُولِهِ ثُمَّ لَمْ يَرْتَابُوا وَجَاهَدُوا بِأَمْوَالِهِمْ وَأَنفُسِهِمْ فِي سَبِيلِ اللَّهِ ۚ أُولَٰئِكَ هُمُ الصَّادِقُونَ

**The believers are only the ones who have believed in Allah and His Messenger and then doubt not but strive with their properties and their lives in the cause of Allah. It is those who are the truthful** (49: 15).

And Allah تعالى said:

فَإِذَا أُنزِلَتْ سُورَةٌ مُّحْكَمَةٌ وَذُكِرَ فِيهَا الْقِتَالُ ۙ رَأَيْتَ الَّذِينَ فِي قُلُوبِهِم مَّرَضٌ يَنظُرُونَ إِلَيْكَ نَظَرَ الْمَغْشِيِّ عَلَيْهِ مِنَ الْمَوْتِ ۖ فَأَوْلَىٰ لَهُمْ طَاعَةٌ وَقَوْلٌ مَّعْرُوفٌ ۚ فَإِذَا عَزَمَ الْأَمْرُ فَلَوْ صَدَقُوا اللَّهَ لَكَانَ خَيْرًا لَّهُمْ فَهَلْ عَسَيْتُمْ إِن تَوَلَّيْتُمْ أَن تُفْسِدُوا فِي الْأَرْضِ وَتُقَطِّعُوا أَرْحَامَكُمْ

**But when a precise surah is revealed and fighting is mentioned therein, you see those in whose hearts is hypocrisy looking at you with a look of one overcome by death. And more appropriate for them [would have been] (20) Obedience and good words. And when the matter [of fighting] was determined, if they had been true to Allah, it would have been better for them. (21) So, would you perhaps, if you turned away, cause corruption on earth and sever your [ties of] kinship?** (47: 20-22).

There are many such verses in the Qur’an. Just as it is commended greatly and those who engage in it are greatly commended in Surah As-Saff, in which He says:

يَا أَيُّهَا الَّذِينَ آمَنُوا هَلْ أَدُلُّكُمْ عَلَىٰ تِجَارَةٍ تُنجِيكُم مِّنْ عَذَابٍ أَلِيمٍ تُؤْمِنُونَ بِاللَّهِ وَرَسُولِهِ وَتُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِكُمْ وَأَنفُسِكُمْ ۚ ذَٰلِكُمْ خَيْرٌ لَّكُمْ إِن كُنتُمْ تَعْلَمُونَ يَغْفِرْ لَكُمْ ذُنُوبَكُمْ وَيُدْخِلْكُمْ جَنَّاتٍ تَجْرِي مِن تَحْتِهَا الْأَنْهَارُ وَمَسَاكِنَ طَيِّبَةً فِي جَنَّاتِ عَدْنٍ ۚ ذَٰلِكَ الْفَوْزُ الْعَظِيمُ وَأُخْرَىٰ تُحِبُّونَهَا ۖ نَصْرٌ مِّنَ اللَّهِ وَفَتْحٌ قَرِيبٌ ۗ وَبَشِّرِ الْمُؤْمِنِينَ

**O you who have believed, shall I guide you to a transaction that will save you from a painful punishment? (10) [It is that] you believe in Allah and His Messenger and strive in the cause of Allah with your wealth and your lives. That is best for you, if you should know. (11) He will forgive for you your sins and admit you to gardens beneath which rivers flow and pleasant dwellings in gardens of perpetual residence. That is the great attainment (success). (12) And [you will obtain] another [favour] that you love, victory from Allah and an imminent conquest. And give good tidings to the believers** (61: 10-13).

And like His statement تعالى:

أَجَعَلْتُمْ سِقَايَةَ الْحَاجِّ وَعِمَارَةَ الْمَسْجِدِ الْحَرَامِ كَمَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَجَاهَدَ فِي سَبِيلِ اللَّهِ ۚ لَا يَسْتَوُونَ عِندَ اللَّهِ ۗ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ الَّذِينَ آمَنُوا وَهَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنفُسِهِمْ أَعْظَمُ دَرَجَةً عِندَ اللَّهِ ۚ وَأُولَٰئِكَ هُمُ الْفَائِزُونَ يُبَشِّرُهُمْ رَبُّهُم بِرَحْمَةٍ مِّنْهُ وَرِضْوَانٍ وَجَنَّاتٍ لَّهُمْ فِيهَا نَعِيمٌ مُّقِيمٌ خَالِدِينَ فِيهَا أَبَدًا ۚ إِنَّ اللَّهَ عِندَهُ أَجْرٌ عَظِيمٌ

**Have you made the providing of water for the pilgrim and the maintenance of al-Masjid al-Haram equal to [the deeds of] one who believes in Allah and the Last Day and undertake Jihad in the cause of Allah? They are not equal in the sight of Allah. And Allah does not guide the wrongdoing people. (19) The ones who have believed, emigrated and undertaken Jihad in the cause of Allah with their wealth and their lives are greater in rank in the sight of Allah. And it is those who are the attainers [of success]. (20) Their Lord gives them good tidings of mercy from Him and approval and of gardens for them wherein is enduring pleasure. (21) [They will be] abiding therein forever. Indeed, Allah has with Him a great reward** (9: 18-22).

And His statement تعالى:

مَن يَرْتَدَّ مِنكُمْ عَن دِينِهِ فَسَوْفَ يَأْتِي اللَّهُ بِقَوْمٍ يُحِبُّهُمْ وَيُحِبُّونَهُ أَذِلَّةٍ عَلَى الْمُؤْمِنِينَ أَعِزَّةٍ عَلَى الْكَافِرِينَ يُجَاهِدُونَ فِي سَبِيلِ اللَّهِ وَلَا يَخَافُونَ لَوْمَةَ لَائِمٍ ۚ ذَٰلِكَ فَضْلُ اللَّهِ يُؤْتِيهِ مَن يَشَاءُ ۚ وَاللَّهُ وَاسِعٌ عَلِيمٌ

**Whoever of you should turn back from his religion, Allah will bring forth [in place of them] a people He will love and who will love Him, [who are] humble toward the believers, powerful against the disbelievers; they undertake Jihad in the cause of Allah and do not fear the blame of a critic. That is the favour of Allah. He bestows it upon whom He wills. And Allah is all-Encompassing and Knowing** (5: 54).

And He تعالى said:

ذَٰلِكَ بِأَنَّهُمْ لَا يُصِيبُهُمْ ظَمَأٌ وَلَا نَصَبٌ وَلَا مَخْمَصَةٌ فِي سَبِيلِ اللَّهِ وَلَا يَطَئُونَ مَوْطِئًا يَغِيظُ الْكُفَّارَ وَلَا يَنَالُونَ مِنْ عَدُوٍّ نَّيْلًا إِلَّا كُتِبَ لَهُم بِهِ عَمَلٌ صَالِحٌ ۚ إِنَّ اللَّهَ لَا يُضِيعُ أَجْرَ الْمُحْسِنِينَ وَلَا يُنفِقُونَ نَفَقَةً صَغِيرَةً وَلَا كَبِيرَةً وَلَا يَقْطَعُونَ وَادِيًا إِلَّا كُتِبَ لَهُمْ لِيَجْزِيَهُمُ اللَّهُ أَحْسَنَ مَا كَانُوا يَعْمَلُونَ

**That is because they are not afflicted by thirst or fatigue or hunger in the cause of Allah, nor do they tread on any ground that enrages the disbelievers, nor do they inflict upon an enemy any infliction but that is registered for them as a righteous deed. Indeed, Allah does not allow to be lost the reward of the doers of good. (120) Nor do they spend an expenditure, small or large, or cross a valley but that it is registered for them that Allah may reward them for the best of what they were doing** (9: 120-121).

Therefore, He mentioned what He brings forth from their actions and what they undertake in terms of actions.

The command to undertake Jihad and the mention of its virtues in the Kitab and the Sunnah are too numerous to be listed. For that reason, it is the best act that a person can volunteer to undertake and by the agreement of the ‘Ulama’ it is better than the Hajj and ‘Umrah, and the voluntary prayers and fasts as has been indicated to in the Kitab and the Sunnah. The Prophet ﷺ said: “The head of the matter is Islam, its pillar is the Salah, and its highest peak is Jihad”. He said: “verily, in Jannah (paradise) there are one hundred levels, the distance between one level and the next is like the distance between the heaven and the earth. Allah has prepared them for the Mujaahideen in His cause (or path)” (Agreed upon). And he said: “Whoever makes his feet dusty in the path of Allah, Allah has forbidden from him the fire of Hell” (Related by Al-Bukhari). And he ﷺ said: “Being stationed for a day and a night on the frontier in Allah’s path is better than fasting a month and spending its nights in prayer. If one dies, he will be rewarded for the deeds he was doing, he will be given his provision, and will be safe from him who tests him” (related by Muslim). And in the Sunan: “Spending a day on the frontier in Allah's way is better than one thousand days in any other place” and he ﷺ said: “There are two eyes which will not be touched by the fire: An eye that cried due to the fear of Allah and an eye that spent a night guarding in the path of Allah”. At-Tirmidhi said: It is a Hasan Hadith. And the following came recorded in the Musnad of Imam Ahmad: “Guarding a night in Allah’s path is better than a thousand nights in which the nights are stood in prayer and the days fasted”. And in the two Sahihs: “That a man said: “O Messenger of Allah. Inform me of something that is equal to Jihad in Allah’s path”. He said: “You won’t be able to do it!” He said: “Inform me of it”. He said: “Are you capable when the Mujahid goes out (i.e. for Jihad) to fast without breaking your fast and to stand in prayer without interruption?!” He replied: “No”. He said: “That is what is equal to the Jihad””. And in the Sunan, that he ﷺ said: “Every Ummah has a form of tourism and the tourism of my Ummah is Jihad in the path of Allah”.

This represents a vast chapter and nothing in relation to the reward for actions and their virtue has been mentioned equivalent to what has been mentioned concerning it. This is apparent when considered as the benefit of Jihad is general for its performer and to others in the Deen and the Dunyaa (life of this world) and encompasses all of the internal and external forms of ‘Ibadah (worship). It encompasses the love of Allah تعالى, sincerity to Him, reliance upon Him, surrendering the life and property to Him, patience, forbearing, the remembrance of Allah and other types of actions which no other action encompasses. And the person or Ummah undertaking it is always between one of two good attainments: Either victory and triumph, or Shahadah (martyrdom) and Jannah (paradise).

In addition, life and death is inevitable for the creation, and in Jihad their living and death is used in that which relates to the goal of their happiness in the Dunya (worldly life) and Akhirah (hereafter), whilst in its abandonment the two sources of happiness disappear or become deficient. That is as there are from the people those who desire to partake in the difficult actions in the Deen and Dunya whilst their benefit is little. Jihad is more beneficial in both of them than any other difficult act and he may wish to elevate himself until death comes to him. That is because the death of the Shaheed (martyr) is easier than any other death and the best of all deaths.

And as the origin of the legally legitimate fighting is Jihad and its aim and purpose is for the Deen to be entirely for Allah and for the Kalimah (word) of Allah to be the highest, then the one who prevents this is fought against by the agreement of the Muslims. As for the people who are not from those of resistance or combat like the women, children, monks, elderly, blind and chronically ill, for example, then they are not fought according to the majority of the ‘Ulama’ (Scholars), unless such a person engages in fighting by statement or action. Some, however, have viewed the permissibility of killing them due to the mere existence of disbelief (Kufr), with the exception of the women and the children, due to their being a property of the Muslims. The first opinion is the correct one because the fighting is directed against those who fight us when we wish for the Deen of Allah to prevail. This is as Allah تعالى stated:

وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا ۚ إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ

**Fight in the way of Allah those who fight you but do not transgress. Indeed. Allah does not like transgressors** (2: 190).

And in the Sunan it was related about him ﷺ that he passed by a woman who had been killed in one of the military expeditions and the people were standing before her. He then said: “**This was not one who should have been fought!**” And he said to one of those present: “**Catch up to Khalid and tell him: Do not kill woman or a hired servant**”. And also concerning them it was related that he ﷺ used to say: Do not kill a frail old man, young child or woman”. That is as Allah تعالى has made permissible the killing (or taking) of lives what is required for the wellbeing of the creation, as Allah تعالى said:

وَالْفِتْنَةُ أَكْبَرُ مِنَ الْقَتْلِ

**And Fitnah is greater (i.e. more grievous) than killing** (2: 217).

This means that the killing, even if it contains some Sharr (evil or bad) and Fasaad (corruption or ruin), the Fitnah of the disbelievers in terms of evil and corruption is greater than it. Consequently, whoever does not stand in the way of the Muslims establishing the Deen of Allah, then his disbelief is not harmful except against his own self. For that reason, the Fuqaha’ said that the one who invites to an innovation contrary to the Kitab and the Sunnah is punished with that which the one who is silent is punished. And it came mentioned in the Hadith that the sinful act if hidden does not harm except its perpetrator, but if it becomes apparent and is not reproached, it will harm the public. For this reason the Sharee’ah made the killing of the disbelievers obligatory but did not make obligatory the killing of those of them who had been apprehended. Indeed, if a man from among them is made a captive during the fighting or in other than fighting like if a ship cast him out to us or he lost his way or was captured in a trap or ruse, then according to most of the Fuqaha’, according to what the Kitab and Sunnah have indicated to, the Imam (ruler) does what he deems to be the most fitting or beneficial in respect to him; in terms of killing, enslaving, freeing or ransoming him for money or another life in exchange for his. (That is even if there are some Fuqaha’ who view that freeing and ransoming him has been abrogated). As for the Ahl ul-Kitab (People of the Book) and Majoos, then they are fought until they embrace Islam or pay the Jizyah willingly and in a humbled condition. Concerning other than them, then the Fuqaha’ have differed in respect to taking the Jizyah from them, although the vast majority do not accept taking it from the Arabs] The end of the speech of Imam Ibn Taymiyah transmitted from “**As-Siyasah Ash-Shar’iyah**”.

- The following also came stated in “**As-Siyasah Ash-Shar’iyah**” (Vol: 1 p: 106 onwards):

[Whichever Taa’ifah Mumtani’ah (desisting group) affiliated to Islam but desists from some of its apparent (or clear) Mutawatir (definitely established in chain of transmission) legislations, is obligatory for Jihad to be undertaken against it, by the agreement of the Muslims, until the Deen is entirely for Allah. That is just as Abu Bakr (may Allah be pleased with him) fought those who withheld the Zakah. Some of the Sahabah had hesitated in respect to fighting them but then agreed until ‘Umar bin Al-Khattab said to Abu Bakr (may Allah be pleased with them): “How can you fight the people whilst the Messenger of Allah ﷺ said: “I have been commanded to fight the people until they testify to Laa Ilaaha Illallah and Muhammadar Rasoolullah. Then if they say that their blood and properties are protected from me except for where it is rightfully due and their account is upon Allah””. Abu Bakr said: “The Zakah is from what is rightfully due, and by Allah, if they were to withhold a young goat (i.e. the Zakah for it) that they used to give to the Messenger of Allah ﷺ, I would fight them over that”. ‘Umar said: “As soon as I realized that Allah has expanded the chest of Abu Bakr to fight them, I knew that it was the truth”.

It has been established from him ﷺ from many angles that he commanded the fighting of the Khawaarij. It was recorded in the two Sahihs from ‘Ali bin Abi Talib (may Allah be pleased with him), that he said: I heard the Messenger of Allah ﷺ saying: “Near the end of times people will come forth, young and foolish, speaking the finest words men speak, but their faith will not pass their throats. They will come out from the religion as an arrow does from the animal it is aimed at. Wherever you meet them kill them, for a reward for killing them will be given on the day of resurrection to those who kill them”. And in a narration recorded by Muslim from ‘Ali (may Allah be pleased with him), that he said: I heard the Messenger of Allah ﷺ saying: “There would arise from my Ummah a people who would recite the Qur'an, and your recital would seem insignificant as compared with their recital, your prayer as compared with their prayer, and your fast, as compared with their fast. They would recite the Qur'an thinking that it supports them, whereas it is evidence against them. Their prayer does not reach beyond their collar bone; they would swerve through Islam just as the arrow passes through the prey. If the army which is to encounter them were to know (what great reward) has been assured to them by their Messenger (ﷺ) they would completely rely upon this deed (alone and cease to do other good deeds)”. And it was related from Abu Sa’id Al-Khudri from the Messenger of Allah ﷺ in relation to this Hadith: “They kill the people of Iman and leave be the people of idols. If I was to reach their time, I would kill them like the killing of ‘Aad” (Agreed upon). And in a narration recorded by Muslim: “My Ummah will be two groups, and a dissenting group will exit from them. The group from the (original) two which is nearest to the truth will dispense of killing them”. These are those whom the Ameer ul-Mu’mineen (leader of believers) ‘Ali (may Allah be pleased with him) fought when division occurred between the people of Iraq and Ash-Shaam (Greater Syria) and they were called Al-Harawriyah. The Prophet ﷺ made clear that each of the two divided groups were from his Ummah whilst the followers of ‘Ali were closest to the truth, whilst he did not urge except the fighting of those dissenters who exited from Islam, separated from the Jama’ah (Islamic collective) and made the blood of others besides them from the Muslims and their properties lawful (to be taken). Consequently, the Kitab, Sunnah and Ijma’ of the Ummah establishes that those who exit from the Sharee’ah of Islam are to be fought even if they pronounce the two Shahadahs (testimonies of belief).

The Fuqaha’ have differed into two opinions in respect to the “**Taa’ifah Al-Mumtaniah**” (desisting group) if they abandoned the Sunnah Ar-Ratibah (the specified regular Sunnah acts) like the two Rak’ahs before Fajr, in respect to whether it is permissible to fight them. As for the clear and amply established Waajibaat (obligations) and Muharramaat (prohibitions), then they are fought for abandoning those by way of agreement until they adhere to establishing the set prescribed prayers, giving the Zakah, fasting the month of Ramadan and performing the Hajj of Al-Bait, and adhere to abandoning the Muharramaat like marrying the sisters, eating the Khabaa’ith (impure forbidden things) and aggressing against the Muslims in their lives and properties etc. Fighting against those is obligatory from the offset after the Da’wah (invitation) of the Prophet ﷺ has reached them and if they initiate the fighting against the Muslims, then fighting them is even more emphasised, as we mentioned in relation to the fighting undertaken against those who desist from the aggressing highway robbers. And the most emphatic obligatory Jihad against the disbelievers and those who desist from some of the legislations, like those who withhold the Zakah, the Khawaarij and those similar to them, is obligatory to be undertaken in attack and defence. If it was in the form of attack (or initiation), then it is Fard ‘Ala l-Kifaayah (An obligation of sufficiency); if some fulfil it, the obligation falls from the rest, whilst the virtue belongs to the one who engages in it, as Allah تعالى said:

ا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولِي الضَّرَرِ

**Not equal are those believers who remain [i.e. at home instead of going out to fight], other than the disabled** … (4: 95).

However, when the enemy wishes to attack the Muslims, then repelling it is an obligation upon all those who have been targeted and it is a duty upon those who have not been (direvctly) targeted to assist them, just as Allah تعالى said:

وَإِنِ اسْتَنصَرُوكُمْ فِي الدِّينِ فَعَلَيْكُمُ النَّصْرُ إِلَّا عَلَىٰ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُم مِّيثَاقٌ

**And if they seek your help for the sake of the Deen, then you must help, except against a people between yourselves and whom is a treaty** (8: 72).

And just as the Prophet ﷺ commanded supporting and assisting the Muslim and regardless of whether the man was from those hired to fight or not. This is obligatory in accordance with the capability (or what is possible) upon everyone with his life and wealth; whether it is in a small quantity or large, walking or riding. That was like when the enemy targeted the Muslims in the year of Al-Khandaq (The Trench) and Allah did not give a permission for anyone to abandon the defence, whilst He permitted leaving the offensive Jihad to seek out the enemy, where he divided the Muslims into the two categories of the Qaa’id (the one who remains behind) and the Khaarij (the one who goes out to fight). Indeed, those who sought permission from the Prophet ﷺ were censured:

يَقُولُونَ إِنَّ بُيُوتَنَا عَوْرَةٌ وَمَا هِيَ بِعَوْرَةٍ ۖ إِن يُرِيدُونَ إِلَّا فِرَارًا

**They say: “Indeed, our houses are unprotected” while they were not exposed. They did not intend except to flee** (33: 13).

This represents the defence of the Deen, the inviolable sanctity and lives and is a fighting of necessity, whilst the other (offensive) is a fighting of choice and to attain an increase for the Deen, to raise it high and strike fear into the enemy, like the Ghazwah (expedition) of Tabuk amongst others. Therefore, this type of punishment is for the “**Tawaa’if Al-Mumtani’ah**” (desisting groups).

As for those who are not from those who desist from the inhabitants of the lands of Islam and those similar to them, then it is obligatory to compel them with the obligations which are the five buildings of Islam and other than them like the fulfilment of the Amaanaat (trusts) and faithfulness to covenants in the Mu’aamalaat, amongst other obligations. Therefore, whoever of the people, both men and women, does not perform the prayer, is commanded to perform the prayer. Then, in accordance with the Ijma’ (consensus) of the ‘Ulama’, if he desists or refuses, he is punished until he performs it. Then, most of them oblige that he be killed if he does not pray. His Taubah (repentance) is sought and if he repents all is well, otherwise he is killed. Concerning whether he is killed as a disbeliever (Kafir), apostate (Murtadd) or rebelliously disobedient person (Fasiq), then there are two well-known opinions in the Madh’hab of Imam Ahmad and others. What has been transmitted from most of the Salaf dictates his disbelief and that is when the abandonment is accompanied by the admission or acknowledgment of its obligation. As for when someone rejects or denies the obligation (Al-Juhd), then he is a Kafir (disbeliever) by agreement. Indeed, it is obligatory for guardians to command the child to perform the Salah (prayer) when he or she reaches seven years of age and to hit the child to enforce the compliance at the age of ten. That is in accordance with what the Prophet ﷺ commanded when he said: “Command them to pray at seven (years of age) and beat them upon it (i.e. adherence) at the age of ten, and separate between them in the beds”. That also applies in respect to what is required for the Salah in terms of the obligatory Taharah (purification) and so on].

- Similar to what has preceded also came mentioned in “**Majmoo’ ul-Fataawa**” (Vol: 28, p:349 onwards):

[The punishments which the Sharee’ah brought for the one who has disobeyed Allah and His Messenger are of two types. The first is the punishment of the one who has been able to be apprehended, whether it is the individual or a number, as has previously been discussed. And the second is the punishment of the “Taa’ifah Al-Mumtani’ah” (Desisting group) like that which cannot be apprehended except by fighting. The origin of this is to undertake Al-Jihad Fee Sabeelillah (in the path of Allah) against the disbelievers; the enemies of Allah and His Messenger …] until he said: [This represents the defence of the Deen, the inviolable sanctity and lives and is a fighting of necessity, whilst the other (offensive) is a fighting of choice and to attain an increase for the Deen, to raise it high and strike fear into the enemy, like the Ghazwah (expedition) of Tabuk amongst others. Therefore, this type of punishment is for the “**Tawaa’if Al-Mumtani’ah**” (desisting groups)]. As can be seen this is virtually word for word the same as what we extracted from “**As-Siyasah Ash-Shar’iyah**”. As such, we will not spend more time in mentioning it.

- The following also came stated in “**Majmoo’ ul-Fataawa**” (Vol: 28, p:311 onwards):

[And if the criminal Muhaariboon (highway or armed robbers) were a group and one of them perpetrated the act of killing by himself whilst the rest were assisting and supporting him, then it has been said that the perpetrator alone is killed, whilst the Jumhoor (majority) view that they are all killed and even if they numbered one hundred, with there being no difference between the one who perpetrates the action directly and those who assist. This is what has been reported from the practise of the Khulafa’ Ar-Rashideen. That is as ‘Umar bin Al-Khattab (may Allah be pleased with him) killed the Rabee’ah of the highway robbers whilst the Rabee’ah is the lookout who sits at an elevated position and watches for them from their who is approaching and because the direct perpetrator is only able to kill the person via the strength of the support and assistance.

**And the Taa’ifah (group), when some of its parts (or individuals) are able to accomplish what they do by some others to the point that (collectively) they become Mumtani’oon (those who desist), are partners (or all have a share) in the reward and punishment**. That is like the Mujaahideen as the Prophet ﷺ said: “The blood of the Muslims is equal. They hasten to support the protection offered by the lowest of them. They are one hand to the exclusion of all others and those of them who are on expeditions return (booty) to those who stayed behind from them”. This means that the army of the Muslims, if a part of it went on a military expedition and attained property as booty, then the army shares with it in respect to what they gained of booty. That is because it was through its support and strength that it was enabled. Rather, it is given a share of the booty as the Prophet ﷺ used to give a fourth in booty to an expeditionary force if they were in their beginning (or initial force) after the fifth. Then if they returned to their lands and an expeditionary force went on an expedition, he would give them a third of the booty after the Khumus (Fifth). Similarly, if the army attained booty the expeditionary force would share with them in it because that is in the interest of the army, just as the Prophet ﷺ allocated a share to Talhah and Az-Zubair on the day of the (battle of) Badr as he had sent them out in the interest of the army. As such, the helpers of the “**Desisting Group**” and its supporters are from it in respect to what is for them and against them.

The same applies in respect to those who fight against each other upon Baatil (falsehood) which has no Ta’weel (justifying interpretation) for it, like those who fight over ‘Asabiyah (tribalism) or a call to Jahiliyah (pre-Islamic ignorance), like what occurred between (the tribes of) Qais and Yaman for example, where both were transgressors and in the wrong. That is in accordance with what the Prophet ﷺ said: “If two Muslims meet with their swords, then the killer and the killed are in the hellfire” It was asked: “O Messenger of Allah, this is for the killer but why for the one killed?!” He said: “He wanted to kill his companion” (Recorded in the two Sahihs). Each group or party guarantees what it has damaged or injured to the other group or party in terms of life and property, even if the exact killer is not known. **That is because the single desisting group, with all of its parts, is comparable to the single person**. Related to that is the statement of Allah تعالى:

كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلَى

**Prescribed for you is legal retribution for those murdered** (2: 178).

However, if they only took the property but did not kill as the Arab Bedouins (or tribes) used to often do, then the right hand and left foot of each one of them is to be cut (or amputated) according to most of the ‘Ulama’ (scholars) like Abu Hanifah, Ahmad and other than them. This is the meaning of the statement of Allah تعالى:

أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُم مِّنْ خِلَافٍ

**Or that their hands and feet be cut off from opposite sides** (Al-Ma’idah: 33).

The hand which he acted violently with and the foot which he walks upon are amputated. His hand and foot are then completed (or cauterized) with boiling oil, or something similar, to stop the flow of blood, thus resulting in his (bodily) damage or injury. Similarly, the hand of the thief is cauterized with boiling oil and this act could be even more of a deterrent against killing (or murder). That is because if the Arabs (Bedouins and tribes) and the rebelliously sinful from the soldiers amongst others constantly saw the one amongst them whose hand and foot had been amputated, they would remember his crime by that and hence be deterred. That is in contrast to killing (or execution) as its occurrence could be forgotten. In addition, some proud people may actually prefer to be executed rather than having their hand and foot severed from opposite sides, and as such this would be the most severe of punishments for such a person and those like him.

However, if they were to brandish weapons but not kill a person or take property, then put the weapons away, or fled or abandoned acts of highway or armed robbery, they are exiled. It is said that their exile (Naf’y) means driving them away so that they are not left or permitted to abide in the land. It has also been said that it means imprisoning them, just as it has been said that it is what the Imam (leader) views to be most appropriate (and in the interest) in terms of banishment, imprisonment or something similar.

The legally legitimate killing (or execution) is that undertaken by striking the neck with the sword or similar to that. That is because it is the quickest of the forms of killing, just as Allah has legislated the killing of what is permissible to be killed in terms of humans and animals, if this has been determined, to be undertaken upon this manner, and because the Prophet ﷺ said: “Verily Allah has decreed that everything should be done in the best way, so when you kill use the best method for killing, and when you cut an animal’s throat you should use the best method for that. So, let each of you sharpen his knife and give the animal as little pain as possible” and he said: “Verily, the most virtuous of the people in respect of killing are the people of Iman (Belief in Allah)”.

As for the mentioned crucifixion, then it means raising them to high place so that the people can see them and their affair to become well-known. That is after their execution according to the majority of the ‘Ulama’. Some of them have said that they are crucified and then killed whilst being crucified. Some of the ‘Ulama’ have permitted their execution by other than the sword. It has even been said: They are left upon a high place until they die by themselves without being executed.

As for mutilation, then that is not permitted unless it is upon the basis of Al-Qasaas (like for like retribution). ‘Imran bin Husain (may Allah be pleased with him) said: The Messenger of Allah ﷺ did not address us in a speech except that he commanded us to give Sadaqah (charity) and forbade us from mutilating, even the disbelievers if we fought against them. Therefore, we do not mutilate them after they have been killed and we do not cut off the ears and noses, or cut open their stomachs, unless they had done that to us, in which case we would do to them what they did to us, although leaving that is better. That is as Allah تعالى said:

وَإِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُم بِهِ ۖ وَلَئِن صَبَرْتُمْ لَهُوَ خَيْرٌ لِّلصَّابِرِينَ \* وَاصْبِرْ وَمَا صَبْرُكَ إِلَّا بِاللَّهِ

**And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed. But if you are patient, it is better for those who are patient \* And be patient, [O Muhammad], and your patience is not but through Allah** (16: 126-127).

It is said that it was revealed when the Mushrikeen (polytheists) mutilated Hamzah and other martyrs of the battle of Uhud (may Allah be pleased with them). So, the Prophet ﷺ said: “**If Allah was to give me victory over them, I would mutilate them double what they mutilated us**”. Then Allah revealed this verse and even if it had been revealed prior to that in Makkah, just like the statement of Allah:

وَيَسْأَلُونَكَ عَنِ الرُّوحِ ۖ قُلِ الرُّوحُ مِنْ أَمْرِ رَبِّي

**And they ask you, [O Muhammad], about the soul. Say: The soul is of the affair of my Lord** (17: 85)

And His statement:

وَأَقِمِ الصَّلَاةَ طَرَفَيِ النَّهَارِ وَزُلَفًا مِّنَ اللَّيْلِ ۚ إِنَّ الْحَسَنَاتِ يُذْهِبْنَ السَّيِّئَاتِ

**And establish prayer at the two ends of the day and at the approach of the night. Indeed, good deeds do away with misdeeds** (11: 114).

And other than these from those Aayaat (verses) which were revealed in Makkah and then a cause occurred in Al-Madinah dictating the address and was thus revealed for a second time. That is as the Prophet ﷺ said: “Rather, we will be patient”. And recorded in Sahih Muslim and related from Buraidah bin Al-Khasib (may Allah be pleased with him), that he said: “When the Prophet ﷺ would dispatch a commander over a military expedition or army or particular need of his, he would enjoin them with the Taqwaa (fear) of Allah تعالى and to treat the Muslims with them well. He would then say: “Go forth for battle in the name of Allah and in the way of Allah. Fight those who have disbelieved in Allah and do not act dishonestly with the booty, do not act treacherously, do not mutilate or do not kill a child”” ...].

- And the following came stated in “**Majmoo’ ul-Fataawa**” (Vol: 28, p:468 onwards):

[**The ‘Ulama’ of the Muslims have agreed by consensus (Ijma’) that every group desisting from a Sharee’ah (legislation) from the clear and Mutawatir (definitely established) Sharaa’i (legislations) of Islam is obligatory to be fought against until the Deen is entirely for Allah**. So, if they say: “We will pray but we will not give Zakah”, or “We will pray the five daily prayers but not Jumu’ah or the Jama’ah”, or “We will perform the five pillars but we will not prohibit the blood of Muslims and their properties … **Or we will not give up Riba (usury)**, Khamr (wine/alcohol) or gambling”, or “We will follow the Qur’an but we won’t follow the Messenger of Allah and we will not act in accordance with the Ahadeeth that have been established to be authentic from him”, or “We believe that the Jews and Christians are better than the majority of the Muslims and that the people of the Qiblah (i.e. Muslims) have disbelieved in Allah and His Messenger, whilst no believer remains among them apart from a small group”, or they say: “We will not perform Jihad against the disbelievers alongside the Muslims”, amongst others such matters which are contrary to the Sharee’ah of the Messenger of Allah and his Sunnah, in addition to what the Jama’ah (collective) of the Muslims are upon … The, in such circumstances, it is obligatory to undertake Jihad against all of these groups, just as the Muslims undertook Jihad against those who withheld the Zakah, against the Khawaarij and their types, and against Al-Khurramiyah, Al-Qaramitah, Al-Baatiniyah and others from among the people of desires and innovation who rebelled from the Sharee’ah of Islam. That is because Allah says in His Book:

وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ

**And fight them until there is no Fitnah and the Deen, all of it, is for Allah** (8: 39).

Therefore, if some of the Deen is for Allah and some of it is for other than Allah fighting them is obligatory until the Deen in its entirety is to Allah. And Allah تعالى said:

فَإِن تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ

**But if they should repent, establish prayer, and give Zakah, let them [go] on their way** (9: 5).

Here, He did not command to let them go freely on their way except after the Tawbah (repentance) from all forms of disbelief and after establishing the prayer and giving the Zakah. And He تعالى said:

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنتُم مُّؤْمِنِينَ فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِّنَ اللَّهِ وَرَسُولِهِ

**O you who have believed, fear Allah and give up what remains [due to you] of interest, if you should be believers (278) But if you do not, then take notice of war from Allah and His Messenger** (2: 278-279).

Consequently, Allah تعالى has informed that if the “Taa’ifah Al-Mumtani’ah” (Desisting group) does not desist from Riba (usury), it has made war against Allah and His Messenger. That is whilst Riba is the last of what Allah prohibited in the Qur’an and therefore what about that which is even greater (or more substantiated) in its prohibition. Allah تعالى said:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَن يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُم مِّنْ خِلَافٍ أَوْ يُنفَوْا مِنَ الْأَرْضِ

**The recompense of those who wage war against Allah and His Messenger and do mischief in the land is only that they shall be killed or crucified, or their hands and their feet be cut off on the opposite sides or be exiled from the land** (5: 33).

**Therefore, whoever from the people of Shawkah (material power and strength) desists from entering into the obedience of Allah and His Messenger has made war against Allah and His Messenger, and whoever acts in the land by other than the Book of Allah and the Sunnah of His Messenger has undertaken mischief or corruption (Fasaad) in the land**. For this reason, the Salaf applied the Aayah (verse) to (both) the disbelievers and the people of the Qiblah (i.e. Muslims), until the majority of the A’immah included the highway robbers who brandish weapons for the sheer purpose of taking properties and categorised them due to their taking of the properties of the people by fighting to be of those who make war against Allah and His Messenger (i.e. Muhaariboon) and cause corruption in the land. That is even if they believe in the prohibition of what they are undertaking and affirm Iman (belief) in Allah and His Messenger.

The one who does not believe in the permissibility of the blood and properties of the Muslims and yet deem it fine (or lawful) to fight them has a greater priority than them of being categorised as a Muhaarib (a person at war) with Allah and His Messenger and of being someone who makes corruption (Fasaad) in the land. Just as the warring disbeliever (Al-Kafir Al-Harbiy) who deems the blood and properties of the Muslims to be lawful and views fighting them to be permissible,has a greater priority of being fought against than the Fasiq who believes in the prohibition of that. Similarly, the innovator who leaves some of the Sharee’ah of the Messenger of Allah and His Sunnah and deems the blood and properties of the Muslims who adhere to the Sunnah of the Messenger of Allah ﷺ and his Sharee’ah to be lawful, has a greater priority to be fought against than the Fasiq and even if he has adopted that for himself as a Deen with the intention of gaining closeness to Allah through that just like the Jews and Christians have taken making war against the Muslims a Deen for them which they claim to be for the purpose of drawing nearer to Allah. For this reason, the A’immah (Scholars) of Islam have agreed that these great innovations are worse than the sins that the ones undertaking them believe to be sins and it is in accordance with that view that the Sunnah of the Messenger of Allah ﷺ proceeded].

- The following is the famous Fatwa which permits fighting the Tatars despite their being affiliated in name to Islam and their pronouncing the two Shahadas (testimonies of belief), as came stated in “**Majmoo’ ul-Fataawa**” (Vol: 28, p:501 onwards):

[**What do the Fuqaha’ (jurists) from the Imams of the Deen say**: Concerning the Tatars who arrived in the year 699 AH and did what became well-known in terms of killing the Muslims, enslaving some of the children, plundering from those they found from the Muslims, violating the inviolable sanctities of the Deen in terms of humiliating the Muslims and insulting the Masajid, especially Baitul Maqdis, just as they caused corruption in the land and took the properties of the Muslims and the Bait ul-Maal (public treasury) of the Muslims, imprisoned a great number of Muslim men and expelled them from their homelands, whilst they claimed throughout that they were upholding the two Shahadas (testimonies of belief) and claimed the prohibition of fighting their fighters due to what they claimed in terms of following the authentic origin of Islam and due to them being excused from eliminating the Muslims. Is it permissible to fight them or obligatory? And what ever the ruling is, what are the evidential angles for its permission or obligation? Please provide a verdict for us and attain the reward!

**He answered**: Al-Hamdu Lillah, every (or any) Taa’ifah Mumtani’ah (desisting group) that desists from adhering to a Sharee’ah from the evident and Mutawatir (definitely established) Sharaa’i (legislations) of Islam, from those people and others, are obligatory to be fought until they abide by its Sharaa’i, even if they pronounce the two Shahadas and abide by some of the Islamic legislations. That is like when Abu Bakr As-Siddeeq and the Sahabah (may Allah be pleased with them) fought those who withheld the Zakah. The Fuqaha’ agreed upon that after them following the precedent of the ‘Umar’s debate with Abu Bakr (may Allah be pleased with them). As such, the Sahabah (may Allah be pleased with them) agreed to fight upon the (basis of upholding) the rights of Islam in accordance with the Kitab and the Sunnah. Similarly, the Hadeeth related to the Khawaarij has been authenticated from the Prophet ﷺ from ten angles, where he informed that they are the worst of the creation and disposition, despite his statement that “You will deem your prayer to be insignificant as compared to their prayer and your fasting as compared with their fasting”. And so, he knew that the mere affiliation to Islam accompanied by the non-compliance its Sharaa’i (legislations and laws) does not nullify the fighting. That is as the fighting is obligatory until the Deen is entirely for Allah and until there is no Fitnah. Therefore, when the Deen was for other than Allah, the Qitaal (fighting) is Waajib (obligatory). Consequently, any group that desists from or refuses some of the obligatory prayers, or fasting, or Hajj, or adherence to the prohibition of the blood and properties of others, Khamr (wine/alcohol) , Zina (adultery/fornication), gambling, the marriage of Mahaarim (unlawful non-marriageable relatives), or abidance to undertaking Jihad against the disbelievers, or imposing the Jizyah upon the Ahl ul-Kitab (People of the Book), amongst other obligations of the Deen and its prohibitions, concerning which there is no excuse for anyone to deny or leave and in relation to which the one who denies their obligation is a disbeliever … Such a desisting group (Taa’ifah Mumtani’ah) is fought over these (obligations and prohibitions) and even if it affirmed or acknowledged them. This is a matter concerning which I know of no disagreement among the ‘Ulama’. The Fuqaha’ (jurists) only differed in respect to the desisting group if it insisted upon abandoning some of the Sunan like the two Rakahs before Fajr, and the Adhan and Iqamah for those who say that they are not obligatory, amongst other symbolic practices of the Deen. Should such a “**Taa’ifah Mumtani’ah**” be fought against for its abandonment of these Sunan or not? As for the mentioned obligations and prohibitions and what resembles them, then there is no difference or disagreement in respect to fighting to uphold them.

And those, according to those who have scrutinized the matter from the ‘Ulamaa’, are not of the same standing as the rebels who rebel against the Imam or away from obedience to him, like the people of Ash-Shaam did with the Amir ul-Mu’mineen ‘Ali bin Abi Talib (may Allah be pleased with him). That is because those have rebelled against the obedience of a particular Imam or have rebelled against him to remove him and his rule. **As for those who have been mentioned, however, they are rebelling outside of Islam** and are equivalent to those who withhold the Zakah and the Khawaarij whom ‘Ali bin Abi Talib (may Allah be pleased with him) fought. For that reason, the path of ‘Ali (may Allah be pleased with him) in respect to his fighting against the people of Basra and Ash-Shaam, on one hand, and his fighting of the people of An-Nahrawan, on the other, diverged. That is as proceeded with the people of Basra and Ash-Shaam in the manner of the brother with his brother, whilst he proceeded contrary to that with the Khawaarij. The texts from the Prophet ﷺ have affirmed that which the Ijma’ (consensus) of the Sahabah settled upon in terms of the fighting undertaken by As-Siddeeq and the fighting against the Khawaarij, in contrast to the Fitnah that occurred with the people of Ash-Shaam and Basra. That is as the texts concerning it indicated to what they indicated to and the Sahabah and Taabi’oon differed in respect to them. There are some Fuqaha’ of the A’immah (Imams) who view that the people of Al-Baghy (rebellion) whom it is obligatory to fight are those who rebel against the Imam with a justifying interpretation and not those who rebel and go outside of his obedience. That is whilst others classify the two categories as Bughaat (rebels), whilst there is an evident difference between the Bughaat (rebels) and the Tatars. **As for those who do not adhere to the clear and Mutawatir (definitely established) Sharaa’i (legislations) of Islam, then I am not aware of any disagreement or difference in opinion) in respect to the obligation of fighting them**.

If this principle is determined, then that people who are being asked about (i.e. the Tatars), their army includes disbelieving peoples from the Christians and Mushrikeen (polytheists) and peoples affiliated to Islam who represent the majority of the army. They pronounce the two Shahadas (testimonies of belief) if they are asked to and extoll the Messenger, but there are not among them those who pray apart from a very small number, the fasting of Ramadan among them is undertaken more than the prayer and the Muslim in their view is greater than a non-Muslim … etc].

- The following came stated in “**Majmoo’ ul-Fataawa**” (Vol: 28, p:545 onwards):

[The ‘Ulama’ (scholars) of the Muslims have agreed that if the “**Taa’ifah Al-Mumtani’ah**” (desisting group) abstains from some of the clear and definitely established (Mutawatir) obligations of Islam, it is obligatory to fight it if they pronounce the two Shahadas but abstain from the prayer, Zakah, fasting the month of Ramadan, the Hajj of the Ancient House (Al-Bait ul-‘Ateeq), or ruling and judging amongst themselves by the Kitab and the Sunnah, or from prohibiting immoral acts, Khamr (wine/alcohol), marriage to unlawful relations (Mahaarim), deeming lives and properties permissible (to be taken) without right, usury (Riba), gambling, Jihad against the disbelievers, imposing the Jizyah over the Ahl ul-Kitab (People of the Book), and so on from the Islamic legislations. They are fought against to uphold these until the Deen is entirely for Allah. It has been established in the two Sahihs (i.e. Al-Bukhari and Muslim) that when ‘Umar debated with Abu Bakr in relation to those who withheld the Zakah, Abu Bakr said to him: “How can I not fight the one who has abandoned the rights which Allah and His Messenger have made obligatory, like the Zakah, and even if he has embraced Islam”. And he said: “Indeed, the Zakah is from its rights and by Allah, By Allah, if they withheld from me a young goat that they used to give to the Messenger of Allah, I would fight them for it”. ‘Umar then said: “As soon as I realized that Allah has expanded the chest of Abu Bakr to fight them, I knew that it was the truth”. It has also been established from more than one angle that the Prophet mentioned the Khawaarij and said concerning them: “One of you will deem his prayer as compared to their prayer, his fasting compared to their fasting and his recitation compared to theirs to be insignificant. They will recite the Qur’an but it will not go beyond their throats and they will pass through Islam like an arrow passing through its target. Wherever you find them kill them as in killing them there is a reward with Allah on the Day of Judgement for the one who kills them. If I was to reach their time, I would certainly kill them like the killing of ‘Aad”. The Salaf and the A’immah have agreed upon fighting those. The first to have fought them was Ameer ul-Mu’mineen ‘Ali bin Abi Talib (may Allah be pleased with him). The Muslims then continued to fight them during the early Khilafahs of Bani Ummayah (Umayyads) and Bani Al-‘Abbas (Abbasids) alongside the leaders and even if they (i.e. the leaders) were oppressors or transgressors. So, Al-Hajjaj and his delegates were from those who fought them. Therefore, all of the A’immah (Imams) of the Muslims command that they be fought. That is whilst the Tatars and their likes are even greater in their departure from the Sharee’ah of Islam than those who withhold the Zakah, the Khawaarij (Kharjites) **and the people of At-Taa’if who desisted from abandoning Riba (usury)**. Consequently, whoever has a doubt in relation to fighting them is the most ignorant of the people in respect to the Deen of Islam. Where fighting them is obliged, they are fought and even if there among them those who have been coerced in accordance with the agreement of the Muslims. It is like when Al-‘Abbas said on the day of (the battle of) Badr when he was taken prisoner: “O Messenger of Allah, I was coerced to come out (i.e. to battle)”. And so, the Prophet said: “As for your apparent (actions) then they are for us (to judge) and as for what you hold secret (or in your heart), then that is for Allah”. And the ‘Ulama’ have agreed that if the army of the disbelievers use the Muslim prisoners of war they have as human shields whilst harm is feared to befall the Muslims if they don’t fight, then they are fought and even if that leads to the killing of the Muslims whom they are using as shields. If, however, there is no fear of harm befalling the Muslims, then in respect to the permissibility of engaging in the fighting that leads to the killing of those Muslim prisoners, there are two well-known opinions. And if those Muslims are killed then they are martyrs (Shuhada’) and the obligatory Jihad is not abandoned for the sake of those who are killed as martyrs. That is because when the Muslims fight the disbelievers whoever is killed from them is a Shaheed (martyr) and whoever is killed, whilst he is in the inside not deserving to be killed, for the interests (Maslahah) of Islam, is a Shaheed. The two Sahihs have authentically established from the Prophet ﷺ that he said: “This House (i.e. the Ka’bah) will be attacked by an army of the people. When they will be at Al-Baidaa’ of the land the ground will swallow them up”. It was asked: “O Messenger of Allah, even though amongst them will be those who have been made to be there against their will?” He replied: “They will be raised (i.e. on the Day of Judgement) according with their intentions”. Consequently, if the punishment which Allah makes befall the army attacking the Muslims descends upon the one who is there against his will in addition to the one who is there by his will, then what about the punishment that Allah will punish them with or by the hands of the Muslims, as Allah تعالى stated:

قُلْ هَلْ تَرَبَّصُونَ بِنَا إِلَّا إِحْدَى الْحُسْنَيَيْنِ ۖ وَنَحْنُ نَتَرَبَّصُ بِكُمْ أَن يُصِيبَكُمُ اللَّهُ بِعَذَابٍ مِّنْ عِندِهِ أَوْ بِأَيْدِينَا

**Say: Do you wait for us (anything) except one of the two best things (martyrdom or victory); while we await for you either that Allah will afflict you with a punishment from Himself or at our hands** (9: 52).

We cannot know the one who has been coerced or is present against his will and are unable to distinguish. As such, if we kill them in accordance with the command of Allah, we would be rewarded and excused, whilst they would be upon their intentions. Therefore, whoever from them was coerced against his will or averse but unable to keep away will be raised on the Day of Judgement by his intention. Then, if he was killed for the sake of establishing the Deen it would not be greater than the killing of the one who was killed from the Muslim army. If, however, one of them was to flee, then from the people there are those who categorise fighting such people to be equivalent to fighting the Bughaat (rebels) who have (or claim) some kind of (legal) justifying interpretation.

And concerning those, if they have a “**Taa’ifah Mumtani’ah**” (desisting group), is it permissible to pursue those of them who flee, to kill their prisoners of war and finish off their wounded?! There are two opinions attributed to the ‘Ulama’ concerning this. It has been said that this is not done because the caller of ‘Ali bin Abi Talib called out on the day of the battle of Al-Jamal: “The one who flees is not pursued, the wounded is not to be finished off and the prisoner of war is not to be killed”. And it has been said that this is done because on the day of the battel of Al-Jamal (the camel), they did not have a “**Taa’ifah Mumtani’ah**” (desisting group), whilst the purpose of the fighting was to repel, so when they were repelled there was no need for that just like the case of repelling the Saa’il (assailant). And it has been related that on the day of the battle of Al-Jamal and Siffeen, their affair was contrary to that. So those who categorised them as being equivalent to the Bughaat (rebels) who have or claim a (textual) justifying interpretation applied both these opinions to them. The correct view however, is that these are not from the Bughaat (rebels) who have or claim a (textual) justifying interpretation as those do not have a justifying interpretation in origin and are rather fall under the category of the Khawaarij, those who withhold the Zakah, the people of At-Ta’if, Al-Khurramiyah and their like, from those who are fought due to what they departed from in terms of the Sharaa’i (legislations) of Islam.

This is a subject that has been unclear among many of the Fuqaha’. That is because the classifiers in relation to the subject of fighting the Ahl ul-Baghy (people of rebellion) classified the fighting of the withholders of the Zakah, the Khawaarij, ‘Ali’s fighting of the people of Basra and his fighting of Mu’awiyah and his followers to fall under the category of fighting the Ahl ul-Baghy (people of rebellion) and that all of has been commanded. And those who viewed that among the people derived the Masaa’il (different issues) of that and fell into error. Indeed, the correct opinion is that which was held by the A’immah (imams) of the Hadith, Sunnah and people of Al-Madinah An-Nabawiyah, like Al-Awza’iy, Ath-Thawriy, Malik, Ahmad bin Hanbal and others, which dictates that one needs to be distinguished from the other (i.e. rather than all being classified under one category with the same rulings).

That is as the fighting of the Khawaarij is established by the explicit texts from the Prophet ﷺ by the agreement of the Muslims. As for the fighting of the day of Siffeen and what resembles it, then the Sahabah did not agree upon it. Rather, senior Sahabah like Sa’d bin Abi Waqqas, Muhammad bin Maslamah, Usamah bin Zaid, Abdullah bin ‘Umar and others opposed it, whilst ‘Ali was still not among the military, like Sa’d bin Abi Waqqas. And the Sahih Ahadeeth from the Prophet ﷺ dictate that it was obligatory to make reconciliation between these two parties and not for fighting to take place between them. Just as it has been authentically established in Sahih Al-Bukhari that he addressed the people and the army with him and said: “Verily, this son of mine is a Sayyid (master), Allah shall bring peace between two [tremendous] parties by his hands”. And so, Allah made peace between the people of Iraq and Ash-Shaam via Al-Hasan. Therefore, the Prophet ﷺ made the peace by him from the virtues of Al-Hasan even though Al-Hasan stepped down from the affair (i.e. authority) to give it to Mu’awiyah. Had fighting been commanded without abandoning the Khilafah (position of leadership) and making peace with Mu’awiyah, the Prophet would not have commended him for leaving that which he had been commanded to do and for doing that which he was not commanded with, and he would not have commended him for leaving that which is better for that which is worse. He therefore knew that what Al-Hasan did was what Allah and His Messenger loves and not to fight. And it has been authentically established in the Sahih that the Prophet ﷺ used to place him and Usamah upon his lap and say: “O Allah, I love them both, so love them and love the one who loves them”. The effect of the love of the Messenger of Allah for them manifested in their dislike for fighting in the Fitnah (discord). That is as Usamah desisted from fighting with any of the two parties and similarly Al-Hasan consulted ‘Ali to not fight. Then when the matter came to him, he did would he advised his father ‘Ali to do (may Allah be pleased with them all).

It has also been established from him in the Sahih that he said: “A group would secede itself (from the Ummah) when there would be dissension among the Muslims. Out of the two groups who would be nearer the truth would kill them”. This group were the Khawaarij and ‘Ali bin Abi Talib fought them. And this is affirmed by the remainder of the Ahadeeth which contain the command to fight the Khawaarij and make clear that killing them is from that which Allah and His Messenger love, in addition to that those who fought them with ‘Ali were closer to the truth than Mu’awiyah and his companions. However, even though they were closer to the truth the Prophet did not command one of the two groups to fight, like he commanded the fighting of the Khawaarij. Rather, he praised reconciliation between them. And the dislike of fighting during the Fitan (times of discord) and warning about that has been authentically reported from the Prophet ﷺ in Sahih Ahadeeth, although this is not the place to delve into them. They include for example, his statement: “There will be Fitan (discord, strife or afflictions), during which a sitting person will be better than a standing one, and the standing one will be better than the walking one, and the walking one will be better than the running one” and he said: “There will come a time when the best property of a man will be sheep which he will graze on the tops of mountains and the places where rain falls (i.e. pastures) escaping to protect his Deen from Fitan (afflictions, discord, strife)”…etc.]

- The following also came stated in “**Majmoo’ ul-Fataawa**” (Vol: 28, p:556 onwards):

[**And the Sheikh was asked** about a people possessing material power who reside in a land and do not perform the prescribed prayers, do not have a Masjid, Adhan or Iqamah, and when one of them perform the Salah (prayer) he does it in an illegitimate manner. In addition, they do not give the Zakah despite the large quantities of their properties (or wealth) in terms of cattle and crops, they fight amongst each other and so some of them kill others, they plunder the properties of each other, they kill children and virtually never refrain from spilling blood and taking properties, not in the month of Ramadan, any of the sacred months or any other month. And if they take captives from each other, they sell their captives to the Europeans and sell their male and females openly to the Europeans, whilst they herd them like cattle. They marry women during their ‘Iddah (waiting period), they do not give inheritance to women, they do not submit to the ruler of the Muslims and if one of them is invited to the Shar’a (Islamic legislation), he says: “I am the legislation!”, amongst other matters. Is it consequently permitted to fight them if the circumstances are like this and what is the manner to enter them into Islam taking into account what has been mentioned?

He answered: Yes, it is permitted, indeed it is obligatory in accordance with the Ijma’ (consensus) of the Muslims to fight those and those like them from every Taa’ifah Mumtani’ah (desisting group) which desists from adherence to a Sharee’ah from the clear and Mutawatir (definitely established) Sharaa’i of Islam. That is like the “**desisting group**” that desists from the performance of the five prayers, or giving the obligatory Zakah to the eight categories named by Allah تعالى in His Book, or fasting the month of Ramadan, or those who do not desist from spilling the blood of the Muslims and taking their properties, or do not go to the judgement of the Shar’a which Allah sent His Messenger. That is like what Abu Bakr As-Siddeeq and the rest of the Sahabah (may Allah be pleased with them) said concerning those who withheld the Zakah and just as ‘Ali bin Abi Talib and the companions of the Prophet fought the Khawaarij in relation to whom the Prophet ﷺ said: “One of you will deem his prayer as compared to their prayer, his fasting compared to their fasting and his recitation compared to theirs to be insignificant. They will recite the Qur’an but it will not go beyond their throats and they will pass through Islam like an arrow passing through its target. Wherever you find them kill them as in killing them there is a reward with Allah on the Day of Judgement for the one who kills them”. It is in accordance with His statement تعالى:

وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ

**And fight them until there is no Fitnah and the Deen, all of it, is for Allah** (8: 39).

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنتُم مُّؤْمِنِينَ فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِّنَ اللَّهِ وَرَسُولِهِ

**O you who have believed, fear Allah and give up what remains [due to you] of interest, if you should be believers (278) But if you do not, then take notice of war from Allah and His Messenger** (2: 278-279).

That is whilst Riba is the last of what Allah prohibited in the Qur’an and therefore what about that which is even greater (or more substantiated) in its prohibition?!

Before fighting they are invited to abide by the Sharaa’i (legislations) of Islam. If they abide and commit assurance is sought from them as mere words are not sufficient from them. That is like what Abu Bakr did with those whom he fought after subduing them, when he said: “Choose either a demonstrative war or a disgracing peace” and he said: “I am the Khalifah of the Messenger of Allah”. They said: “We know the meaning of the demonstrative war but what is the disgracing peace?” He said: “That you testify that our killed are in Jannah (paradise) and that your killed are in hellfire and that we will strip you of your horses and weapons until the Khalifah of the Messenger of Allah ﷺ and the believers see fit”. This is what is obligatory to be done with those. If they demonstrate obedience someone is sent to them to teach them the Sharaa’i of Islam, establish the prayer among them and what benefits them from the Islamic legislations. And then either use some of the compliant from them in the army of the Muslims and make them part of the Jama’ah (collective) of the Muslims, or strip them of their weapons which they fight with and prevent them from the riding horses, or leave them until they rectify themselves, or kill the one who desists from adhering to the Sharee’ah from them. And if they do not respond positively to Allah and His Messenger it is obligatory to fight them until they adhere to the clear and Mutawatir (definitely established) Sharaa’i (legislations) of Islam. And that has been agreed upon by the ‘Ulama’ of the Muslims, and Allah is most knowledgeable.

- And the following was also stated in “**Majmoo’ ul-Fataawa**” (Vol: 4, p:353 onwards):

[He (may Allah have mercy upon him) was asked about the soldiers (or military units) who abstain from fighting the Tatars whilst saying that amongst them there are those who have gone out with them due to coercion and whether they should be pursued or not if they flee?!

And the answer, and Al-Hamdu Lillahi Rabbil ‘Aalameen, is that fighting the Tatars who came to the lands of Ash-Shaam (Greater Syria) is Wajib (obligatory) in accordance with the Kitab and the Sunnah. That is as Allah says in the Qur’an:

وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ

**And fight them until there is no Fitnah and the Deen, all of it, is for Allah** (8: 39).

And **the Deen (mentioned in this Aayah) means Taa’ah (obedience)**. Consequently, if some of the Deen (i.e. obedience) is to Allah and some of it is to other than Allah, it is obligatory to fight until the Deen is entirely for Allah. For this reason, Allah تعالى said:

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنتُم مُّؤْمِنِينَ فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِّنَ اللَّهِ وَرَسُولِهِ

**O you who have believed, fear Allah and give up what remains [due to you] of interest, if you should be believers (278) But if you do not, then take notice of war from Allah and His Messenger** (2: 278-279).

This Aayah (verse) was revealed in relation to At-Taa’if when they entered Islam and adhered to the Salah and Siyaam (fasting) but desisted from leaving Riba (usury). And so Allah made clear that they would be making war against Him and His Messenger if they do not desist from Riba. That is whilst Riba was the last of what Allah made prohibited and it reflects property (or money) that is taken by the consent or contentment of its owner. As such, if those are Muhaariboon (at war) with Allah and His Messenger and obligatory for Jihad to be undertaken against the, then what about the one who has abandoned a lot of the Sharaa’i of Islam or the majority of it like the Tatars. That is whilst the ‘Ulama’ of the Muslims have agreed that if the “Taa’ifah Al-Mumtani’ah” (desisting group) desists or abstains from some of the clear and Mutawatir (definitely established) obligations of Islam, it is obligatory to fight it. That even if they pronounce the two testimonies of belief (Shahada) but abstain from the Salah, the Zakah, fasting the month of Ramadan, making Hajj to the ancient House (Al-Bait ul-‘Ateeq), ruling or judging among themselves by the Kitab and the Sunnah, or desist from prohibiting the immoral acts, Khamr (wine/alcohol), marriage of unlawful non-marriageable relations, or deeming the taking of lives and properties without right to be acceptable, or Riba (usury), gambling, Jihad against the disbelievers, imposing the Jizyah upon the Ahl ul-Kitab (People of the Book), and what is similar to these from the Islamic legislations, they must be fought until the Deen is entirely to Allah.

It has been authentically established in the two Sahihs, that when ‘Umar debated Abu Bakr concerning those withholding the Zakah, Abu Bakr said to him in response: “How can I not fight those who have abandoned the rights which Allah and His Messenger have made obligatory, even if they have entered Islam, like the Zakah?” And he said: “Verily, the Zakah is from its rights and by Allah, if they were to withhold from me a young goat that they used to give to the Messenger of Allah ﷺ I would certainly fight them over what they have withhold” and he (‘Umar) said concerning to the answer (of Abu Bakr): “As soon as I realized that Allah has expanded the chest of Abu Bakr to fight them, I knew that it was the truth”. It has also been established in the two Sahihs from more than one angle that the Messenger of Allah ﷺ mentioned the Khawaarij and said about them: “One of you will deem his prayer as compared to their prayer, his fasting compared to their fasting and his recitation compared to theirs to be insignificant. They will recite the Qur’an but it will not go beyond their throats and they will pass through Islam like an arrow passing through its target. Wherever you find them kill them as in killing them there is a reward with Allah on the Day of Judgement for the one who kills them. If I was to reach their time, I would certainly kill them like the killing of ‘Aad”. The Salaf and A’immah (Imams) have agreed upon fighting those and the first to have fought them was the Ameer ul-Mu’mineen, ‘Ali bin Abi Talib (may Allah be pleased with him). The Muslims then continued to fight them during the early Khilafahs of Bani Ummayah (Umayyads) and Bani Al-‘Abbas (Abbasids) alongside the leaders and even if they (i.e. the leaders) were oppressors or transgressors. So, Al-Hajjaj and his delegates were from those who fought them. Therefore, all of the A’immah (Imams) of the Muslims command that they be fought. That is whilst the Tatars and their likes are even greater in their departure from the Sharee’ah of Islam than those who withhold the Zakah, the Khawaarij (Kharjites) **and the people of At-Taa’if who desisted from abandoning Riba (usury)**. Consequently, whoever has a doubt in relation to fighting them is the most ignorant of the people in respect to the Deen of Islam. Where fighting them is obliged, they are fought and even if there among them those who have been coerced in accordance with the agreement of the Muslims. It is like when Al-‘Abbas said on the day of (the battle of) Badr when he was taken prisoner: “O Messenger of Allah, I was coerced to come out (i.e. to battle)”. And so, the Prophet said: “As for your apparent (actions) then they are for us (to judge) and as for what you hold secret (or in your heart), then that is for Allah”. And the ‘Ulama’ have agreed that if the army of the disbelievers use the Muslim prisoners of war they have as human shields whilst harm is feared to befall the Muslims if they don’t fight, then they are fought and even if that leads to the killing of the Muslims whom they are using as shields. If, however, there is no fear of harm befalling the Muslims, then in respect to the permissibility of engaging in the fighting that leads to the killing of those Muslim prisoners, there are two well-known opinions. And if those Muslims are killed then they are martyrs (Shuhada’) and the obligatory Jihad is not abandoned for the sake of those who are killed as martyrs. That is because when the Muslims fight the disbelievers whoever is killed from them is a Shaheed (martyr) and whoever is killed, whilst he is in the inside not deserving to be killed, for the interests (Maslahah) of Islam, is a Shaheed.

The two Sahihs have authentically established from the Prophet ﷺ that he said: “**This House (i.e. the Ka’bah) will be attacked by an army of the people. When they will be at Al-Baidaa’ of the land the ground will swallow them up**”. It was asked: “O Messenger of Allah, even though amongst them will be those who have been made to be there against their will?” He replied: “They will be raised (i.e. on the Day of Judgement) according with their intentions”. Consequently, if the punishment which Allah makes befall the army attacking the Muslims descends upon the one who is there against his will in addition to the one who is there by his will, then what about the punishment that Allah will punish them with or by the hands of the Muslims, as Allah تعالى stated:

قُلْ هَلْ تَرَبَّصُونَ بِنَا إِلَّا إِحْدَى الْحُسْنَيَيْنِ ۖ وَنَحْنُ نَتَرَبَّصُ بِكُمْ أَن يُصِيبَكُمُ اللَّهُ بِعَذَابٍ مِّنْ عِندِهِ أَوْ بِأَيْدِينَا

**Say: Do you wait for us (anything) except one of the two best things (martyrdom or victory); while we await for you either that Allah will afflict you with a punishment from Himself or at our hands** (9: 52).

We cannot know the one who has been coerced or is present against his will and are unable to distinguish. As such, if we kill them in accordance with the command of Allah, we would be rewarded and excused, whilst they would be upon their intentions. Therefore, whoever from them was coerced against his will or averse but unable to keep away will be raised on the Day of Judgement by his intention. Then, if he was killed for the sake of establishing the Deen it would not be greater than the killing of the one who was killed from the Muslim army.

If, however, one of them was to flee, then from the people there are those who categorise fighting such people to be equivalent to fighting the Bughaat (rebels) who have (or claim) some kind of (legal) justifying interpretation. And concerning those, if they have a “**Taa’ifah Mumtani’ah**” (desisting group), is it permissible to pursue those of them who flee, to kill their prisoners of war and finish off their wounded?! There are two opinions attributed to the ‘Ulama’ concerning this. It has been said that this is not done because the caller of ‘Ali bin Abi Talib called out on the day of the battle of Al-Jamal: “The one who flees is not pursued, the wounded is not to be finished off and the prisoner of war is not to be killed”. And it has been said that this is done because on the day of the battel of Al-Jamal (the camel), they did not have a “**Taa’ifah Mumtani’ah**” (desisting group), whilst the purpose of the fighting was to repel, so when they were repelled there was no need for that just like the case of repelling the Saa’il (assailant). And it has been related that on the day of the battle of Al-Jamal and Siffeen, their affair was contrary to that. So those who categorised them as being equivalent to the Bughaat (rebels) who have or claim a (textual) justifying interpretation applied both these opinions to them. The correct view however, is that these are not from the Bughaat (rebels) who have or claim a (textual) justifying interpretation as those do not have a justifying interpretation in origin and are rather fall under the category of the Khawaarij, those who withhold the Zakah, the people of At-Ta’if, Al-Khurramiyah and their like, from those who are fought due to what they departed from in terms of the Sharaa’i (legislations) of Islam. This is a subject that has been unclear among many of the Fuqaha’. That is because the classifiers in relation to the subject of fighting the Ahl ul-Baghy (people of rebellion) classified the fighting of the withholders of the Zakah, the Khawaarij, ‘Ali’s fighting of the people of Basra and his fighting of Mu’awiyah and his followers to fall under the category of fighting the Ahl ul-Baghy (people of rebellion) and that all of has been commanded. And those who viewed that among the people derived the Masaa’il (different issues) of that and fell into error. Indeed, the correct opinion is that which was held by the A’immah (imams) of the Hadith, Sunnah and people of Al-Madinah An-Nabawiyah, like Al-Awza’iy, Ath-Thawriy, Malik, Ahmad bin Hanbal and others, which dictates that one needs to be distinguished from the other (i.e. rather than all being classified under one category with the same rulings).

That is as the fighting of the Khawaarij is established by the explicit texts from the Prophet ﷺ by the agreement of the Muslims. As for the fighting of the day of Siffeen and its like, then the Sahabah did not agree upon it. Rather, senior Sahabah like Sa’d bin Abi Waqqas, Muhammad bin Maslamah, Usamah bin Zaid, Abdullah bin ‘Umar and others opposed it, whilst ‘Ali was still not among the military, like Sa’d bin Abi Waqqas. And the Sahih Ahadeeth from the Prophet ﷺ dictate that it was obligatory to make reconciliation between these two parties and not for fighting to take place between them. Just as it has been authentically established in Sahih Al-Bukhari that he addressed the people and the army with him and said: “Verily, this son of mine is a Sayyid (master), Allah shall bring peace between two [tremendous] parties by his hands”. And so, Allah made peace between the people of Iraq and Ash-Shaam via Al-Hasan. Therefore, the Prophet ﷺ made the peace by him from the virtues of Al-Hasan even though Al-Hasan stepped down from the affair (i.e. authority) to give it to Mu’awiyah. Had fighting been commanded without abandoning the Khilafah (position of leadership) and making peace with Mu’awiyah, the Prophet would not have commended him for leaving that which he had been commanded to do and for doing that which he was not commanded with, and he would not have commended him for leaving that which is better for that which is worse. He therefore knew that what Al-Hasan did was what Allah and His Messenger loves and not to fight. And it has been authentically established in the Sahih that the Prophet ﷺ used to place him and Usamah upon his lap and say: “O Allah, I love them both, so love them and love the one who loves them”. The effect of the love of the Messenger of Allah for them manifested in their dislike for fighting in the Fitnah (discord). That is as Usamah desisted from fighting with any of the two parties and similarly Al-Hasan consulted ‘Ali to not fight. Then when the matter came to him, he did would he advised his father ‘Ali to do (may Allah be pleased with them all).

It has also been established from him in the Sahih that he said: “A group would secede itself (from the Ummah) when there would be dissension among the Muslims. Out of the two groups who would be nearer the truth would kill them”. This group were the Khawaarij and ‘Ali bin Abi Talib fought them. And this is affirmed by the remainder of the Ahadeeth which contain the command to fight the Khawaarij and make clear that killing them is from that which Allah and His Messenger love, in addition to that those who fought them with ‘Ali were closer to the truth than Mu’awiyah and his companions. However, even though they were closer to the truth the Prophet did not command one of the two groups to fight, like he commanded the fighting of the Khawaarij. Rather, he praised reconciliation between them. And the dislike of fighting during the Fitan (times of discord) and warning about that has been authentically reported from the Prophet ﷺ in Sahih Ahadeeth, although this is not the place to delve into them. They include for example, his statement: “There will be Fitan (discord, strife or afflictions), during which a sitting person will be better than a standing one, and the standing one will be better than the walking one, and the walking one will be better than the running one” and he said: “There will come a time when the best property of a man will be sheep which he will graze on the tops of mountains and the places where rain falls (i.e. pastures) escaping to protect his Deen from Fitan (afflictions, discord, strife)”…etc. The Fitan are like therefore like the wars which occur between the Mulook (Kings or rulers) of the Muslims and groups or factions (Tawaa’if) of Muslims, in the case where each of the two parties adheres to the Sharaa’i of Islam, just like the situation was with the people of Al-Jamal and Siffeen. They only fought due to doubts (or suspicions) and certain matters that arose.

As for fighting the Khawaarij, those who withheld the Zakah and the people of At-Taa’if who did not prohibit dealing with usury (Riba), then those are fought until they enter (or return) to the established Sharaa’i (Legislations) brought by the Prophet ﷺ. **If those have a Taa’ifah Mumtani’ah (desisting group), then there is no doubt that it is permissible to kill their prisoners of war, to pursue those of them who flee and finish off their wounded**. If they were residing in their land upon that which they were upon (i.e. desisting from the Sharaa’i), then it is obligatory upon the Muslims to target them in their land to fight them until the Deen is entirely for Allah. Indeed, those Tatars do not fight upon the basis of the Deen of Islam but rather fight the people until they enter into obedience to them. Whoever enters into their obedience they desist from and even if he was a Mushrik (polytheist), Christian or Jew. And whoever does not enter (into their obedience) is an enemy to them even if he was from the Prophets and righteous. Allah has commanded us to fight the disbelieving enemies and to ally with His believing servants. Therefore, it is obligatory upon the Muslims from the Jund (regional military attachment) of Ash-Shaam (Greater Syria), Egypt, Yemen and the Maghrib to cooperate altogether to fight the disbelievers and not for them to fight each other merely for the purpose of seeking leadership and furthering desires. The least of what is obliged upon those Tatars is to fight the disbelievers who are adjacent to them and to desist from fighting the Muslims who are adjacent to them and for them and the Muslims to cooperate upon fighting the disbelievers. In addition, apart from the coerced none fights with them apart from a Faasiq, Mubtadi’ or Zindeeq like the Malaahidah (heretics) of Al-Qaramitah Al-Batiniyah, the Saba’iyah Raafidah and like the Jahmiyah Al-Mu’attalah from those who deny Al-Hulooliyah, in addition to those who imitate them from those attributed to ‘Ilm (knowledge) and the Deen and are worse than them. The Tatars are ignorant who imitate those they think well of and due to their misguidance and straying following such people in misguidance which makes them lie against Allah and His Messenger and to change or replace the Deen of Allah. And they do not prohibit what Allah and His Messenger have prohibited nor do they practise the Deen of Haqq (truth). If I was to describe and mention all that I know concerning their affairs the speech would go on for a long time, but in summary their Madh’hab (school and methodology) and the Deen of Islam do not come together (or correlate).

Had they expounded the Haneef (pure) Deen of Islam that the Messenger was sent with, they would have been guided and obeyed like the Taa’ifah Al-Mansoorah (triumphant party or group). That is because it has been authentically reported from the Prophet ﷺ that he said: “There will never cease to be a group from my Ummah manifesting (or being triumphant) upon the truth. They will not be harmed by those who forsake them until the coming of the final hour”. It has also been related authentically from him in the Sahih that he said: “The Ahl ul-Gharb (people of the West) will continue to triumph upon the Haqq”. That is whilst the first of the “West” is that which faces An-Nathrah and thereabouts. The Prophet ﷺ spoke this speech whilst he was in Al-Madinah An-Nabawiyah and whatever was west of it was known as “West” like Ash-Shaam (Greater Syria) and Egypt, and what was east of its was known as “East” like Al-Jazeera and Iraq. The Salaf used to call the people of Ash-Shaam Ahl ul-Maghrib (The people of the West) and name the people of Iraq as Ahl ul-Mashriq (The people of the East). This sum of what I mentioned contains Aathaar (reports) and Shar’iyah evidences which have been mentioned in other than this subject and Allah is most knowledgeable].

**Addendum: The Takfeer of the Khutabaa’**

Imam Al-Qadi bin Musa bin ‘Iyad As-Sabti, who passed away in the year 544 AH, in his book “**Tarteeb Al-Madaarik Wa Taqreeb Al-Masaalik**” (Vol: 7, p: 274 onwards) said:

[Abu Bakr Isma’eel bin Ishaq bin ‘Udhrah Al-Anawiy: Ibn Abi Yazid commended him in his youth in his book with him because he (i.e. Ibn ‘Udhrah) asked about the Khutabaa’ (i.e. those who give Friday prayer speeches) and it was said to him: “They are Sunni”. He asked: “Do they not say: O Allah bestow your blessings upon your servant the ruler and inheritor of the earth?” They said: “Yes”. He asked: “Do you see that if the Khateeb gave the Khutbah (speech) and extolled Allah and His Messenger and did that well but followed that by saying “Abu Jahl is in Jannah (paradise)”, would he be a disbeliever?” They replied: “Yes”. He said: “The Hakim (ruler) is worse (to praise) than Abu Jahl”.

And Ad-Dawudiy was asked about the issue and said: “Their Khateeb who gives the Khutbah (speech) for them and supplicates for them on the day of Jumu’ah is a disbeliever who is to be killed, repentance is not sought from him, his wife is prohibited from him, he does not inherit nor is he inherited from, his property is Fa’y (booty) for the Muslims, the mothers of his children are released, his disposers (Mudabbiroon) are for the Muslims and thirds of them are released by his death as he no longer possess property, his correspondents (Mukaatiboon) are brought to the Muslims and are freed through fulfilment and are enslaved by inability. All his rulings (Ahkam) are those of the disbeliever. If he repents before being deposed showing regret and had not yet adopted the Da’wah (call) of the Qawm (people), his repentance is accepted. But if it is after the deposal or by a matter preventing him, his repentance is not accepted. Whoever has performed the prayer (of Jumu’ah) behind him out of fear repeats Zhuhr with four Raka’aat and does not remain if he is able to leave. And there is no excuse for him due to his large number of dependents or any other excuse].

- **‘Iyad then said**: [Abu Muhammad Al-Kubraniy, from Al-Kairouan, was asked about the one whom Bani ‘Ubaid compelled to enter into their Da’wah (call) or be killed? He said: “He should choose to be killed and no one is excused for this, apart from the one who had just entered the land and did not know about their affair. As for after becoming aware, then fleeing became obligatory and none is excused by the excuse of fear after occupying a post because being in a post which demands the suspension of the Sharaa’i (Islamic legislations) is not permissible. ‘Ulama’ and devout worshippers only occupied the post in it upon a contrary basis to them, deserting the Muslims to their enemy so that they could turn them away from their Deen”.

Upon this were Jabalah bin Hamoud and his counterparts: Rabee’ Al-Qattan, Abu l-Fadl Al-Himsy, Marwan bin Nasrawn, As-Sabaa’iy, Al-Jabinany. They speak (or confer) and they seduce (away from the Deen).

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Yusuf bin Abdullah Ar-Ra’eeniy said in his book: The ‘Ulama’ of Kairouan: Abu Muhammad bin Abi Zaid, Abu l-Hasan Al-Qabisiy, Abu l-Qasim bin Shalboun, Abu ‘Ali bin Khaldun, Abu Muhammad bin At-Tabaiqiy, Abu Bakr bin ‘Udhrah have held a consensus upon the condition of Bani ‘Ubaid being that of Murtaddeen (apostates) and Zanadiqah (disbelievers/atheists). “**The situation of the apostates is due to what they manifest in terms of contravening the Sharee’ah** and as such they do not inherit by consensus. And the situation of the Zanadiqah is due to what they conceal in terms of the At-Ta’teel (i.e. suspension of the Sharee’ah), and as such are killed due to the disbelief”. They said: None are excused by the excuse of compulsion or coercion for entering into their Madh’hab in contrast to the rest of the types of Kufr (disbelief). That is because he occupied his post after he knew of their disbelief and that is impermissible for him, unless he was to choose death rather than entering into their disbelief. The companions (or students or followers) of Sahnun were upon this opinion. They seduced the Muslims (away from the Deen)] **Here ends the speech of Imam Al-Qadi ‘Iyad**.

- The Sheikh Imam Muhammad bin Abdul Wahhab stated in his “**Kashf ush-Shubuhaat**” whilst refuting the claim of the non-disbelief of those who rule by other than the Sharee’ah, in terms of “Suloom ul-‘Arab” and what is similar to that:

[**And it has also been said**: Bani ‘Ubaid Al-Qaddah who ruled Al-Maghrib and Egypt during the time of Bani Al-‘Abbas all bore testimony to ‘An Laa Ilaaha Illallah Wa Anna Muhammadar Rasoolullah’, claimed to follow Islam and performed the Jumu’ah and congregational prayer (Al-Jama’ah). **Then when they manifested the contravention of the Sharee’ah in matters**, less than what we are in, the ‘Ulama’ held a consensus (Ijma’) upon their disbelief and that they should be fought] Here ends the speech of Al-Imam Muhammad bin Abdul Wahhab.

- Al-Imam Adh-Dhahabi, the historian and major authority, said in his “**Siyar A’laam An-Nubalaa’**” (15/154):

[The ‘Ulama’ of Al-Maghrib have held a consensus (Ijma’) to declare war against Bani ‘Ubaid **due to what they proclaimed in terms of flagrant Kufr (disbelief) for which there is no room for expedience**. I have seen multiple histories attesting to one another in relation on that].

- And Al-Imam Adh-Dhahabi also said:

[And some of the ‘Ulama’ were censured in relation to rebelling with Abu Yazid Al-Kharijiy (from the Ibaadiyat of the Khawarij) and so he said: “How can I not rebel whilst I have heard Kufr (disbelief) by my own ears?!”].

In order for us to understand the historical reality in which those Fataawa (verdicts) were issued, the following is quick glance of the “Fatimid State” as mentioned by the honourable Sheikh Abu Qatadah Al-Filastiniy, may Allah grant his release, in a valuable paper entitled “A momentous Fatwa (verdict) of great magnitude in relation to the Hukm (ruling) of the Khutaba’ (those who give the Jumu’ah speech) and the Mashayikh who have entered into supporting and endorsing those who change or replace the Sharee’ah of Ar-Rahman (Allah)”, from which we extracted the aforementioned texts and similarly the major part of this glancing look at the “Fatimid State”:

[Its intellectual and military features took shape in Al-Maghrib Al-Islamiy (Islamic Morocco or the Northwest African region) at the hands of a man called Maymun Al-Qaddah. He invited to the Isma’eeliy doctrine which was a faction that assigned the Imamah (leadership) to Isma’eel bin Ja’far As-Sadiq bin Muhammad Al-Baqir bin ‘Ali bin Al-Hussein bin ‘Ali bin Abi Talib (may Allah be pleased with him). It was a branch of Al-Musawiyah (attributed to Musa Al-Kaazhim bin Ja’far As-Sadiq bin Muhammad Al-Baqir). It was called Isma’eeliyah in attribution to Isma’eel and it has been called by different names like “As-Saba’iyah” (due to their opinion of there being seven Imams from ‘Ali to Isma’eel in addition to Al-Hasan bin ‘Ali bin Abi Talib). It has also been called Al-Baatiniyah for a number of reasons brought together, which include: The hiddenness of their Aqeedah (doctrinal belief) and the obligation of concealing it, their view that the Sharee’ah is both Zhaahir (apparent) and Baatin (hidden) and that they (i.e. the Zhaahir and Baatin) are different in reality, in addition to their view that the right of explaining the Shar’iyah texts belongs to the Al-Imam Al-Mastoor “Isma’eel bin Ja’far”.

Maymun Al-Qaddah claimed his relation to Muhammad bin Isma’eel (the son of the Imam of the Isma’eeliyah) and to be from his grandsons. He claims that his lineage ends at Fatimah (may Allah be pleased with her). It is for that reason that they gave themselves the name “Faatimiyeen” (Fatimids) and also due to other assisting factors, which include: The factor of the ignorance among some of the groups of Al-Maghrib which made him capable of forming his state in Al-Maghrib and to extend his authority in North Africa after the breakup of the Al-Aghalibah state (297 AH / 909 CE). His son Ubaidullah who was given the title of “Al-Mahdi” became the ruler after him and it is for that reason that his state was called Al-‘Ubaidiyah, as many of the historians deny their attribution to the lineage of the Ahl ul-Bait. Those historians include: Ibn ‘Adhaariy, Ibn Taghriy Bardiy, Ibn Khalkan, As-Suyutiy. That is whilst some of them affirmed the attribution like Ibn Al-Athir Al-Jawziy, Ibn Khaldun and Al-Maqriziy.

I say: Ubaidullah was able to complete the formation of his Ubaidiyah state in terms of thoughts, organisation and military to the point that he sent his armies in the year 302 Ah (914 CE) to Alexandria. Then two years later he overran the Egyptian delta. And due to the presence of the Malikiy Madh’hab and its authority over the general masses of the people of Al-Maghrib his rule there did not take root and it became clear to him that Al-Maghrib would not be a place in which his state would become settled.

Through correspondence between this state and some of the military commanders in Egypt and the preparation of some of the Shuyukh of the Sufi paths and their belief in the claimed Mahdiyah, Jawhar As-Saqliy, the military commander of the Ubaidiyah Khalifah “Al-Mu’izz LiDeenillah”, (who was given the title of Ar-Roomiy as he had been raised as a Christian with his lineage returning to the Island of Sicily, one of the Islands of the Mediterranean which prior to the crusades and during that time was a Muslim land before later being taken away from the Muslims), was able to enter Egypt (Al-Fustat) in the year 358 AH without fighting. Indeed, the people of the turbans and Sufi paths went out of Fustat to meet and welcome him.

After that Jawhar Ar-Roomiy built the city of Cairo and then built the university of Al-Azhar, which was attributed to Az-Zahraa’, the title of Fatimah, may the peace of Allah be upon her, the daughter of the Prophet ﷺ. He then made it the intellectual and educational centre for the Isma’eeliy propagators and for spreading their thought.

Then after the death of Imam Al-Mustansir in the year 487 AH (1094 CE), they differed in respect to whom the leadership would go after him; to his oldest son Nizar or his youngest Ahmad Al-Musta’liy? The Isma’eelis then divided into two divisions: (1) Nizariyah and (2) Musta’liyah.

As for the Hash’shasheen movement in the East, then they supported Nizar, whilst the supporters of Ahmad Al-Musta’liy was able to extend their authority over Egypt “The Ubaidiyah State” with the help of the Fatimid Wazir Badr Al-Jamaliy.

For that reason, the Isma’eelis now are two factions:

The first: The Aghakhanis who are the successors of the Nizariyah Isma’eeliyah faction.

The second: The Buhrah and they are the successors of the Musta’liyah faction.

During the rule of the Ubaidis of Egypt, when one of their Imams Al-‘Aziz passed away in the year 386 AH (996 CE) and his son Biamrillah who was eleven years old assumed the rule, the belief of the Druze arose advocating that he was a deity] **Here ends the speech of Abu Qatadah with some slight refining and adjustment**.

During their rule the Ubaidis used to pay great attention to not contradict the apparent beliefs of the people until their rule and authority settled. They demonstrated an acknowledgment of the four Madhaahib (jurist schools) and respect for them. They promised to not attempt to take the people away from their Madhaahib and appointed judges for each Madh’hab. They also concealed their disbelief and hidden beliefs. They paid attention to many of the manifestations, prominent practises and celebrations related to the Deen, whilst they innovated somewhat in respect to them like the celebration of the birth of the Honourable Prophet, gathering during the night of the middle of Sha’ban, the day of ‘Aashura, the Salaat upon the Prophet ﷺ loudly after the Adhan, the remembrance before the Adhan of the Fajr prayer with Anaasheed and the recitation of the Qur’an. With these empty manifestations and others beside them and the assistance of the Mashayikh of the Sufi paths, they were able to subdue the people to their rule and fake their real reality, even with many of the Fuqaha’.

A group from among the Ahl ul-‘Ilm (people of knowledge) spoke about their hidden beliefs and exposed the malignancy of what they conceal. There is a collection of their statements (or opinions) which Ash-Sharastaniy expounded upon in his book “**Al-Milal Wa n-Nihal**” concerning their belief in respect to the issue of Al-Imamah (the leadership). Abu l-Waleed bin Rushd mentioned some of that in his book “**Adh-Dhakeerah Fi l-Haqeeqah**” and many of the researchers attribute the book “**Rasaa’il Ikhwan As-Safaa**” to their proponents and Imams, and that it was compiled before the emergence of Ubaidullah Al-Mahdiy in Al-Maghrib, whilst Abu Hamid Al-Ghazaliy focused his attention upon them in the book “**Fadaa’ih Al-Baatiniyah**”. The pillar of their Madh’hab is that they do not recognise the Sharee’ah and its texts. Indeed, they view that they are abrogated by the coming of the prophet Muhammad bin Isma’eel, as he is the watcher of the time, the knowledge of everything stops at him and was informed of the hidden matters and insights of the Ghaib (unseen). And they do not act by the Sharee’ah except in accordance with the need or to take care of their interests among the ignorant and masses and state that it is not for the aware enlightened person to act in accordance with it. Just as they state that the speaking Prophets (based on their distinguishing them from the Prophets of silence who are called As-Sous by them and are the seven Imams) only came to manage the affairs of the public and that the Prophets of As-Samt (silence) are the prophets of special wisdom.

However, the malignant beliefs of disbelief, mentioned above, were only kept secret. They were not expressed openly by the Ubaidis but rather only to particular people from among their men, followers and propagators. In this regard they resembled the Masonic movement with their great care to openly maintain the naming of Islam and some demonstrations of the Sharee’ah.

They used to also claim that they were the rightful people of the Khilafah and denied the legal legitimacy of the Khilafah of the Abbasid state, considering it to be a state wronging the Ahl ul-Bait and usurping their right, to say the least. That is if they did not consider it to be a state of Kufr (disbelief) and Shirk (association with Allah). It is therefore unbelievable for them, whilst they were competing with the Abbasid Khilafah and vying for them in the matter, to expound those beliefs which were contrary to those held by the vast majority of the Muslims, with no difference in that regard between the Sunnis and the Shi’ah Zaidiyah, Ithna ‘Ashariyah, Abaadiyah or the Mu’tazilah. Otherwise, they would have lost the contest before the first round. Consequently, their concealing these beliefs could justify describing them with hypocrisy or Az-Zandaqah and the examination of some of the Imams of it explains to us their statement that the Ubaidis were “**Expounding Ar-Rafd (rejection) whilst they were concealing pure or unadulterated Kufr (disbelief)**”.

However, that secret and concealment was only known to a small number of people and it was not declared, blatant and open, where we could know it directly by sight. Consequently, the majority of the people definitely did not see from the Fatimids in this regard Kufr Bawaah (flagrant disbelief) for which they had a Burhan (clear evidence) from Allah, as came mentioned in the Hadith related by ‘Ubadah bin As-Samit (may Allah be pleased with him).

**Why then did the ‘Ulama’ declare the disbelief of the Ubaidiyah state in the aforementioned Fatwaa (issued verdicts) and what was the Manaat (place of deduction) for the Takfeer (verdict of disbelief)**?  
  
If we were to scrutinize the previous Fataawaa as mentioned by Al-Qadiy ‘Iyad and the statements of others, we can see that the people of knowledge made the Hukm (ruling) of the Takfeer dependent upon two ‘Illahs (reasons):

**The first**: **What they manifested in terms of contraventions to the Sharee’ah and its suspension, which made their situation the situation of the open apostates**. That is like what the ‘Ulama’ of Kairouan; Abu Muhammad bin Abi Zaid, Abu l-Hasan Al-Qabisiy, Abu l-Qasim bin Shalboun, Abu ‘Ali bin Khaldun, Abu Muhammad bin At-Tabaiqiy and Abu Bakr bin ‘Udhrah, said as stated in the text: “**The situation of the apostates is due to what they manifest in terms of contravening the Sharee’ah** and as such they do not inherit by consensus. And the situation of the Zanadiqah is due to what they conceal in terms of the At-Ta’teel (i.e. suspension of the Sharee’ah), and as such are killed due to the disbelief”. This is what concerns us here as we are discussing the Tawaa’if Al-Mumtani’ah (desisting groups) who desist by armed force and because we are talking about the Kufr Bawah (flagrant disbelief) for which we have a Burhan (clear evidence/proof) from Allah.

**The second: Their concealment of their beliefs of disbelief which makes their situation the situation of the Zanadiqah hypocrites** as was stated by the ‘Ulama’ of Kairouan and previously mentioned: “…**And the situation of the Zanadiqah is due to what they conceal in terms of the At-Ta’teel (i.e. suspension of the Sharee’ah), and as such are killed due to the disbelief**”. This does not concern us here in origin because the Munafiq (hypocrite) and Zindeeq in the custom of the classical scholars (as opposed to the recent scholars) is the one who hides his Kufr (disbelief) and as such does not manifest anything. Consequently, by greater reason he is not desisting from anything and is not even in the situation of “civil disobedience” in origin, so how could such a person be of those who desist (Mumtani’) by armed force?!

It is therefore absolutely impossible in accordance with the Shar’a for the declaration or verdict of disbelief (Takfeer) of those ‘Ulama’ for the Ubaidiyah state, in its description as an entity, to be due to some of its men being Munafiqeen and Zanadiqah. Rather, the verdict of disbelief upon the state and subsequently the Takfeer which was declared upon its Khutaba’ (those who gave the Jumu’ah speech), despite those Khutaba’ being from the Ahl us-Sunnah according to their declared ascription and beliefs, was only due to the contravention of the Sharee’ah and its suspension, and for no other reason, in addition to it not being possible for any other reason.

As for the Kufr (disbelief) of their Khutaba’, then that was due to: Their Du’aa (supplication) for those disbelieving apostates whose apostacy became evident by their changing or replacing of the Sharaa’i (Islamic legislations) and their manifesting of Kufr Bawah (flagrant disbelief), in a manner that gave the impression that they were Muslims. In other words, those Khutaba; and Mashayikh did not declare the disbelief upon those whom definiteness obliged their disbelief. Imam Ibn ‘Udhrah said: [Do they not say: “O Allah bestow your blessings (Salli ‘Ala) your servant the ruler the inheritor of the earth?”]. Consequently, the supplication for those disbelieving apostates with that which is used to supplicate for the Muslim, in a manner from which it is understood to be a testimony for their Islam, is Kufr (disbelief) and Riddah (apostacy), according to the view of Imam Ibn ‘Udhrah. In addition, it does not work in the Khutabas favour, that they are not from the Zanadiqah Munafiqeen (atheists and hypocrites), meaning that they do not hide their Kufr. That is as it was said to Ibn ‘Udhrah: “**They are Sunniyah**”, in other words they were upon the Aqeedah of the Ahl us-Sunnah and not the Aqeedah of the ‘Ubaidiys. The Imam did not deny that and answered saying: “Do you see that if the Khateeb gave the Khutbah (speech) and extolled Allah and His Messenger and did that well but followed that by saying “Abu Jahl is in Jannah (paradise)”, would he be a disbeliever?” They replied: “Yes”. He said: “The Hakim (ruler) is worse (to praise) than Abu Jahl”.

We will get to the point and say that making Du’aa for the disbeliever for guidance or for him to be reconciled towards Islam is good and fine, however those Khutaba’ used to make supplication for those Fatimid Khulafa’ (rulers) which included the testimony of the one supplicating for them concerning the validity of their Islam whilst the definite proof and evidence (Burhan) of their disbelief and apostacy was established due to the open and evident Kufr Bawah reflected in the suspension of the Sharee’ah and its replacement.

This is not the only justification for declaring the Khutaba’ of the Fatimid and Ubaidy state, rather there is an even greater justification. It is due to them taking that disbelieving state into friendship or as an ally and **supporting it by the tongue**, whilst it was desisting from the Sharaa’i by armed force, making the disbelieving ‘Ubaidiy state equivalent to the warring disbeliever (Al-Kafir Al-Harbiy). As such, the Khutaba’ perpetrated the crime of “**taking take the disbelievers as Awliya (supporters, helpers, etc.) instead of the believers**” which is from the acts of disbelief, a matter that we have thoroughly examined and dealt with in our book: “**Al-Muwaalaat Wa l-Mu’aadaat**” and can be revised there. That is whilst whoever perpetrates an act from the acts of disbelief from the category of acts which make its perpetrator a disbeliever by its mere act, becomes a Kafir Murtadd (disbeliever and apostate) in himself and personal designation, unless there is a Maani’ (legal preventing factor) from the Mawaani’ (preventing factors) of Takfeer in respect to him.

This is from the individual angle. If, however, the one mentioned was a member of a “**Taa’ifah Mumtani’ah**” (desisting group), then there is no room in origin to examine in origin the existence or non-existence of preventing factors (Mawaani’). Rather, in such a case it is obligatory to deal with him in accordance with the treatment afforded to the warring disbeliever under all circumstances as was explained in detail in the main part of our paper “**Qitaal At-Tawaa’if Al-Mumtani’ah**”. Indeed, in this circumstance it is prohibited to take the Mawaani’ of Takfeer into consideration as that leads to the suspension of Al-Jihad which is not permitted under any circumstances. That is whilst having absolute certainty and firm Iman in that none loves to excuse more than Allah, none is more merciful than Allah, that Allah, Glorified and Exalted be He, does not wrong or deal unjustly with anyone and that He has encompasses everything in (His) knowledge. Why then should fear exist:

أَفِي قُلُوبِهِم مَّرَضٌ أَمِ ارْتَابُوا أَمْ يَخَافُونَ أَن يَحِيفَ اللَّهُ عَلَيْهِمْ وَرَسُولُهُ ۚ بَلْ أُولَٰئِكَ هُمُ الظَّالِمُونَ

**Is there disease in their hearts? Or have they doubted? Or do they fear that Allah will be unjust to them, or His Messenger? Rather, it is they who are the wrongdoers** (24: 50).

Someone may say: Why was this more significant justification missed by the ‘Ulama’ (scholars) of Kairouan whilst they were those of knowledge and virtue?! We say: From where was it concluded that this was missed by them and especially as only some of their statements were transmitted to us and in a condensed form?! Even if it was missed by them, what would that signify?! And who makes the claim that the ‘Ulama of Kairouan were infallible, that they did not miss anything and never fell into error?!

In addition, we reiterate that the extent and type of changing or replacing of the Sharaa’i perpetrated by the Fatimid state was much less than the extent and type of matters of disbelief and abominations which the family of Saud are involved in and by greater reason other than them from the tyrants who have usurped authority over the Muslims in our current time of the early fifteenth Hijriy century. Whoever is in doubt concerning that, then he can refer to the extensive books of history which list the Fatimid state’s violations of the Shar’iyah, so that he can be astounded by the small amount. He can then refer to out book “**The definite evidences for the illegal illegitimacy of the Saudi state**” to become aware of the great number and monstrousness of the violations of Aali (the family of) Saud, and then prepare a response for the Day of Judgement:

يَوْمَ لَا تَمْلِكُ نَفْسٌ لِّنَفْسٍ شَيْئًا ۖ وَالْأَمْرُ يَوْمَئِذٍ لِّلَّهِ

**(It will be) the Day when no person shall have power (to do) anything for another, and the Decision, that Day, will be (wholly) with Allah** (82: 19).

Also apparent from this example, the example of the Fatimid state, is the falseness or invalidity of the opinion of the one who claims that the Takfeer of those who change or exchange the Sharee’ah is a matter that the early generations (or scholars) were not aware of or did not encounter and that it does not fall under the category of the explicit apostacy which the Salaf elucidated.

Similarly, the aforementioned statements of the A’immah (Imams/scholars) refute the one who argues that the suspension of the Sharaa’i (Islamic legislations) is not Kufr (disbelief) and Riddah (apostacy). That is in the case where some of the ignorant masses or Zanadiqah from the Mashayikh argue that there appeared during some of the previous time periods those who suspended the Sharee’ah whilst the ‘Ulama’ did not declare them to be disbelievers. That was like the suspension of some of the Sharee’ah by the Mamluks and the suspension of some of the Ahkam (Islamic rulings) by the Ottomans.

**The answer to this shameless lie is addressed from a number of angles**:

**Firstly**: From where was it concluded that the people of knowledge held a consensus upon not passing Takfeer (the judgment or declaration of disbelief) upon those mentioned and have held a consensus upon testifying Islam for them (i.e. that they are Muslims)?! That is whilst acknowledging that many of the Fataawa issued by the people of knowledge (Ahl ul-‘Ilm) in particular times and passing situations were not preserved by us, disappeared and did not reach us. That is because Allah تعالى did not legally charge us with the preservation of these Fataawa. Rather, that which is preserved is the revealed Dhikr “The Kitab and the Sunnah”, them alone and without addition or subtraction. Therefore, the proof and evidential deduction is undertaken by them alone.

The Fataawa (verdicts) of the ‘Ulama’ like those of Imams Ibn Taymiyah, Ibn Kathir and Ibn ul-Qayyim concerning the Takfeer of those who ruled by al-Yaasiq (a codified law of the Tatars made up from a variety of sources) are famous and well-known. This applies to the mamluks who used to act in accordance with matters from Al-Yaasiq. It may have been that the Imams did not express that in respect to the Mamluks because the application of some of Al-Yaasiq was only in matters specific to matters related to the Mamluks and the matters of their palaces, and not the general public affairs of the people and the affairs of the state and judiciary. As such if it was not Kufr Bawah in relation to the public affair, the Imams did not pay attention to it and give it regard. There is no doubt that the one who implements Al-Yaasiq even in his own private affair has perpetrated and act from the acts of Kufr and has become in his individual personal capacity a disbeliever and apostate, with the exception of the one who is excused due to some of the well-known Mawaani’ (preventive factors) Takfeer like ignorance (Jahl) or a justifying interpretation (Ta’weel) and so on.

Similarly, some of the people of knowledge passed judgement upon Al-Hajjaj bin Yusuf Ath-Thaqafiy to be a disbeliever and said that he died upon the Deen of the Taghout and not the Deen of Allah تعالى. At the forefront of them was the Taabi’ Imam Mujaahid bin Jabr who used to call him “**Ash-Sheikh Al-Kafir**” and said: “**We did not go out (or rebel) against him until he disbelieved**”.

Some of the people of knowledge passed the verdict of disbelief upon the Ottoman state and some of them said: Indeed, it has legislated Kufr systems (or codes of law) but excused it by way of Ta’weel (justifying interpretation). There are many other circumstances besides these although this is not mentioned in the books of the people of knowledge except for the purpose of drawing upon them and not as independent evidences. That is because the deduction is only by the Kitab and the Sunnah!

**Secondly**: The appearance of some sinful acts of disobedience within a particular state, in a particular time period and a particular society does not mean the suspension of the Sharaa’i (Islamic legislations) and their replacement. That is because there is a fundamental difference between their realities and who does not know the difference, for example, between:

**(1)** “**The Saudi banking control statute**” which makes Riba (usury) permissible and legalised the usurious banks. It represents a legislation completely contradicting Islam and is blatant (Sareeh) and flagrant (Bawah) disbelief (Kufr) for which we have a Burhan (clear proof and evidence) from Allah.

**(2)** And a certain person dealing with usury due the love of money overtaking his heart whilst he acknowledges his sin and that he is undertaking a Ma’siyah (act of disobedience to Allah), the sin of which is great.

**(3)** Or a person dealing with Riba (usury) whilst ridiculing its prohibition describing it as being from the thoughts of the Middle Ages, reflecting “**ridiculing the Sharee’ah**” which is consequently Kufr Sareeh (Clear and blatant disbelief).

Whoever cannot tell the difference between these realities, then discussing with such a person is a waste of effort and time.

**Thirdly**: The Deen of Allah is not subservient to the actions of men and their statements. Rather, the men, their actions and statements must be made subservient to the Deen of Allah. Therefore, the obligation is for the one arguing to do so based upon the Daleel (evidence) of the Kitab and the Sunnah and not to that which in itself is in need of evidence. This proof (Hujjah) is not from the proofs of the Salaf As-Saalih whom those compulsive liars claim falsely and fraudulently to be on the same methodology as them.

We only mentioned the Fataawa of the Malikiy Fuqaha’ concerning the ‘Ubaidiyah state to draw upon them and not for the purpose of evidential deduction. Some of their opinions came in agreement to the Daleel (evidence), if only partially, and so we upheld it, whilst we added to some of them in terms of investigation, detail and consolidation. And to Allah belongs At-Tawfiq.

**Addendum: The assassination of Ka’b bin Al-Ashraf**

Al-Bukhari, Muslim and Al-Baihaqiy recorded the story of the killing of Ka’b bin Al-Ahraf with the most authentic of chains of transmission, just as the story was recorded by most of the writers of the Seerah, Maghaaziy (Battles) and Tabaqaat (biographies) along with their chains of transmission. There are slight differences in the exchanged words in each narration, some go to length whilst others summarise, and some of the statements and actions are attributed to their speaker or doer. However, despite that, they are one and the same in their essence which came reported with the most Sahih (authentic) chain of transmission in the collections of Al-Bukhari, Muslim and Al-Baihaqiy, and included the following scenes (or incidents):

**The introductory scene**: Ka’b bin Al-Ashraf was dumbstruck by the victory of the Muslim at Badr and by the death of those he loved from Quraish. So, he set off for Makkah lamenting the death of those killed and reciting poetry to instigate the Quraish to make war and gain vengeance. He mocked the Prophet ﷺ, harmed the Muslims (by his tongue) and rhapsodized their women. He then returned to Al-Madinah and as a result of what he did he had breached his covenant thus returning as a Harbiy (person designated to be at war with the Muslims). He was in fact a traitor to his Jewishness which was meant to oblige him to keep clear of the polytheists and draw close to the monotheists. He was therefore not (really) a Jew but more fittingly described as a pagan, just like the Zionists of this present day, who are capitalists with no religion: atheists or pagans.

**The first scene**: The Prophet ﷺ declared his blood to be of value and motivated the designs towards killing him. Muhammad bin Maslamah then came forward to fulfil the task and he ﷺ commanded that the chief of the Aws be consulted, who pointed towards particular people (i.e. to be utilised in the mission). The individuals of the party who numbered five knew that they would not be able to reach Ka’b bin Al-Ashraf unless it was by way of trickery or deception and that they may be required to speak negatively about the Prophet ﷺ for the mission to be successful. And so the Prophet ﷺ gave them permission to do that.

**The five heroes were**: Muhammad bin Maslamah, Abu Na’ilah Silkan ibn Salamah bin Waqash (who was a brother to Ka’ba bin Al-Ashraf by wet-nursing), his cousin ‘Abbad bin Bishr bin Waqash, Al-Harith bin Aws bin Mu’adh (the nephew of Sa’d bin Mu’adh the chief of the Aws) and Abu ‘Isa bin Jabr (may Allah be pleased with them).

**The second scene**: Muhammad bin Maslamah or Abu Na’ilah set off first for an introductory visit to the fort of Ka’b bin Al-Ashraf who met him with the utmost caution or wariness. However, this person was able to win over his trust, recite poetry with him and then open the discussion with him about them wanting to loan dates from him because the Prophet ﷺ had exhausted their means by requesting them to give Sadaqah. The malice blinded the clarity of Ka’b bin Al-Ashraf’s vision and displayed his joy whilst emphasising that they will be afflicted by more problems from the Prophet ﷺ. The one who visited first, either Abu Na’ilah or Muhammad bin Maslamah, proceeded with skill and asked him (Ka’b) about the conditions of the deal. Ka’b bin Al-Ashraf demanded a security to guarantee his wealth and after a debate about that, the two parties agreed upon weapons as the security and agreed to meet to undertake the deal on a particular night.

**The third scene**: The one who went first returned to his companions and they began to prepare. Close to the time agreed for the meeting they set off and the Prophet ﷺ accompanied them, seeing them off on a moonlit night at the Baqee’ of Al-Gharqad (i.e. where the graveyard was). Then after a few hours of travelling distance they reached the fort of Ka’b bin Al-Ashraf which was at his uncles from Bani An-Nadeer. They called for Ka’b and he responded. His wife sensed something bad was going to happen and reminded him that he was in a state of war. However, he reassured her and descended (to meet them).

**The fourth scene**: Muhammad bin Maslamah or Abu Na’ilah directed the discussion with skill and suggested that they walk to a near mountain path so that they could enjoy the moonlit night, speak about the Prophet ﷺ and the situations of Al-Madinah. Ka’b bin Al-Ashraf, who had been blinded by animosity, was unable to stand firm before the enticement and walked with them. Then after playing upon his feelings by stating that he was the best of the people in terms of fragrance, beauty and physique, they were able to take hold of his head and then kill him after a struggle.

**The last scene**: The party return to Al-Madinah via another route across Al-Harrah in order to escape any pursuance from those in the nearby forts. Their journey was slowed due to one of them having been afflicted by wounds and his weakness due to the loss of blood. However, they managed to escape and arrived at Al-Baqee’ and made the Takbir (i.e. Allahu Akbar) announcing their safe arrival following a successful mission. The Prophet ﷺ received them making Du’aa for their success and spat upon the wound of the one who had been wounded which mended immediately.

Concerning this, Imam Al-Bukhari in his “**Jaami’ As-Sahih Al-Mukhtasar**” placed this under the chapter heading entitled: “**The chapter of the killing of Ka’b bin Al-Ashraf**” and recorded numerous Ahadeeth in it:

- The following was recorded in “**Jaami’ As-Sahih Al-Mukhtasar**”:

[‘Ali bin Abdullah related to us: Sufyan related to us: ‘Amr said: I heard Jabir bin Abdullah (may Allah be pleased with him) saying: The Messenger of Allah ﷺ said: “Who will deal with Ka’b bin Al-Ashraf as he has insulted Allah and His Messenger?” Thereupon Muhammad bin Maslamah got up saying: “O Messenger of Allah ﷺ! Would you like me to kill him?” He said: “Yes”. He then said: “Then allow me to say a (false) thing (i.e. to deceive Ka’b)”. He ﷺ said: “You may say it”. Muhammad bin Maslamah then went to Ka’b and said: “That man (i.e. Muhammad ﷺ) demands Sadaqah from us and has caused us difficulty, and I have come to you to borrow from you”. On that, Ka’b said: “By Allah, you will get tired of him!” Muhammad bin Maslamah said: “Now as we have followed him, we do not want to leave him unless and until we see how his end is going to be. Now we want you to lend us a camel load or two (of food/dates)” (Some difference between narrators about a camel load or two.) Ka’b said: “Yes, (I will lend you), but you should give me something as a security”. They said: “What do you want?” Ka’b replied: “Give your women to me as a security”. They said: “How can we give our women to you as a security whilst you are the most handsome of the Arabs?” Ka’b said: “Then give your sons to me as a security”. They said: “How can give our sons to you as a security? Later they would be insulted by someone saying: So and so has been given as a security for a camel load of food. That would cause us great disgrace, but we will give you our weapons as a security”. He then agreed to come to meet him (at a later appointment). He then came to Ka’b at night along with Ka’b's wet nursing brother Abu Na’ilah. Ka`b invited them to come to his fort, and then descended to them. His wife asked him, “Where are you going at this time?” Ka’b replied: “It is none other than Muhammad bin Maslamah and my (foster) brother Abu Na'ilah who have come”. (Other than Abu ‘Amr (i.e. the narrator) said: She (his wife) said: “I hear a voice that has blood dripping from it”. Ka’b said: “It is only my brother Muhammad bin Maslamah and my wet nursing brother Abu Na’ilah. A noble man should respond to an invitation at night even if he is invited to being stabbed”). Muhammad bin Maslamah entered with two men. (Other than ‘Amr mention the men as Abu ‘Abs bin Jabr, Al Harith bin Aws and ‘Abbad bin Bishr). Then he (Muhammad bin Maslamah) said (to those with him): “When Ka’b comes, I will say something about his hair and smell it. Then, when you see that I have got hold of his head, get at him and strike him down” And he said once: “Then, I will invite you to smell it”. Ka’b bin Al-Ashraf came down to them wrapped in his garments and smelling of perfume. Muhammad bin Maslamah said: “I have never smelt a better scent than this”. Ka’b replied: “I have got the best fragranced and most complete of Arab women with me”. (‘Amr the narrator said) He (i.e. Muhammad bin Maslamah) asked him: “Will you allow me to smell your head?” Ka’b said: “Yes”. So, he smelt it and made his companions smell it as well. Then he asked Ka’b again: "Will you let me (smell your head again)?” Ka’b said: “Yes”. When Muhammad got a strong hold of him, he said (to his companions), "Get at him!” So, they killed him, went back to the Prophet ﷺand informed him].

- The following was recorded in “**Jaami’ As-Sahih Al-Mukhtasar**” in summarised form:

[Qutaibah bin Sa’id related to us: Sufyan related to us from ‘Amr bin Dinar from Jabir bin Abdullah (may Allah be pleased with them both) that the Prophet ﷺ said:

“Who will deal with Ka’b bin Al-Ashraf as he has insulted Allah and His Messenger?” Muhammad bin Maslamah asked: “Would you like me to kill him O Messenger of Allah!?" He replied: “Yes”. So, Muhammad bin Maslamah went to him (i.e. Ka’b) and said: “This person (i.e. the Prophet) has burdened us and asked us for Sadaqah!” He (i.e. Ka’b) replied: “And indeed by Allah, you will get tired of him”. He said: “We have followed him, and as such we dislike to leave him until we see where his affair is heading”. Muhammad bin Maslamah then continued to speak with him until he found the opportunity to kill him].

- The following also came recorded in “**Jaami’ As-Sahih Al-Mukhtasar**” in a very summarised form focused upon the permission of the Prophet ﷺ to him to speak falsehood or use deception:

[Abdullah bin Muhammad related to me: Sufyan related to us from ‘Amr from Jabir from the Prophet ﷺ that he said:

“Who will deal with Ka’b bin Ashraf”. Muhammad bin Maslamah said: “Would you like me to kill him?” he said: “Yes”. Muhammad bin Maslamah said: “Then allow me to say what I like (i.e. in terms of falsehood, lies and deception etc.)”. he said: “I have done so (i.e. granted you permission to do that)].

Imam Muslim in “**Sahih Muslim**” placed it under the chapter category entitled: “The chapter of the killing of Ka’b bin Al-Ashraf the Taghut of the Jews” and in it he recorded:

- What came mentioned in “**Sahih Muslim**”:

[Ishaq bin Ibrahim Al-Hanzhaliy, Abdullah Muhammad bin Abdur Rahman bin Al-Miswar Az-Zuhriy related to us: Both of them related from Ibn ‘Uyainah whilst the wording (here) is that of Az-Zuhriy: Sufyan related to us from ‘Amr: I heard Jabir saying: The Messenger of Allah ﷺ said:

“Who will deal with Ka’b bin Al-Ashraf? Verily, he has maligned Allah and His Messenger?”. Muhammad bin Maslamah said: “O Messenger of Allah, do you wish that I should kill him?” He said: “Yes”. He said: “Permit me to say (i.e. things to Ka’b that is necessary to accomplish the task)”. He said: “Speak (as you like)”. So, Muhammad bin Maslamah came to Ka’b and talked to him, referred to the old friendship between them and said: “This man (i. e. the Prophet ﷺ) has made up his mind to collect charity (from us) and this has burdened us”. When be heard this, Ka’b said: “By Allah, you will be put to more trouble by him”. Muhammad bin Maslamah said: “We have become his followers and we dislike to forsake him until we see what turn his affairs will take. I want that you should give me a loan”. He said: What will you give as a security? He said: “What do you want?” He said: “Pledge me your women”. He said: “You are the most handsome of the Arabs; should we pledge our women to you?” He said: “Pledge me your children”. He said: “One of our sons may be insulted where it will be said that he was pledged as a security for two Wasqs of dates, but we can pledge you our weapons”. He said: “Yes (OK)”. Then Muhammad bin Maslamah agreed to that he would come to him at an appointed time with Harith, Abu ‘Abs bin Jabr and ‘Abbad bin Bishr. So, they came and called upon him at night. He came down to them. Sufyan says that all the narrators except ‘Amr have stated that his wife said: “I hear a voice which sounds like the voice of blood (i.e. murderous intentions)”. He said: “This is only Muhammad bin Maslamah and his foster-brother, Abu Na'ilah. When a noble man is called at night even it to be stabbed, he should respond to the call”. Muhammad said to his companions: “As he comes down, I will extend my hands towards his head and when I hold him fast, you should do your job”. Then, when he came down with a robe loosely over him, they said to him: “We smell from you a fine fragrance”. He said: “Yes, I have with a certain woman who is the most scented of the women of Arabia”. He said: “Allow me to smell (the scent on your head)”. He said: “Yes, you may smell”. So, he took hold of it and smelled it. Then he said: “Allow me to do so (once again)”. He then held his head fast and said to his companions: “Do your job”. And they killed him].

And the following came recorded in “**As-Sunan Al-Kubra**” of Imam An-Nasa’iy:

[Abdullah bin Muhammad bin Abdur Rahman Az-Zuhriy reported: He said: Sufyan related to us from ‘Amr: He said: I heard Jabir saying: He then presented similar to the Hadith of Al-Bukhari and Muslim].

- And it came recorded in the “**Sunan of Abu Dawud**”:

[Ahmad bin Salih related to us: Sufyan related to us from ‘Amr bin Dinar from Jabir: He then stated similar to the Hadith of Al-Bukhari and Muslim with a slight abridgment].

- And in the “**Musnad of Al-Humaidiy**”:

[Sufyan related to us: He said: ‘Amr bin Dinar related to us: He said: I heard Jabir bin Abdullah saying: He then mentioned it like Al-Bukhari and Muslim in its essence but it was condensed to about half its length].

- And in “**As-Sunan Al-Kubra**” of Al-Baihaqiy with Sahih chains of transmission via the path of ‘Ali bin Al-Madeeniy and ibn Abi ‘Umar who both related from Sufyan. And it is a more complete wording than that recorded by Al-Bukhari:

[Abu Abdullah Al-Hafizh informed us: Muhammad bin Ya’qub related to us: Abu l-Husain Ahmad bin Muhammad bin ‘Abdus informed: Uthman bin Sa’id related to us: ‘Ali bin Al-Madeeniy related to us: Sufyan related to us: Sufyan related to us: ‘Amr bin Dinar said: I heard Jabir bin Abdullah (may Allah be pleased with him) … And … Abu Abdullah Al-Hafizh informed us: Muhammad bin Ya’qub related to us: Ahmad bin Sahl and Ibrahim bin Muhammad related to us: They said: Ibn Abi ‘Umar related to us: Sufyan related to us from ‘Amr bin Dinar who heard Jabir bin Abdullah (may Allah be pleased with him) saying: The Messenger of Allah ﷺ said:

“**Who will deal with (eliminate) Ka’b bin Al-Ashraf for verily he has maligned Allah and His Messenger!?**” Muhammad bin Maslamah asked: “Would you like that I kill him O Messenger of Allah?”. He ﷺ replied: “**Yes**”. He said: “I will deal with him O Messenger of Allah, so permit me to use (deceptive) speech”. He ﷺ replied: “You can employ such speech”.

Muhammad bin Maslamah then went to him (Ka’b) and said: “This man (i.e. the Prophet ﷺ) has burdened us with charity (i.e. taking it from us). This has caused us suffering and we are tired of this”. When the wretched man heard this, he said: “By Allah, you will be put to more trouble by him or get more tired of him and I knew that your affair would turn out like this”. He (Ibn Maslamah) said: “Indeed, we cannot give him up until we see what he does, and we hate to abandon him after having followed him until we see how his affair will turn out. I have come now for you to loan me dates”. He said: “Yes, I will do that upon the condition that you pledge me your women as a security (for the loan)”. He said: “Do we pledge our women to you whilst you are the most handsome of the Arabs?” He replied: “Then pledge me your sons as a security”. He (ibn Maslamah) said: “The people will then disparage our sons upon the basis that we pledged them for a mere Wasq or two Wasqs of dates (Or perhaps he said: “Then one of our sons will be insulted and it will be said that he was pledged as a security for a Wasq or two of dates). He (Ka’b) asked: “What will you give to me as a security then”. He answered: “We can pledge you weapons”. He said: “All right”. Then Muhammad bin Maslamah agreed an appointed time to come to see him later.

Muhammad then returned to his companions. He then set off and Abu Na’ilah, who was the foster brother of Ka’b, set off with him. Two other men also accompanied him. He said (to them): “I will attempt to grab hold of his head. So, when I have inserted my hands into his hair (and grabbed hold), deal with him”.

They arrived to him at night and he (Ibn Maslamah) commanded his companions to stand in the shade of the date palms. Muhammad then approached and called out: “O son of Al-Ashraf!”. His wife the said: “Where are you leaving to at this hour (of the night)?” He replied: “It is only Muhammad bin Maslamah and my brother Abu Na’ilah”. He then descended loosely covered in a single garment whilst a pleasant fragrance was coming from him. Muhammad said to him: “How splendid is your physique and how pleasant is your fragrance!”. He replied: “I have (as my new wife) the daughter of so and so person and she is the most pleasant in fragrance of all Arabs”. He (Ibn Maslamah) asked: “Do you permit me to smell it?” He replied: “Yes”. Muhammad then inserted his hand in the hair of his head and said: “Would you also permit me to let my companions smell it?” He replied: “Yes”. So, he inserted his hands in his head and let his companions smell. He then placed them once again in his head until he (Ka’b) felt secure and safe. He then entwined his hand in his hair and grabbed hold of his forelock. He then said to his companions: “Deal with the enemy of Allah!”. They then attacked him and killed him. Following that, they went to the Messenger of Allah (peace be upon him) and informed him of what had taken place” [End].

[Al-Baihaqi said: “Al-Bukhari related this is his Sahih from ‘Ali bin Abdullah and Muslim related it from Abdullah bin Muhammad, and both related it from Sufyan bin Uyainah”].

- It was also recorded in the “**Sunan Al-Kubra**” of Al-Baihaqiy with a Sahih Isnad (chain of transmission) via the path of Al-Humaidiy from Sufyan, with a major summarisation but with the addition of “**Al-Harb Khid’ah**” (**War is deception/trickery**):

[Abu Abdullah Al-Hafizh informed us: Abu Bakr bin Ishaq told us: Bishr bin Musa told us: Al-Humaidiy related to us: Sufyan related to us from ‘Amr from Jabir (may Allah be pleased with him): He said: The Messenger of Allah ﷺ said:

“Who will deal with Ka’b bin Al-Ashraf? Verily, he has maligned Allah and His Messenger?”. Muhammad bin Maslamah said: “O Messenger of Allah, do you wish that I should kill him?” He said: “Yes”. He said: “Permit me to say (i.e. things to Ka’b that is necessary to accomplish the task)”. He said: “I have permitted that for you”. He then mentioned the story in relation to his use of tricks and stratagem in respect to the killing of Ka’b bin Al-Ashraf. He said: Then when he took hold of him firmly, they killed him. They then went to the Prophet ﷺ and informed him. The Messenger of Allah ﷺ then said: “**Al-Harb Khid’ah**” (**War is deception/trickery**)]. Al-Baihaqiy then commented saying: [They (i.e. Al-Bukhari and Muslim) recorded it is the Sahih from the Hadith of Ibn ‘Uyainah].

- The killing of Ka’b, alongside the surrounding circumstances of the incident, the writing of the “**Sahifah of Al-Madinah**” and what followed that, came mentioned in “**Al-Mu’jam Al-Kabir**” (of At-Tabarani):

[Isma’eel bin Al-Hasan Al-Khaffaf related to us: Ahmad bin Salih related to us: Ibn Wahb related to us: Haywah bin Shuraih informed me from ‘Uqail bin Khalid, from Ibn Shihab: Abdur Rahman bin Abdullah bin Ka’b bin Malik related to me that:

The Jew Ka’b bin Al-Ashraf was a poet and he used to malign the Messenger of Allah ﷺ and his companions and he would incite the disbelievers of Quraish against them in his poetry. The Messenger of Allah ﷺ had arrived in Al-Madinah whilst its inhabitants were a mix (of people). Among them there were the Muslims who were brought together by the Da’wah (invitation or call) of the Messenger of Allah ﷺ, there were the Mushrikoon (polytheists) who worshipped idols, there were the Jews, and from them were the people of weapons and forts who were the allies of the two communities of the Aws and the Khazraj. As such, when the Messenger of Allah ﷺ arrived, he wanted to make peace and reconciliation between them. A man would be a Muslim whilst his father was a Mushrik (polytheist) or a man would be a Muslim whilst his brother was a Mushrik. When he arrived, the Jews and Mushrikoon from the inhabitants of Al-Madinah used to malign the Prophet ﷺ and his companions in the worst manner. Allah commanded his Prophet ﷺ and the Muslims to patiently persevere upon that and pardon them. Allah تعالى revealed concerning them:

وَلَتَسْمَعُنَّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِن قَبْلِكُمْ وَمِنَ الَّذِينَ أَشْرَكُوا أَذًى كَثِيرًا ۚ وَإِن تَصْبِرُوا وَتَتَّقُوا فَإِنَّ ذَٰلِكَ مِنْ عَزْمِ الْأُمُورِ

**And you will surely hear from those who were given the Scripture before you and from those who associate others with Allah much abuse. But if you are patient and fear Allah, then indeed, that is of the matters [worthy] of determination** (3: 186).

And Allah تعالى said concerning them:

وَدَّ كَثِيرٌ مِّنْ أَهْلِ الْكِتَابِ لَوْ يَرُدُّونَكُم مِّن بَعْدِ إِيمَانِكُمْ كُفَّارًا حَسَدًا مِّنْ عِندِ أَنفُسِهِم مِّن بَعْدِ مَا تَبَيَّنَ لَهُمُ الْحَقُّ ۖ فَاعْفُوا وَاصْفَحُوا حَتَّىٰ يَأْتِيَ اللَّهُ بِأَمْرِهِ

**Many of the People of the Scripture wish they could turn you back to disbelief after you have believed, out of envy from themselves, after the truth has become evident to them. So, pardon and overlook until Allah delivers His command** (2: 109).

Then when Ka’b bin Al-Ahraf refused to cease maligning the Messenger of Allah ﷺ and the Muslims, the Messenger of Allah ﷺ commanded Sa’d bin Mu’adh and Muhammad bin Maslamah Al-Ansari, then Al-Harithiy, Abu ‘Isa bin Hibr Al-Ansari, and Al-Harith the nephew of Sa’d bin Mu’adh, who made up a small group (or unit) of five (i.e. dispatched to deal with Ka’b bin Al-Ashraf). Then, they approached him at night whilst he was in his seated gathering at Al-‘Awaaliy. When Ka’b bin Al-Ashraf saw them, he disapproved of their affair and was alarmed by them. He said to them: “What has brought you here?” They replied: “A need has brought us to you”. He said: “Then let some of you approach me to speak to me about this need”. So, some of them approached him and said to him: “We have come to you to sell you our armour plates so that we can spend from its price”. He (Ka’b) replied: “By Allah, if you were to do that! You have become overburdened since this man has settled among you”. He then arranged for them to come to meet him in the evening when he was less busy with the people. They arrived and a man from among them called for him to come out. He then arose to leave his house and his wife said to him: “They are not knocking at your door at this time for something that you will like”. He replied: “Indeed, they have already spoken to me about their matter”. So, he went out to them and Muhammad Bin Salamah grabbed hold of him and said to his companions: “Don’t hold back even if you kill me along with him”. Then some of them thrust him in his side with their swords. Then, after they had killed him the Jews and the polytheists who were with them were greatly alarmed and set off early to see the Messenger of Allah ﷺ when they awoke in the morning. They said: “Verily, our companion was called upon at night, who is one of our main noblemen and was killed”. Then the Messenger of Allah ﷺ) mentioned to them what he (Ka’b) use to say in his poetry and malign them with. Then the Messenger of Allah ﷺ invited them to write between him and them and the Muslims in general, a Sahifah (charter), which would encompass the affairs of the people. Then the Messenger of Allah ﷺ had it written down”.

- It also came recorded in “**Al-Mu’jam Al-Kabir**” via another path:

[‘Abdan bin Ahmad related to us: Abu t-Tahir bin As-Sarh related to us: Ibn Wahb related to us: Ibn Luhai.ah informed me from ‘Uqail bin Shihab, from Abdur Rahman bin Ka’b bin Malik: That the Jew Ka’b bin Al-Ashraf used to be a poet and used to malign the Messenger of Allah ﷺ and his companions and would incite against them. So, he (ﷺ) said: “Who will deal with Ka’b?” Then, when he refused to cease maligning the Messenger of Allah ﷺ and the Muslims, the Messenger of Allah ﷺ commanded Sa’d bin Mu’adh, Muhammad bin Maslamah and Abu ‘Isa bin Al-Harith the nephew of Sa’d bin Mu’adh, forming a small group (or unit) of five. They then went to Ka’b … And he (the narrator) then mentioned similar to the other report].

I say: These chains of transmission are of the utmost level of authenticity up to: Abdur Rahman bin Abdullah bin Ka’b bin Malik. It appears to be Mursal however it is in truth Muttasil from Abdur Rahman bin Abdullah bin Ka’b bin Malik from his father, from his grandfather or directly from his grandfather, just as Abu Dawud and Al-Baihaqiy classified it to be Jayyid (good) chains of transmission:

- That is in the case where the surrounding circumstances of the incident and the writing of the “**Sahifah of Al-Madinah**” that followed it came mentioned in the “Sunan Al-Kubra” of Al-Baihaqiy with a Jayyid Isnad chain of transmission:

[Abu Bakr Ahmad bin Al-Hasan Al-Qadi informed us: Abu Sahl bin Ziyad Al-Qattan told us: Abdul Karim bin Al-Haitham related to us: Abu l-Yaman related to us: Shu’aib informed me from Az-Zuhriy: Abdur Rahman bin Abdullah bin Ka’b bin Malik informed me, and I believe it was from his father who was one of the three whose repentance was accepted: He then presented the narration similar to that of the Hadith recorded by At-Tabarani, except he omitted the details of the killing of Ka’b bin Al-Ashraf].

- Just as it is supported by what came recorded with the most Sahih of chains of transmission in the “**Sunan of Abu Dawud**”:

[Muhammad bin Yahya bin Faris related to us that Al-Hakam bin Nafi’ related to them: He said: Shu’aib informed us from Az-Zuhriy, from Abdur Rahman bin Abdullah bin Ka’b bin Malik from his father, who was one of the three whose repentance was accepted: Ka’b bin Al-Ashraf used to malign the Prophet ﷺ and incite the disbelievers of Quraish against him. When the Prophet ﷺ arrived in Al-Madinah its people were a mix including Muslims, Mushrikoon who worshipped idols and Jews. They (i.e. the Jews and polytheists) used to malign the Prophet ﷺ and his companions. So, Allah ‘Azza Wa Jalla commanded His Prophet to persevere with patience and to pardon. Allah revealed concerning them:

وَلَتَسْمَعُنَّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِن قَبْلِكُمْ وَمِنَ الَّذِينَ أَشْرَكُوا أَذًى كَثِيرًا ۚ وَإِن تَصْبِرُوا وَتَتَّقُوا فَإِنَّ ذَٰلِكَ مِنْ عَزْمِ الْأُمُورِ

**And you will surely hear from those who were given the Scripture before you and from those who associate others with Allah much abuse. But if you are patient and fear Allah, then indeed, that is of the matters [worthy] of determination** (3: 186).

Then when Ka’b bin Al-Ashraf refused to cease maligning the Prophet ﷺ, the Prophet ﷺ commanded Sa’d bin Mu’adh to dispatch a small group to kill him. So, he dispatched Muhammad bin Maslamah (He then mentioned the story of his killing). Then when they had killed him, the Jews and the polytheists were alarmed and so set off in the morning to the Prophet ﷺ and said: “Our companion (or one of our people) was knocked upon and then killed?!” Then the Prophet ﷺ mentioned or reminded them of what he (Ka’b bin Al-Ashraf) used to say. And the Prophet ﷺ invited them to have written between him and them **a document which they would refer back to**. So, the Prophet ﷺ had a ”**Sahifah**” (document or charter) written between him, them and the Muslims in general]. Al-Albani said: [Sahih ul-Isnad] (Authentic chain of transmission). I say: This was definitely from Abdur Rahman bin Abdullah bin Ka’b bin Malik from his father Abdullah bin Ka’b bin Malik, who used to guide Ka’b after he became blind, from his father the Sahabi Ka’b bin Malik, one of the three who stayed behind (from the battle of Tabuk) and then their repentance was accepted, as has come mentioned in numerous Ahadeeth in Al-Bukhari and Muslim. Consequently, the Isnad is Sahih upon their conditionality.

- And in “**At-Tabaqaat Al-Kubra**” Imam Ibn Sa’d stated:

[Muhammad bin Humaid Al-‘Abdiy informed us from Ma’mar bin Rashid, from Az-Zuhriy in relation to His statement تعالى:

وَلَتَسْمَعُنَّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِن قَبْلِكُمْ وَمِنَ الَّذِينَ أَشْرَكُوا أَذًى كَثِيرًا

**And you will surely hear from those who were given the Scripture before you and from those who associate others with Allah much abuse** (3: 186).

He said: It was concerning Ka’b bin Al-Ashraf. He used to incite the polytheists against the Messenger of Allah ﷺ and his companions, meaning in his poetry, and he would malign the Prophet ﷺ and his companions. And so, a small group of five from the Ansar set off to him, including Muhammad bin Maslamah and another man called Abu ‘Abs. They came to him whilst he was in conference with his people at Al-‘Awaliy. Then when he saw them, he was alarmed by them and disapproved of their affair. They said: “We have come to you for a need”. He said: “Then let someone from you approach me to inform me of his need”. So, a man from them approached him and said: “We have come to you to sell our armour to you so that we can spend from it”. He (Ka’b) said: “By Allah, if you were to do that, you have indeed been laboured since this man has come to you”. And so arranged for them to come to him at night when the gathering of people around him had calmed. Then (later at night), they called him and his wife said: “Those people are not calling for you at this hour of theirs for a matter that you like”. He said: “They have already spoken to me about what they want and their affair” … Muhammad bin Humaid informed us from Ma’mar, from Ayub, from ‘Ikrimah: That he (Ka’b) spoke to them from above (i.e. his fort) and said: “What will you give me as a security? Will you give me your sons as a security?”, as he wanted to loan them dates. They said: “We feel shame to pledge our sons, where it will be said that this one (i.e. the son) is a security for a Wasq of dates and this one is a security for two Wasaqs”. He (Ka’b) said: “Then pledge to me your women as a security”. They said: “You are the most handsome of the people. We do not feel secure with you and what woman would refrain from you due to your handsomeness? However, we will pledge our weapons to you as a security whilst you are aware of our need for weapons today”. He said: “Ok, bring me your weapons and carry what you wish”. They said: “Then come down to us, so that we can make the exchange”. He then went to descend but his wife attached herself to him and said: “Send for a number of men from your people equivalent to their number to be with you”. He said: “If those had found me asleep, they would not have woken me”. She said: “Speak to them from the top of the house” but he refused and went down to them diffusing his fragrance. They asked: “Man, what is this fragrance (that we smell)?” He said: “It is the fragrance of the woman of the man”. One of them then approached and smelled his head. He then grabbed hold of him and said: “Kill the enemy of Allah”. So, Abu ‘Abs thrust him in his side whilst Muhammad bin Maslamah struck him high. They killed him and returned. The Jews then became alarmed and went to the Prophet ﷺ. They said: “One of our chiefs was killed by assassination” The Prophet ﷺ reminded them of what he use to do in terms of instigating against them, inciting fighting against them and maligning them. He then invited them for a peace treaty (Sulh) to be written between him and them. I believe he (the narrator) said: And that document was in the possession of ‘Ali later].

- And in the “**Musnad of Imam Ahmad bin Hanbal**” the details of how the Prophet ﷺ saw off the executors of the mission have been recorded:

[Ya’qub related to us: My father related to us from Ibn Ishaq: Thawr bin Yazid related to me from ‘Ikrimah, from Ibn ‘Abbas: He said: The Messenger of Allah ﷺ walked with them to the Baqee’ of Al-Gharqad. He then turned to them and said: “**Set off in the name of Allah**” and he said: “**O Allah aid them**!” i.e. referring to the group whom he directed to Ka’b bin Al-Ashraf].

- And also, in “**Al-Mu’jam Al-Kabir**” (of At-Tabarani):

[Abu Shu’aib Al-Harrani related to us: Abu Ja’far An-Nufailiy related to us: Muhammad bin Salamah related to us from Muhammad bin Ishaq, from Thawr bin Zaid, from ‘Ikrimah, from Ibn ‘Abbas: He said: The Messenger of Allah ﷺ walked with them … And he then mentioned similar to the aforementioned narration].

- And in (Al-Hakim’s) “**Al-Mustadrak ‘Alaa -Sahihaini**”:

[Abu Ahmad Al-Husain bin ‘Ali At-Taimiy informed me: Ahmad bin Muhammad bin Al-Husain related to us: ‘Amr bin Zurarah related to us: Ziyad bin Abdullah related to us from Muhammad bin Ishaq, from Thawr bin Yazid, from ‘Ikrimah, from Ibn ‘Abbas (may Allah be pleased with them both): He then presented the same as what Ahmad recorded]. And Al-Hakim said: [Al-Bukhari presented his chain with Thawr bin Yazid and ‘Ikrimah whilst Muslim did so with Muhammad bin Ishaq. And this Hadith is Ghareeb Sahih but they (Al-Bukhari and Muslim) did not record it]. Adh-Dhahabi said: [(It i.e. the Hadeeth) is Sahih.

- The commendation of the Prophet ﷺ for those who undertook the mission upon their return came recorded in “**Al-Mustadrak ‘Alaa -Sahihaini**”:

[‘Ali bin Hamshadh Al-‘Adl related to us: Al-‘Abbas bin Al-Fadl Al-Asfatiy related to us: Isma’eel bin Abi Uwais related to us: Ibrahim bin Ja’far bin Mahmoud bin Muhammad bin Maslamah related to me from his father, from his grandfather, from Jabir bin Abdullah: That Muhammad bin Maslamah, Abu ‘Abs bin Jabr and ‘Abbad bin Bishr killed Ka’b bin Al-Ashraf and then when the Prophet ﷺ saw them he said: “**Aflahat Al-Wujooh**” (The faces have succeeded)]. Al-Hakim said: [It is Sahih in its Isnad (chain of transmission) but they both did not record it. The two Sheikh, may Allah be pleased with them, agreed upon the Hadith of ‘Amr bin Dinar from Jabir from the Prophet ﷺ that he said: Who will deal with (or eliminate) Ka’b bin Al-Ashraf as verily he has maligned Allah and His Messenger” but they did not record it in its complete full form]. Adh-Dhahabi said in his “At-Takhlees”: (It is) Sahih).

- And a clarification of the role of Sa’d bin Mu’adh (may Allah be pleased with him) and some of what ‘Abbad bin Bishr said of poetry concerning that came recorded in “**Al-Mustadrak ‘Alaa -Sahihaini**”:

[Abu l-Fadl Muhammad bin Ibrahim Al-Muzakki related it to us: Al-Husain bin Muhammad Al-Qabbaniy related to us: Muhammad bin ‘Abbad Al-Makkiy related to us: Muhammad bin Talhah At-Taimiy related to us from Abdul Hamid bin Abi ‘Abs bin Muhammad bin Abi ‘Abs, from his father, from his grandfather, who said:

Ka’b bin Al-Ashraf used to recite poetry maligning the Prophet ﷺ and went out to Ghatafan. The Prophet ﷺ then said: “Who will deal with the son of Al-Ashraf for me as he has indeed maligned Allah and His Messenger?” Muhammad bin Maslamah Al-Harithiy said: “I, O Messenger of Allah, would you like me to kill him?” The Messenger of Allah (peace be upon him) remained silent upon that and said: “Fetch Sa’d bin Mu’adh and consult him”. He (bin Maslamah) said: So, I brought Sa’d bin Mu’adh and mentioned the matter to him. He said: “Proceed with the blessing of Allah and take with you the nephew of Al-Harith bin Aws bin Mu’adh, ‘Abbad bin Bishr Al-Ash’haliy, Abu ‘Abs bin Jabr Al-Harithiy and Abu Na’il Silkan bin Qais Al-Ash’haliy”. He said: So, I met with them and mentioned the matter to them all apart from Silkan who did not attend. He said: “O nephew, you are a truthful person in my view, but I would not like to partake in that at all until I speak to the Messenger of Allah ﷺ. He then mentioned this matter to the Prophet ﷺ and he said to him: “Proceed along with your companions”. He (the relator Abu ‘Abs) said: So, we went out at night until we reached his fortress.

In relation to that ‘Abbad bin Bishr composed poetry explaining the killing and journey, saying:

**I shouted to him but he did not appear from my voice**

**He appeared from the top of the wall**

**I repeated and he said who is calling upon me?**

**I said: Your brother ‘Abbad bin Bishr.**

**This is our weaponry as a pledge of security so take it.**

**Which will be fulfilled in two months or half a month.**

**He said: A gathering of those who have become frustrated and hungry.**

**They have come to lack affluence without impoverishment.**

**So he came towards us moving quickly.**

**And said to us: You have come for a matter.**

**And in our hands was iron.**

**Tried and tested, in branding and chopping.**

**So, I said to my companions what was on my mind.**

**Attack him with the blades like the slaughtering of a camel.**

**And bin Salamah Al-Muradiy grabbed hold of him in an embrace.**

**He screamed out against him like a fierce lion.**

**And he drew his sheathed sword against him.**

**Then Abu ‘Abs bin Jabr fatally struck him.**

**And Allah was the sixth with us, our Protector and Guardian.**

**Bestowing upon us the most gracious favour and most honourable victory.**

**Then a noble group came with his head.**

**A group of truthfulness and righteousness came (back) to them].**

- And in “**As-Sunan Al-Kubra**” (of Al-Baihaqiy):

[Abu Abdullah Al-Hafizh related to us: Abu l-‘Abbas related to us: Ahmad related to us: Yunus related to us from Ibn Ishaq: Abdullah bin Abi Bakr bin Hazm and Salih bin Abi Umamah bin Sahl bin Hanif related to me: They said: When the Messenger of Allah ﷺ had finished at Badr he sent Zaid bin Harithah and Abdullah bin Rawahah to give the good news to the people of Al-Madinah. When that (news) reached Ka’b bin Al-Ashraf he said: “Woe to you. Is this true?! Those are the kings of the Arabs and the masters of the people”, referring to the Quraish. He then set off for Makkah and began to mourn the killed of Quraish and incite against the Messenger of Allah ﷺ].

- And in “**Fat’h ul-Baariy Sharh Sahih Al-Bukhari**” there is an explicit text stating that the covenant of Ka’b had been broken by his violation of it:

[Ka’b had an ‘Ahd (covenant) but he breached what he made his covenant upon in that he was not give assistance or aid against the Prophet ﷺ. He therefore broke his covenant by that and he ﷺ declared that he had maligned Allah and His Messenger].

- Some of the acts of Ka’b through which he violated his covenant also came mentioned in “**Fat’h ul-Baariy Sharh Sahih Al-Bukhari**”:

[In the narration of Muhammad bin Mahmoud bin Muhammad bin Maslamah from Jabir reported by Al-Hakim in Al-Ikleel: “**He maligned us with his poetry and invigorated the Mushrikeen**”. Ibn ‘Aa’idh recorded via the path of Al-Kalbiy that: Ka’b bin Al-Ashraf went to the Mushrikeen of Quraish and made an alliance with them at the curtains of the Ka’bah to fight the Muslims. And via the path of Abu l-Aswad from ‘Urwah: That he used to maligned (or insult) the Prophet ﷺ and the Muslims and incite the Quraish against them. And that when he came to the Quraish they asked him: “Is our Deen (religion) more guided or the Deen of Muhammad?” and he said: “Your Deen”. Then (after that) the Prophet ﷺ said: “**Who will deal with Ibn (the son of) Al-Ashraf for us as he has openly declared his hostility**”. And I found in the “Fawaa’id” of Abdullah bin Ishaq Al-Khurasaniy from the Mursal of ‘Ikrimah, with a weak (Sanad) chain of transmission to him, another reason for the killing of Ka’b and that is that he made food and connived with a group of Jews, upon inviting the Prophet ﷺ to a feast, then when he attended, they would assassinate him (or cause him harm). So, he came alongside some of his companions, but Jibreel informed him of what they had secretly planned after they had seated him. So, he stood, Jibreel; concealed him with his wings and he left. When they lost him they dispersed and he then said at that time: “**Who will be commissioned to kill Ka’b**”. And it is possible to combine the numerous reasons].

- And in the whole story was presented “**At-Tabaqaat Al-Kubra**” (of Ibn Sa’d):

[Then there was the Sariyah (military expedition/mission) to kill the Jew Ka’b bin Al-Ashraf and that was after fourteen nights had passed of Rabee’ ul-Awwal twenty-five months after the emigration of the Messenger of Allah ﷺ. The reason for his killing was that he was a poetic who used to insult the Prophet ﷺ and his companions, incite against them and malign them. Then following the battle of Badr he felt depressed and humiliated. He said: “What is under the earth today is better than what’s on its surface”. He then set off until he reached Makkah. He mourned those of the Quraish who had been killed and incited them with poetry. He then came back to Al-Madinah and the Mesenger of Allah ﷺ said: “**O Allah, deal with** **the son (Ibn) Al-Ashraf by whichever way You wish due to his declaration of evil and his poetry**” and he also said: “**Who will deal with (or eliminate) the son (Ibn) Al-Ashraf for me as he has maligned (or brought harm to) me**”. Then Muhammad bin Maslamah said: “I will deal will him O Messenger of Allah” and he said: “Do so”. He consulted Sa’d bin Mu’adh concerning him and Muhammad bin Maslamah and a small group of the Aws met, including ‘Abbad bin Bishr, Abu Na’ilah Silkan bin Salamah, Al-Harith bin Aws bin Mu’adh and Abu ‘Abs bin Jabr. They said: “O Messenger of Allah, we will kill him, so permit us to say things (i.e. use deception or speak falsehood to achieve the purpose)”. He said: “Say (i.e. what you need to)”. Abu Na’ilah wasd the foster brother of Ka’b bin Al-Ashraf. So, he went to him and Ka’b was displeased to see him and was alarmed by him. So, he said: I am Abu Na’ilah. I only came to inform you that the arrival of this man has brought misfortune to us. The Arabs have made war against us and are targeting as from one single bow (i.e. as one). We wish to move away from him and I have along with me some men from my people who share my opinion. I wanted to bring them to you so that we could purchase food and dates from you and pledge to you as a security that which provides you with confidence”. He was reassured by what he said and said: “Bring them when you wish” and left him upon the agreement to meet (later). He then went to his companions and informed them. So, they agreed to come to him in the evening. They then went to the Messenger of Allah ﷺ and informed him. He then walked with them until they arrived at Al-Baqee’, faced them and said: “Proceed upon the blessings of Allah and His assistance”. He said: And it was on a moonlit night. They proceeded on until they arrived at his fort. Abu Na’ilah called for him and he quickly went to respond to the call. His wife then grabbed hold of the garment covering him and said: “Where are you going?! You are a man at war”. And he had only just married. He said: “It is an appointment for me. It is only my brother Abu Na’ilah”. He then struck the covering garment with his hand and said: “If a young courageous man is invited to be stabbed (or killed), he still responds (to such an invitation)”. He then descended (from his fort) to them. They then spoke to him for an hour until he was comfortable and friendly with them. Abu Na’ilah then inserted his hand in his hair and took hold firmly of the top of his head and said to his companions: “Kill the enemy of Allah”. So, they struck him with their swords. He turned to face him but this did not benefit him whilst some of them repelled others and he clung to Abu Na’ilah. Muhammad bin Maslamah said: I remembered a long thin blade I had in my scabbard, so, I pulled it out and placed it in his belly. He braced himself and so, I cut down on him until it reached his pelvis. The enemy of Allah then cried out and there was no roof from the roofs of the Jews except that fire had been lit upon it. They then cut his head off and carried it with them. When they reached the Baqee’ of Al-Gharqad they made Takbeer (Proclaimed Allahu Akbar). The Messenger of Allah ﷺ had spent the night standing in prayer. When he heard them proclaiming Allahu Akbar he said Allahu Akbar and knew that they had killed him. They then reached the Messenger of Allah ﷺ and he said (to them): “The faces have succeeded” and they said: “Your face O Messenger of Allah”. They then through his head down before him. He then praised Allah for his death. When he awoke, he said: “Whomever you seize from the men of the Jews, kill him”. So, the Jews became afraid and none from them went out nor speak, and they feared to spend the nights like Ibn Al-Ashraf spent his night].

- And another complete story was presented in “**As-Seerah An-Nabawiyah**” (of Ibn Hisham) (vol: 3 p: 318 onwards):

[When the people of Badr (Quraish) were afflicted, Zaid bin Harithah went to the people of As-Safilah and Abdullah bin Rawaahah went to the people of Al-‘Aaliyah as bearers of glad tidings dispatched by the Messenger of Allah ﷺ to the Muslims of Al-Madinah to give the news of the victory Allah, ‘Azza Wa Jalla, had bestowed upon him and about those from the polytheists who had been killed … As was narrated to me by Abdullah bin Al-Mughith bin Abi Burdah Azh-Zhafriy, Abdullah bin Abi Bakr ibn Muhammad bin ‘Amr bin Hazm, ‘Asim bin ‘Umar bin Qatadah and Salih bin Abi Umamah bin Sahl Ka’b bin Al-Ashraf, all of whom related some of his Hadith: They said: Ka’b bin Al-Ashraf, who was a man from the Tayyi tribe, one of Bani Nabhan and whose mother was from Bani Nadeer, said upon hearing the news: “Is this true? Do you believe that Muhammad has killed those men whom these two (Zaid and Abdullah Ibn Rawaahah) have named? That is because those were from the nobles of the Arabs and the kings of the people. By Allah, if Muhammad had killed these people, then what’s under the earth today is better than what’s on its surface!” Then, when the enemy of Allah ascertained the truth of the news, he departed until he reached Makkah. He stopped at the residence of Al-Muttalib bin Abi Wada’ah bin Dubairah As-Sahmiy who was married to ‘Atikah the daughter of Abu l-‘Ieas bin Umayyah bin Abdi Shams bin Abdi Manaf. She received him and honoured him with hospitality. He then began to incite the people against the Messenger of Allah ﷺ reciting poetry and mourning over the people of the well (of Badr) from Quraish who had been killed at Badr]. Then after some poetry concerning which there are doubts about its authenticity, he went on and said:

[Then, Ka’b bin Al-Ashraf returned to Al-Madinah **and composed inappropriate poems about the Muslim women** to the point that he brought harm to them. As narrated to me by Abdullah bin Al-Mugheeth bin Abi Burdah, the Messenger of Allah ﷺ then said: “**Who will deal with (i.e. eliminate) Bin Al-Ashraf for me?**” Muhammad bin Maslamah, the brother (i.e. member of the tribe) of Banu Abdi l-Ash’hal said: “I will deal with him for you O Messenger of Allah. I will kill him”. He ﷺ replied: “If you are capable of carrying it out, then do it”. Muhammad bin Maslamah then went back to his locality and remained there for three days, neither eating nor drinking more than he required to sustain life. This was mentioned to the Messenger of Allah ﷺ who then called for him. He ﷺ said to him: “Why have you left the food and drink?” He replied: “O Messenger of Allah, I said that I would do something to you and I don’t know if I will be able to fulfil it”. He ﷺ replied: “To try is all that is required of you”. He (then) said: “O Messenger of Allah, it will be necessary for us to say certain things (i.e. use deception)”. He ﷺ replied: “Say what you believe needs to be said as this is permitted for you in this regard”.

Then Muhammad bin Maslamah, Silkan bin Salamah bin Waqsh (known as Abu Naa’ilah) of Banu Abdi l-Ash’hal who was the foster-brother of Ka’b bin Al-Ashraf, ‘Abbad bin Bishr bin Waqsh of Banu Abdi l-Ash’hal, Al-Harith bin Aws bin Mu’adh of Banu Abdi l-Ash’hal and Abu ‘Abs bin Jabr of Banu Harithah, gathered together to plan to kill him. They then headed to the enemy of Allah Ka’b bin Al-Ashraf, albeit preceded by Silkan bin Salamah Abu Naa’ilah who went to him and spoke with him for a while, reciting poetry to each other, as Abu Naa’il was himself a poet. He (Abu Naa’il) then said: “Woe to you son of Al-Ashraf, I have come to you about a matter that I wish to bring up with you, so keep it to yourself”. He replied: “Go ahead”. He said: “The arrival of this man has been an affliction for us. The Arabs (Bedouins) have become hostile to us and are attacking us as one and have cut off our travelling paths to the point that our families are facing ruin and suffering. We have all become overburdened and our families have become overburdened”. Ka’b then said: “I am the son of Al-Ashraf and by Allah I informed you, O son of Salamah, that the matter would turn out just as I told you it would”. Silkan said: “I had wanted for you to sell us food and in return we would give you a security, firm contract and be faithful to that”. He asked: “Would you give me your sons as a security?”. “Is it your wish to disgrace us? I have some companions with me who think as I do. I wanted to bring them to you so that you sell to them and deal with us in a good manner in respect to that. We will give you an abundant supply of coats of mail (i.e. weapons) as a surety”. [Silkan didn’t want him to be put off by the weapons if they came to him with it]. He (Ka’b) said: “The coats of mail (weaponry) will be satisfactory”. Silkan then returned to his companions and informed them of what had taken place. He told them to take their weapons, set off and then join up with him. They then met up at the house of the Messenger of Allah ﷺ” …

Ibn Hishaam said: It is said that he (Ka’b) said: “Will you give to me your women as a surety?” He replied: “How could we give you our women whilst you are the most handsome of the people of Yathrib and the most sweet fragranced?” He (then) said: “Will you give me your sons as a surety?”.

Ibn Ishaq related that Thawr Bin Zaid related from Ikrimah the Mawla of Ibn ‘Abbas that Ibn ‘Abbas said: “The Messenger of Allah ﷺ accompanied them to Baqee’ Al-Gharqad and then sent them off saying: “Set off in the name of Allah. O Allah aid them”. He ﷺ then returned to his house. It was a moonlit night and they continued on until they reached his fortified residence. Abu Na’ilah then called out to him. He (Ka’b) had recently married and he leapt up from his blanket. His wife took hold of an end of it and said to him: “You are a man at war. The people of war do not leave their house at this hour”. He replied: “It is Abu Na’ilah. If he found that I was sleeping, he would not have wakened me”. She said: “By Allah, I have discerned evil in his voice”. Ka’b then said: “Even if a brave young man is called to be thrust by a sword he still responds to that call”.

He went down to them and spoke to them for a while. Then they said: “Would you like to walk with us O Ibn Al-Ashraf, to Shi’b al-Ajuz, so that we can talk the remainder of this night of ours, over there?” “If you like” he replied. They set out walking together and walked for a while. Then Abu Na'ilah combed his hand through the hair of (Ka’b) to the temples, smelt it, and said: “I have never known perfume to smell so good as it does tonight”. Then he walked on for a while, and did the same thing again, so that Ka’b relaxed his guard. He then walked on for a while, and did it again, (this time) taking hold firmly of the hair by both temples. Then he said: “Strike the enemy of Allah!” Their swords rained blows upon him, but to no avail. Muhammad bin Maslamah said later: “When I saw that our swords were of no avail, I remembered a long, thin dagger which I had in my scabbard, and took hold of it. By this time the enemy of Allah had yelled out so loudly that lamps had been lit in all the strongholds around us. I plunged the dagger into his breast and pressed upon it so heavily that it reached his pubic region, and the enemy of Allah fell. Al-Harith bin Aws bin Mu'adh had been wounded in the head or the leg, struck by one of our swords.

He continued: We left, passing through the quarters of the Banu Umayyah bin Zayd and Banu Qurayzah, and then through Bu'ath, until we ascended the Harrah of al-'Urayd. Our companion al-Harith bin Aws was lagging behind us, bleeding heavily, so we waited for him a while, and then he came to us, having followed our tracks. We then carried him to the place of the Messenger of Allah ﷺ which we reached at the end of the night. He was standing in prayer, so we greeted him, and he came out to meet us. We told him that the enemy of Allah had been killed and he spat upon the wound of our companion. He then returned and we all returned to our families. The next morning, the Jews were in a state of fear on account of our attack upon the enemy of Allah, and there was not a Jew there from among them except that he was in fear for his life”].

- And the following came stated in “An-Nihayah Wa l-Bidayah” (The Seerah of Ibn Kathir) (Vol:4 p: 6 onwards):

[Musa bin ‘Uqbah said: And Ka’b bin Al-Ashraf, one of Bani An-Nadeer or from among them, had brought harm to the Messenger of Allah by way of insult and defamation. He rode to Quraish and incited them. Abu Sufyan, who was in Makkah, asked him: “I adjure you, is our Deen (religion) more beloved to Allah or the Deen of Muhammad and his companions, and which of us is more guided and closest to the truth in your opinion? We enjoy the entrails of the Kawmaa’ (she camel with large humps). We drink milk over water and eat with what our left hand gives”. Ka’b bin Al-Ashraf said to him: “Your path is more rightly guided than theirs”. He (the narrator) said: Then Allah revealed to His Messenger:

أَلَمْ تَرَ إِلَى الَّذِينَ أُوتُوا نَصِيبًا مِّنَ الْكِتَابِ يُؤْمِنُونَ بِالْجِبْتِ وَالطَّاغُوتِ وَيَقُولُونَ لِلَّذِينَ كَفَرُوا هَٰؤُلَاءِ أَهْدَىٰ مِنَ الَّذِينَ آمَنُوا سَبِيلًا أُولَٰئِكَ الَّذِينَ لَعَنَهُمُ اللَّهُ ۖ وَمَن يَلْعَنِ اللَّهُ فَلَن تَجِدَ لَهُ نَصِيرًا

**Have you not seen those who were given a portion of the Scripture? They believe in Jibt (superstition) and Taghut (false objects of worship) and say to the disbelievers that they are better guided as regards the way than the believers. They are those whom Allah has cursed, and he whom Allah curses, you will not find for him (any) helper** (4: 51-52).

Musa and Muhammad bin Ishaq said: He arrived back in Al-Madinah after having declared his hostility and inciting the people to engage in war, whilst he did not leave Makkah until he had gathered their affair upon fighting the Messenger of Allah, just as he composed inappropriate poetry about Umm Al-Fadl bin Al-Harith and other Muslim women].

**Concluding observations**: It is not hidden from us that the Jews in the past and present claim that what afflicted Ka’b bin Al-Ashraf was only an act of treachery and that a small group of the contemporary orientalists followed them in that claim. It is also the claim of America and their agents concerning the Mujahideen who entered their territories with visas and then undertook operations within them.

This claim is spread amongst the general public and the misleading media circles who attempt to exploit the ignorance of the general public with the Fiqh related to covenants and treaties connected to war and peace.

The truth is that lying, trickery (or deception) and spying in the state of war is permissible in the blessed final Sharee’ah, just as it is in all of the Sharaa’i (legislations) and international customs according to my knowledge, as long as the state of war exists and as long as the war is well under way.

**(Deduced) Principle**: **As long as the state of war exists and the war is well under way, all of the covenants and treaties by necessity hold no meaning (or value) between the two warring parties. And they are invalid and no longer convened in origin. All of the exchanged statements between them secretly and in open are not trusted and are not permitted to be believed, until the fighting ends**.

The fighting does not come to an end except:

(**1**) By the temporary cessation of fighting for negotiations. That usually occurs by an understood sign (signal or indication) which the international custom has settled upon, like raising a white flag, which is answered by a corresponding recognised signal in return.

(**2**) Or by the conditional surrender of one of the parties or some of its armed forces to the other side. Then those who have surrendered exit from the state of fighting (or war) and enter the state that had been agreed upon: Being made prisoners of war with conditions or being freed with conditions etc.

(**3**) Or by the convening of a truce, ceasefire or cessation of fighting treaty.

(**4**) Or by the convening of peace (Sulh) and the cessation of the state of war or concluding a peace treaty (Mu’aahdah Salaam) or what resembles that.

It is not permitted to use deception and lying in this category of conventions and treaties, just as it is not permitted to breach or violate it, as long as it is in place with its recognised conditions because it represents a necessity outside of the state of war or fighting. Rather, it was only contracted for the purpose of ending the state of war and fighting, even if it was only temporarily for the duration of some minutes or hours which are used for convening negotiations over additional conditions and details which the two parties could make an agreement upon later. It does not therefore fall under the activities of war and fighting, but rather to end the war and fighting. That is whilst it is inconceivable for negotiations over its details to be undertaken unless the fighting has ceased and even if only temporarily. If deception and lying was permitted in it, it would never be possible for the war to end and would be an act of disobedience due to the command of Allah تعالى:

وَإِن جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا وَتَوَكَّلْ عَلَى اللَّهِ ۚ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ وَإِن يُرِيدُوا أَن يَخْدَعُوكَ فَإِنَّ حَسْبَكَ اللَّهُ ۚ هُوَ الَّذِي أَيَّدَكَ بِنَصْرِهِ وَبِالْمُؤْمِنِينَ

**And if they incline to peace, then incline to it [also] and rely upon Allah. Indeed, it is He who is the Hearing, the Knowing. But if they intend to deceive you, then Allah is sufficient for you. It is He who supported you with His help and with the believers** (8: 61-62).

Consequently, Allah has made the acceptance of the offer of peace from the enemy obligatory, even if betrayal and deception is feared from it. Deception and lying is also rejected in such a circumstance without doubt, rationally by all rational people, just as I deem it to be prohibited in all the Sharaa’i (legislations).

In addition, it is inconceivable for either of the two parties to move in such a direction unless they know for certain that they are in a state of war, conflict and hostility, exchanging casualties and fire, and in acknowledgment of that, whilst both are upon the utmost level of caution and precaution. The two parties also know that the cessation of fighting, even if only temporarily, is a condition for any security, where neither would ever feel secure with the other except after contracting the desired treaty. Deception and lying are therefore practically worthless in this situation in all circumstances.

In addition, the killing of Ka’b bin Al-Ashraf was undertaken by way of deception, through assassination, and not in an open confrontation. It is therefore a definite evidence for the legal legitimacy of the “assassination” of individuals from the enemy at war, with there being no difference between the soldier in the last line of the ranks and the head of state or army commander. That is as anyone whom it is permissible to kill in open confrontation, it is also permitted to assassinate him. That even includes women and children and those withdrawn from the fighting and non-combatants, where it is permitted to assassinate them in the case where it is permissible to kill them in open confrontation, like in the situation of like for like treatment. If that is not the (exceptional) situation however, it is not permissible.

**Addendum: The assassination of Abu Rafi’ bin Abi Al-Huqaiq**

Imam Al-Bukhari made a chapter for this in his “**Al-Jaami’ As-Sahih Al-Mukhtasar**” under the chapter heading: (The chapter of the killing of Abu Rafi’ bin Abi Al-Huqaiq; and it is said that his name was Salam bin Abi Al-Huqaiq. It took place at Khaibar or it is said a fort of his in the land of Al-Hijaz. Az-Zuhriy said it occurred after Ka’b bin Al-Ashraf). Al-Bukhari did not mention its date.

Its date came mentioned in “**As-Seerah An-Nabawiyah**” (of Ibn Hisham) (Vol: 4 p: 234):

[Ibn Ishaq said: When the affair of Al-Khandaq (the battle of the trench) and the affair of Bani Quraizhah came to an end, and Salam bin Abi Al-Huqaiq, Ibn Rafi’, was amongst those who had gathered together the forces (or hosts) against the Messenger of Allah ﷺ, and as the Aws had killed Ka’b bin Al-Ashraf prior to Uhud due to his hostility towards the Messenger of Allah ﷺ and his incitement against him, the Khazraj sought permission from the Messenger of Allah ﷺ to kill Salam bin Abi Al-Huqaiq whilst he was at Khaibar, and so he granted them that permission].

As such, the occurrence took place after Al-Ahzab and after Bani Quraizhah i.e. at the end of the fifth year or after that.

However, the following came stated in the “**Maghaziy of Al-Waqidiy**” (Vol: 1 p: 391):

[The Sariyah (military expedition or mission) of Ibn ‘Ateek to Abu Rafi’: They set off on the night before Monday with four days left of Dhu l-Hijjah at the head of forty-six months, and they were gone for ten days]. That would make the date towards the latter part of the fourth year of Al-Hijrah (migration).

- It also came dated in “**At-Tabaqaat Al-Kubra**”:

[Then came the Sariyah (military expedition or mission) of Abdullah bin ‘Ateek to Abu Rafi’ Salam bin Abi Al-Huqaiq A-Nadriy at Khaibar during the month of Ramadan in the sixth year after the migration of the Messenger of Allah ﷺ]. Based upon this the incident took place before Al-Hudaibiyah …

- The difference of opinion concerning its date came mentioned in the “**Sunan Al-Kubra of Al-Baihaqiy**”:

[As for the date of the killing of Ibn Abi Al-Huqaiq and the date of his (i.e. the Prophet’s ﷺ) ‘Umrah, then Abu Abdullah Al-Hafizh informed us: Abu l-‘Abbas Muhammad bin Ya’qub related to us: Ahmad bin Abdula Jabbar related to us: Yunus bin Bukair related to us from Muhammad bin Ishaq: He was Ibn Yasar: He said: When the affair of Al-Khandaq (the battle of the trench) and the affair of Bani Quraizhah came to an end, and Abu Rafi’ Salam bin Abi Al-Huqaiq, Ibn Rafi’, was amongst those who had gathered together the forces (or hosts) against the Messenger of Allah ﷺ, the Khazraj sought permission from the Messenger of Allah ﷺ to kill Salam bin Abi Al-Huqaiq whilst he was at Khaibar, and so he granted them permission for that. He (the narrator) said: Then he attacked (or raided) Bani Al-Mustaliq in Sha’ban of the sixth year. Then he set off for ‘Umrah in Dhu l-Qa’dah in the year of Al-Hudaibiyah. The sheikh said: Then his ‘Umrah which was known as “Umrat ul-Qada” took place, then the ‘Umrah of Al-Ji’irranah and then his ‘Umrah in the year of his Hajj, all of it was after that. And the killing of Ibn Abi Al-Huqaiq was before them. So, how can his forbiddance in the story of Ibn Abi Al-Huqaiq of killing the women and children abrogate the Hadith of As-Sa’b bin Jath’thamah which was after it whilst they claimed that he migrated to the Prophet ﷺ and died during the Khilafah of Abu Bakr (may Allah be pleased with him). If his hearing of the Hadith from the Messenger of Allah ﷺ was after his migration, then that would also be after the story of Ibn Abi Al-Huqaiq. That is as the Hadith of gift contains that which indicates that he was the first to meet the Prophet ﷺ and as such, the angle of understanding of the two Hadith is what Ash-Shaafi’iy (may Allah’s mercy be upon him) pointed to, in terms of there being a difference between the two situations]. Based upon this, the incident occurred prior to Sha’ban in the sixth year and after Al-Ahzab, which took place in the fifth year.

I say: Al-Baihaqiy was concerned about this date because some people claimed that the forbiddance of the Prophet of killing the women and children during this Sariyah (military mission), the mission of killing Abu Rafi’ Ibn Aby Al-Huqaiq, abrogated the permission to kill them at night when they are usually asleep. **However, this is a claim that is false in itself, regardless of the dates. That is because that which has been forbidden is to target them to be killed when on the offensive. The targeting however is negated in the situation of the night and what resembles that, due to the impossibility to distinguish and discern. If it was possible to distinguish (i.e. between the targets), it would not be permissible to target them at all when on the offensive, with the exception of when the punishment and treatment is like for like**. Therefore, these two realities are contrasting and the circumstances are different, as Imam Ash-Shaafi’iy correctly said. As for the date, then it is certain that the question of As-Sa’b bin Jath’thamah to the Prophet ﷺ concerning those women and children who are incidentally killed during the night raids, was only after that. That is due to two reasons:

**(1)** Due to the collection of narrations that have mentioned that as was discussed by Al-Baihaqiy.

**(2)** Because his question concerning that gives the impression that he had heard the forbiddance and feared that it encompassed all circumstances and consequently feared falling into sinfulness. As such, he asked about the night raids specifically.

- As for the story itself, then it has come reported in “**Al-Jaami’ As-Sahih Al-Mukhtasar**” of Imam Al-Bukhari:

[Yusuf bin Musa related to us: ‘Ubaidullah bin Musa related to us from Isra’eel, from Abu Ishaq, from Al-Baraa’ bin ‘Aazib: He said:

The Messenger of Allah ﷺ dispatched some men from the Ansar to (kill) Abu Rafi’, the Jew, and appointed ‘Abdullah bin ‘Ateek as their leader. Abu Rafi’ used to cause harm for Allah's Messenger ﷺ and help his enemies against him. He lived in his fort in the land of Hijaz. When those men approached (the fort) after the sun had set and the people had brought back their livestock to their homes, ‘Abdullah (bin ‘Ateek) said to his companions: “Stay here sitting in your places. I am going, and I will try to play a trick on the gatekeeper so that I may enter (the fort)”. So, ‘Abdullah proceeded towards the castle, and when he approached the gate, he covered himself with his clothes, pretending to answer the call of nature. The people had gone in, and the gatekeeper (considered `Abdullah as one of the castle's servants) addressing him saying: “O Allah's Servant! Enter if you wish, for I want to close the gate”. ‘Abdullah added in his story: “So I entered and hid myself. When the people got inside, the gatekeeper closed the gate and hung the keys on a fixed wooden peg. I got up and took the keys and opened the gate. Some people were staying late at night with Abu Rafi’ for a pleasant night chat in a room of his. When his companions of nightly entertainment went away, I ascended to him, and whenever I opened a door, I closed it from inside. I said to myself: “If these people were to discover my presence, they would not be able to catch me before I have killed him”. So, I reached him and found him sleeping in a dark house amidst his family, I could not recognize his location in the house. So, I said: 'O Abu Rafi’!” Abu Rafi’ said: “Who is it?” I proceeded towards the source of the voice and hit him with the sword, but because of my baffled state (due to the darkness), I was not able to kill him. He cried loudly, and so, I exited the house and waited for a while. I then returned to him again and said: “Why are you crying out aloud, O Abu Rafi’?” He said: “Woe to your mother! A man in my house has hit me with a sword!” I then hit him again with severity, but I did not kill him. Then I drove the point of the sword into his belly (and pressed it through) till it touched his back, and I realized that I had killed him. I then opened the doors one by one till I reached the staircase, and thinking that I had reached the ground, I stepped out, fell down and broke my leg in a moonlit night. I tied my leg with a turban and proceeded on till I sat at the gate and said (to myself): “I will leave tonight until I know that I have killed him”. Then, when (early in the morning) the cockerel crowed, the announcer of the casualty stood on the wall proclaiming: “I announce the death of Abu Rafi`, the merchant of Hijaz”. At that, I went to my companions and said: “Let us save ourselves, for Allah has killed Abu Rafi’”. So, I (along with my companions proceeded and) went to the Prophet ﷺ and told him what had occurred. He said: “Extend your (broken) leg”. I extended it and he rubbed it and then it was like I had never suffered anything at all with it].

- Similar to that also came reported in the “**Sunan Al-Kubra of Al-Baihaqiy**” with the following chain of transmission: [Abu Abdullah Al-Hafizh informed us: Abu Abdullah Muhammad bin Ahmad Al-Jawhariy informed me: Abu Ja’far bin Musa Ash-Shatawiy related to us: Muhammad bin Sabiq related to us: Isra’eel related to us from Abu Ishaq, from Al-Baraa’ bin ‘Aazib (may Allah be pleased with him): That he said].

- And in “**Tareekh At-Tabari**” (Vol: 2 p: 55 onwards) with the following chain of transmission: [Harun bin Ishaq Al-Hamdaniy related to us: He said: Mus’ab bin Al-Miqdam related to us: He said: Isra’eel related to me: He said: Abu Ishaq related to us from Al-Baraa’: That he said].

And in (Al-Bukhari’s) “**Al-Jaami’ As-Sahih Al-Mukhtasar**” in a summarised version:

[‘Ali bin Muslim related to us: Yahya bin Zakariya bin Abi Za’idah related to us: My father related to me from Abu Ishaq, from Al-Baraa’ bin ‘Aazib (may Allah be pleased with him), that he said:

The Messenger of Allah ﷺ dispatched a small group of Ansari men to kill Abu-Rafi’. One of them set out and entered their (i.e. the enemies) fort. That man said: I hid myself in a stable for their animals. They closed the fort gate. Later they lost a donkey of theirs, so they went out in its search. I, too, went out along with them, pretending to look for it. They found the donkey and entered their fort. And I, too, entered along with them. They closed the gate of the fort at night and kept its keys in a small window where I could see them. When those people slept, I took the keys and opened the gate of the fort and entered the chambers of Abu Rafi` and said: “O Abu Rafi’”. When he replied, I proceeded towards the voice and struck him. He shouted. I then exited and returned pretending to be a helper. I said: “O Abu Rafi”, changing the tone of my voice. He asked me: “What do you want; woe to your mother?” I asked him: “What has happened to you?” He said: “I don't know who came upon me and struck me”. Then I drove my sword into his belly and pushed it forcibly till it touched the bone. I then left, in a dazzled state and went towards a ladder of theirs in order to get down but I fell and sprained my foot. I returned to my companions and said: “I will not leave until I hear the announcement of his death” (i.e. to make certain of his death). So, I did not leave until I heard the announcement of the death of Abu Rafi’, the merchant of Hijaz. I then got up, feeling no ailment, (and we proceeded) until we reached the Prophet ﷺ and informed him."

- It also came recorded in a slightly different version in (Al-Bukhari’s) “**Al-Jaami’ As-Sahih Al-Mukhtasar**”:

[Ahmad bin Uthman related to us: Shuraih, Ibn Maslamah, related to us: Ibrahim bin Yusuf related to us from his father, from Abu Ishaq: He said: I heard Al-Baraa’ bin ‘Aazib (may Allah be pleased with him) say:

The Messenger of Allah ﷺ sent ‘Abdullah bin ‘Ateek and ‘Abdullah bin ‘Utbah with a group of men to (kill) Abu Rafi`. They proceeded till they approached his fort, whereupon ‘Abdullah bin ‘Ateek said to them: “Wait (here), and in the meantime I will go and see”. ‘Abdullah (bin ‘Ateek) said later on: “I played a trick in order to enter the castle. By chance, they lost a donkey of theirs and came out carrying a flaming light to search for it. I was afraid that they would recognize me, so I covered my head and legs and pretended to answer the call to nature. The gatekeeper called: “Whoever wants to come in, should come in before I close the gate”. So, I went in and hid myself in a stall of a donkey near the gate of the castle. They took their supper with Abu Rafi’ and chatted until late at night. Then they went back to their lodgings. When the voices vanished and I no longer detected any movement, I came out. I had seen where the gatekeeper had kept the castle key in a hole in the wall. I took it and unlocked the gate of the castle, saying to myself: “If these people should notice me, I will be able to run away easily”. Then I locked all the doors of their houses from outside while they were inside and ascended to Abu Rafi’ by the stairs. I saw the house in complete darkness with its light off, but I did not know where the man was. So, I called: “O Abu Rafi’!” He replied: “Who is it?” I proceeded towards the voice and hit him. He cried loudly but my blow was futile. Then I came to him, pretending to help him. I changed my voice and said: “What is wrong with you, O Abu Rafi`?” He said: “Should I not astonish you?! Woe on your mother! A man has come to me and hit me with a sword!” So again, I aimed at him and hit him, but the blow proved futile again, and on that Abu Rafi’ cried loudly and his wife got up. I came again and changed my voice as if I had come to his aid, and found Abu Rafi’ lying straight on his back, so I drove the sword into his belly and lent my weight on it until I heard the sound of a bone break. Then I came out, filled with astonishment and went to the staircase to descend, but I fell down from it and dislocated my leg. I bandaged it and went to my companions limping. I said (to them): “Go and tell the Messenger of Allah ﷺ of this good news, but I will not leave (this place) until I hear (the confirmation of) the news of his death”. When dawn broke, an announcer of death ascended the wall and announced: “I convey to you the news of the death of Abu Rafi’” I got up and proceeded without feeling any pain until I caught up with my companions before they reached the Prophet ﷺ to whom I conveyed the good news”.

The previously presented version is more worthy to be relied upon as Ibrahim bin Yusuf bin Ishaq bin Abi Ishaq is not of the level of memoriy or preservation (Hifazh) as the others, even though he is Sadooq (honest).

- And there is a summarised presentation of the various paths and some of their differences in the “**Sunan Al-Kubra of Al-Baihaqiy**”:

[Abu ‘Amr Al-Adeeb informed us: Abu Bakr Al-Isma’eeliy related to us: Al-Hasan bin Sufyan informed me: Ishaq bin Ibrahim related to us: Ubaidullah bin Musa related … And (in a different path): He said: Al-Manee’iy informed me: Abu Bakr bin Abi Shaibah related to us: Ubaidullah bin Musa related to us: Isra’eel related from Abu Ishaq, from Al-Baraa’ (may Allah be pleased with him): He said:

The Messenger of Allah ﷺ dispatched some men from the Ansar to (kill) Abu Rafi’, the Jew and placed Abdullah bin Fulan (so and so name) in command of them … He then mentioned the Hadith like the otherexcept he said in it: “I will set off and will try and get past the gatekeeper”. And he said: “So, I entered and then hid. Then when the people entered he locked the gate and then hung the keys upon on a peg”. Al-Bukhari related it in his Sahih via Yusuf bin Musa from Ubaidullah bin Musa. And he mentions from another angle, that this occurred at Khaibar and that Abdullah bin Unais was the one who killed him. In another Hadith it was mentioned that Abdullah bin Unais struck him and Ibn ‘Ateek rushed upon him. And in all of the reports it was stated that Ibn ‘Ateek rushed upon him, just as all of them mentioned that Ibn ‘Ateek fell and sprained his foot (or ankle)].

- However, the following came mentioned in “**Tareekh At-Tabari**” (Vol: 2 p: 55 onwards):

[Musa bin Abdur Rahman Al-Masruqiy and ‘Abbas bin Abdul ‘Azheem Al-‘Anbariy related to me: They both said: Ja’far bin ‘Awn related to us: He said: Ibrahim bin Isma’eel related to us: He said: Ibrahim bin Abdur Rahman bin Ka’b bin Malik related to me: That his father related to him from Ammah Ibnah Abdullah bin Unais: That she related to him from Abdullah bin Unais: That the small group whom the Messenger of Allah dispatched to Ibn Abi Al-Huqaiq to kill him consisted of Abdullah bin ‘Ateek, Abdullah bin Unais, Abu Qatadah, an ally of theirs and another man from the Ansar. That they arrived at Khaibar at night. He said: We headed for its gates to lock them from the outside and then take the keys so that we locked their gates upon them. We then took the keys and threw them in a water place. Then we went to the drinking place which Ibn Abi Al-Huqaiq. Abdullah bin ‘Ateek and I went their whilst our companions remained at the wall. Abdullah bin ‘Ateek then sought permission to enter and the wife of Ibn Abi Al-Huqaiq said: “This is the voice of Abdullah bin ‘Ateek”. Ibn Abi Al-Huqaiq said: “May you be bereft of your mother! Abdullah bin ‘Ateek is in Yathrib. What is he doing here in your place at this hour? Open the door for him. The honourable (or generous) man does not turn back someone from his door at this hour” She arose and opened the door. Then Abdullah and I entered the home of Ibn Abi Al-Huqaiq”. Abduulah bin ‘Ateek then said: “Go ahead”. He said: So, I unsheathed the sword against her and went to strike her with the sword. Then I remembered the forbiddance of the Messenger of Allah to kill women and children, so I held back from her. Then Abdullah bin ‘Ateek entered the room of Ibn Abi Al-Huqaiq. He said: I looked at him in a dark drinking place by his stark whiteness. Then when he saw me and saw my sword, he took hold of a cushion and guarded himself with it. I went to strike him but I couldn’t (at first). Then I stabbed him. Abdullah bin Unais then came to me and said: “Shall I kill him?” He said: “Yes”. So, Abdullah bin Unais entered and finished him off. He said: Then I went out to Abdullah bin ‘Ateek and we set off together. His wife then cried out: “Wa Abyaataah Wa Abyaataah”. He said: Then Abdullah bin ‘Ateek fell upon the steps and said: “Oh my leg O my leg”. So, Abdullah bin Unais helped him until he reached the ground. He said: I said: “Go there is nothing wrong with your leg”. He said: So, we set off. Abdullah bin Unais said: We came to our companions and then we set off together. I then remembered by bow which I had left on the steps. So, I returned to my bow and saw that the inhabitants of Khaibar agitated amongst themselves and were saying nothing apart from: “Who killed Ibn Abi Al-Huqaiq, who killed Ibn Abi Al-Huqaiq”. He said: Then I took to not looking at anyone’s face or letting any face look at me except that I would say: “Who killed Ibn Abi Al-Huqaiq”. He said: Then I climbed the steps whilst the people were appearing on them and descending. So, I took my bow from where it was, departed and caught up to my companions. We would hide during the day and move during the night. Then when we were hiding during the day we selected a guard from ourselves to be a look out for us. Then if he saw something he would indicate to us, so we set off until we reached Al-Baidaa’. Musa said: “I am their guard” and ‘Abbas said: “I am their guard”. So, I indicated to them and they went hurried away. I then left following in their tracks until we were close to Al-Madinah where I caught up with them. They said: “Why did you do that? Have you seen anything?” I said: “No, except that I know that you have been afflicted by tiredness and discomfort, and so I wanted you to hasten due to fright”].

- The version of At-Tabari also came mentioned in the “**Musnad of Abu Ya’la**”:

[Abu Kuraib Muhammad bin Al-‘Alaa related to us: Yunus bin Bukair related to us: Ibrahim bin Isma’eel bin Majm’a Al-Ansari related to us: Ibrahim bin Abdur Rahman bin Abdullah bin Ka’b bin Malik related to me: My father related to me from my grandfather from Abdullah bin Unais: He said: The same as the story related by At-Tabari]. However, Sheikh Husain Asad said: Its Isnad (chain of transmission) is weak. I say: That is due to the weakness of Ibrahim bin Isma’eel bin Majma’ Al-Ansari. Despite that, it appears that he memorised it here as the scholars of Seerah have related the story upon the same form, with additions and summarizations according to the situation.

- And like what also came recorded in “**As-Seerah An-Nabawiyah**” (Vol: 4 p: 235 onwards):

[Ibn Ishaq said: Muhammad bin Muslim bin Shihab Az-Zuhriy related to me from Abdullah bin Ka’b bin Malik: He said: From that which Allah made happen for the Messenger of Allah ﷺ, was that these two communities of the Ansar; the Aws and the Khazraj. They used to greatly compete with each other in respect to the Messenger of Allah ﷺ. The Aws would not do something involving effort or hardship for the Messenger of Allah ﷺ except that the Khazraj would say: “By Allah, you will not get away with this favour with the Messenger of Allah ﷺ and in Islam over us”. He (the narrator) said: So, they did not stop until they had done something equivalent to it. And if the Khazraj did something, the Aws would say the same. Then when the Aws dealt with Ka’b bin Al-Ashraf due to his hostility to the Messenger of Allah ﷺ, the Khazraj said: “By Allah, you will never get away with this favour over us”. He (the narrator) said: So, they began to think amongst themselves about a man like Ka’b bin Al-Ashraf who was hostile to the Messenger of Allah ﷺ. They then remembered Ibn Abi Al-Huqaiq who was at Khaibar. So, they asked permission of the Messenger of Allah ﷺ to kill him, and he gave them permission. A small group of five from the Khazraj set off. They were Abdullah bin ‘Ateek, Mas’ud bin Sinnan, Abdullah bin Unais, Abu Qatadah Al-Harith bin Ar-Riba’iy and Khuza’iy bin Aswad, an ally of theirs from Aslam. So, they went until they reached Khaibar. They approached the building of Ibn Abi Al-Huqaiq at night and they did not leave a house (or room) in the building except that they locked it upon its inhabitants. He (the narrator) said: He (i.e. Ibn Abi Al-Huqaiq) was at the top of the building … He said: So, they climbed it until they were standing at his door. They sought permission to enter and his wife came out to them. She asked: “Who are you?” They said: “Some people from the Arabs looking for supplies”. She said: “That is a matter for the man of the house, so enter to see him”. He said: Then when we entered, we locked the door upon us and her, fearing that someone passing by would come between us and him. He said: His wife then cried out, so, I emphasised that we move at haste. We then rushed at him with our swords whilst he was upon his bed. By Allah, nothing guided us to where he was apart from his whiteness as if he was a cotton garment that had been thrown down. He said: When his wife cried out, a man from among us began to raise his sword against her. He then remembered the forbiddance of the Messenger of Allah ﷺ and refrained his hand. Had it not been for that, we would have got rid of her at night. He said: When we struck him with our swords Abdullah bin Unais plunged his sword in his stomach until it through him, whilst he was saying “Qattani, Qattaniy” meaning “Hasabiy, Hasabiy”. He said: We departed and Abdullah bin ‘Ateek had bad eyesight. Ge said: So, he fell from the steps and sprained his hand badly (and it was said that it was his foot as stated by Ibn Hisham). We carried him until we reached a moat of theirs. He said: They lit up fires and dashing in every place seeking us. He said: That continued until the morning when they gave up hope and returned to their master to surround him whilst he was conscious among them. He said: So, we said: “How do we know that the enemy of Allah has died?” He said: One of us said: “I will go and see for you”. So, he departed until he entered upon the people. He said: “I found his wife and men from the Jews around him and in her hand was a lantern. She was look at him and talking to them. She was saying: “By Allah, I heard the voice of Ibn ‘Ateek. Then I didn’t believe myself and said Ibn ‘Ateek is in this land”. She then faced him, looking at his face and then said: “He has died, by the God of the Jews”. I had not heard a word more wonderful to me than that. He said: Then the news reached us. So, we carried our companion and came to the Messenger of Allah ﷺ. We then informed him about the killing of the enemy of Allah. However, we differed in respect to his killing before him (i.e. about who killed him), with each one of us claiming it. He said: Then the Messenger of Allah ﷺ said: “Show your swords”. He said: So, we brought them out and he looked at them and then said: “It was the sword of Abdullah bin Unais. It was this that killed him. I saw the traces of food in it].

- And like what came recorded in “**At-Tabaqaat Al-Kubra**”:

[Then there was the Sariyah (military mission) of Abdullah bin ‘Ateek to Abu Rafi’ Salam bin Abi Al-Huqaiq An-Nadariy at Khaibar during the month of Ramadan in the sixth year after the migration of the Messenger of Allah ﷺ. They said: Abu Rafi’ bin Abi Al-Huqaiq had won over Arab polytheists in Ghatafan and its surroundings and instigated a great gathering of them in order to make war against the Messenger of Allah ﷺ. So, the Messenger of Allah ﷺ dispatched Abdullah bin ‘Ateek, Abdullah bin Unais, Abu Qatadah, Al-Aswad bin Khuza’iy and Mas’ud bin Sinnan, commanding them to kill him. So, they went to Khaibar and hid themselves. Then when it was quiet (i.e. at night), they went to his house. They ascended the steps to him and brought forward Abdullah bin ‘Ateek because he spoke the language of the Jews. So, he began and said: “I have come to Abu Rafi’ with a gift”. So, his wife opened the door for him. Then, when she saw the sword, she wanted to scream. They then pointed at her with their swords and she was silent. They then entered to where he was, but they could not make him out except by his whiteness (i.e. because it was dark), resembling a white cotton garment. They then attacked him with their swords. Ibn Unais said: I was a man with poor eyesight in the dark and I couldn’t see, so I lent upon his stomach with my sword until I heard the piercing of the bedding and knew that he had been dealt with. The rest of the people struck him together with their swords. They then descended and his wife cried out making the people of the building cry out. They then hid in one of the moats of Khaibar. Then Al-Harith Abu Zainab came out with three thousand men upon their tracks search for them with torches. They did not see them and returned. They then stayed for two days until the search died down. They then departed heading towards Al-Madinah. Each one of us claimed that he had been the one to kill him. They then reached the Messenger of Allah ﷺ and he said: “Your faces have succeeded”. They replied: “Your face has succeeded O Messenger of Allah”. They then informed him of their news. Then he took their swords and looked at them. He then saw the traces of food on the edge of the sword of Abdullah bin Unais and said: “This is what killed him”]. I say: This is like a summary from Imam Muhammad bin Sa’d of the report of Al-Waqidiy in his “Al-Maghazi” and represents a good summary alongside the remainder of the narrations.

I say: There is no doubt that the version of Al-Bukhari has omissions and significant summarization as is apparent from the preceding narrations from the compilers of the Seerah. That is not surprising as the narrators of the Sunan (i.e. Hadith collections) are concerned with the Ahkam (rulings) and are not concerned with the details and particulars of the events, which are the focus of concern for the scholars of history and Seerah. The omission of some of it can sometimes lead to flaws in the context and damage the meaning. If the versions of the scholars of the Seerah are correct, then we find preponderant that this operation (or mission) was like that of the mission of Ka’b bin Al-Ashraf in its essence, and that the same points which were mentioned in relation that also it apply to it, word for word, in respect to the use of deception in war, “**visa**” controls and security, and so we will not repeat that here.

**Addendum: Fairuz Ad-Dailami and the “military coup” against Al-Aswad Al-‘Ansi**

- The following came recorded in “**Al-Jaami’ As-Sahih Al-Mukhtasar**”:

[Sa’id bin Muhammad Al-Jarmiy related to us: Ya’qub bin Ibrahim related to us: My father related to us from Salih, from Ibn Ubaidah bin Nasheet (and in another place his name was Abdullah): That Ubaidullah bin Abdullah bin ‘Utbah said:

We were informed that Musailimah Al-Kadh’dhab had arrived in Al-Madinah and stayed in the house of the daughter of Al-Harith. The daughter of Al-Harith bin Kuraiz was his wife and she was the mother of ‘Abdullah bin ‘Amir. The Messenger of Allah ﷺ accompanied by Thabit bin Qais bin Shammas, who was called the orator of the Messenger ﷺ, went to him. The Messenger of Allah ﷺ had a wooden staff in his hand. He ﷺ then stopped before Musailimah and spoke to him. Musailimah said to him: “If you wish, we will not interfere between you and the rule, on condition that the rule will be ours after you”. The Prophet said: “If you asked me for this stick, I would not give it to you. I think you are the same person who was shown to me in a dream. And this is Thabit bin Al-Qais who will answer you on my behalf”. Then the Prophet ﷺ went away. I asked Ibn ‘Abbas about the dream Allah's Messenger ﷺ had mentioned. Ibn ‘Abbas said: “Someone told me that the Prophet ﷺ said: “When I was sleeping, I saw in a dream that two gold bangles were put in my hands, and that frightened me and made me dislike them. Then I was allowed to blow on them, and when I blew on them, both flew away. I then interpreted them as two great liars (or imposters) who would appear”. One of them was Al-‘Ansi who was killed by Fairuz in Yemen and the other was Musailimah Al-Kadh’dbab”].

- And in the “**Musnad of Imam Ahmad bin Hanbal**” it came summarised as follows:

[Ya’qub related to me: He said: My father related to me from Salih: He said: Ubaidullah asked Abdullah bin ‘Abbas about the vision of the Messenger of Allah ﷺ which was mentioned. Ibn ‘Abbas said: The Messenger of Allah ﷺ mentioned to me: He said: “Whilst I was asleep, I saw that two bangles of gold were placed in my hands. I found them to be abominable and hated them. And permission was given to me, so I blew them and they flew away. I interpreted it to represent two great liars (or imposters) who would appear” Ubaidullah then said: One of them was Al-‘Ansi and the other was Musailimah Al-Kadh’dhab].

- The exact same was recorded in “**As-Sunan Al-Kubra**” (Al-Baihaqiy):

[Abu Dawud informed us: He said: Ya’qub bin Ibrahim related to us … to the end with the same Sanad (chain of transmission) and Matn (textual content)].

- A very summarised account of the story of Fairuz killing Al-Aswad Al-‘Ansi came in “**Fat’h ul-Baari Sharh Sahih Al-Bukhari**” (Al-Asqalani):

[Concerning his statement: Ubaidullah then said: One of them was Al-‘Ansi who Fairuz killed in Yemen and the other was Musailimah Al-Kadh’dhab. As for Musailimah, then I have mentioned what happened in relation to him. As for Al-‘Ansi and Fairuz, then from their story is that concerning Al-‘Ansi, Al-Aswad, his name was ‘Abhalah bin Ka’b. He was also known as the possessor of the veil and he used to veil his face, just as it is said that it was the name of his devil. Al-Aswad came out in Sana’a and claimed prophethood. He overcame the governor Al-Muhajir bin Abi Umayyah. It is said that he passed by him, then when he was level to him the donkey tripped and so he claimed that it prostrated to him and did not rise until he had said something to it, making it rise up. Ya’qub bin Sufyan and Al-Baihaqiy in his Ad-Dalaa’il” related via his path from the Hadith of An-Nu’man bin Buzruj: He said: Al-Aswad Al-Kadh’dhab who was from Bani ‘Ans came out along with two devils. One of them was called Suhaiq and the other Shuqaiq. They would inform him about everything that was happening in relation to the affairs of the people. Badhan was the governor of the Prophet ﷺ. He died and the devil came to Al-Aswad and informed him. He then went out amongst his people until he took control over Sana’a. He then married Al-Marazbanah the wife of Badhan. He mentioned the story: At its arranged time Dadhawaih and Fairuz along with others went to Al-Aswad at night. Al-Marazbanah had given him (Al-Aswad) a lot to drink so that he was intoxicated. He had one thousand guards at his gate, so Fairuz and those with him climbed over the wall to enter. Fairuz then killed him and beheaded him. They took the woman and what they liked from the items in the house. They sent the news to Al-Madinah which arrived at the time of the Prophet’s death ﷺ. Abu l-Aswad related from ‘Urwah: Al-Aswad was killed before the death of the Prophet ﷺ by one day and night. The divine revelation descended and so he informed his companions about it. The news then reached Abu Bakr, may Allah be pleased with him. It has also been said that the news of that arrived on the day of the burial of the Prophet ﷺ].

- Another part of the story came mentioned in “**Tahdheeb Al-Kamaal**” in the biography of “Fairuz Ad-Dailami, and it is said Ibn Ad-Dailami, Abu Abdullah, and it is said Abu Abdur Rahman, just as it is said Abu Ad-Dahhak Al-Yamani. He had Suhbah (i.e. companionship of the Prophet ﷺ) and he was the killer of Al-Aswad Al-‘Ansi Al-Kadh’dhab. He was an envoy to the Prophet ﷺ”:

[And Fairuz Ad-Dailami is the one who killed Al-Aswad bin Ka’b Al-‘Ansi Al-Kadh’dhab who claimed prophethood for himself in Yemen. The Messenger of Allah ﷺ said: “**The Salih (righteous) man Fairuz bin Ad-Dailami killed him**” and in another narration: “**A blessed man from the family of the house of blessed people**”. And he was an envoy to the Prophet ﷺ. And Ahadeeth have been related from him].

- And the following came stated in “**At-Tabaqaat Al-Kubra**” within the biography of “Fairuz Ad-Dailami”:

[He was from the sons (or people) of Persia whom Allah dispatched to Yemen with Saif bin Dhi Yazin. They expelled the Abyssinians from Yemen and took control over it. The affair (or news) of the Messenger of Allah ﷺ reached them. Fairuz Ad-Dailami went as an envoy to the Prophet ﷺ, then embraced Islam and heard directly from him (i.e. Ahadeeth). He related Ahadeeth and so there are from the people of Hadith who say: “Fairuz bin Ad-Dailami” related to us and some said “Ad-Dailami” (i.e. without addition), both of which refer to Fairuz bin Ad-Dailami. That is made clear by the Hadith which he related being one and the same whilst they differed upon his name, as I have mentioned to you. He said: Abu ‘Asim Ad-Dahhak bin Makhlad Ash-Shaibani informed us from Abdul Hamid bin Ja’far, from Yazid bin Abi Habib, from Marthad bin Abdullah Al-Yazani, from Ad-Dailami: He said: I said: O Messenger of Allah, we are in a cold land and we seek assistance with a drink made from wheat (is that permissible?)”. He asked: “Does it intoxicate?” I said: “Yes”. He said: “Then do not drink it”. He then repeated saying: “Does it intoxicate?” I said: “Yes”. He said: “Do not drink it”. I said: “They will not be able to abstain from it”. He said: “If they do not abstain from it, kill them].

Muhammad bin Sa’d then said (in At-Tabaqaat Al-Kubra): [Fairuz was from those who participated in the killing Al-Aswad bin Ka’b Al-‘Ansi in Yemen, who had claimed prophethood for himself in Yemen. The Messenger of Allah ﷺ said: “**The Salih (righteous) man Fairuz bin Ad-Dailami killed him**”. And Fairuz died in Yemen during the Khilafah of Uthman bin ‘Affan, may Allah have mercy upon him].

- And in “**At-Tabaqaat Al-Kubra**” (Vol: 5 p: 534):

[**Dadhawaih**: He was from the sons (or inhabitants). He was a major Sheikh and embraced Islam during the time of the Messenger of Allah ﷺ. He was among those who participated in the killing of Al-Aswad bin Ka’b Al-‘Ansi who had claimed prophethood for himself in Yemen. Qais bin Makshuh feared from the followers of Al-‘Ansi and so he claimed that Dadhawaih had killed him. He then pounced upon Dadhawaih and killed him to please (or satisfy) the followers of Al-‘Ansi. Abu Bakr As-Siddeeq then wrote to Al-Muhajir bin Abi Umayyah to send Qais bin Makshuh to him in chains. So, he sent him to him in chains and he said to him: “You killed the righteous man Dadhawaih” and was set upon killing him. Then Qais spoke to him and swore an oath that he had not done that. He said: “O Khalifah of the Messenger of Allah, keep me for your war as I have insight in wars and the plots of the enemy”. So, Abu Bakr kept him and dispatched him to Iraq. He commanded that he must not be put in charge over anything and that he only be consulted in matters of war].

- And in “**Al-Bidayah Wa n-Nihayah**” (Vol: 6: p: 308) there is a good summary of the story which came mentioned in length by At-Tabari:

[The rebellion of Al-Aswad Al-‘Ansi: His name was Abhalah bin Ka’b bin Ghauth. He was from a land which was called Kahf Hanan and he had seven hundred fighters. He wrote to the governors of the Prophet: “O those who rebel against us. You have taken hold of the land that you have taken from us and have accumulated what you have gathered, but we are more worthy of it whilst you are upon that which you are upon”. He then rode and set off towards Najran and took it after ten nights from his departure. He then headed towards Sana’a and Shahr bin Badham went out to meet him in battle. They then fought and Al-Aswad defeated him, killed him, broke his army of the Abnaa’ (sons/inhabitants) and occupied the city of Sana’a twenty-five days following his (original) departure. Mu’adh bin Jabal then fled from there and came across Abu Musa Al-Ash’ari. So, both of them went to Hadramawt, the governors of the Messenger of Allah joined with At-Tahir, whilst ‘Umar bin Haraam and Khalid bin Sa’eed Al-‘Aas returned to Al-Madinah. The whole of Yemen became consolidated to Al-Aswad Al-‘Ansi and the matter flew out of his hands. His army on the day that he met Shahr (in battle) numbered 700 cavalry].

- The story of the “military coup” after mentioning the claimed prophethood of Al-Aswad Al-‘Ansi Al-Kadh’dhab (the great liar) and his taking control over the affairs, came mentioned in “**Al-Bidayah Wa n-Nihayah**” (Vol: 6: p: 308 onwards):

[His rule became strong, his affair became severe, many of the people of Yemen apostatised and the Muslims who remained there dealt with him by utilising Taqiyah (concealing their true beliefs and positions). His Khalifah (deputy) over Madh’hij was ‘Amr bin Ma’diy Karib. He placed the matter of the army to Qais bin Abd Yaghuth and the matter of the sons (people/inhabitants) to Fairuz Ad-Dailami and Dadhawaih. He married the wife of Shahar bin Badhan who was the cousin of Fairuz Ad-Dailami and her name was Azaadh. She was a beautiful wife whilst at the same time she was a believer in Allah and His Messenger Muhammad, and from among the righteous. Saif bin ‘Umar At-Tamimi said: And the Messenger of Allah sent his message, when the news concerning Al-Aswad Al-‘Ansi reached him, with a man called Wabar bin Yuhannas Ad-Dailami, commanding the Muslims present their to fight Al-Aswad Al-‘Ansi and overcome him. Mu’adh bin Jabal fully undertook (the demands of) this letter. He had married a woman from As-Sukoon called Ramlah, so she rallied As-Sukon due to his firmness amongst them and they stood with him in that. They conveyed this message to the governors of the Prophet and those under their influence from the people. They then agreed to gather together with Qais bin Abd Yaghuth the Amir (commander) of Al-Jund (legion). Al-Aswad was angry with him, belittled him and was set upon killing him. In addition, the affair of Fairuz Ad-Dailami had weakened with him and also that of Dawadhaih. When Wabar bin Yuhannas informed Qais bin Abu Yaguth, who was Qais bin Mashkuh, it was as if they had descended upon him from the sky and he agreed with them to kill Al-Aswad, just as the Muslims agreed and concluded upon that. When he was inwardly certain of that, a devil of Al-Aswad informed Al-Aswad about some of that (i.e. the plan). So, he summoned Qais bin Mashkuh and asked him: “O Qais, what is this one saying?” He replied: “What is he saying?” He said: “He is saying: You went to Qais and honoured him, where all avenues were opened for him to enter from you and he came to hold a position of honour like you. He then inclined towards your enemy, attempted to dominate you and plotted treachery. He is saying: O Aswad, O Aswad, what a tragedy, what a tragedy … So, deal with Qais and take the head of Qais, otherwise he will dispossess you and tear out your heart”. Qais then spoke and made an oath to him, lied and said: “O possessor of the veil, verily you are too great in my soul and too majestic in my view, for myself to speak to you”. So, Al-Aswad said to him: “How shameless of you to deny the angel. The angel has spoken the truth and knows now that you are repentant concerning what he found out about you”. Qais then left him and went to his companions Fairuz and Dawadhaih and informed them about what he (Al-Aswad) had said to him and his response. So, they said: “We must all be on our guard, so what should we do?”. Then whilst they were consulting each other, his messenger came, and he brought them before him. He (Al-Aswad) then said: “Did I not place you in positions over your people”. They said: “Yes, indeed you did”. He said: “So, what has he conveyed to me concerning you?” They said: “Dismiss us on this occasion of ours?” He said: “He has not informed me concerning you, so I will dismiss you”. So, we left him, which we almost did not do, whilst he was unsure (or suspicious) about our affair and we were in danger. Whilst we were in that situation messages from ‘Amir bin Shahr the Amir of Hamdan, Dhu Zhulaim, Dhu Kalaa’ and others from the governors of Yemen reached us, extending to us obedience and support to move against Al-Aswad, and that was when the message of the Messenger of Allah reached them urging them to confront Al-Aswad Al-‘Ansi. So, we wrote to them telling them to not do anything until we had settled (or arranged) the matter. Qais said: So, I went to see his wife Azaadh and I said: “O cousin, you know the trials (or misfortunes) that this man brings to your people. He killed your husband, he has made killing (or murder) fair seeming amongst your people and exposed the women. So, will you provide support against him?” She said: “Over what matter?” I said: “Driving him out”. She said: “Or killing him?” I said: “Or killing him”. She said: “Yes, by Allah. Allah has not created a person that is more detestable to me. He does not fulfil for Allah a right upon me and does not abstain from a prohibition for Allah. So, when you are resolved inform me and I will inform you in relation to this matter”. He said: I left and found Fairuz and Dadhawaih waiting for me wanting to oppose him. His meeting with them both had not settled when Al-Aswad summoned him. So, he entered with ten of his people. He said: “Did I not inform you of the truth and you inform me whilst you inform me with lies. It is said: What misfortune! What misfortune! If you do not chop off the hand of Qais, he will chop off your head”, so Qais thought that he would kill him. He then said: “It is not from the truth that I perish whilst you are the Messenger of Allah, as being killed is more beloved to me from deaths I die every day”. So, he felt pity for him and commanded him to leave. He then went out to his companions and said: “Undertake your action”. Then whilst they were standing by the gate consulting each other, Al-Aswad came out to them and he had gathered together a mix of cows and camels numbering one hundred. He stood and made a line, whilst the cattle stood behind it. He then slaughtered anyone of them that breached the line without confining or fastening them. They roamed until they all died. Qais said: I had never seen something more terrible than it and no day more repulsive that it. Al-Aswad then said: “Is it true what has reached me concerning you O Fairuz. I have made up my mind to slaughter you, so that you join with these cattle” and he showed his spear to him. Fairuz then said to him: “You chose us to be you relations (by marriage) and favoured us above the sons (people). Therefore, if you were not a Prophet, we would not have sold our share from you for anything. What then about the case where the affair of the hereafter and life of this world have been brought together by you. So, do not accept against us the like of what has reached (or been conveyed to) you. That is as I am where you love”. He (Al-Aswad) was pleased (or satisfied) with him and commanded him to divide the meat of those cattle. Fairuz then distributed it among the people of San’a and then rushed to catch up with him. There was then a man who was inciting him against Fairuz and pressing him upon that whilst Fairuz was listening to him. Then Al-Aswad was saying: “I will kill him tomorrow along with his companions, so come tomorrow with me against him”. He then turned and saw Fairuz and said: “Desist”. Fairuz then informed him about what he had done in relation to the distribution of that meat. Al-Aswad then entered his home and Fairuz returned to his companions and informed them about what he had heard, said and was said to him. They then agreed to return to the wife in respect to him. So, one of them, Fairuz, went to see her. She said: “He does not stay at night in a house except that he has guards surrounding him except for this house. So, if he can be made to be at so and so place from the way, and night comes to you, you can then climb over it (i.e. the wall of the house) without guards or anything else being in your way from killing him. And I will leave a lamp and weapon (for you)”. When he left her, Al-Aswad came across him and said: “Why have you entered to where my wife is?” and he struck his head. That is whilst Al-Aswad was a strong man. Then his wife screamed which startled him away from him. Had it not been for that, he would have killed him. She said: “My cousin came to me as a visitor”. He said: “Be silent, you have no father! I have gifted him to you”. He (Fairuz) then left and went his companions saying: “Rescue! Rescue!”. He informed them about what had happened and they were at loss about what they should do. Then the wife sent a message to them saying to them: “Don’t be diverted away from what you were planning to do”. Fairuz then went back to her to confirm the news from her. They then entered that house and made holes to make climbing it easier from outside. He (Fairuz) then sat with her openly like a guest and Al-Aswad entered and asked: “What’s this?” she said: “He is my brother by breastfeeding and my cousin”. So, he chided him and made him leave. He (Fairuz) then returned to his companions. Then when night came, they climbed that house, entered and found within it a lamp under a bowl. Fairuz Ad-Dailamiy advanced towards him whilst Al-Aswad was sleeping upon his silk bedding. His head was buried in his body and was drunk snoring, whilst the wife was sitting by him. Then when Fairuz stood at the entrance, his devil made him sit up and spoke upon his tongue, whilst he was still snoring, saying: “What is it with me and you O Fairuz?” He (Fairuz) then feared that if he were to return back it would mean his demise and the demise of the wife. So, he rushed him and attacked him, but he was like a camel. So, he took hold of his head and crushed his neck whilst placing his knees upon his back until he killed him. He then arose to return to his companions to inform them. The wife then grabbed hold of the hem of his clothing and said: “Where are you going from would is sacred to you” as she thought that she had not killed him. He said: “I will leave and inform them that he has been killed. They then returned to him to behead him. His devil them made him move and he was convulsing. They were not able to make him still until two sat upon his back. The wife took hold of his hair and he began to babble. So, he cut his tongue and another cut his neck. He then bellowed like that of the strongest bull that he had ever heard. The guards then rushed to the room and said: “What is this? What is this?” The wife then said (to them): “The prophet is receiving divine revelation”. So, they (i.e. the guards) returned while Qais, Dadhawaih and Fairuz sat to discuss how to make use of their supporters. So, they agreed that in the morning they will make the call with their banner which exists between them and the Muslims. Then, when morning came, one of them, Qais, stood upon the wall of the fort and called by their banner. The Muslims and disbelievers then gathered around the fort. Qais (or it was said Wabar bin Yuhannas) then called the Adhaan, saying: “I bear witness that Muhammad is the Messenger of Allah and that ‘Abhalah is a liar”. He then threw down his head. His followers were then defeated and the people pursued them, took and lay in wait for them upon every path, taking them as prisoners. Islam and its followers prevailed and the deputies of the Messenger of Allah ﷺ returned to their posts. Then those three disputed in relation to the leadership and then agreed that Mu’adh bin Jabal lead the people in the prayer. They wrote to the Messenger of Allah ﷺ with the news whilst Allah had already made him aware of the news on the night that it took place. That is as Saif bin ‘Umar At-Tamimiy said (related) from Abu l-Qasim Ash-Shanawiy, from Al-‘Alaa bin Zaid, from Ibn ‘Umar: The news reached the Prophet from the heavens on the night in which Al-‘Ansi was killed. He said: Al-‘Ansi was killed yesterday. He was killed by a blessed man from the Ahl Bait (family) of the blessed”. It was asked: “And who is he?” He said: “Fairuz Fairuz”. And it was said: The period of his rule since the time he appeared until the time he was killed was three months and it was also said that it was four months, and Allah is most knowledgeable. And Saif bin ‘Umar said (related) from Al-Mustaneer, from ‘Urwah, from Ad-Dahhak, from Fairuz: He said: We killed Al-Aswad and our affair in San’a returned to what it was, except that we sent to Mu’adh bin Jabal and we mutually agreed. So, he led the prayer over us, but by Allah, he had only led us in prayer for three days when the news of the passing of the Messenger of Allah reached us. Then the affairs broke down, we disavowed much of what we previously acknowledged and the land became unstable. And it reached us that the news concerning Al-‘Ansi reached As-Siddeeq at the end of Rabee’ ul-Awwal after he had prepared the army of Usamah and it was said that the good news reached Al-Madinah on the morning that the Messenger of Allah passed away, although the first opinion is more established or well-known. And Allah is most knowledgeable].

**I say**: This is a good summary. As for the story with its details and its different narrations, then they can be found in “Tareekh At-Tabari” (Vol: 2 p: 224 onwards) by Imam Abu Ja’far Muhammad bin Jarir At-Tabari. These details maybe interesting or pleasing from a historical perspective, however they do not contain anything new or essential related to our study. As such, whoever wishes to delve further can refer to the details in the above source.

Regardless of how much the narrations varied, you will find that in their essence that Fairuz and his companions:

**(1)** Had feigned (given the false appearance of) loyalty to Al-Aswad Al-‘Ansi and worked under him in official state posts like the leadership of the army, governing the regions and other posts. In other words, they came to hold key positions in the state and army. During this process they deceived him just like the enemy person at war is deceived. They uttered statements of disbelief when deemed necessary, thereby giving the appearance of apostacy whilst making oaths to their honesty and sincerity to him and only sincerely wishing for that which is best for him. All of that represents a precise application of the Hadith “**Al-Harbu Khid’ah**” (**War is deception**) and of the exceptional permission (Rukhsah) to lie to the enemy at war, in addition to the exceptional permission to utter statements of disbelief to deceive the enemy at war, including working in his state and his army with the intention of overthrowing him, fighting him and killing him at the right moment.

**(2)** Undertook all the preparatory work required for the overthrow, which they undertook by themselves, after extensive preparations and arrangements with groups ready to pounce upon the authority and take hold over the affairs in the case of success.

**(3)** Despite the cautiousness of Al-Aswad Al-‘Ansi and the quality of his spying networks, where he used to claim that his information came to him via revelation to support his claims of prophethood, the coup makers were successful as a whole and if only partially, in respect to deceiving him, despite remaining suspicious, fearful and hesitant.

**(4)** The group executed the operation with the assistance of Al-Aswad’s wife. The Dajjal (great liar and imposter) was then killed which was followed by the arrangements of the announcement at the right moment. It was then announced at its suitable time which startled and distracted the forces of Al-Aswad, in the case where they had represented the majority of the cavalry (or soldiers). They then turned on their backs fleeing taking with them some children and hostages.

This, without doubt, represents the description of the “**military coup**” and its true reality, regardless of the names which are given to it. The collection of narrations also indicate that the Prophet ﷺ was given the glad tidings of the killing of Al-‘Ansi just before his passing ﷺ, by some hours, and that he praised the one who executed the operation by describing him with righteousness (or uprightness) and being blessed. There is no doubt that the news of the operation became the talk of the seated sessions (Majaalis), was widely known of during the period of the Sahabah. They approved of it by consensus and heaped praise upon its executors, whilst throughout history no objection or criticism has been heard concerning it from the people of the Qiblah (i.e. Muslims). This represents a certain consensus from the Sahabah and the Muslims who came after them for the legal legitimacy of this operation and indeed for its being deemed recommended and for praise or commendation to be given to its executors.

**Addendum: The Reality of Al-Kufr Al-Bawah (Explicit Disbelief)**

Many of those of Islamic backgrounds fell into horrendous errors when they delved into the problem of “At-Takfir Al-Mu’ayyan” (i.e. declaring a particular individual to be a disbeliever). The enemies of Allah from the treacherous state supporting Fuqaha’ benefited from those errors, in the case where they entered the people into a perpetual whirlpool of minute details of the Fiqhiy study about the Mawaani’ (preventive factors) of Takfir, the excuse due to coercion or interpretation (Ta’weel) and even the excuse of ignorance (Jahl). Just as they entered them into the maze of the study about the reality of the rulers involved in “**Al-Kufr Al-Bawah**”, the reality of their intentions and excuses, and whether the pressures of the major disbelieving states, for example, is an excuse for their involvement in the actions that make one a disbeliever, whether some of that is due to coercion and to what extent the rules of necessity apply in this case etc.

All of that is an inevitable result of not following the correct path built upon the firm foundations of the infallible divine revelation, the Kitab of Allah and the Sunnah of His Prophet ﷺ, as they alone represent the infallible divine revelation (Wahy). At the forefront of that is the Hadith of ‘Ubadah bin As-Samit concerning the “**emergence or appearance of Al-Kufr Al-Bawah**”. The “**emergence or appearance of Al-Kufr Al-Bawah**” must obligatorily be the premise that is examined, in other words, the appearance of Kufr Bawah, regardless of the condition or circumstance of the ruler and the possibility of excusing him due to ignorance, interpretation or even dire coercion.

We have explained the reality of the “**emergence (or appearance) of Al-Kufr Al-Bawah**” under the chapter entitled: “**Opposing the Rulers**” in our book: “**Al-Hakimiyah Wa Siyadat ush-Shar’iyah**” with detailed evidences in a thorough manner, and as such can be referred back to there. Here, we will suffice ourselves by discussing one example of that, through which most of the aspects of the issue are clarified:

**Model example**: A disbelieving state invades his Islamic country and compels the ruler to issue laws of disbelief. The poor man finds no option except to comply due to the fear of the occurrence of a slaughter of his helpless people from the Muslims and Dhimmis; the people of the Dhimmah (contract of protection) of Allah and the Dhimmah of His Messenger. This man, in respect to his individual self, is excused. Indeed, he is commended and has acted well and not badly.

Despite that, does this mean that there is no Kufr Bawah?! Rather, the Kufr Al-Bawah has appeared, for which we have a Burhan (clear proof and evidence) from Allah, and which is obligatory to be removed (**when the capability is attained**). The Dar (land) is without doubt Dar Kufr (a land of disbelief) and Jihad against the invading disbeliever to expel him from the land to purify it from his impurities and contaminations and to invalidate, indeed erase and remove all that he has brought contradicting the Sharee’ah, is obligatory, is it not?!

Consequently, there is no escape from fighting the “**Disbelieving desisting faction or group**”, which in this case is represented by: The ruling authority, which includes our poor compelled man, as long as he is apparently with the disbelieving occupying force, enjoying, if only apparently, its protection and desisting with its sword. As for the intentions and the conditions of the hearts, then we have not legally been tasked to examine them nor to take them into consideration even if we knew them. Rather, its matter is left to the One whose knowledge encompasses all matters, glorified be His names and elevated be His standing!

Indeed, the truth is that we are not required by the Shar’a (Islamic law) to take those excuses into consideration, even if we were aware of them. That is because it would mean acknowledging (or accepting) the appearance of Al-Kufr Al-Bawah and not making Jihad and fighting against it, representing a very great matter which is impermissible. That is because Al-Fitnah manifested in the dominance of disbelief (Kufr), its control and appearance, is worse (or greater in severity) than Al-Qatl (killing).

The situation of this one who is coerced does not differ much from the situation of “shields” of Muslim captives and their children, whom the disbelievers employ as human shields for them. That is where it is permissible to kill them if the fighting becomes incumbent where it is not possible to avoid it. In our current time it is possible to apply this example precisely to occupied Iraq, regardless of the point of view in respect to the rulers whom the Americans have installed, in terms of whether they are being hopelessly coerced, using an Ijtihad (deduction) and Ta’weel (interpretation) related to preserving the welfare or interests of the Iraqi people, or if they are traitors and apostates in themselves.

If this is evident, this example has been grasped and has been revised repeatedly, it appears that there is no need in origin to declare the disbelief (Takfir) of the persons, as there is absolutely no justification to enter a lizard’s hole from which no one who enters it escapes safely. May Allah’s refuge be sought from that! Determining whether the rulers, their close circles and mouthpieces from among their “**Mashayikh**” are disbelievers or not, has no benefit behind it and no Islamic ruling of significance is built upon its premise in respect to what relates to opposing the ruler by use of weapons (or material force) and removing Al-Kufr Al-Bawah (the explicit disbelief). This, meaning the opposition by material force is what must concern us and not the disbelief of the individual persons!

In any case, the correct view towards the systems (or regimes) of Kufr (disbelief) is only that which is arrived at through the Hadith of ‘Ubadah bin As-Samit, whilst the safe (or sound) manner is to apply caution in respect to stating the absolute prohibition of shedding blood, with the exception of the one who has become a Harbiy (from the people at war) or the one who has become a Muhaarib (from those who use material force to strike fear amongst the people and commit crimes like the highway robbers), and thereafter apply the rulings related to “**The disbelieving desisting faction or group**” (**At-Taa’ifah Al-Kaafirah Al-Mumtani’ah**).

Similarly, caution, prudence, well-chosen conduct and wisdom dictate restricting the targeting to the heads of the “**Desisting faction**” (At-Taa’ifah Al-Mumtani’ah), as they are the leaders of disbelief and heads of misguidance. That is due to the statement of Allah تعالى:

فَقَاتِلُوا أَئِمَّةَ الْكُفْرِ ۙ إِنَّهُمْ لَا أَيْمَانَ لَهُمْ لَعَلَّهُمْ يَنتَهُونَ

**Then fight the leaders of disbelief, for indeed, there are no oaths [sacred] to them; so that they may cease** (9: 12).

This targeting would occur through operations or missions, expertly undertaken individual assassination missions and by restricting the use of force to the lowest level that fulfils the objective or purpose. As for the remaining individuals of the “**Desisting faction**” (**At-Taa’ifah Al-Mumtani’ah**), then it is more appropriate to avoid targeting them as much as possible. Consequently, they are not targeted nor killed, except **when necessary or unavoidable**.

The intended meaning of the statement “**when necessary or unavoidable**” is when effective confrontations and clashes are taking place. So, for example, a group (as I do not believe that any individual possesses the necessary ability by his individual self) is resolved upon undertaking an armed confrontation, where the Ameer (commander or leader) and the main persons of Shura (consultation and opinion) are reassured about the legality and suitability of undertaking an action against one of the palaces or intelligence centres, or even to undertake something greater and much better than that in terms of a “**military coup**”, and the decision was taken and the operation was in motion. Then, in such a situation of confrontation or clash, it would be unusual to be able to avoid fighting some of the general guards, which can almost certainly be determined to be in a state of ignorance, whilst killing them may possibly become necessary.

**Another example**: A group of Mujahideen in the mountain paths and elevated mountain positions are attacked by a military unit of the disbelieving regime (like what happened frequently in the past and still does to some degree in Algeria). Then in this situation of defence it is permissible to kill those whom necessity dictates be killed in order to repel his harm, even if his rank is apparent and his manner of speaking indicates that he is a naïve layman who is most likely excused by ignorance. And if a casualty is found of the battlefield, there is no problem to bury him with the rest of his comrades from the government army in a separate graveyard to that of the Muslims, or to cast him in a pit (like the Ahl ul-Qulaib on the day of Badr) if it is not easy to bury him. That is because concealing or burying the corpse of the disbeliever is an obligation according to the correct opinion. There is no requirement to pray over him (the funeral prayer) or to wash him (in contrast to the Ahl ul-Baghy (Muslim rebels) who are washed and prayed over, just like those who are killed in punishments, the Qisaas (life for life) and Hudood (fixed punishments) from among the Muslims, and who are not buried except in the graveyards of the Muslims). Such a person may be killed in a condition of being Muslim whilst being excused by ignorance. He will then be raised on the Day of Judgement upon his intention and perhaps his killing would act as a Kaffaarah (expiation) for him. However, all these matters are for the One who presides over this matter, glorified be His Majesty and His names.

Therefore, the Ahkam (rulings) related to the faction that desists by armed force differs from the rulings of the individuals, and there are major clear differences in them between the case of attack and the case of defence. Killing and fighting are all Makrooh (disliked) in themselves and the spilling of blood is major with Allah. The Angels (may the peace of Allah be upon them) anticipated it upon the creation of Adam (peace be upon him) and feared its occurrence. It has only been granted a special permission (Rukhsah) to eradicate the Fitnah which is Shirk (associating partners with Allah) and Kufr (disbelief), because it represents an even greater evil and more atrocious danger than killing.

It may be that we examine some of this more in an independent book (under preparation), but I will not be spilling a secret if I said that it would be a difficult matter. That is because the main classical books of Fiqh and references did not delve into a lot as they were written at a time when the Muslims had a Khalifah and Imam, the matters were clear and straight forward, the fronts and banners were distinguished, and the camp and pavilion of Islam was clear and distinct from the camps and pavilions of disbelief. There were no disbelieving groups desisting by armed force except those outside of the Dar (homeland) of Islam or in the form of apostate gangs in the mountains against whom campaigns were launched and armies sent. Despite that, the general principles and the many examples of the earlier Fuqaha’ (scholars and jurists) represent a Fiqhiy (juristic) treasure which should be referenced and sought benefit from in respect to the new events and occurrences. And with Allah belongs the Tawfiq!

**Section: What is the obligation of the individual believer?!**

There is no doubt that the individual Muslim is unable to accomplish anything mentioned previously by himself. However, that does not mean that he sits in a state of despair whilst only supplicating for the coming of the anticipated Mahdi, that Allah may hasten his relief. That is as whoever has attained certainty in respect to the disbelief of the system or regime based upon having a clear evidence and proof (Burhan) from Allah, must: **Firstly**: Fix the intention, direct the will and correct the resolve to work with all that he can to remove the Kufr Al-Bawah (explicit disbelief), in order to seek the pleasure of Allah and not for the purpose of reaching the position of authority or attaining a worldly gain. It would be good for him to make a covenant with Allah to support every sincere person working to remove the Kufr Al-Bawah.

**Then, there is the matter of the circumstances of the people being different**: That is as the major scholar, who can be counted upon their fingers, could strive to confront the regime by himself, declaring openly the Kufr Al-Bawah, thus forcing the ruler to either change it (i.e. the appearance of disbelief) or to insist upon it and desist by material force, thus becoming a “Taa’ifah Mumtani’ah” (desisting faction) whom it is permissible to fight and kill its members, as previously explained.

**Yes**, it is most likely that such a scholar will join the masters of martyrs just like the master of martyrs Hamzah, however, his martyrdom could represent the first and most important step to demolish the system or regime of disbelief, bring it down and erase its impurities.

As for the remainder of the individuals, then that is not within their grasp or ability to undertake. Rather, the correct way is organised work, however this is also a long subject, requiring breadth in other than this, a matter which could be beyond the capabilities of all apart from a small number of individuals!

Despite that, it is within the capabilities of every individual to alert others and inform them of all that has reached him from the truth based upon its evidences where all whom Allah has opened to undertake it. It may be that the correct awareness and understanding expands and spreads, where a sweeping public opinion arises which shakes the regime by way of civil disobedience, marches and peaceful protests etc. All of that should not be belittled and it is not allowed to be negligent in that as its impact is huge in all times and ages, and especially in this current age of ours: The age of telecommunications and other mass media means. There is no peril in any of that in terms of the spilling of blood or from blind Fitnah. Consequently, there is absolutely no excuse for anyone not to engage in it and participate in it to the utmost of his capability.

When the appearance of “**Al-Kufr Al-Bawah**” (explicit disbelief) has been confirmed for any Muslims and that the Dar (land) has become Dar Kufr (a land of disbelief), it becomes obligatory upon him to change the Dar (land) to a Dar Islam (land of Islam). Indeed, the is represents the obligation of the obligations after the pillars (Arkaan) of Islam and as such negligence or slackness in relation to it is not permissible, just as deceiving oneself by preoccupation away from it through the practise of Nawaafil (supererogatory acts) is not permitted.

The relationship of the Muslim with the ruling authority, which is without question an authority of disbelief, becomes extremely delicate (or precarious) and narrow. That is as it is not permissible for the Muslim to undertake an act that would make him a member of the “**Disbelieving desisting group or faction**” (Taa’ifat ul-Kufr Al-Mumtani’ah).

**(1)** It is therefore not Halal (permissible) for him to seek the positions or posts of ruling and authority, to accept them if they are offered to him or remain in them, if he was in some of them prior to his Taubah (repentance) or before the reality of the regime had become manifestly clear to him.

**(2)** It is not halal (permissible) for him to be affiliated with the armies of disbelief which fight under the banner of disbelief. It must be noted however that many of the armies in the Islamic lands are in general Islamic armies, like what is apparent, for example, in what has been called “**Saudi**”, where the army considers itself to be an Islamic army, where it is misguided in its belief that it defends an Islamically legally legitimate regime, whilst it has not become apparent yet that it is alongside the regime supporting and defending it to maintain the Kufr Al-Bawah. The preponderant view, therefore, is that entering the army, in what has been called “Saudi”, has no issue attached to it, by Allah’s permission, upon the condition of having the intention of (undertaking) Al-Jihad, protecting the Islamic system or regime, defending the land of Islam and rejecting the Kufr Al-Bawah if it appears.

There is no doubt that entering the army would mean attaining good combat training and the possibility of becoming from among those possessing the capability to change the Munkaraat (evils) by hand “via a military coup”. However, when the state desists with its armed forces openly in confronting or countering Islam, like the situation in Turkey as a stark example. That is because the army is the spinal column of the desisting faction and as such it is impermissible to join it as it is an army of Kufr (disbelief), except for the cases which the Shar’a has exempted and what is like them; the details of which will be presented shortly.

**(3)** It is not Halal (permissible) to join the police departments which have a connection with what is known as the “security matters”, referring to that which the Prophet ﷺ named a “**Shurtiy**”. That is like what came recorded in:

- The “**Musnad of Abu Ya’la**”:

[Ishaq bin Ibrahim Al-Marwaziy related to us: He said: Jarir bin Abdul Hamid informed us from Raqabah bin Masqalah, from Ja’far bin Iyas, from Abdur Rahman bin Mas’ud, from Abu Sa’eed and Abu Hurairah, who said: The Messenger of Allah ﷺ said:

“There will come a time for the people, where Sufahaa’ (foolish and criminal) rulers will be over them. They will bring forward the worst of people, put back their best and delay the Salaah (prayer) from its appointed times. So, whoever from among you reaches that time, he must not be an ‘**Areef** (a tribal chief who informs the ruler about the affairs of the tribe, people or military), a **Shurtiy** (law-enforcer), a **Jaabiy** (collector of taxes/revenues) or a **Khaazin** (treasurer)”].

Ibn Hibban also recorded it in his Sahih. This Isnad is Qawwiy Jayyid (Strong/good) and is definitely Sahih through its multiple paths and supportive evidence, which include among them:

- What was recorded by At-Tabarani in his “**Al-Mu’jam As-Sagheer**”: [Ali bin Muhammad bin Ali Ath-Thaqafiy Al-Baghdadiy related to us from Mu’awiyah bin Al-Haitham bin Ar-Rayyan Al-Khurasaniy, from Dawud bin Sulaiman Al-Khurasaniy, from Abdullah bin Al-Mubarak, from Sa’eed bin Abi ‘Arubah, from Qatadah, from Sa’id bin Al-Musayyib, from Abu Hurairah, may Allah be pleased with him, (that) he said: The Messenger of Allah ﷺ said:

“There will be near the latter times oppressive (or transgressing) rulers, Fasiq (Rebelliously sinful) Wazeers (assistant rulers), treacherous judges, deceitful (or lying) Fuqaha’ (jurists). So, whoever from among you reaches that time, he must not be a **Jaabiy** (tax/revenue collector), an ‘**Areef** (chief who informs on peoples’ circumstances) or a **Shurtiy** (policeman/law enforcer)”].

At-Tabarani said: [No one besides ‘Arubah related it from Qatadah and none related from him apart from ibn Al-Mubarak, whilst Dawud bin Sulaiman was alone in relating it and he is a Sheikh with no issue (or problem) connected to him]. Al-Khateeb recorded like it in his “**Tareekh Baghdad**” via this same Dawud bin Sulaiman Al-Khurasaniy. This is therefore a path that has no problematic issue with it and is completely independent from the path of Abu Ya’la, thus raising the grade of the Hadith for certain to Sahih (except for the word: “**Khaazin”** (treasurer).

There are additional supportive evidences from that which is Marfoo’ and from the guidance of the companions, may Allah be pleased with them:

- The following came recorded in “**Musnad Ash-Shamiyeen**”: [Abdullah bin Wahb Al-Ghazziy related to us from Muhammad bin Abi As-Sariy, from Muhammad bin Harb Al-Abrash, from Abu Salamah Sulaiman bin Saleem, from Salih bin Yahya bin Miqdam, from his father, from his grandfather: He said: The Messenger of Allah ﷺ said: “You have achieved success O Qadeem (old one), if you have not met Allah as a **Jaabiy**, **Shurtiy** or ‘**Areef**”].

- The following was recorded in “**Al-Mu’jam Al-Kabeer**” (of At-Tabarani): ”: [Via the path of Ishaq bin Ibrahim from Abdur Razzaq, from Ath-Thawriy, from Abu Husain, from Ash-Sha’biy, from Mahdiy, who said: Ibn Mas’ud said: “How would you act O Mahdiy, if your best people were cast aside and the worst of you were appointed over you and the prayer was performed in other than its set times?!” I said: “I don’t know?” He said: “Don’t be a **Jaabiy**, an ‘**Areef**, **Shurtiy** or **Bareed** (message deliverer), and perform the prayer at its set timings!”].

- And in “**Musnad Ibn ul-Ja’d**”: [Salam bin Miskeen informed us: He said: I heard Muhammad bin Waasi’ relating from Al-Mahriy: he said: Abu Hurairah said: Woe to you: You must not be an **‘Areef, Jaabiy or Shurtiy!]** This Isnad (chain of transmission) is Sahih and Muttasil and Musalsal (connected and continuous) in respect to the Tahdeeth (i.e. one person relating it to the next). It appears to be abridged from longer speech and resembles the speech in the previous narration of Ibn Mas’ud.

Therefore, the wording “**Shurtiy**” in the Arabic language which we have been addressed with in the Qur’an and the Sunnah only applies to those who are from the executive security apparatus. As for regulating the traffic, offering emergency response or relief and monitoring the markets, then these are from the actions of “**Al-Ihtisaab**” (holding to account), in other words: “**Al-Amr Bi l-Ma’ruf Wa n-Nahi ‘An il-Munkar**” (Commanding the good and forbidding the wrong). In the past the Muhtasib used to undertake these roles. What has arisen in recent times in terms of specific departments being called “**Shurtiy**” (Police), like traffic police, first response police and so on, and the distinguishing of its employees by a special uniform, does not change anything in respect to the Shar’iy reality of those actions and that in accordance with the Shar’a (Islamic law), they do not fall within the understanding of the “**Shurtiy**” as named by the seal of Prophets ﷺ. All of this should be accurately observed when a study is being undertaken in general and specifically in this delicate study related to the “**Taa’ifah Al-Mumtani’ah**”.

Observe that the aforementioned Noble Hadith includes what we stated earlier in respect to the prohibition of particular occupations under the corrupt regimes and in service to the deviant authority. By greater reason, that applies to the disbelieving authority. If working as a Jaabiy (collector of taxes), an ‘Areef (a tribal chief who informs the ruler about the affairs of the tribe, people or military) or a Shurtiy (law-enforcer) is Haram (prohibited) for a Muslim with the oppressive transgressing rulers, then by greater reason those roles and positions of greater standing, higher rank or possessing a greater commanding influence in respect to strengthening the regime and consolidating its pillars, like the positions of ruling, governorship and judiciary, under those rulers, are Haram. And how greater much greater would that be under the leaders of Kufr (A’immat ul-Kufr)!?

None are exempted from what we have stated apart from the one who has a Shar’iy ‘Udhr (excuse), like:

**(a)** That he believes, based on a preponderant view, that he possesses the mental, emotional and material capability to demolish the regime from the inside or to participate usefully and effectively in that, through a military coup for example, just as Fairuz Ad-Dailamiy (may Allah be pleased with him) did, until he killed Al-Aswad al-‘Ansi (may Allah’s curse be upon him). This may lead such a person to the hanging rope or firing squad, but there is no issue with that among those seeking martyrdom!

In addition, it is apparent from the actions of Fairuz Ad-Dailamiy (may Allah be pleased with him), that he gave the pretence of disbelief and concealed his Islam, in order to execute the military coup and kill Al-Aswad Al-‘Ans (may Allah’s curse be upon him), as is evident from the story detailed in the addendum.

**(b)** Whoever only wishes to attain the necessary training for Al-Jihad and fighting and is resolved to disobey the commands if he is commanded to confront Islam and as such displays externally that which is contrary to what is internal. This represents a dangerous path and modern-day armies are ruthless with those who flee or act rebelliously.

**(c)** That his presence or remaining in the seat of ruling is necessary to protect the Muslims or a group among them. Just like the case was with An-Najashiy (the ruler of Abyssinia), may Allah be pleased with him.

**(d)** That he is a spy for the people of Islam against the “**Disbelieving desisting group or faction**” providing the Mujahideen with information and possibly supplies, money and other than that. This can be achieved in an apparent manner among those working in the police (internal security) departments and the repressive institutions of “**fear mongering**”, which they call “**security**”.

In all the preceding circumstances the individual Muslim would appear to be from the “**Disbelieving desisting group or faction**” in the case where his excuses and intention would be secret, with none apart from Allah knowing them. He may be exposed to being killed or fought by some of the Mujahideen who are unaware of that. They would be doing good and what is correct, whilst he would also be doing good and what is correct, and if he is killed, he would be a Shaheed (martyr).

**We will hasten here and say**: The work in other than what we have mentioned from the prohibited types of work, referring to what is known as “administration jobs” or the purely Shar’iy judiciary (i.e. based on Islamic law alone), then the origin in respect to them is that they are Mubah (permissible), upon the condition that nothing prohibited is practised. This may be difficult in Dar ul-Kufr (the land of disbelief). For instance, here in Britain it is much more difficult than in the Muslim lands. That is whilst most of the administration jobs in the Arabian Peninsula specifically have no Shar’iy (Islamic legal) problem associated with them, as is not hidden. Even if the possibility of being confronted by a difficult (or contrary) situation exists, such a possibility would be very small and may not occur except rarely.

- **Section: What is the reality of “Capability” and the principles by which it is measured**:

When we spoke about the permissibility of fighting “**The desisting group**” (**At-Taa’ifah Al-Mumtani’ah**) and the permissibility of targeting “**The heads of the desisting group**” by way of killing, fighting and assassination, we stipulated the condition of “**Al-Qudrah**” or “**Al-Istitaa’ah**” (both referring to capability). What then is the principle by which this “Qudrah” (capability) is measured?

**We say**: It is extremely simple. That is because the Shar’a (Islamic law) has tied all obligations (and not just Qitaal (fighting)) to the capability suitable for the kind of that obligation: Pray standing, and if you cannot, then sitting and so on:

فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ

**So, fear Allah as much as you are able** (64: 16).

There is no measure outside the sentiment (or conscience) of the Mukallaf (one legally charged to undertake the action) and the ease of his inner self in respect to determining the presence of this capability. If the action was a collective one, then there must be consultation in respect to it accompanied by an analysis of the reality and possibilities (based upon capabilities), followed by the one possessing the command issuing his decision based upon that (The Ameer of the Jama’ah (group) with the consultation of the Shura council and its agreement, by his own Ijtihad or by other than that, in accordance with what has been set in the internal administrative codes of the group). Every Mukallaf (legally charged person), as an individual or in a group (which is led by an Ameer), must sincerely reach a justifying conviction in this subject matter, where he would have discharged his responsible on the Day of Judgement, in possession of a justifying excuse and not by way of false apology:

بَلِ الْإِنسَانُ عَلَىٰ نَفْسِهِ بَصِيرَةٌ وَلَوْ أَلْقَىٰ مَعَاذِيرَهُ

**Rather, man, against himself, will be a witness, (14) Even if he presents his excuses** (75: 14-15).

**An example of that**: The famous operation of 1974 undertaken by a local Egyptian collective from the Islamic Party of Liberation which possessed a Jihadi inclination against the Military technical College. That was where the majority undertook the operation well and effectively (although we were not present and only know what has been conveyed). Its Ameer Dr Salih Sariyah (may Allah have mercy upon him) was in opposition to that warning about either its infeasibility or the absence of the required capability. Despite that, the majority insisted upon it and went through with it whilst Dr Salih persevered firmly with them until he was martyred.

Regardless of how incorrect or correct the Ijtihad (deduction) of Dr Salih and those with him was, they without doubt, whilst not attempting to purify anyone before Allah, did not want anything other than the attainment of the pleasure of Allah, may Allah raise their ranks and make their reward immense. They all held firm with no difference between the one in favour of the operation and the one who was critical of it, and none turned their backs. These are stances which are based upon Iman in truth. They deserve to be studied and for lessons and examples to be taken from them.