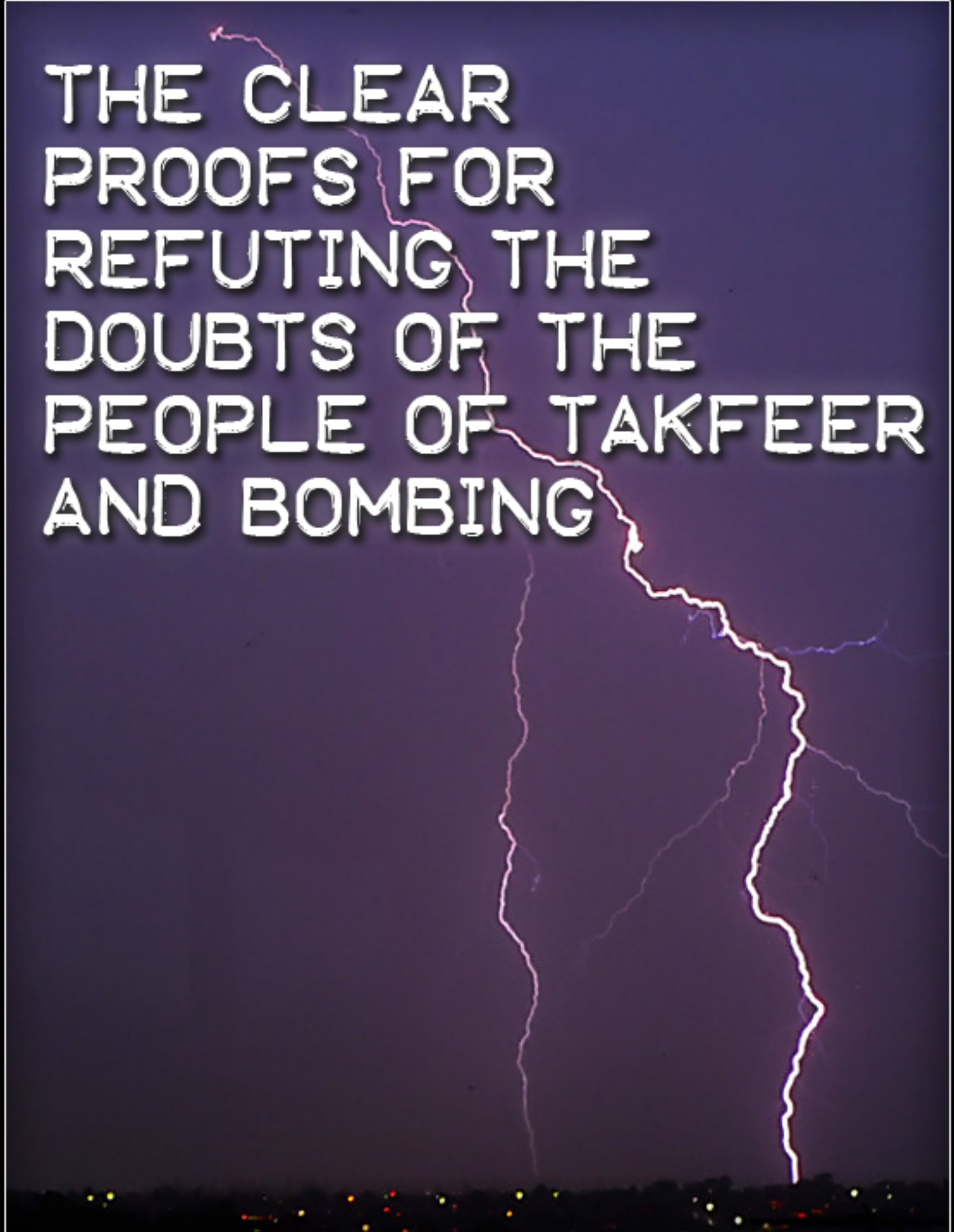


THE CLEAR
PROOFS FOR
REFUTING THE
DOUBTS OF THE
PEOPLE OF TAKFEER
AND BOMBING



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VOLUME THREE

الْبُرْهَانُ الْمُنِيرُ فِي دَحْضِ
شُبُهَاتِ أَهْلِ التَّكْفِيرِ وَ التَّفْجِيرِ

شَيْخُ عَبْدِ الْعَزِيزِ بْنِ رَيْسِ الرَّيْسِ

THE CLEAR PROOFS FOR
REFUTING THE DOUBTS OF
THE PEOPLE OF
TAKFEER AND BOMBING!¹

By Shaykh 'Abdul'Azeez ar-Ra'ees

¹ Abridged from Shaykh 'Abdul'Azeez ar-Ra'ees, *al-Burhaan al-Muneer fee Dhad Shubuhaat Ahli't-Takfeer wa't-Taffeer*, from [Hwww.islamancient.net](http://www.islamancient.net) 3/3/1427 AH (2006 CE)

Translated by 'AbdulHaq ibn Kofi ibn Kwesi Addae ibn Kwaku al-Ashanti

*In the name of Allaah the Most Beneficent, the Most Merciful,
As-salaamu alaykum wa Rahmatullaabi wa Barakatuhu,*

To proceed:

The *takfeerees*, bombers and those affected by their ideas have a number of doubts which we have refuted in the books which we have authored and on our websites. A number of doubts have entered the souls of those who have religious zeal and as a result I wanted to seek closeness to Allaah by responding to the well known eleven famous doubts that Allaah made easy for me with the evidences from the Divine Legislation and the transmitted statements from the people of knowledge and the heads of the *Salafi da'wah*. In particular I will also defend the Saudi state as it is a state which is particularly unique in the world for raising the flag of *tawheed* and the *sunnah*, it is also the place of the two holy sanctuaries and the location of the final revelation. What is also worth bringing to people's attention is that it is censured to make *takfeer* without due right, as for making *takfeer* in accordance with the principles of the people of *sunnah* (the *Salafees*) then this is not censured at all. Also it is the intent to warn against the idea that some people hold that it is from the *manhaj* of the people of *sunnah* (the *Salafees*) to make *takfeer* upon specific people as I have seen some people falsely do. Rather they (i.e. the *Salafees*), may Allaah have mercy upon them and pleasure, warn against being hasty in *takfeer* and they warn against extremism in *takfeer*. However, so long as one safeguards its rightful conditions and applies its preventative factors so as to ensure that one is made *takfeer* upon based upon evidence from the Divine Legislation (*Sharee'ah*). The clearest evidence for this *takfeer* is that the Messenger of Allaah (*sallallaahu alayhi wassallam*) made

takfeer on the man who made lawful the private parts of wife of his (the man's) father and married her due to a fifth of his money. What will also be seen is Aboo Bakr as-Siddeeq's (*radi Allaahu 'anhu*) and the companion's *takfeer* of those who refused to make pay the *zakah* and were thus named as being apostates. Also 'Umar ibn al-Khattaab's warning of those who made lawful drinking intoxicants and saying that if they do not return from this interpretation, they have disbelieved and among them was Qudaamah ibn Madhghoon al-Badree. I named this book *The Clear Proofs for Refuting the Doubts of the People of Takfeer and Bombing*.

I ask Allaah to protect the Muslims from the evils of excess and neglect in the religion and to protect us and them from the evils of those takfeerees and bombers, indeed He is worthy of responding.

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THE KUFRA OF THE LEADERS BECAUSE THEY DO NOT RULE BY WHAT ALLAAH HAS REVEALED

A general answer to this: the issue of *takfeer* for ruling by other than what Allaah has revealed is one wherein there are different issues. The two Imaams, Bin Baaz and al-Albaanee (*raabeemahumallaah*), viewed that it is minor *kufra* not major. The newspaper *ash-Sharq al-Awsat* (no.6156, dated 12/5/1416 AH) published an article wherein the *Muftee* ‘Abdul’Azeez Bin Baaz stated:

“I came across a beneficial answer from the noble Shaykh Muhammad Naasiruddeen al-Albaanee, may Allaah grant him success, which was printed in the newspapers ash-Sharq al-Awsat and al-Muslimoon wherein the noble Shaykh answered a question that was put to him regarding takfeer due to not ruling by what Allaah has revealed without explanation. He made it clear, may Allaah grant him success, that it is not permissible for anyone to make takfeer of whoever does not rule by other than what Allaah has revealed due to the mere action without knowing if he considered it lawful to do that in his heart. He made use of what is found from Ibn ‘Abbaas (radi Allaahu ‘anhuma), and others from the salaf of the ummah. There is no doubt that what he mentioned in his answer in the tafseer of the verse,

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“Whoever does not rule by what Allaah has revealed, then they are the disbelievers.”

{*al-Maa'idah: 44*}

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“Whoever does not rule by what Allaah has revealed then they are the transgressors.”

{*al-Maa'idah: 45*}

ä ð ä

“Whoever does not rule by what Allaah has revealed then they are the sinful.”

{*al-Maa'idah: 47*}

Is correct, and he, may Allaah grant him success, made it clear that kufr is of two types, major and minor, just as transgression is two, and likewise sin is major or minor. So whoever makes it lawful to rule by other than what Allaah has revealed or makes it lawful to make zinaa or to legalise interest or legalises anything else from the prohibited acts, which are agreed upon as being impermissible, has disbelieved due to major kufr. Whoever does such actions however, without making them lawful, then his kufr is minor kufr and his transgression is minor transgression and likewise is his sin.”

This is what the *Lajna ad-Daa'imah* (*Standing Committee for Research and Legal Verdicts*) was upon under the presidency of Shaykh 'Abdul'Azeez ibn Baaz. It answered the following question (*fatwa* no. 5741):

“Question: Is the one who does not rule by what Allaah has revealed a Muslim or a disbeliever who has committed major kufr?”

Answer: Allaah said,

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“Whoever does not rule by what Allaah has revealed, then they are the disbelievers.”

{*al-Maa'idah: 44*}

And Allaah has said,

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“Whoever does not rule by what Allaah has revealed then they are the transgressors.”

{*al-Maa'idah: 45*}

And Allaah has said:

ä ð ä

“Whoever does not rule by what Allaah has revealed then they are the sinful.”

{*al-Maa'idah: 47*}

However, if he makes that lawful and believes that it is permissible, then it is major kufr, major transgression and major sin which expels one from the religion. As for doing it out of bribery or out of another intent whilst believing that it is prohibited then such a person has sinned and is considered a disbeliever who has committed minor kufr and minor sin which does not expel the person from the religion, as the people of knowledge had elucidated in their explanations of the mentioned verses.”²

Our respected Shaykh, ‘Abdul’Azeez bin Baaz (*raheemabullaah*) said:

“Whoever rules by other than what Allaah has revealed does not escape from four issues:

1. The one who says “I rule by this (i.e. man-made laws) because they are better than the Divine Legislation of Islaam (i.e. *Sharee’ah*)” then such a person is a disbeliever, who has committed major *kufr*.
2. The one who says “I rule by these man-made laws as they are like the Divine Legislation of Islaam, and ruling by it is permitted, just as ruling by the Divine legislation of Islaam is also permitted” such a person is a disbeliever who has committed major *kufr*.
3. The one who says “I rule by these laws, but the Divine Legislation of Islaam is better, but ruling by other than what Allaah has revealed is permitted.” Such a person is a disbeliever who has committed major kufr.
4. The one who says “I rule by these man-made laws” yet believes that it is not permissible to rule by other than what Allaah has

² *The Standing Committee for Research and Legal Verdicts*, its members being: Abdullaah bin Ghudayaan, ‘AbdurRazzaaq ‘Afeefee (vice-president), ‘Abdul’Azeez bin ‘Abdullaah bin Baaz (president). Further see: *Majmoo’ al-Fataawa wa Maqaalaat Ibn Baaz* (vol.3, pp.990-992) and what has been transmitted from Shaykh bin Baaz in the magazine *al-Furqaan* (nos.82 and 94).

revealed and says **“Ruling by the Divine Legislation of Islaam is better and it is not permissible to rule by other than it”** yet is weak or does this out of what his rulers have originated before him, such a person is a disbeliever who has committed minor kufr which does not expel him from the religion and the action is considered to be from the major sins.”³

So if it is established that these are issues of *ijtibaad*, then making specific *takfeer* does not occur in the issues which the people of *sunnah* have discussed amongst themselves, the differences prevent making *takfeer* specifically. Imaam Muhammad ibn ‘AbdulWahhaab said

“The pillars of Islaam are five, the first being the two testimonies of faith (Shahaadataan), then the four pillars. If a person establishes the four pillars and then leaves them out of negligence, even though we say that such a person should be killed due to what the person has done, we do not make takfeer of him due to leaving the pillars and the scholars have differed with regards to the disbelief of the one who leaves the pillars out of laziness without rejecting them. We do not make takfeer except in accordance with what the all of the scholars have agreed upon (amount to kufr) and that is (leaving) the Shahaadataan.”⁴

Imaam Nawawee stated in *Riyadh us-Saalibeen* when explaining the word *‘bunnaan’* meaning ‘clear and explicit’ and does not need any interpretation. The people of knowledge have differed over the interpretation of the prohibition of *takfeer* because the person making *takfeer* takes the opinion of the

³ *Qadeeyat ut-Takfeer Bayna Ahl us-Sunnah wa Furuq ad-Dalaal [The Issue of Takfeer Between the People of Sunnah and the Misguided Groups]*, pp.72-73.

⁴ *Ad-Durur as-Sunniyyah*, vol.1, p.102

latter-day scholars and this is the actual difference is between the people of the *sunnah* and they themselves (i.e. the latter-day scholars) are from the people of *sunnah*. Shaykh Muhammad ibn Saalih al-Uthaymeen (*rabeemabullaah*) also transmitted that *takfeer* is not an issue which is disputed, in issues which came up during open sessions with the Shaykh he stated this and also in his explanation to *al-Qawaa'id al-Muthla* wherein he said:

“You will find from many people today, from those who attach themselves to the religion and to protecting the religion of Allaah, making takfeer of those who neither Allaah made takfeer of or His Messenger. Rather indeed, unfortunately, some people have begun to discuss their rulers and try to impugn them with kufr due to them having merely done something which those people believe is haraam. Yet the matter could be one about which there is a difference of opinion or the ruler could be excused due to his ignorance, as the ruler may sit with good people and may also sit with bad people. All rulers have two sides, either a side which is good or a side which is evil, some ruler for example have good people who do to them and say to them “this is haraam, it is not permissible to do this” yet other will come and say “this is halaal for you to do!” We can put forth an example in the banks, now we do not doubt that the banks today are entrenched in interest which the Prophet (sallallaahu alayhi wassallam) has cursed consuming, receiving, witnessing and signing. It is a must to close down such banks in exchange for halaal transactions. So our deen firstly, and then our economies secondly, can be established. Therefore, being hasty in regards to takfeer of the rulers of the Muslim countries due to these issues is a big mistake. We must be patient as maybe a ruler can be excused! So if the proofs are established upon such a ruler and he says

“Yes, this is the Divine Legislation and this interest is indeed haraam, however I see that this ummah will not be rectified at the current time except by interest!” then at this point he would become a disbeliever as he believes that the deen of Allaah in this era is not suitable for the current era. As for a ruler who is confused and there is some doubt in him and thus says “This is halaal” and the Islamic jurists (fuqahaa) have stated this! And Allaah has said this!!” then such a ruler is excused as many of the Muslim rulers today are totally ignorant of the rulings and regulations of the Divine Legislation of Islaam, or at least, most of the Divine Legislation of Islaam. We have put forth these examples in order to make it clear that the issue is dangerous and takfeer is something which has conditions which have to be taken into consideration before anything else.”

So if a *mukaffir* (i.e. a person who makes takfeer, in this case out of haste i.e. *takfeeree*) says “I have a proof from Allaah’s statement,

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“By Allaah, they will not believe until they make you (O Muhammad)
judge in the affairs amongst them...”

{*an-Nisaa* (4): 65}

...and that this points to the negation of the origin of eemaan and so from this the ruler by other than what Allaah has revealed, due to his mere ruling by it, becomes a disbeliever who has committed major kufr as eemaan has been negated from him, unless there is an evidence which indicates that the negation here is for the perfection of desired eemaan,

such as the saying of the Prophet (sallallaahu alayhi wassallam): “None of you truly believe until I am more beloved to you than his children, father and all the people”, which is a hadeeth that is agreed upon from Anas in the wording of Imaam Muslim. I do not know of any evidence which refers this to being desired perfection (of eemaan).”

Those who do not make *takfeer*, but *tasfeeq* (i.e. the *Salafee*) can say, “May Allaah increase you in goodness for this strong foundation, yet I have more proof to show that eemaan here that is negated is desired perfected eemaan, not the actual origin of eemaan itself:

1. The reason for this verse being revealed is mentioned by Shaykhayn from ‘Abdullaah bin Zubayr that a man from the Ansaar argued with az-Zubayr in the presence of the Messenger of Allaah (sallallaahu alayhi wassallam) about the Camels of Harrah. In this hadeeth the Ansaaree man was not pleased with the judgement of the Messenger of Allaah (sallallaahu alayhi wassallam) and was angry saying “Is it because he (i.e. Zubair) is your aunt's son?” Ibn az-Zubayr said: “By Allaah, I think the following verse was revealed concerning this event,

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**“By Allaah, they will not believe until they make you (O Muhammad)
judge in the affairs amongst them...”**

{*an-Nisaa* (4): 65}⁵

⁵ The *hadeeth* is as follows: An Ansaaree man quarrelled with az-Zubayr (*radi Allaahu ‘anhu*) in the presence of the Prophet about the Harra Canals which were used for irrigating the date-palms. The Ansaaree man said to az-Zubayr, “Let the water pass” but az-Zubayr refused to do so. So, the case was brought before the Prophet who said to az-Zubayr, “O Zubayr! Irrigate (your land) and then let the water pass to your neighbor.” On that the Ansaaree got angry and said to the Prophet, “Is it because he (i.e.

THIS PROVES: He found that this man, al-Ansaaree al-Badree, had a problem and he did not fully submit to the judgement of the Messenger of Allaah (sallallaahu alayhi wassallam), yet he did not make takfeer of him. It is also certain that there was an avoidance of making takfeer of him the man as he was a Badree and the people who fought at Badr are forgiven of their sins as mentioned in the hadeeth of the story of Haatib (radi Allaahu ‘anhu) wherein the Messenger of Allaah (sallallaahu alayhi wassallam) said “And what do you know, Allaah might have looked at them (warriors of Badr) and said (to them), “Do what you like, for I have forgiven you.”⁶ Major kufr is not forgiven, so this indicates that the people of Badr are infallible from being kuffaar, Ibn Taymiyyah mentioned this.⁷ Also the Messenger of Allaah (sallallaahu alayhi wassallam) did not ask them to enter into Islaam again.

2. What has been relayed by Shaykhaan from the hadeeth of Abee Sa’eed al-Khudree who said: ‘Alee ibn Abee Taalib whilst in Yemen sent to the Prophet (sallallaahu alayhi wassallam) some gold which was divided into four segments. Then a man stood up while it was being divided up and said “O Messenger of Allaah fear Allaah!” The Prophet (sallallaahu alayhi wassallam) said “Woe to you! Who from the people on earth more

Zubayr) is your aunt’s son (cousin)?” On that the colour of the face of Allaah’s Messenger changed (because of anger) and he said, “O Zubayr! Irrigate (your land) and then withhold the water till it reaches the walls between the pits round the trees.” Zubayr said, “By Allaah, I think that the following verse was revealed on this occasion...” The *hadeeth* is also narrated by ‘Urwah bin az-Zubayr (radi Allaahu ‘anhu). [TN]

⁶ Narrated in the six *hadeeth* collections except for Ibn Maajah, Ibn Taymiyyah said in *al-Minhaaj* 9vol.4, p.331): “The scholars have agreed on the authenticity of this story which is mutawaatir and well-known by the scholars of tafseer, the scholars of hadeeth, the scholars of the science of the historic military expeditions, the scholars of Seerah, the scholars of history, the scholars of fiqh and others.”

⁷ *Majmoo’ al-Fataawaa*, vol.7, p.490

deserves to fear Allaah if not me?” Then the man went away. Khaalid ibn Waleed (radi Allaahu ‘anhu) said “O Messenger of Allaah! Shall I not strike his neck (i.e. execute him)?” The Messenger of Allaah (sallallaahu alayhi wassallam) said “No! Perhaps he prays.” Khaalid said “How many people pray but say with their tongues what is not in their hearts?” The Messenger of Allaah (sallallaahu alayhi wassallam) said “I have not been instructed to open up people’s hearts or to split open (and see) what is inside them.”

THIS PROVES: This man objected to the judgement of the Messenger of Allaah (sallallaahu alayhi wassallam) and was not pleased with it and did not submit to his judgement. The Messenger found that the man had a problem yet did not make takfeer of him and prevented anyone from executing him fearing that the man prayed. Even if he may have fell into an issue of kufr his prayer would not have benefited him at all as major shirk and major kufr nullify actions, and prayer would not benefit. Also this hadeeth indicates that the man did not fall into any issue of kufr according to the Messenger of Allaah (sallallaahu alayhi wassallam) and even when Khaalid (radi Allaahu ‘anhu) tried to make the issue one of hidden kufr of the heart, the Messenger of Allaah (sallallaahu alayhi wassallam) was not happy with this. If the man’s statement was kufr Khaalid would have adhered to it and when the Messenger of Allaah (sallallaahu alayhi wassallam) said “I have not been instructed to open up people’s hearts...” as the saying which is branded as one which necessitates takfeer, emerged from him. What also makes it clear that this statement was not kufr is what is verified in the Saheehayn from ‘A’ishah (radi Allaahu ‘anha) that the wives of the Prophet (sallallaahu alayhi wassallam) came to him complaining and asking him to be just

with regards to the daughter of Abee Qahaafah (i.e. Aboo Bakr, radi Allaahu ‘anhu). This complaining from them was not kufr.

3. What is relayed in the Saheehayn from Anas ibn Maalik (radi Allaahu ‘anhu) that some people from the Ansaar said on the day of Hunayn when Allaah favored His Messenger with the spoils of Hawaazin tribe as Fay’ (booty), he started giving to some Qurayshee men even up to one-hundred camels each, whereupon some Ansaaree men said about Allaah’s Messenger, “May Allaah forgive His Messenger! He is giving to (men of) Quraysh and leaves us, in spite of the fact that our swords are still dripping with blood (of the kuffaar).” In another narration when Makkah was conquered the spoils and booty were distributed among the Quraysh and the Ansaar said “This is strange, in spite of the fact that our swords are still dripping with blood (of the kuffaar).”

THIS PROVES: Those rejected what the Messenger of Allaah (sallallaahu alayhi wassallam) did and had a problem in themselves about the matter, yet the Messenger of Allaah (sallallaahu alayhi wassallam) did not make takfeer of them on account of it. For this reason, Ibn Taymiyyah said: “Whoever does not adhere to the judgement of Allaah and His Messenger in issues that they dispute over have been divided by Allaah as not believing. As for whoever adheres to the judgement of Allaah and His Messenger internally and externally, yet disobeys and follows his desires then this reaches the status of the likes of disobedience. This verse,

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“By Allaah, they will not believe until they make you (O Muhammad)
judge in the affairs amongst them...”

{*an-Nisaa* (4): 65}

Is what the Khawaarij need to utilise to make takfeer of those in authority who do not rule with what Allaah has revealed. Then they claim that their ‘aqedah is the rule of Allaah. The people have spoken at length about this point mentioned here, what we have mentioned indicates the context of the verse.”⁸”

If the *mukaffir* (i.e. the *takfeeree* in this context) says:

“There is ijmaa’ (consensus) on the kufr of whoever does not rule by what Allaah has revealed and make it law. Al-Haafidh Ibn Katheer said: “In all of that is opposing the Divine Legislations of Allaah revealed upon his Prophets (alayhim salaam). Whoever leaves the clear revealed Divine Legislation of Muhammad ibn ‘Abdullaah, the seal of the Prophets and rules by other than it from abrogated legislations has disbelieved. So how can one rule by Yaasiq and put it forth? Whoever does that has disbelieved by the consensus of the Muslims.”⁹”

The *mufassiq* (i.e. the *Salafee* in this context) replies:

“Our knowledge of the condition of the Tartars (aka Mongols) and Yaasiq is specific for understanding this relayed consensus and this is as they fell into replacing which at the same time is tahleel (legalising) and tahreem (prohibiting). Ibn Taymiyyah said: “They made the religion of Islaam like the religion of the Jews and Christians and that all of this is the way to Allaah as the same level as the four madhhabs of the Muslims.

⁸ *Al-Minhaaj*, vol.5, p.131

⁹ *Kitaab ul-Bidaayah wa’n-Nihaayah*, vol.13, p.128

They are some of them who prefer Judaism, some of them who prefer Christianity and some who prefer Islaam.”¹⁰

Ibn Taymiyyah made clear how they praised Genghis Khaan and compare him to the Messenger of Allaah (sallallaahu alayhi wassallam), and then said:

“It is known by necessity in Islaam and the agreement of the Muslims that whoever formulates (allows) the following of other than Islaam is a disbeliever and has disbelieved like one who believes in some of the Book and disbelieves in some.” What also indicates that the consensus which is relayed from Ibn Katheer refers to tahleel (legalising) and tahreem (outlawing), what Ibn Katheer said himself was: “Allaah denies whoever departs from the rule of Allaah which comprises all that is good and forbids all that is evil, and resorts to what is not similar to it from opinions, vain desires, terms, ignorance all of which is placed according to their opinions and desires. This is what the Mongols ruled by according to the politics of the monarchs taken from their king Genghis Khaan who put in place the rule of Yaasiq which can be considered as a book which compiles all legislations and borrows from different Divine Legislations from the Jews, Christians, Muslims and others. Al-Yaasiq contains regulations from merely his own views and desires and became a followed legislation that the Mongols have put in place. So whoever of them does this is a disbeliever who must be killed unless he returns to the rule of Allaah and His Messenger; there is no similarity to it whether small or great.”¹¹”

¹⁰ *Majmoo' al-Fataawa*, vol.28, p.523, also see that which will make their condition clear to you in vol.28, p.520-527

¹¹ *Tafseer*, vol.3, p.131

From the statements of Ibn Katheer and his Shaykh Abi'l-'Abbaas Ibn Taymiyyah and others makes it clear that the relayed consensus is about whoever falls into *tableel* (legalising) and *tabreem* (prohibiting) meaning: permitting ruling by other than what Allaah has revealed wherein they made al-Yaasiq akin to the *deen* of Islaam which can lead to Allaah. Yet our issue is regarding whoever rules by other than what Allaah has revealed whilst knowing that he is disobedient, *not* with the saying that it is permissible (to rule by other than what Allaah has revealed) or saying that it is a path to (Allaah's) pleasure. So pay attention O noble reader to the statements of Ibn Katheer:

“So how can one who rules according to al-Yaasiq and puts it forward to rule by?!”

They combined between ruling by Yaasiq and putting it in place over the Divine Legislation of Allaah. Their sin was not merely about ruling which is an action, rather their sin was comparing it in belief and putting it forward (to rule by).¹²

¹² From page 9-27, Shaykh 'Abdul'Azeez (*hafidhahullaah*) has a discussion between a *mufassiq* (a *Salafee* in the context of the discussion) and a *mukaffir* (a *takfeeree* in the context of the discussion) and mentions a number of issues, I only selected the main ones of this chapter for brevity. To see the other issues please refer to the original Arabic text. [TN]

THOSE LEADERS HAVE DISBELIEVED BECAUSE THEY HELP THE KUFFAAR AGAINST THE MUSLIMS IN MANY SITUATIONS

The response to this has different aspects:

1. *Takfeer* is not an easy matter and that which is spread about is not accepted because it is unbridled and unrestricted especially regarding those in authority in this country (i.e. Saudi) who free themselves from assisting the *kuffaar* against the Muslims. Indeed, this has even been noted by some western *kuffaar* newspapers as the enemies themselves see this very reality.
2. Even if we are able to reach it (i.e. make *takfeer*) we still should not be hasty in making *takfeer*. As the issue of being forced and compelled to do something may apply, as the dominance is with the *kuffaar* states and compulsion prevents *takfeer* being made as Allaah says

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“...not he who is compelled while his heart is at rest on account of faith...”

{*an-Nahl* (16): 106}

3. Absolute *takfeer* due to assisting the *kuffaar* is not to be applied, as it is an issue which is disputed, as mentioned earlier.
4. The most correct opinion of the people of knowledge is that *takfeer* due to helping and aiding the *kuffaar* is not *kufr* on the basis of helping, there

are some foundational issues that you have to take into consideration and research;

Dealings with the *kuffaar* is not absolute *kufr* and rather takes on three levels:

FIRST LEVEL: disbelieving dealings which amount to allying one's self with them. Allaah says,

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“And whoever is an ally to them among you, then indeed, he is one of them.”

{*al-Maa'idah* (5): 51}

Ibn Hazm said regarding the verse that it is

“When one openly allies oneself to being a disbeliever from the main body of disbelievers, this is the reality about which no two Muslims differ.”¹³

The principle of a disbelieving allegiance is: loving the *kuffaar* due to their *deen*, or helping them due to their *deen* or having pleasure with their *deen*. So if you find one aiding them yet without these aspects of defending them then it is a worldly assistance to them which is *baraam*, yet it is not *kufr*. The evidence of this is what is narrated in the six books, except for Ibn Maajah, in the *hadeeth* of ‘Ali ibn Abee Taalib (*radi Allaahu ‘anhu*) in the story of Haatib ibn Abee Balta’ah when Haatib wrote a letter to the Quraysh informing them the Messenger of Allaah (*sallallaahu alayhi wassallam*) was going to attack them. The Messenger of Allaah said to Haatib “O Haatib what’s this?” Haatib replied “Do not be hasty against me. I was an ally of Quraysh, but I was not one of the important ones; those who immigrated with you have relatives there to protect their families and friends, but since I do

¹³ *Al-Muhalla*, vol.11, p.138

not have such links, I wanted to do them a favor so that they would protect my family. I did not do it out of kufr or due to apostasy from the deen or out of being pleased with kufr after Islaam.” The Messenger of Allaah (*sallallaahu alayhi wassallam*) said *“Indeed, you have spoken the truth.”* This speech from Haatib along with the verification of the Messenger of Allaah (*sallallaahu alayhi wassallam*) makes it clear that the mere action of Haatib is not *kufr* due to his saying *“I did not do it out of kufr or due to apostasy from the deen”* so if the mere action of Haatib was *kufr* he would not have needed to say *“I did not do it out of kufr”* as the mere action was *kufr*. Just as in the same way it is not correct that the one who mocks Allaah says **“I did not say it out of kufr”** as mere mockery is *kufr*.

Shaykh AbdulLateef bin ‘AbdurRahmaan bin Hasan:

“Haatib is to be included among those who are addressed in the name of eemaan and is described as having eemaan¹⁴ and he had a special reason which indicated what he wanted and in the noble verses of the Qur’aan is that which could include the action of Haatib as being a type of allegiance to the kuffaar and the most evident indication of his love of them. If he did it due to these reasons (of loving them) then he would have strayed from the right path of guidance. However, due to his saying “you have spoken the truth” this indicates that he did not disbelieve due to that as long as he still believed in Allaah and His Messenger without doubt. He only done that due to a worldly aim and if he disbelieved after it had been said “free their way” the Prophet would have said to ‘Umar “And what do you know, Allaah might have looked at them (warriors of Badr) and said (to them), “Do what you like, for I have forgiven you”, this would not prevent from making takfeer of him, as we say if he disbelieved what remained of his good actions it would not save him

¹⁴ In Soorah al-Mumtahinah (60): 13.

from falling into kufr and its rulings. As kufr destroys what came before it as Allaah says,

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“And whoever disbelieves in faith, then his work is worthless.”

{*al-Maa'idah* (5): 5}

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“But if they had joined in worship others with Allaah, all that they used to do would have been of no benefit to them.”

{*al-An'aam* (6): 88}

Kufr destroys one's good actions and one's eemaan, this is agreed by consensus. As for Allaah's saying:

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“And whoever is an ally to them among you, then indeed, he is one of them.”

{*al-Maa'idah* (5): 51}

And Allaah's saying,

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“You will not find any people who believe in Allaah and the Last Day, making friendship with those who oppose Allaah and His Messenger...”

{*al-Mujaadilah* (58): 22}

And Allaah's saying,

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“O you who believe do not as protectors and helpers those who take your religion as mockery and fun from among those who received the Scripture before you, nor from among the disbelievers; and fear Allaah if you indeed are true believers.”

{*al-Maa'idah (5): 57*}

The sunnah explains this and particularises this as being absolute and general allegiance. The basis of allegiance is love, supporting them and having close friendship with them and numerous other characteristics and every sin has its portion of censure and threat, this issue is well-known about amongst those firmly grounded in knowledge from the salaf, the companions and the successors.¹⁵

Then comes the issue of Haatib ibn Balt'ah's speech being based upon an affirmation of *kufir* wherein he said “*I did not do it out of being pleased with kufir after Islaam.*” So if it is said:

“Some of the scholars have stated that there is a consensus on absolute kufir due to aiding kufir.”¹⁶

¹⁵ *Ar-Rasaa'il wa'l-Masaa'il an-Najdiyyah*, vol.3, pp.9-10. Also see *ad-Durar as-Suniyyah*, vol.1, p.474.

¹⁶ The *takfeeree* propagandists and ideologues frequently make references to there being ‘a consensus’ on issues related to *kufir*. An example of this is with Aboo Qataadah al-Filisteene who stated in one of his *khutbahs* in London (held at the *Lisson Green Recreation Centre*, West-Central London) during the Algerian *fitna* that there was ‘a consensus’ regarding the ‘*kufir*’ of Algeria. Shaykh ‘AbdulMaalik ar-

Then it should be stated:

This reported consensus is between two states:

THE FIRST: That it is outside the area of dispute, such as the saying of Ibn Hazm in his book *al-Muhalla*:

“It is correct that Allaah’s saying

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“And whoever is an ally to them among you, then indeed, he is one of them.”

{*al-Maa’idah* (5): 51}

...is only on account of what he manifests as he is a disbeliever from the main body of disbelievers. This is the truth about which no two Muslims disagree.”

For that reason we do not differ on the *kufir* of the one who is an ally, but what is ‘allegiance’? And what is an ‘ally’? There are some differences of opinion in this field of research. The speech of Ibn Hazm does not benefit a thing about explaining what ‘allegiance’ is,¹⁷ it is only of benefit about the *kufir* of the one

Ramadaanee said **“Where is this consensus? It is only a consensus among Aboo Qataadah and his savage barbarians.”** H<http://www.salafimanhaj.com/pdf/SalafiManhajQataadah.pdf> [TN]

¹⁷ This is an important topic as many of the hasty youth are totally ignorant of it, they will thus compare warning against deviants in the media as being akin to **‘allegiance to the kuffaar’** and this is false. So for example,

1. Speaking to the media when they come to you and ask you about an issue is not **‘allegiance to the kuffaar’** as if a Muslim is asked about an issue then one should respond and answer the doubt, not run off and put one’s head in the ground. Furthermore, this is not the same as *going* to anyone, as they have come to you.
2. Clarifying Islaam from distortions and misconceptions in Islamic understanding amongst youth in our experience is not to be equated with buttressing any particular government.

who does it. This is clear and there is no problem or dispute regarding this and then based on assumption and hypothesis, Ibn Hazm related that there was consensus in this issue, but the same is not applied in the second following case:

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3. Most intelligent and common-sense Muslims in the UK will admit it the observations of the *Salafees* if they are just.
 4. The *Salafees* stick to the issues at hand.
 5. None of the *Salafees* have their pictures taken with *kuffaar* heads of state!
 6. The *Salafees* only highlight the misconceptions and distortions, putting forth their own methods of dealing with such extremist misunderstandings and do not ask any particular government to “do” anything.
 7. Warning against the evil of terrorist plotters and exposing their plans is praiseworthy and protects the wider society from their evil. See comments of Shaykh ‘AbdulMuhsin al-‘Ubaykaan on this: [Hhttp://www.al-athariyyah.com/media/pdf/terrorism/qanda_london_bombings_1.pdf](http://www.al-athariyyah.com/media/pdf/terrorism/qanda_london_bombings_1.pdf)H and [Hhttp://www.al-athariyyah.com/media/pdf/terrorism/muslims_overseas_terrorism.pdf](http://www.al-athariyyah.com/media/pdf/terrorism/muslims_overseas_terrorism.pdf)H

So all of the above are in complete contrast to some of the misguided *Soofees* of the era in America (who have no connection to the Muslim youth) who for their own sectarian interests went and gave ‘keynote addresses’ to *kuffaar* governments in the late 1990s. This is the case with Hishaam al-Kabbaanee al-Lubnaanee an-Naqshabandee ([Hhttp://video.google.co.uk/videoplay?docid=618545744089582463&q=Kabbani+Sufi](http://video.google.co.uk/videoplay?docid=618545744089582463&q=Kabbani+Sufi)H – for an indication of his clear innovation and deviation from the way of the Prophet, hence his opposition to the *Salafees* who do not call for the likes of such dancing based on the clear Islamic evidences) who:

1. Claimed that 80% of mosques in America are intrinsically extreme.
2. Buttressed the policies of a *kuffaar* government and praised the ignoramus who runs it.
3. Was opposed by all general Muslims in the USA who even all got together to put forward a statement and ‘petition of signatories’ against him!
4. Said that Muslims “pose an intrinsic threat”!!
5. Supported US policy in Palestine.
6. Had his photo taken with *kuffaar* leaders!

So the above distinctions are important as one UK website moderator, in his injustice and oppression, compared a *salafee* with al-Kabbaanee on his website which has now been closed down for allegedly supporting terrorists and plotting to kill Americans, the imprisoned moderator is now claiming he had nothing to do with the site from whence they were claiming to be the main callers to *jihad*!?! [TN]

THE SECOND: Those who report that there is a ‘consensus’ utilised the presence of outward *kufr* with complete assistance to the *kuffaar*, even in speech. This *ijmaa’* (consensus) is certainly annulled and no just scholar supports its devaluation. Proof of the nullification of the highlighted consensus is as follows:

1. Imaam Shaafi’ee (*rabeemabullaah*) made clear that Haatib did not disbelieve even though his action was one of strongly aiding the *kuffaar* against the Islamic army which the Messenger (*sallallaahu alayhi wassallam*) had put forth. It was said to Imaam Shaafi’ee: **“Do you view that the Muslim who writes to enemy polytheist fighters informing them that the Muslims are about to attack them or informs about the secret plans of the Muslims as being one whose blood is permissible (i.e. for execution) as this indicates his allegiance to the polytheists?”** Imaam Shaafi’ee (*rabeemabullaah*) replied: **“Whoever Islaam is confirmed from is not permissible to execute except if he murders or commits adultery after protecting himself or clearly disbelieves after eemaan and then his kufr is confirmed. Informing of the secret plans of the Muslims and warning kuffaar by informing that Muslims want to attack is not clear kufr.”** Then it was said to Imaam ash-Shaafi’ee: **“Do you say this based on the text or out of analogy?”** Imaam Shaafi’ee said “I say it because I have no knowledge of the Muslim in question that he goes against the clear *sunnah* after the Book (i.e. Qur’aan) and the *sunnah* has been made clear to him.” Then it was said to Shaafi’ee: **“Mention what the sunnah says about it.”** Then Imaam Shaafi’ee brought the narration of Haatib and said: **“Within this hadeeth, along with what we described earlier, is the ruling of the use of doubtful matters (it is not a definite ruling)**

because when the letter has the meaning that Haatib said as he said it, i.e. that he did not do it doubting Islaam, rather he did it out of saving his family and it could also be a slip (not an intention to hurt Islaam) and the meaning could even be uglier than this, his word could mean his actual action. The ruling of the Messenger of Allaah (sallallaahu alayhi wassallam) was that he not be executed or punished and nobody came with the likes of this and what is most probable no one approached him in this way because the Messenger of Allaah (sallallaahu alayhi wassallam) made clear his great stature to all of humanity after him. Because he was an informer to the polytheists when the Messenger ordered an attack on them and they believed him from what is preponderant as can be seen in they did. For that reason anyone that came after him would also be accepted even if he was less in status and less important.¹⁸” So this is Imaam Shaafi’ee (*rabeemabullaah*) who contradicts the ‘consensus’ with frankness and lucidity.

2. Imaam al-Qurtubee (*rabeemabullaah*) with frankness and lucidity stated that whoever (from the Muslims) informs of the secrets of the Muslims to the *kuffaar* has not disbelieved. This is as long as the Muslim who does that is of sound belief and is only doing it out of preserving some worldly aim even if this is strong assistance to the *kuffaar*. Imaam Qurtubee said (*rabeemabullaah*) that: **“Whoever informs of the secrets of the Muslims to the enemies of the Muslims then such a person is not a disbeliever if he is doing it out of a worldly reason yet his**

¹⁸ Haatib did this act and many people after him, lesser than him in status, would have their statements accepted too. [TN]

belief is sound, as Haatib (radi Allaahu ‘anhu) done when he mentioned that he wanted to do the kuffaar a favour (and by doing so protect his family) and not that it was done out of apostacy from the deen.” Is this not clear in devaluing any ‘consensus’ which claims that even the least form of assistance to the *kuffaar*, whether in speech or in action, is disbelief?

3. Imaam Ibn al-Jawzee (*rabeemabullaah*) stated: “Allaah’s saying,

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“And whoever is an ally to them among you, then indeed, he is one of them.”

{*al-Maa’idah* (5): 51}

...Has two important aspects.

FIRST: having allegiance to them in their religion, then indeed such a person is one of them in *kufr*. So notice O noble reader Ibn al-Jawzee does not only negate the stated consensus but he does not state the consensus which is inferred in the following: **“helping the kuffaar is disbelief even if it is a small statement”**, Ibn al-Jawzee does not state these positions, despite trying to combine all of these statements of the *mufasssireen* in his *tafseer* and being known for his far sightedness. As he mentioned to his son advising and making clear the great status of *tafseer*: **“Do not leave al-Mugnee and Za’d ul-Maseer in any need that you may have in tafseer.”**

SECOND: whoever has allegiance to them in treaties after reneging on another treaty then indeed he is of them in opposing the treaty.

4. Imaam Abu’l-Fadl Mahmood al-Aloosee (*rabeemabullaah*) stated: “The intent of Allaah’s saying

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“And whoever is an ally to them among you, then indeed, he is one of them.”

{*al-Maa'idah (5): 51*}

...is that the person is a disbeliever like them in reality and it has been narrated from Ibn 'Abbaas (*radi Allaahu 'anhu*). It is intended that their allegiance is out of their status of being *yahood* or Christians.”¹⁹

5. The Imaams of the four *madhabs*, Aboo Haneefah, Maalik, ash-Shaafi'ee and Ahmad (*rabeemabumullaah*) do not view the *kufr* of the spy who informs of the secrets of the Muslims to the *kuffaar*, and this is also the opinion that Ibn Taymiyyah chose and an important quote from him will be mentioned towards the end of this section of research regarding allegiance. Ibn Qayyim (*rabeemabullaah*) stated: “It is verified that Haatib ibn Balta'ah, when he spied and informed, 'Umar asked if his neck should be struck (i.e. executed) but it was not possible for him to do this and the Prophet (*sallallaahu alayhi wassallam*) said: “*And what do you know, Allah might have looked at them (Badr warriors) and said (to them), “Do what you like, for I have forgiven you.”*” The ruling of the issue of fulfilling trusts has preceded and the jurists differ regarding this. Sahnoun said **“If a Muslim writes to enemy combatants and is executed while he did not repent his wealth and inheritance becomes permissible.”** Others from the followers of Imaam Maalik (*rabeemabullaah*) said **“He is to be whipped painfully, imprisoned for a lengthy period and to be expelled to a region close to the kuffaar.”** Ibn ul-Qaasim said: **“He is to be executed and his tawbah is not accepted, as his situation is**

¹⁹ *Rooh ul-Ma'anee*, vol.3, p.157

akin to that of the heretic (zindeeq)." Imaams Shaafi'ee, Aboo Haneefah and Ahmad (*rabeemabumullaah*) say that he is not to be executed and two of them use the story of Haatib (*radi Allaabu 'anbu*) as their evidence. Ibn 'Aqeel from the followers of Ahmad agreed with Imaam Maalik and his companions.²⁰

6. Shaykh, *Muhaqqiq*, 'AbdurRahmaan as-Sa'di in his *tafseer* of the *ayah* of *Soorah Maa'idah*,

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"And whoever is an ally to them among you, then indeed, he is one of them."

{*al-Maa'idah* (5): 51}

"This is because full and complete total allegiance necessitates going over to their religion. Slight allegiance necessitates many stages which lead to one becoming a slave to them." This clearly shows that *kufr* is only applied when there is full and complete allegiance and all else besides that is not *kufr*. Total allegiance is related to religions and this is an affair of belief.

7. Al-Allaamah, *al-mufasssir*, Shaykh Muhammad Ameen ash-Shanqeetee (*rabeemabullaah*) said in his *tafseer* of the saying of Allaah,

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"And whoever is an ally to them among you, then indeed, he is one of them."

²⁰ *Zaad ul-Ma'ad*, vol.5, p.64, also see *Zaad ul-Ma'ad*, vol.3, pp.422-424, *al-Bidaa'a'*, vol.4, pp.939-941 and *as-Saarim al-Maslool*, vol.2, p.372.

{*al-Maa'idah* (5): 51}

“It is understood from the outward of the verse that whoever allies to the kuffaar, on purpose and out of their own choice, wanting to be from them, then such an individual is a disbeliever like them.”²¹ He (*rabeemabullaah*) did not make absolute *takfeer* rather he compared it to an issue of the heart and of belief which is to ally oneself to the *kuffaar* **“wanting to be from them.”**

8. Shaykh Muhammad bin Saalih al-'Uthaymeen (*rabeemabullaah*) in his *tafseer* of the verse in *Soorah al-Maa'idah*,

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“And whoever is an ally to them among you, then indeed, he is one of them.”

{*al-Maa'idah* (5): 51}

Mentioned that to cause victory to them is from the major sins like the saying of the prophet (*sallallaahu alayhi wassallam*) “Whoever cheats us is not one of us,” then he said **“What is important here to know is that the word of allegiance that the prophet (sallallaahu alayhi wassallam) forbade is that allegiance of helping and granting assistance to them which would have a benefit for them, this is impermissible. However, we say to you: except if it is helping and aiding them against those who are worse to the Muslims than them (kuffaar).”**²² He (*rabeemabullaah*) did not rule that helping was *kufr*.

²¹ *Adwaa' ul-Bayaan*, vol.2, p.111

²² *Al-Maa'idah*, tape no.51, side 2

O noble reader, is not the (presumed) consensus destroyed? As those great Imaams did not make *takfeer* of the spy who informs of the plans of the Muslims to the disbelievers.

Some try to make the issue of the spy a special case which does not destroy the consensus, but this is a shameful attempt from these angles:

1. Those who relay the consensus mention all facets including the concept of speech and they do not make exception not even once for the spy and if they did have this exception they would have made it clear and not left it.
2. That which distinguishes proof of consensus as being definitive proof is not conclusive proof as it requires clarification.
3. Those who transmit the ‘consensus’ are contemporary scholars (or at least later scholars) so if the issue was one wherein there was a ‘consensus’ the early scholars, jurists and explainers along with their great numbers and precision would not have been heedless of it.
4. In the speech of the early scholars and the later scholars are those who attach *takfeer* in accordance to belief, as has preceded, not according to action. The scholars who have mentioned the issue of the spy, mentioned it absolutely as an exemplary form (as an example) not specifically, because they would not make *takfeer* due to mere action.

Some of them (*takfeerees*) repeat the doubt that Haatib made an interpretation which led him to *kuffr*; this doubt is refuted from a number of angles:

- A. When the Messenger of Allaah (*sallallaahu alayhi wassallam*) asked Haatib as to his reasons and excuses for his action, Haatib did not make the excuse that he made an interpretation of the evidences of the Divine legislation, rather he said he did what he did out of a worldly reason.

- B. The Messenger of Allaah (*sallallaahu alayhi wassallam*) did not understand that Haatib made any kind of interpretation or deduction (of the texts) and he did not show any doubt that he may have been holding and the cure of doubt is to uncover it.
- C. The Messenger of Allaah (*sallallaahu alayhi wassallam*) established that Haatib was sinful, yet forgiven as he was from those who had fought in Badr, not out of the fact that he made his own interpretation.

Further elaboration on this matter reveals that those who make an (incorrect) interpretation are not sinful and neither are they in need of good actions (to expiate their interpretation and) to forgive them of their wrong actions, such as being present during the battle of Badr. Ibn Hazm related a consensus on this in *al-Fasl* (vol.3, p.270), also see the words of Ibn Taymiyyah on this matter in *al-Istiqamah* (vol.2, p.143), *Majmoo' al-Fatawaa* (vol.1, p.113), (vol.3, p.284) and (vol.12, p.180), *ar-Ra'd 'alaa Bakree* (pp. 259, 329) and in *al-Isfahaaniyyah* (pp.144-145).

SECOND: The prohibited allegiance – This differs depending on the different types of *kuffaar*, as has preceded. Yet all of them have enmity and hatred, a religious hatred. They also believe in their (invalid) *deen* which will leads them to the Fire. There are also some *fiqh* issues which the scholars have differed over considerably such as the ruling of punishing the *kuffaar* and the boundaries of the Arabian Peninsula. The like of these issues concern whoever believes them to be prohibited does not do it, but should not curse the one who differs (about the prohibitions). He has the right if his statement is clear to him and calls to it, because his statement is related to the issues that form the

opposite opinion, so the principles that we mentioned before are found in the books of the people of knowledge.

THIRD: Permissible - This is via having good relations to non-combatants and the origin of this is the saying of Allaah,

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“Allaah does not forbid you from dealing kindly and justly with those who neither fight you nor expel you from your homes; indeed Allaah loves those who are just.”

{al-Mumtabinah (60): 8}

From this is Muslim men’s allowance to marry women of the scripture (Jewish and Christian women) but not the other way round (i.e. Muslim women marrying men from the People of the Scripture); eating the food that has been killed by the people of the scripture and also calling them to Islaam and inviting them to leave what they are upon of abrogated and distorted religion, this is recommended if not obligatory.

IMPORTANT NOTE:

Many of the rulings mentioned in this chapter differ depending on the benefits, a situation of strength differs therefore from a situation wherein the Muslims are weak, as has mentioned prior.

ABROGATING THE DIVINE LEGISLATION OF JIHAAD

What is certainly established and verified is that *jibaad* of *dafa'* (self-defense) and of *talab* (to extend the domains of Islaam) are two matters which are Divinely Legislated and whoever denies their Divine Legislation has left Islaam and expelled themselves from the religion. This is because whoever denies something that is well-established in the Book of Allaah and the *sunna* of His Messenger (*sallallaahu alayhi wassallam*) but it is important to know that these forms of *jibaad* have specific times, conditions and intents for which they were Divinely Legislated. Pay attention to the following points:

FIRST POINT: Jihaad against the enemy and physically fighting against them is legislated in the Divine Legislation due to other corroborating evidences not on its own merits, which is establishing the *deen* of Allaah in the earth as Allaah said,

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“Fight them until there is no tribulation and until the *deen* is for Allaah”

{*al-Anfaal* (8): 39}

Ibn Jareer at-Tabaree said:

“Fight them until there is no shirk and until none but Allaah is worshipped without partner and so that calamity is raised off the servants of Allaah in the earth which is tribulation (*fitna*), and so that the *deen* is totally for Allaah.”

He also said:

“And until obedience and worship is all for Allaah sincerely and not for anyone else other than him. The people of interpretation have also said as we do.”

Then he mentioned who said that and transmitted it with a chain of transmission from Ibn ‘Abbaas, Hasan, Qataadah, Suddee, Ibn Jurayj and others (*rabeemabumullaah*).²³

Aboo ‘Abdillaah al-Qurtubee said:

“The verse and the hadeeth indicate the reason for fighting is kufr as Allaah said

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“...until there is no tribulation”

Meaning: kufr and made the main aim to be avoiding kufr and this is clear.”²⁴

Ibn Daqeeq al-Eeid said:

“This is because jihaad is a means to advertising the deen and spreading it, and it also subdues kufr and destroys it so its virtue is on account of the virtue of that.”²⁵

Shaykh ‘AbdurRahmaan as-Sa’dee said in his *tafseer*:

²³ *Tafseer*, vol.9, p.162

²⁴ *Tafseer*, vol.2, p.354

²⁵ *Fath ul-Baaree (Kitaab ul-Jihaad, Chapter on the Virtue of Jihaad)*

“Then Allaah, The Exalted, mentioned the intent of fighting in His way and the intent of it is not merely to spill the blood of the kuffaar and to take their wealth. Rather, the intent of it is so that the deen will all be for Allaah and so that the deen of Allaah will be manifest and over the other ways of life. It also intends to push back all aspects of shirk which oppose the deen, and this is the main intent of ‘fitna (tribulation)’. So if this intent is realized there is neither killing nor fighting.”

In the *hadeeth* of Abee Moosaa he said “The Messenger of Allaah (*sallallaahu alayhi wassallam*) said “*Whoever fights so that the word of Allaah becomes the most high then he is in the way of Allaah.*”” Ibn Taymiyyah said

“The punishment for abandoning the obligations and performing prohibitions is the intent of jihaad in Allaah’s path.”²⁶

Ibn Qayyim said:

“Due to it (i.e. tawheed) the swords for jihaad are unsheathed.”²⁷

So if the intent of *jihaad* is legislated on its own merits it would not allow the taking of *jizya* as Allaah said

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“Fight those who do not believe in Allaah nor in the Last Day, nor hold that forbidden which has been forbidden by Allaah and His Messenger, nor acknowledge the religion of Truth, (even if they are) of the People of the Book, until they pay the Jizya with willing submission, and feel themselves subdued.”

{*at-Tawbah* (9): 29}

²⁶ *Majmoo’ al-Fataawaa*, vol.28, p.308

²⁷ *Zaad ul-Ma’ad*, vol.1, p.34 and ‘*A’laam ul-Muwaqi’een*, vol.1, p.4

In the *hadeeth* of Buraydah (*radi Allaahu ‘anhu*) in *Sabeeh Muslim*: The Messenger of Allaah (*sallallaahu alayhi wassallam*) if he instructed an army general or sent someone on an expedition he would exhort him to have in his character *taqwaa* of Allaah and to be good to those Muslims fighting with him. Then he said “Do battle in the name of Allaah in the path of Allaah; fight those who disbelieve in Allaah. Do battle and do not exceed the limits, do not depart (from the battle), do not mutilate and do not kill young children. When you meet your enemies from the *Mushrikeen* call them to three virtues; mention *Islaam* to them and if they do not accept it then the *jiyya* (must be paid by them to the Muslims) and if they do not pay it, then fight.”

SECOND POINT: If it becomes clear that the Divinely Legislated **Jihaad** is legislated due to other corroborating factors, which is establishing the **deen** of Allaah in the earth, before calling to it (**Jihaad**) there must be the presence of the Divinely Legislated detailed **fiqh** along with deep and lengthy analysis. So will calling via this means lead to the intended aim (establishing the **deen** of Allaah) or not?

From the particular affairs in comprehending the condition of the Muslims is that if they are weak due to their numbers or due to their lack of preparation in relation to their enemies it is not correct for them to tread the path of armed **jihad** against the enemy due to their condition of weakness. What makes this apparent is the fact that Allaah did not instruct His messenger (*sallallaahu alayhi wassallam*) and the Companions (*radi Allaahu ‘anhum*) to fight the *kuffaar* when they were in Makkah due to their weakness in number and in readiness in relation to their enemies. Ibn Taymiyyah said:

“It was instructed to abstain from fighting them due to his inability and the inability of the Muslims, then when they migrated to Madeenah and gained assistance, Allaah permitted him to make armed **jihad and then**

when they grew in strength Allaah prescribed for them fighting and did not prescribe fighting for them for their own safety as they were not able to fight all of the kuffaar. But when Allaah opened up Makkah for them and halted fighting against the Quraysh and the kings of the Arabs and a delegation of Arabs came into Islaam, Allaah instructed the Prophet (sallallaahu alayhi wassallam) fighting all of the kuffaar except those who had a temporal bond of agreement and Allaah instructed him to annul those absolute agreements and that which annulled it was leaving fighting.”²⁸

He also said:

“The reason for that tax upon them is only when the deen is manifest and raised such as jihaad and their adherence to paying the jizya and subjugation. So when the Muslims were in a state of weakness in the beginning the duty (which the non-Muslims pay to the Muslim state) was not Divinely Legislated, only after the deen had been completed and manifest was that Divinely Legislated.”²⁹

Then he said:

“This was the result of patience and consciousness of Allaah which Allaah instructed (the Muslims to have) at the very beginning of Islaam and during that time the jizya was not taken from any of the Jewish community, or other non-Muslim communities, who were living in Madeenah. Those verses applicable to every Muslim in a state of weakness who is not able to aid Allaah and His messenger with his hand or via his tongue (i.e. by speaking), but could help by using what he was able to by his heart and the likes. The verses about subduing those non-

²⁸ *Al-Jawaab as-Saheeh*, vol.1, p.237

²⁹ *Iqtidaa' as-Siraat ul-Mustaqeem*, vol.1, p.420

Muslims who have contracts with Muslims are applicable to every strong believer who is able to help the deen of Allaah and His Messenger with his hand and tongue (i.e. via speaking). It is with these verses that the Muslims were applying during the last epoch of the Messenger of Allaah (sallallaahu alayhi wassallam) and during the epoch of his rightly guided caliphs. And thus it will be until the Day of Judgement as there will never cease to be a group from this ummah who are well established on the truth who help Allaah and His Messenger with complete help. So whoever from the believers is weak in the earth or is weak in the time in which he is living in, must apply those verses of the Qur'aan which mention patience and forgiveness against those who are seeking to harm Allaah and His Messenger from those who were given the scriptures prior and also from the polytheists. As for those people who are in a state of strength then they are to apply the verses regarding fighting the leaders of kufr who slander the deen. They are also to apply the Qur'anic verses regarding fighting those who were given the scriptures prior until they pay the jizya and are subjugated.”³⁰

Shaykh ‘AbdurRahmaan as-Sa’dee (*rabeemabullaah*) said:

“These verses include the order to fight in the way of Allaah and this was after the hijra to Madeenah. So when the Muslims became strong Allaah instructed them to fight, after they were instructed to abstain from it.”³¹

He then said:

“And from it: is that if fighting was obligated upon them, with their small numbers and many enemies, that would have led to Islaam disappearing. Some of the believers held that fighting during that

³⁰ *As-Saarim al-Maslool*, vol.2, p.413

³¹ *Tafseer*, p.89

condition was improper. What is actually suitable in such a period of weakness is to establish what Allaah has instructed from tawheed, prayer, giving charity (zakah) etc. As Allaah said,

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“But if they done what they had been instructed to do it would have benn better for them and would have strengthened (their faith).”

{*an-Nisaa* (4): 66}

So when they migrated to Madeenah and Islaam became powerful, Allaah prescribed fighting for them at the suitable time.”³²

Shaykh Muhammad bin Saalih al-‘Uthaymeen (*rabeemahullaah*) said:

“There is a necessary condition within this which is that: the Muslims have ability and power that enables them to fight. If they do not possess the power yet put themselves forward to fight, they will be destroyed.”³³

³² *Tafseer*, p.188

³³ This is what has taken place in the West, with London being an excellent example of where the efforts of the so-called ‘leaders of *jihad*’ have not materialized whatsoever and their calls have been totally quashed, squashed, crushed, quelled and destroyed and their ideologues have been thrown in prisons of the *kuffaar*, with no positive effects of their *da’wah* for the Muslims or societies whatsoever. Indeed, some of them have even freed themselves from suicide bombings due to them realizing the negative effects, as happened last year with Aboo Baseer ‘AbdulMun’im ibn Mustaphaa Haleemah at-Tartoosee (based in Lewisham, south-east London) who refuted those who resort to suicide bombing in London and ‘Ammaan. Some argue that this was done as Aboo Baseer wanted to free himself from such terrorist actions and due to his fear of being implicated with such actions. In any case, he remains one of the main *takfeeree* theoreticians. So even though he openly now rejects suicide bombings in the UK he calls for revolt and ‘taking out’ those “who get in the way” within Muslim countries!?! See his so-called ‘*fatwa*’ on Saudi Arabia. Another example of this is with Aboo Zubayr Saleem “al-Azzaamee” who used to disseminate the *fataawaa* of the likes of Hamood bin ‘Uqlaa ash-Shu’aybee (regarding the permissibility of suicide bomb attacks) but then after the events of 7/7 decided that it was time to condemn them!?! In an article written by Aboo Zubayr entitled ‘*Some Thoughts on the London Attacks*’ (dated 9 July 2005 CE on the ‘*Islamic Awakening*’

For this reason, Allaah did not obligate the Muslims to fight whilst they were in Makkah as they were unable due to their condition of weakness. But when they migrated to Madeenah and established the Islamic state they assumed power and were instructed to fight. Based upon this there is no escape from this condition and if not the remaining obligations would be redundant as all of the obligations have the condition of ability based on Allaah's saying,

“Fear Allaah as much as you can...”

{*Taghaabun (64): 16*}

website) he frees himself from the evil of those attacks, praising **“the zeal of the ordinary British population”** along with other traits of the *kuffaar* which he all-of-a-sudden now considers “praiseworthy.” As a result, he praises the *kuffaar* and condemns the Muslims for not going on innovated demonstrations, protests and rallies by saying **“The British public have commendably far surpassed, in their efforts for the control order detainees, the British Muslims who have succumbed to fear from day one.”** As if prancing around on a foolish demonstration (which is based on the ideas of those who one claims to hate so much!) in some cases for known *takfeerees* and *khawaarij*, is the bench-mark to assess one's *eemaan* in Allaah and the Messenger (*sallallaahu alayhi wassallam*)!?!?

Within the article he also suddenly calls on Muslims in the UK to be **“law-abiding citizens”** yet he did not seem to adhere to this for the Muslims in Saudi when he was peddling around the views of the likes of Safar, Salmaan and Aa'id when they were imprisoned in Saudi!? Aboo Zubayr also says: **“This is where the Muslim community must play its role in tackling those who are bent on destroying what we have been building for decades.”** (!!!) Then he says **“...that if it really was in their interests to prevent such attacks from occurring in Britain, they would have tried their best in reaching out to the vulnerable young people who may fall victims to wrong ideas.”** This is from one who in the late 1990s used to call the youth at *al-Muntada al-Islaamee* to the *kufir* of the Muslim rulers and accuse the major scholars of being *Murji'ah* and not knowing **“the reality of eemaan”**!! Yet in his article Aboo Zubayr had the audacity to say: **“We should also be aware of falling into extremism or negligence, for often at times of crisis we notice the phenomena of Muslims going from one extreme to the other. Islam is a balanced religion, between extremism and negligence.”** It's a shame that Aboo Zubayr and Aboo Baseer could not extend their new-found respect for the *kuffaar* to Muslim countries and leaders! [TN]

And Allaah's saying,

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“Allaah does not burden a soul more than it can bear...”

{Baqarab (2): 286}.”³⁴

Then Shaykh ‘Uthaymeen (*rabeemabullaah*) said in response to a question related to the Islamic society's need for *jibaad* in the path of Allaah which asked:

“The virtue of jibaad and its lofty status in the Divine Legislation of Islaam is in order for the deen to be entirely for Allaah. In addition to this I ask is fighting obligated or permissible without being prepared for it?”

The answer from Shaykh ‘Uthaymeen (*rabeemabullaah*):

“It is not obligated and it is not permissible without being prepared for it. Allaah did not obligate on His Prophet (sallallaahu alayhi wassallam) whilst he was in Makkah to fight the Mushrikeen and permitted His Prophet in the Treaty of Hdaybiyah to make an agreement with the Mushrikeen.³⁵ This was an agreement which if a person read would

³⁴ *Sharh ul-Mumti*, vol.8, p.9

³⁵ The *Hdaybiyah Treaty* was made between the Muslims and the polytheists of Quraysh. When the *mushrikeen* of Quraysh witnessed the determination of the Muslims to risk their lives, properties, wealth and families for their faith in order to spread it peacefully, they realised that the Prophet Muhammad (*sallallaahu alayhi wassallam*) and his followers (*radi Allaahu ‘anhum*) could not be bullied or frightened by mere scare tactics. Therefore, a treaty of reconciliation and peace was made between the Quraysh and the Muslims. The clauses of the treaty were:

- The Muslims would return and come back in the following year (7 AH) but they would not stay in Makkah for more than three days and without arms except those concealed.
- War activities were to be suspended for ten years, during which both sides will live in security with neither side waging war against the other.

think that within it was a setback for the Muslims. Many of you know how the Treaty of Hudaibiyah was to the extent that ‘Umar ibn al-Khattaab (radi Allaahu ‘anhu) said “O Messenger of Allaah! Are we not upon the truth and our enemies upon baatil?” The Messenger of Allaah (sallallaahu alayhi wassallam) said “Yes.” ‘Umar said “Then why should we accept such difficult terms in the affairs of our deen?” ‘Umar thought that there was a setback for the Muslims within the treaty. However, there is no doubt that the Messenger of Allaah (sallallaahu alayhi wasallam) has more understanding than ‘Umar and Allaah permitted the Messenger to do that. The Messenger of Allaah said “Indeed, I am the Messenger of Allaah and I would not disobey him and He will help me” so if it was clear that the treaty was a setback for the Muslims then this

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- Whoever wishes to join Muhammad (*sallallaahu alayhi wassallam*) was free to do so and likewise whoever wished to join the *mushrikeen* of the Quraysh was also free to do so.
 - If anyone from the Quraysh joins Muhammad (*sallallaahu alayhi wassallam*) without his parent’s or guardian’s permission, he should be sent back to the Quraysh, but should any of Muhammad’s followers return to the Quraysh, he was not to be sent back. (Safiur-Rahman al-Mubarakpuri, *The Sealed Nectar (ar-Raheequl-Makhtum)* Darusalam, 2002, p.403)

The treaty was significant in that the Quraysh began to recognise the Muslims legitimate existence and began to deal with them on equal terms. Safiur-Rahman al-Mubarakpuri notes in his biography of the Prophet Muhammad (*sallallaahu alayhi wassallam*) pp.407-408: “The Muslims did not have in mind to seize people’s property or kill them through bloody wars, nor did they ever think of using any compulsive approaches in their efforts to propagate Islam, on the contrary their sole target was to provide an atmosphere of freedom in ideology or religion, **“Then whosoever wills, let him believe, and whosoever wills, let him disbelieve.”** {*al-Kahf (18): 29*}” The Muslims on the other hand had the opportunity to spread Islaam over areas not then explored. When there was the peace agreement, war was abolished, and men met and consulted each other, none talked about Islaam intelligently without entering it; within two years following the conclusion of the treaty, twice as many people entered Islaam than ever before. This is supported by the fact that the Prophet (*sallallaahu alayhi wassallam*) went out to al-Hudaibiyah with only 1400 men, but when he set out to liberate Makkah, two years later, he had 10,000 men with him. [TN]

indicates to us brothers an important issue which is the strength of a believer's trust in his Lord. So what is important is that it is obligatory upon Muslims to wage jihaad in order to make the word of Allaah the most high and so that the deen will be entirely for Allaah. However, currently we do not possess as Muslims that which can enable us to wage jihaad against the kuffaar, even if is defensive. As for offensive jihaad then there is no doubt that this is not possible right now until Allaah brings consciousness to the ummah which prepare the ummah in terms of eemaan, personally and militarily. As for us today in this regard we are not able to wage jihaad.”³⁶

What also proves that strength is a primary condition to establishing offensive *jihaad* (to spread the borders of Islaam) is that Allaah made it a condition in a number of obligations where one Muslim man would be opposed to two, as Allaah said,

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“Now Allaah has lightened your (task), for he knows that there is weakness in you. So, if there are a hundred of you that are steadfast, they will overcome two hundred. And if there are a thousand of you, they will overcome two thousand, by the permission of Allaah. And Allaah is with those who are patient.”

{*al-Anfaal* (8): 66}

³⁶ Liqaa' (open session) Thursday, 33 during the Month of Safar 1414 AH'1/1994 CE

So if the *kuuffaar* are three times the number of Muslims, fighting would not be obligated on the Muslims and it would be correct for them to runaway as the *Sabaabah* did at Mu'tah. This makes it certain that strength is a condition and also from this is what has been reported by Muslim from an-Nawwaas bin Sam'aan in the story of the Eesaa's (*alayhi salaam*) killing of the Dajjaal, he narrated: The Messenger of Allaah (*sallallaahu alayhi wassallam*) said "Allaah will reveal to Eesaa "I have brought forth from my servants some people who no one will be able to fight against; take these people safely to Mount Toor" and then Allaah will send Yajooj and Majooj..." Imaam Nawawee (*raheemabullaah*) said:

"The scholars have said that the meaning of this hadeeth is that when there is no power or ability due to his inability to defend himself and the meaning of their flight to Mount Toor is: to gather the people all together and establish a fortified place for them."³⁷

Within this *hadeeth* it can be seen that when the strength of 'Eesaa (*alayhi salaam*) will be weak in relation to the power of Yajooj and Majooj, Allaah will order 'Eesaa not to fight or to wage *jibaad* against them, this indicates that strength is a condition (for waging armed military *jibaad*).

THIRD POINT: In addition to strength in numbers and preparation, there must also be strong eemaan and Islaam with the Muslims – if not, if the sins of the Muslims are manifest and abundant and their establishment of the *deen* is weak, especially in regards to *tawbeed* and the *sunnah*, so that there *shirk* and innovation prevalent along with disobedience (to Allaah) from the Muslims and such people are the majority, if the state of the Muslims is like this then they are distant except if Allaah wills with His Virtue and Mercy. Allaah says,

³⁷ *Sharhu Muslim*, vol18, p.68

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“(What is the matter with you) when a calamity befalls you, even though you smote (your enemies) with one twice as great, you say “From where has this come to us?” Say (to them O Muhammad) “it is from your own selves.””

{*Aali-Imraan (3): 165*}

Ibn Jareer (*rabeemabullaah*) said:

““From where has this come to us?” From whence has this come from and from whence have we been tried whilst we are Muslims and they are Mushrikeen? And the Prophet of Allaah (sallallaahu alayhi wassallam) fulfilled (the trust) for us by conveying the revelation from the heavens and our enemies are people of kufr, who disbelieve in Allaah and commit shirk. Say O Muhammad to the believers with you from the Sahaabah “it is from your own selves” and Allaah says “Say to them: this has afflicted you due to what is in your own selves from disobeying my instructions and your leaving obedience to me, this is not due to others or anyone else except yourselves.”³⁸

He transmitted this from a group of the *Salaf* such as ‘Ikrimah, al-Hasan, Ibn Jurayj and as-Suddee. Aboo Dardaa’ said: “You only fight with your actions.”³⁹

Shaykh ‘AbdurRahmaan as-Sa’dee said:

““From where has this come to us?” means: from whence have we’ve been afflicted and what has afflicted us and caused us to be defeated? Say it is from your own selves when you disputed and disobeyed after I

³⁸ *Jaami’ al-Bayaan fee Tafseer il-Qur’aan*, vol.4, p.108

³⁹ Bukhaaree appended it in *Kitaab ul-Jihaad, Bab ‘Amal as-Saalih qabla Qitaal (The Book of Jihaad, chapter entitled ‘Righteous Actions Comes Before Fighting’)*.

had shown you what you love. So blame your own selves and be warned of such destructive reasons.”⁴⁰

Ibn Taymiyyah said:

“Whenever the kuffaar become manifest, that is due to the sins of the Muslims which necessitates a weakness in their eemaan. But then when they repent and perfect their faith Allaah will help them, as Allaah said,

أَمْ أَتَىٰ الْأَرْضَ دَائِبًا ۗ أَلَمْ يَلْقَ الْكُفْرَ ۗ أَلَمْ يَلْقَ الْكُفْرَ ۗ أَلَمْ يَلْقَ الْكُفْرَ ۗ

“So do not become weak (against your enemy), nor be sad, and you will be superior (in victory) if you are indeed (true) believers.”

{*Aali-Imraan (3): 139*}

And Allaah says,

أَمْ أَتَىٰ الْأَرْضَ دَائِبًا ۗ أَلَمْ يَلْقَ الْكُفْرَ ۗ أَلَمْ يَلْقَ الْكُفْرَ ۗ أَلَمْ يَلْقَ الْكُفْرَ ۗ

“(What is the matter with you) when a calamity befalls you, even though you smote (your enemies) with one twice as great, you say “From where has this come to us?” Say (to them O Muhammad) “it is from your own selves””

{*Aali-Imraan (3): 165*}⁴¹

Then he said:

“As for the victory (of the kuffaar), Allaah gives the upper hand to the kuffaar against the believers at times as He let the believers triumph over the kuffaar as was the case for the Companions of the Prophet

⁴⁰ *Tafseer*, p.126

⁴¹ *Al-Jawaab as-Saheeh*, vol.6, p.450

(sallallaahu alayhi wassallam) against their enemies. However, the end is for those who are conscious of Allaah, as Allaah says,

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“Indeed We will grant victory to Our Messengers and those who believe in the worldly life and on the Day when the witnesses will stand forth.”

{*Ghaafir (40): 51*}

Yet if the Muslims are weak and their enemies are manifest over them that is due to the sins of the Muslims and their mistakes. Either it is due to their negligence in performing their obligations secretly and openly or due to their enmity in challenging the boundaries (of Allaah) secretly and openly. Allaah says,

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“Those of you who turned back on the day the two hosts met (i.e. on the battle of Uhud), it was Shaytaan who caused them to run away (from the battlefield) because of the sins they had earned.”

{*Aali-Imraan (3): 155*}

And Allaah says,

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“(What is the matter with you) when a calamity befalls you, even though you smote (your enemies) with one twice as great, you say “From where has this come to us?” Say (to them O Muhammad) “it is from your own selves””

{*Ali-Imraan (3): 165*}

Allaah also says,

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**“And Allaah will surely support those who support Him (i.e. His cause).
Indeed, Allaah is Powerful and Exalted in Might. (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 Allaah
belongs the outcome of (all) matters.”**

{*al-Hajj (22): 40-41*}⁴²

Ibn Qayyim said:

**“If the servant (of Allaah) reflects on the reason and cause his
preoccupation with rejecting (such reasons and causes) would be more
serious to him. If the servant (of Allaah) is a transgressor, then he is the
one who has allowed transgression to command upon his own self. As
Allaah says,**

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⁴² *Majmoo' al-Fataawaa*, vol.11, p.645 and also see vol.8, p.239 and vol.14, p.424

“(What is the matter with you) when a calamity befalls you, even though you smote (your enemies) with one twice as great, you say “From where has this come to us?” Say (to them O Muhammad) “it is from your own selves””

{*Aali-Imraan (3): 165*}

So He informed that the harm that the enemies do to them and their victory over them (Muslims): it is all due to the Muslims own transgression. Allaah says,

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“Whatever calamity befalls you then it is due to what your own hands have earned. And He pardons much.”

{*ash-Shoora (42): 30*}⁴³

Then Ibn Qayyim said;

“Likewise, victory and complete assistance (from Allaah) is only of the people of complete eemaan, Allaah says,

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“Indeed We will grant victory to Our Messengers and those who believe in the worldly life and on the Day when the witnesses will stand forth.”

{*Ghaafir (40): 51*}

And Allaah says,

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⁴³ *Madaarij us-Saalikeen*, vol.2, p.240

“So We supported those who believed against their enemy and they became dominant.”

{as-Saff (61): 14}

So whoever is deficient in his eemaan, his portion of support and assistance (from Allaah) will also be deficient. Therefore, if a servant (of Allaah) is afflicted in his own self or in his wealth, or by his enemies being dominant over him, then all of this is due to his own sins or due to his abandoning of the obligations or due to his involvement in haraam. All of this is from his deficiency in eemaan. Due to this some people bring up a number of problems regarding Allaah’s saying,

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“And never will Allaah grant to the disbelievers a way over the believers.”

{an-Nisaa’ (4): 141}

And many people answer that the meaning of this verses is that Allaah will not let the disbelievers have a way over the believers in the Hereafter and some of them say that the verses means Allaah will not let the disbelievers have over the believers a way in terms of proof. What is correct is: The likes of these verses is that the way will be obliterated for the people of complete eemaan if their eemaan becomes weak, then their enemies will have a way over them, due to their deficiency in eemaan. As a result, they will have a way over the believers due to what the believers have left from obedience to Allaah. The mighty believer is victorious, supported, helped and protected (by Allaah) wherever he is, even if they gather against him from all sides, as long as he establishes the reality of

eemaan and its obligations openly and secretly. Allaah said to the believers,

أَمْ يَكْفُرُونَ بِاللَّيْلِ وَالنَّهَارِ وَالظُّلَمِ وَالنُّجُومِ

“So do not become weak (against your enemy), nor be sad, and you will be superior (in victory) if you are indeed (true) believers.”

{*Aali-Imraan (3): 139*}

This guarantee is only due to their eemaan and their actions which is like a solider of Allaah which Allaah protects them with and does not abandon or depart from them as the actions of the kuffaar and munafiqeen are lost and if it is for someone else (i.e. not the believers) it would not be in accordance with his command.”⁴⁴

So if the Muslims return to their true *deen* based upon the Book and the *sunnah* with the understanding of the *Salaf* of the *ummah*, Allaah will help them and grant for them honour and empowerment as Allaah says,

أَمْ يَكْفُرُونَ بِاللَّيْلِ وَالنَّهَارِ وَالظُّلَمِ وَالنُّجُومِ

أَمْ يَكْفُرُونَ بِاللَّيْلِ وَالنَّهَارِ وَالظُّلَمِ وَالنُّجُومِ

أَمْ يَكْفُرُونَ بِاللَّيْلِ وَالنَّهَارِ وَالظُّلَمِ وَالنُّجُومِ

“Allaah has promised those who have believed among you and done righteous deeds that He will surely grant them succession (to authority) upon the earth just as He granted it to those before them and that He

⁴⁴ *Ighaathat ul-Luhfaan*, vol.2, p.182

will surely establish for them (therein) their religion which He has preferred for them and that He will surely substitute for the, after their fear, security, (for) they worship Me, not associating anything with Me.”

{*an-Noor* (24): 55}

Shaykh ‘AbdurRahmaan as-Sa’dee said:

“This is from the truthful promises, He promises whoever establishes eemaan and righteous actions from this ummah that He will grant them succession in the earth and be khulafaa’ (successors) in the earth. He will establish their religion for them which He has preferred for them, which is Islaam, which is above all other religions which He has preferred for this ummah, due to the ummah’s virtue, nobility and blessing. Those who establish it (the deen) will be firmly established and also due to their open and secret establishing of Allaah’s Divine Legislation within their own selves and within others (from other religions and kuffaar who have been overpowered). Allaah will substitute after their fear wherein one could not manifest his deen or fear from the harm of the kuffaar against him and the condition of the Muslims is insignificant in comparison to that of the others and the people of earth throw at them from one bow and wreak havoc against them. Allaah promised them these affairs at the time of the descent of the ayah: succession in the earth and empowerment in the earth, empowerment in the earth to establish the Islamic way of life, complete security wherein they worship Allaah and do not associate anything with Him not fearing anyone except Allaah. So the core of this ummah established eemaan and righteous actions in order to be successful others. Allaah established them with countries and pious servants (of Allaah) from the eastern parts

of the earth to the west and complete safety was obtained along with total empowerment. This is from the wondrous and splendid signs of Allaah and the affair will remain in this way until the Last Hour. As long as the people establish eemaan and righteous actions there is no escape from finding what Allaah promised has them. And if the kuffaar and munaafiqeen (hypocrites) overpower the Muslims at times, this is due to Muslims being devoid of eemaan and righteous actions.”

O truthful Muslims and believers, this path honours Islaam and the Muslims and establishes them in the earth. So traverse this path and work hard to increase taking this path and do not let Shaytaan deceive you and set you back by thinking that this way is beyond reach and time as many have been deceived.⁴⁵ As we are not instructed by our Lord except by conveying what Allaah loves and what His Messenger (*sallallaahu alayhi wassallam*) loves and traversing the Prophetic path. This is all so that we will be upon knowledge that if Allaah wanted the guidance of those called and the honour of Islaam and the Muslims he will do as He said,

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“And if their evasion (from you O Muhammad) is difficult for you, then if you are able to seek a tunnel into the earth or a stairway into the sky to bring them a sign (then do so). But if Allaah had willed, He would have united them all together on true guidance. So never be of the ignorant.

{*Al-An'aam (6): 35*}

⁴⁵ Indeed, this is what has happened to those who have rushed to *takfeer*, as they are usually the most impatient of people who are merely looking for a quick-fix. They thus look for an easy and simplistic option, which is to place all blame at the feet of the rulers and attempt to defer everything on them. This is as opposed to traversing the long route with patience and perseverance. [TN]

And remember that the one who is hasty for something before its time will be punished by being deprived of it.

ATTENTION!

Whoever has any knowledge of the condition of the Islamic *ummah* today, no matter how small his knowledge of the situation, and is an honest truthful advisor will see that what some people are doing in the name of calling the *ummah* to *jibaad* against the *kuffaar* and offensive *jibaad* is what is destroying the *ummah* and taking it into an abyss, unto Allaah we complain. In this current age strong adherence to the *deen* has been lost, the flags of *shirk* have been raised wherein *dua* is made to the *'awliya* and people seek closeness to them and the pegs of *Soofism* and innovation have been beaten; *ilbaad* and *tabreef* (distortion) of the Names and Attributes of Allaah by the *'Ash'arees*, *Mu'tazilab* and *Jahmiyyab* is established in some universities and institutes which are called 'Islamic.' And as for the *da'wah* to Allaah, then within it has emerged partisanship and ignorant groups which have allegiance and enmity based upon the *hizb* and overflowing with (people's own) desires. So you find a group which aims to rule and strives to amass the people, even if they have scant religious adherence, in the name of advantage and to achieve the chanted 'aim' such as the *Muslim Brotherhood (Ikhwaan ul-Muslimeen)*. Another group aims to guide people they call, even if this is not done in accordance with the right path and the correct way. For this reason you will see them not paying any heed to falling into the *baraam* in order to guide others apart from themselves. You will see that many of their followers are ignorant and have no knowledge and this is like *Tablighi Jamaat*. What is also strange is that these two groups do not call

people to *tawbeed* and abandoning *shirk* so as not to “divide the people” from them. As for corruption in regards to manners and character and following the ways of the *kuffaar* Westerners then this has affected many, especially the youth, male and female, so if all this is the condition of most of our *ummah* today, then it is an *ummah* of transgression which does not bequeath except its likes in transgression as Allaah said,

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**“And thus we do make the transgressors supporters of each other
because of that which they used to earn.”**

{*al-An'aam* (6): 129}

As you are, just as you will be supported and rather they are far from the help of Allaah as they do not seek to help Allaah as He said,

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**“If you help Allaah, Allaah will help you and make your foothold firm
(i.e. establish you)”**

{*Muhammad* (47): 7}

If not then Allaah will manage with His Virtue and Expansive Mercy. Then in regards to numbers and preparation, then we, as is not hidden, are weak in relation to our *kuffaar* enemies who have monopolized the arms industry and we are at a poor loss compared to what they manufacture. For that reason the successful means for the honour of this *ummah* and its empowerment to be restored is in returning to Allaah and calling to the word slowly and surely, so if the door is locked the *da'ee* should try another door, like this,

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“Whoever fears Allaah and keeps his duty to Him, He will make a way for him to get out (from every difficulty).”

{*at-Talaq* (65): 2}

Those who call the *ummah* today to *jibaad* against the disbelieving enemies are in reality striving for the destruction of the *ummah* from whence they do not comprehend. Shaykh *al-Allaamah* Muhammad bin Saalih al-‘Uthaymeen (*rabeemabullaah*) said in response to a question which was put to him, and likewise we should respond in this way if it is said to us:

““Today, why don’t we wage war against America, Russia, France and England??!!” Why not? Due to the lack of military power which time has passed by all for them. The weapons that are in our hands are kitchen utensils like kitchen knives against rockets; this would not benefit a thing! So how is it even possible for us to fight those? For this reason I say: It is from foolishness to say that it is obligatory for us to fight America, France, England and Russia, how can we fight those when we disobey the wisdom of Allaah and shun His Divine Legislation. What is rather obligatory for us to do is do what Allaah has instructed us to do,

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“And prepare against them what you are able to from power...”

{*al-Anfaal* (8): 60}

This is obligatory for us, to prepare ourselves what we are able to from power and the most important form of power is eemaan and taqwaa.”

Even reviving the spirit of *jibaad* in Muslim lands will establish the *kuffaar* and as a result it is not correct to do that which will lead to greater harms from the destruction of the Muslims, or to do that which will increase the rule of the *kuffaar*, as we see around us.

A POINT OF BENEFIT:

Some of them object to the saying that the Legislation for *jibaad* is avoided today because we live in a time of weakness, via use of what was relayed by the *Shaykhayn* from Mu'awiyah ibn Abee Sufyaan (*radi Allaahu 'anhu*) that the Messenger of Allaah (*sallallaahu alayhi wassallam*) said "There will not cease to be a faction from the Muslims fighting upon the truth, clearly apparent to whoever opposes them, until the Day of Judgement." And in *Sabeeh Muslim* 'Abdullaah bin Umar bin al-'Aas (*radi Allaahu 'anhu*) said: "*The Hour will not be established except that it will be on the worst of creation. They are far worse than the people of the days of jaabiliyyah (pre-islamic days of ignorance), and they will not call upon Allaah for anything except that He will give it to them. And they will be upon this.*" Then 'Uqbah ibn 'Aamir met Masalamah (*radi Allaahu 'anbuma*) who said "O 'Uqbah! Listen to what 'Abdullaah is saying." Then 'Uqbah said "He knows more, as for me then I heard the Messenger of Allaah (*sallallaahu alayhi wassallam*) say "*There will not cease to be a group from my ummah fighting on the instruction of Allaah, dominant over their enemies. They will not be harmed by whoever opposes them, until the Hour is established, and they are upon this.*" Abdullaah said "*Yes, then Allaah will send a breeze like the fragrance of musk and whose touch will be like the touch of silk but it will not miss a soul who has even a mustard seed of eemaan except that it takes the person (bringing death).then the worse of people will remain and the Last Hour will be established on them (in their time).*"

The objector will say **“Within these two hadeeth and their meanings is certainty of the continuation of jihad in every time and that the Muslims would not leave off it until the release of the pleasant breeze.”**

The understanding of the objector about the continuation of jihad is refuted from three angles:

1. The *sunnah* of the Messenger of Allaah (*sallallaahu alayhi wassallam*) is the biggest witness and clearest evidence that fighting is not an on-going process but rather stops between a war and the next. This is a clear refutation of those who use these texts as evidence.
2. Eesaa (*alayhi salaam*), “when he descends will fight the *yahood* and others. When Allaah unleashes Yajooj and Majooj He will reveal to ‘Eesaa that *“fighting should not be done and to take those with you to Mount Toor, as you will not have any power to against them”*”, verified by Imaam Muslim from an-Nawwaas bin Sam’aan, as has preceded. Within this *hadeeth* ‘Eesaa (*alayhi salaam*) does not continue fighting until the pleasant breeze.
3. The *sunnah* explains each other, so it is not correct to take some speech of the Messenger of Allaah (*sallallaahu alayhi wassallam*) and build upon it without looking at his (*sallallaahu alayhi wassallam*) other speech which he explained. It has preceded from the evidenced that *jihad* of *talab* is not correct during conditions of weakness and *jihad* of *dafa’* is applied after the enemy is established.

So what if it is said **“what is the meaning of these two hadeeth?”** It could be said: Their meanings are that there will not cease to be a group establishing the command of Allaah, such as *jihad* when the times comes for it, which is in a time of strength in *eemaan* and military might and when engaging in it is for the good of Islaam and the Muslims.

Some object via referral to the *jibaad* of the Muslims against the Tartars (Mongols). It can be said in refuting this from a number of angles, but we will suffice with two:

1. The *jibaad* of the Muslims against the Mongols was *jibaad* of defense not offensive.
2. This incident was a related historical event, so it is obligatory for the objector to utilize evidence from the Divine Legislation and not from an historical incident.

If all of this section is well-established and clear, it will be well-known with the people of *sunnah* that leaving the obligatory acts of obedience is a sin and whoever falls into it does not necessitate that the person has denied its Divine Legislation. Whoever leaves the relationship of the wombs, being good to parents and other forms of disobedience to Allaah, then such a person is sinful not a disbeliever as leaving a good action does not necessitate denying its Divine Legislation, except according to the *Khawaarij*, the *Mu'tazilah* and those who have been affected by them. An indication of these issues has preceded with the statements about ruling by other than what Allaah has revealed. All of this is when they are abandoned even though one is able to establish *jibaad* and when it is in the best interests to do it. So how about when there is no strength to wage (military) *jibaad* and it is in the best interests to leave it in such conditions?

WAGING WAR AGAINST THE DEEN BY PUTTING THE CALLERS TO ISLAAM AND MUJAAHIDEEN IN PRISON, AND THIS IS KUFRI!

The refutation of this doubt is from a number of angles:

1. Many of those who went to *jibaad* and then returned were not placed into prison⁴⁶ and were not labelled with any evil and the best proof of this is what can be seen in the reality within which we live, this is clearer than what has been claimed. If this (i.e. going to *jibaad*) was the reason for their imprisonment others would have been left.
2. The senior scholars of the *sunnah*, such as Imaam Ibn Baaz and Imaam Ibn ‘Uthaymeen (*rabeemahumullaah*) called to and exhorted the Muslims to go during the first Afghaan *jibaad*. So if the case was as they claim (i.e. that those who went for *jibaad* and called to it were all imprisoned) then these noble Imaams along with all their students and those who follow their path would have all been imprisoned!
3. The Saudi state, may Allaah protect it, agreed with the first Afghaan *jibaad* and made clear its support even in front of the *United Nations*!

⁴⁶ I.e. those who went for armed and military *jibaad* against the likes of the Soviets for example during their illegal occupation of Afghaanistaan. This occupation was supported by the Muslims and there is no shame in this, indeed even non-Muslim entities gave their “whole-hearted support” to those who were fighting against the Russians! [TN]

Here you have these words from Prince Sultaan bin ‘Abdul’Azeez⁴⁷ to the *UN* (dated: 17th Muharram 1406 AH, corresponding to October 1st 1985) which were addressed to the *General Assembly of the UN*:

“We, from this platform, express our satisfaction with the stand that the United States has taken in supporting the people of Afghanistan in their right for self-determination. We also express our satisfaction for the stand that the Soviet Union has taken in supporting the Palestinian people in their right for self-determination. Nevertheless, the support of the Soviet Union for the Arab cause and their support for the Arab right in Palestine does not justify a free hand in Afghanistan, its occupation militarily and the deprivation of the Afghani people from their independence and dignity. Similarly, the opposition of the United States of America to the Soviet occupation of Afghanistan and its call to grant the right of self-determination to the Afghani people does not justify its unlimited and unconditional support for Israel, and its lack of support for the right of the Palestinian people to determine their own destiny, by themselves, and to establish their own state on their own land. The United States should support right, justice and international legitimacy.”

He also said,

“The credibility of this Organization is liable to be shaken should it continue to be satisfied with adopting resolutions and recommendations. The United Nations has urged and condemned sufficiently enough and yet a comprehensive and just settlement of this problem has not been realized. We should ask ourselves hereafter what choice is left to the United Nations except to move this consensus ahead from the level of condemnation to the level of concrete action to attain that settlement?”

⁴⁷ The then Minister of Defence and Aviation and Inspector-General of KSA [TN]

This Organization has no alternative but to regain its credibility and to affirm that credibility by giving its resolutions a character of seriousness, for there is no seriousness without implementation.”

Then he said,

“What is taking place in Afghanistan is a serious indicator of what would happen in the world, and in the third world in particular, should this trend continue without a firm stand by the world community. For otherwise, who would defend the peoples of the third world against direct occupation comparable to what the sister state of Afghanistan has experienced? The Soviet presence in Afghanistan has entered its sixth year and the Afghan Mujaahideen continue to wage a valiant war defending their religion, country, and rights. The Organization of the Islamic Conference has exerted intensive efforts to help eliminate the symptoms of oppression and occupation to which the people of Afghanistan have been subjected, in order to secure its will and realize its rights to freedom and independence. The United Nations has also exerted worthy efforts to find a solution for this problem. The Kingdom of Saudi Arabia, while it supports all these efforts, would like to draw attention to the fact that any efforts exerted in this context should take into consideration the rights of the Afghan Mujaahideen and their demands, and while it salutes those Mujaahideen it fully supports the demands of the Afghan people for withdrawal of foreign troops from their land, and the establishment of a government of their choice that will maintain their neutrality and preserve their religion.”⁴⁸

So by Allaah unto you, people of justice, can it be said to the one who held this stance that **“they imprison the Mujaahideen”**?? The reason why some youth

⁴⁸ *Majallat Faysal*, no.106, Rabee' al-Aakhir 1406 AH, p.20

were imprisoned is due to the fact that when they went to the land of Afghaanistaan, for the armed *jibaad* and in order to defend the land of the Muslims, they mixed with the *takfeerees* whose evil ideologies affected the youth against their rulers and their scholars. These *takfeerees* tried to convince the youth of the corruption of their scholars, the *kufr* of their rulers and some *takfeerees* even tried to convince the youth that the scholars were *kuffaar*! This is not mere tale-carrying or fabrication rather it is the reality as has even been admitted by those who commit bombings and terrorist atrocities in the land of *tawbeed* (i.e. Saudi Arabia), such as those who committed the bombing of al-‘Ulayaa (Eastern Riyadh) in 1417 AH (1996 CE).⁴⁹

So if you knew the condition of some of those youth who participated in the Afghaan *jibaad* after their return from Afghaanistaan, you would know why they were imprisoned by the land of *tawbeed*. As is said

*If you know the reason,
Surprise is invalid!*

So with this you now know that the claim that the Land of the Two Holy Sanctuaries **“imprisons the Mujaahideen and callers to Islaam”** is in reality imprisonment of those who have corrupted and odd ideologies. You realize that this generalization is a type of general application of words wherein they dress the true with falsehood, as is done by the people of innovation throughout every era. So if a person who has no awareness hears such statements it will be established in his soul that the Land of the Two Holy

⁴⁹ Those who committed the terrorist act were ‘Abdul’Azeez bin Fahd bin Naasir al-Mothem, Khaalid bin Ahmad bin Ibraaheem as-Sa’eed, Riyadh bin Sulayman bin Ishaq al-Hajiree, and Muslih bin Ali bin Ayedh as-Shemraanee, all four of them Saudi nationals, were beheaded, having been found guilty of carrying out the explosion of a car bomb in the Olaya district of Riyadh last November. Their crime claimed the lives of seven people, wounded more than sixty others, destroyed houses and shops in the area, wrecked several cars and caused panic in the urban district. [TN]

Sanctuaries is an enemy of Islaam and the Muslims.⁵⁰ Our Shaykh, Muhammad bin Saalih al-'Uthaymeen (*raheemahullaah*) said:

“The lessons on the masaajid are still going on except for the one who opposed (the correct manhaj of da’wah) or from whom it is feared tribulation. So from this angle it is necessary to prevent evil and whatever leads to evil.”⁵¹

⁵⁰ So here we can observe that it is nothing but *takfeeree* propaganda to claim that **“only the Mujaahideen are imprisoned”** and the likes of such statements. Furthermore, what has become manifest lately is how some *takfeerees* all of a sudden want sympathy (for their imprisonment) from those who they oppressed and slandered during their freedom on the outside!? So for example, in London, the *takfeerees* will expect the *Salafees* to show ‘sympathy’ for those who showed no ‘sympathy’ whatsoever to the *Salafees* and on the contrary accused the *Salafees* of being spies, informers, hypocrites, *kuffaar*, Jews etc!! [TN]

⁵¹ From the tape: *Ahdaaf ul-Hamalaat al-'A'laamiyyah did Hukkam wa 'Ulamaa Bilaad ul-Haramayn (World Events Against the Rulers and Scholars of the Land of the Two Holy Sanctuaries)*; also see the beneficial speech of Shaykh 'Abdul'Azeez ibn Baaz (*raheemahullaah*) in his *Majmoo' Fataawaa*, vol.8, p.403.

TAKFEER BASED OF A COUNTRY DUE TO ITS LEGALISATION OF INTEREST, AS THE PROHIBITION OF INTEREST IS WELL-KNOWN IN THE DEEN BY NECESSITY, SO WHOEVER MAKES IT LAWFUL HAS DISBELIEVED!

The answer to this doubt is to say:

“There is no doubt that interest is *haram* and from the major sins, it is a cause from the times which has affected economics and led to the removal of blessings and led to the enemies to gain authority internally and externally, Allaah says,

أَمْ يَحْسَبُونَ أَنَّ اللَّهَ يَعْلَمُ السِّرَّ الَّذِي فِي قُلُوبِهِمْ أَمْ يُؤْتُونَ السَّلْطَنَةَ عَلَى الْبِلَادِ بِالْأَعْيُنِ فَإِذَا جَاءَ الْأَمْرُ أَتَوْا أَمْ يَحْسَبُونَ أَنَّ اللَّهَ يَعْلَمُ السِّرَّ الَّذِي فِي قُلُوبِهِمْ أَمْ يُؤْتُونَ السَّلْطَنَةَ عَلَى الْبِلَادِ بِالْأَعْيُنِ فَإِذَا جَاءَ الْأَمْرُ أَتَوْا

“Those who consume interest cannot stand (on the Day of Resurrection) except as one stands who is being beaten by Shaytaan into insanity. That is because they say, “Trade is (just) like interest.” But Allaah has

permitted trade and has forbidden interest. So whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with Allaah. But whoever returns (to dealing in interest or usury) – those are the companions of the Fire; they will abide eternally therein. Allaah destroys interests and gives increase for charities. And Allaah does not like every sinning disbeliever.”

{*Baqarah (2): 275*}

So it (dealing in interest) is not *kufr* which expels one from the religion and no one opposes this even those *takfeerees*, except that they make it *kufr* if it is permitted, allowed and defended, as will come shortly. Making *takfeer* due to it is making *takfeer* of something which neither Allaah nor His messenger (*sallallaahu alayhi wassallam*) have made *takfeer* of and *takfeer*, as has preceded, is the right of Allaah. So where is the speech of Allaah and His messenger (*sallallaahu alayhi wassallam*) that this is *kufr*? So screaming, ranting and raving is not a Divine Legislated justification for making *takfeer* due to something which does not require *takfeer*. For that reason, when al-Faarooq Aboo Hafs ‘Umar ibn al-Khattaab (*radi Allaahu ‘anhu*) considered the action of Haatib as very serious and made *takfeer* of him, the noble Prophet (*sallallaahu alayhi wassallam*) did not agree with him, as we studied earlier with the *hadeeth* of Haatib. If he (*sallallaahu alayhi wassallam*) opened the door to enthusiasm and agitation much of the creation would have been made *takfeer* of from those who neither Allaah nor His Messenger (*sallallaahu alayhi wassallam*) made *takfeer* of. Even if it is mentioned to an enthusiastic agitator that a man spends millions of his money on things which are allowed and on things which are *haram* such as alcohol and illicit illegal sexual intercourse and you sought this man to give you just one *Riyaal* so that you can give it in charity, it would be like to mentioned to the

enthusiastic agitator the man's *kufr*, based on the fact that he is (according to them) "obstinate, arrogant etc."

The saying that defending the *haraam* is *kufr* needs evidence, not from you but from the classifications of the scholars, so where is the evidence that this is *kufr*?! Rather, the evidence indicates that falling into the prohibited actions is not *kufr* except if it was out of one of the types of *kufr* such as rejection, arrogance, turning away and denial. These Divine Legislated terms have been clarified by the Divine Legislation and the scholars have also elucidated on them and they did not allow any room for the hyped up enthusiasts to enter. The one who makes *takfeer* due to *kufr* of arrogance or *kufr* of turning away is sinful unless he knows of the lexical meanings of these Divine Legislated terms in accordance with the way of the meticulous scholars. If not, such a person who makes *takfeer* will become a person who merely speaks about Islamic knowledge with ignorance and the one who speaks about Islamic knowledge with ignorance harms only himself. Most of those who become engrossed in these issues do so with ignorance, and an example of this is their playing about with the lexical term 'necessity' as has been mentioned before. If you were to ask one of them about a man who drinks alcohol much and commits illegal illicit sexual intercourse they would safeguard him if men came to him. So is a man like this made *takfeer* of due to his defence of the *haraam*? What do they say? Do they not read in the books of '*aqeedah* of the Imaams of the *Salaf* that the people of *sunnah* do not make *takfeer* of anyone from the people of the *Qiblah* on account of sins as long as the person does not make it *halaal* wherein they refute the *Khawaarij* and those affected by them?

They (those *takefeerees*) should fear Allaah from their machinations and *'aqeedah* and they should know that a mistake which is pardoned is better than a mistake which is punishable. I should indicate to a discreet sign which the people of understanding will know about as opposed to others regarding the issue of interest. It is the cause for the different types of interest are six in the *hadeeth* of 'Ubaadah ibn Saamit (*radi Allaahu 'anh*) and others.⁵²

Shaykh 'Abdul'Azeez Bin Baaz (*rabeemabullaah*) was asked:

“Does the prevalence of disobedience (to Allaah) in the form of major sins within this country, such as interest-bearing banks, permit revolting against the leaders in authority and avoiding obedience to them?”

The answer:

“The existence of disobedience (to Allaah) does not legitimate revolt. The presence of disobedience, whether from the rulers or from the populous, does not legitimate revolt against the people in authority. Rather, commanding good and preventing evil is obligatory and the people in authority must work hard to repel evil and vice and they must fear Allaah and work hard to repel evil via the Divine Legislation. It is upon the scholars to advise and individuals must have consciousness of Allaah, steadfastness and warn against evil and mutual advise each other to abandon vice and mutual advise by commanding that which is good. As Allaah says,

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⁵² This is the *hadeeth* in Saheeh Muslim and also an-Nasaa'ee: “I heard Allaah’s Messenger (may peace be upon him) forbidding the sale of gold by gold, and silver by silver, and wheat by wheat, and barley by barley, and dates by dates, and salt by salt, except like for like and equal for equal.” So he who made an addition or who accepted an addition (committed the sin of taking) interest.[TN]

“The believing men and the believing women are allies of one another.

They enjoin what is right and forbid what is wrong...”

{*Tawbah (9): 71*}

As for revolting against the people in authority due to disobedience, such as interest or other sins, then this is the deen of the **Khawaarij** and from the actions of the **Khawaarij**.”⁵³

The noble Shaykh Saalih al-Fawzaan was asked:

“O virtuous Shaykh, may Allaah grant you success! There are some who call the youth, especially via the internet, to leave allegiance to the ruler of this country.⁵⁴ This is on the basis of the presence of interest-bearing banks and many other explicit evils in this country. What is your guidance regarding this, may Allaah preserve you?”

The answer:

“Our advice is that this kind of speech is baatil (null and void) and not to be accepted, whoever calls to this is calling to misguidance and calling to splitting the ranks of the word. It is obligatory to warn against such a

⁵³ Audio tape: *Ahdaaf al-Hamalaat al-I'laamiyyah did Hukkaam wa'l-Ulama ul-Haramayn (Aims of the Media Attack on the Rulers and Scholars of the Two Holy Sanctuaries)*.

⁵⁴ Such websites in the English language, which incite the youth to revolt and *takfeer*, are the likes of the ‘*Tibyaan*’ (*Tughyaan!*), ‘*Murwahhideen*’, ‘*Islamic Thinkers*’, ‘*Unified Ummah*’ (the mouthpiece of the so-called ‘*Jama'at ul-Muslimeen*’ of Aboo ‘Eesaa) and ‘*Islamic Network*’ websites, which are filled with references (of Islamic knowledge) to the likes of Aboo Qataadah al-Filisteenee, Aboo Mu’sab az-Zarqaawee, Aboo ‘Umar, Aboo ‘Eesaa Muhammad bin ‘Ali al-Haashimee al-Qurayshee (who, along with his blind followers based in Slough and elsewhere, makes *takfeer* of Muslims who do not make *ba’yah* to him!?), Hamood bin ‘Uqlaa’ ash-Shu’aybee, ‘AbdulQaadir Ibn ‘Abdul’Azeez, Ayman adh-Dhawaahiree, Aboo Baseer at-Tartoosee, Naasir al-Fahd, Omar Bakree Muhammad al-Lubnaanee, Aboo Hamza al-Misree and others of similar persuasion!!!! [TN]

person, reject his statements and avoid referring to him as he calls to baatil, calls to evil and calls to evil and fitna!”⁵⁵

IT IS PERMISSIBLE TO NULLIFY THE PROMISES THAT WE MAKE WHEN WE ENTER KUFFAAR COUNTRIES WHEN THE PASSPORT HAS BEEN STAMPED!

Based on the evidence that was relayed by Jaabir and Aboo Hurayrah (*radi Allaahu ‘anhum*) that the Messenger of Allaah (*sallallaahu alayhi wassallam*) said “*War is deception.*”⁵⁶ The answer to this doubt is from two aspects:

1. There is a big difference in the Divine Legislation between breaking an agreement (treachery) and deception. The first is prohibited according to consensus and as for the second (i.e. deception) it is permitted during warfare by consensus. Deception is not breaking an agreement rather it is putting something forward and not doing or implementing it, deceiving the combatants. So whoever equalized the two has equalized between what the Divine Legislation has separated and making an analogy between the two is corrupt due to it being an error in its very basis and due to it opposing the Divine Legislation from another aspect, the Qur’anic verses and multiple narrated Prophetic *hadeeth* about fulfilling trusts. Allaah says,

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“O you who believe fulfill your trusts.”

⁵⁵ Audio tape: *Ahdaaf al-Hamalaat al-I’laamiyyah did Hukkaam wa’l-Ulama ul-Haramayn (Aims of the Media Attack on the Rulers and Scholars of the Two Holy Sanctuaries).*

⁵⁶ This *hadeeth* is agreed upon.

{*al-Maa'idah* (5): 1}

And

ää ä

“And fulfill the trust. Indeed, the trust will be questioned about.”

{*al-Israa'* (17): 34}

Indeed, there is a prohibition of treachery and betrayal during combat, with specific *daleel* about it, as verified by Imaam Muslim from Buraydah (*radi Allaahu 'anhu*) that the Prophet (*sallallaahu alayhi wassallam*) said “Do battle in the name of Allaah in the path of Allaah; fight those who disbelieve in Allaah. Do battle and do not exceed the limits, do not depart (from the battle)...”

What is clearer than this is the *hadeeth* verified by Imaam Muslim that he verified from Hudhayfah (*radi Allaahu 'anhu*): “The only thing that prevented me from being at Badr was that I was out with my father Husayl when the *kuffaar* of the *Quraysh* got us and said “you want Muhammad?” we said “we do not want him, we just want to get to Madeenah.” They took from us the promise of Allaah and His covenant that we would go to Madeenah and not fight with him. The Messenger of Allaah came to us and informed us saying “Go! For you have made a promise with them and we seek Allaah’s help against them.” And in another narration: “Grant them your promise to them.”

Have you seen how the Messenger of Allaah (*sallallaahu alayhi wassallam*) and the companions kept the promises they made? Compare this with those who nullify these texts!!

2. If, for arguments sake, these (fraudulent) actions were allowed in the Divine legislation doing it would be *haraam* due to the immense corruptions it is based

upon as explained prior. The *deen* of Allaah is based upon rectification and averting corruption.

IT IS PERMISSIBLE IN THE DIVINE LEGISLATION TO KILL THE KUFFAAR AND DESTROY THEIR PROPERTY, EVEN IF SOME MUSLIMS ARE KILLED IN DOING SO!

Just as the scholars have allowed human shields by consensus, al-Qurtubee stated:

“It is permitted to kill the (Muslim) human shields if there is a necessary beneficial need in that. It should not come to one’s mind that one says the human shields should not be killed within this context, as it necessitates (not only) the human shield, (but also) Islaam and the Muslims being subdued.”⁵⁷

Ibn Taymiyyah said:

“For this reason, the jurists have reached consensus that when it is not possible to protect the Muslims from harm except by that which is unfortunate, to kill those human shields, then that is permitted.”⁵⁸

The response to this:

FIRST: The killing of those Muslims who are human shields is permitted by the consensus of the scholars, as Ibn Taymiyyah transmitted, as for damaging

⁵⁷ *Al-Jaami li-Ahkaam il-Qur’aan*, vol.16, p.287

⁵⁸ *Majmoo’ al-Fataawaa*, vol.20, p.52

and destroying the homes of the *kuffaar* and committing suicide then this is all prohibited. This is whether they are in our countries with contracts of safety and security or whether we enter their countries with agreements and documentation necessitating adhering to security via the stamping of entry visas. Based on this it is not correct to make an analogy between what Allaah has prohibited with what he has allowed.

SECOND: The condition of killing the human shields is during times of emergency, as the *kuffaar* using Muslims as human shields and then killing those Muslims is a great evil. Therefore, it was allowed to avert a greater evil by one lesser. In any case, the reality is that those bombers do exactly the opposite, for they are not in any sort of ‘emergency’ and also they cause worse evils than what they rectify, if they even rectify anything at all!⁵⁹

⁵⁹ The issue of the death of Muslim human shields was discussed by the scholars of the past such as as-Sarkhasee in *al-Mabsoot* (vol.10, p.154), at-Tahawee in *Mukhtasar Iktilaafaat il-Fuquhaa* (vol.3, p.43), Ibn Qudaamah al-Maqdisee in *al-Mughnee* (vol. 10, pp.504-505), ash-Shawkaanee in *Fath ul-Qadeer* (vol.5, pp.447-448), ad-Dasuqee and many other scholars. [TN]

IT IS VERIFIED IN BUKHAAREE AND MUSLIM FROM IBN ‘ABBAAS FROM IBN ‘UMAR THAT THE MESSENGER OF ALLAAH (SALLALLAAHU ‘ALAYHI WASSALLAM) SAID “EXPEL THE MUSHRIKEEN FROM THE ARABIAN PENINSULA” SO LEAVING THEM TO REMAIN IS AN EVIL THAT HAS TO CEASE⁶⁰

The answer to this is from a number of angles

1. The aim of the *hadeeth* benefits us about expelling (the *Mushrikeen*) **not killing them** and an evil cannot be brought to an end with another evil which is worse than it, which in this case is killing the *mu’aabid* (the non-Muslim who has an agreement of safety with Muslims). It is verified in Bukhaaree from ‘Abdullaah ibn ‘Umar ibn al-Aas who said: The

⁶⁰ This is a common argument especially in London that people have gone to extremes in regards to, due to the false propaganda of the *takfeeree* ideologues and the simplistic equations and analyses. Even recently in London, one of the former blind followers of Omar Bakree Muhammad al-Lubnaanee (who has now freed himself from Bakree yet still retains much of Bakree’s simplistic and ignorant ideas) claimed that the allowance of non-Muslims within the Arabian Peninsula was **“the worst sin”** (!!), demonstrating the utter foolishness and ignorance of the *deen* that those who become entrenched in political discussion have. Not to mention the fact that they are totally ignorant of the definition of *‘Jazeerat ul-‘Arab’*, which is mentioned in detail in this chapter. [TN]

Messenger of Allaah (*sallallaahu alayhi wassallam*) said *“Whoever kills a mu’aabid will not smell the fragrance of Paradise.”*

2. Killing non-Muslims leads to immense problems for the Muslims on the individual, societal and state levels. Whatever leads to greater evils is prohibited and the explanation of this has been mentioned prior.
3. The scholars differ over the boundaries of the Arabian Peninsula which are prohibited for the *Mushrikeen* to enter. Ibn ‘AbdulBarr said **“As for his saying ‘the land of the Arabs and the Arabian peninsula’ as mentioned in the hadeeth, Ibn Wahb stated from Imaam Maalik that “The land of the Arabs is Makkaah, Madeenah and Yemen. Aboo ‘Ubayd al-Qaasim ibn Sallaam related from al-‘Asma’ee who said “The Arabian peninsula is from the farthest regions of ‘Aden to Abeen to the ‘Iraaqee highlands in length. As for its width then it is from Jeddah and its neighbouring areas and the entire ocean to Shaam.” Aboo ‘Ubayd said “Aboo ‘Ubaydah said “The Arabian Peninsula is what is between Hafr Abee Moosaa to the farthest reaches of Yemen in length, as for its width then it is from Bahrayn to the remote region of Samaawah.⁶¹””** Then he said: **“Maalik bin Anas said that “The Arabian Peninsula is Madeenah, Makkah, al-Yamaamah and Yemen.””** He said **“Al-Mugheerah bin ‘AbdurRahmaan said that the Arabian peninsula is Madeenah, Makkah, Yemen and their neighbouring regions.”** Al-Waaqidee mentioned from Mu’aadh bin Muhammad al-Ansaaree who narrated from Abee Wajzah Yazeed bin ‘Ubayd as-Sa’dee who heard him say **“The tributary Arabian towns along with Yanbu’,**

⁶¹ This may be referring to Samaawah which is currently in southern ‘Iraq in al-Muthanna’ province and is built on both sides of the Euphrates. It is 280 km southeast of Baghdaad, Allaah knows best. [TN]

Marwah, Wadi Quraa⁶², al-Jaar and Khaybar.” Al-Waaqidee stated Aboo Wajzah as-Sa’dee knew of this and said that the Arabian towns were named as such as they were from the Arab lands. Ahmad bin Mu’dhal stated: “Bishr bin ‘Umar narrated to me saying “I said to Maalik “We hope that it will be from the Arabian peninsula (intending Basrah) as there is no river between us and you.” Maalik said “That is if your people settle in the Daar (of Hijrah, i.e. Madeenah) or in Yemen.”” Aboo ‘Umar (radi Allaahu ‘anhu) said “Some of the people of knowledge say that the region ‘Hijaaz’ is named as such because it ‘hajaza’ - separates Tihaamah and Najd. It is only referred to as the Arabian peninsula due to the ocean and rivers surrounding its regions which thus resembled an island.””⁶³

Ibn Qudaamaah (*rabeemabullaah*) stated:

“It is not permissible for any of them (Mushrikeen and kuffaar) to reside in the Hijaaz, Imaams Maalik and Shaafi’ee stated this, as opposed to Imaam Maalik who said “I view that they (Mushrikeen and kuffaar) are to leave all of the Arab lands as the Prophet (sallallaahu alayhi wassallam) said “No two religions should be present in the Arabian Peninsula”” and then Imaam Maalik said “The Arabian Peninsula is all what is between the valley (Madeenah) up until the farthest reaches of Yemen, this was also stated by Sa’eed bin ‘Abdul’Azeez.” Al-Asma’ee and Aboo ‘Ubayd stated that the Arabian Peninsula is from the ‘Iraaqee highlands to Aden in length

⁶² The Wadi Quraa valley is between Madeenah and Taabook, about 370 kilometres north of Madeenah.

[TN]

⁶³ Ibn ‘AbdulBarr, *at-Tamheed*, vol.1, p.172

and from Tihaamah and what is after it to the outermost regions of Shaam (greater Syria, Palestine, Lebanon and Jordan) in width. Aboo 'Ubaydah stated "The Arabian Peninsula is from Hafr Abee Moosaa to Yemen in length and from Raml Beerayn to Samaawah in width. Khaleel stated that it is only referred to as a 'Jazeera' because the Ethiopian sea, the Persian sea⁶⁴ and the Euphrates surround it. It was associated with the Arabs because it is their land, residence and place of origin." Imaam Ahmad said that the Arabian Peninsula is Madeenah and what surrounds it and thus it is prohibited for the kuffaar to reside within Makkah and what surrounds it like Makkah, al-Yamaamah, Khaybar, Yanbu', Fadak⁶⁵ and its neighbouring areas. This is also the view of Imaam Shaafi'ee that they are not to be expelled from Taymaa'⁶⁶ or from Yemen. It has been relayed from Abee 'Ubaydah ibn al-Jarraah that he said "The last of what the Prophet (sallallaahu alayhi wassallam) said was "Expel the yahood

⁶⁴ I.e. the Persian Gulf. [TN]

⁶⁵ Fadak was a tract of land in Khaybar, an oasis in northern Arabia. [TN]

⁶⁶ Taymaa', or Tema , is a large oasis located currently in KSA northeast of the Hijaz at the point where the trade route between Madeenah and Dumuh begins to cross the Nefud desert. Taymaa' is located about 264 kilometres southeast of the city of Tabook and about 400 kilometres north of Madeenah. In ancient times the oasis was noted as a prosperous Jewish colony with rich water wells and buildings. In the Book of Jeremiah in the Bible, Jeremiah supposedly makes a prophecy against it in the seventh century BCE, Tayma is also mentioned in Assyrian sources as it was ruled by a local Arab dynasty, the names of queens Shamsee and Zabeebee are mentioned in the eighth century BCE. In fact, in the New testament (the altered book of the Christians) Taymaa' is referred to several times. The last king of Babylon Nabonidus retired to Taymaa' looking for prophecies and worship in 539 BCE. Charles Hubert in 1883 CE discovered the Taymaa' Stele, it is now at the Louvre and lists the false gods that the Taymaa' used to worship in the 6th century BCE. Cuneiform inscriptions possibly from the 6th century BCE have been discovered in Taymaa' and archeological excavations of Taymaa' are being carried out by the German Archeological Institute. It is said that the name 'Taymaa'' is originates in the name of one of the sons of Ismaa'eel (*alayhi salaam*), Allaah knows best. [TN]

from the Hijaaz.” As for the expulsion of the people of Najraan, then the Prophet (sallallaahu alayhi wassallam) made a treaty with them to abandon interest, but they broke the treaty so it was almost as if those hadeeth consider the Arabian Peninsula to be the Hijaaz. It was named as being Hijaaz because it separates Tihaamah and Najd, but they are not prohibited from the outermost regions of the Hijaaz such as Taymaa’, Fayd and the likes as ‘Umar ibn al-Khattaab did not prohibit them from residing in those areas.”⁶⁷

Al-Qurtubee in his *tafseer* stated:

“As for the Arabian Peninsula, then it is Makkah, Madeenah, al-Yamaamah, Yemen and their areas close to them. Imaam Maalik said “Whoever is upon other than Islaam is to be expelled from these areas and travelers are not exempted from this.” Likewise, Imaam Shaafi’ee (raheemahullaah) said but he exempted Yemen. He gave them three days to be allowed to stay as ‘Umar ibn al-Khattaab (radi Allaahu ‘anhu) did.”⁶⁸

Al-Haafidh said:

“However what prohibit the Mushrikeen from residing in the Hijaaz especially is Makkah, Madeenah, al-Yamaamah and what neighbours them. There is nothing similar to these from what the name ‘Arabian Peninsula’ is applied. According to the agreement of all Arabs they are not prohibited from Yemen, as it is considered the Arabian Peninsula in a general sense, this is the school of thought of the majority. The Hanafee scholars allow them to reside in all the Peninsula except the Masjid ul-Haraam and it is reported from Imaam Maalik that it is

⁶⁷ Ibn Qudaamah al-Maqdisee, *al-Mughnee*, vol.13, p.242

⁶⁸ Vol.8, p.104

permissible to allow them into the Haraam for trade. Imaam Shaafi'ee said that they are not to be allowed into the Haraam at all except with the permission of the Muslim ruler for a reason which has some benefit for the Muslims in particular.”⁶⁹

Ibn Muflih stated they are prohibited from residing in the Hijaz, which is said to be whatever is between al-Yamaamah and al-Urood and between Yemen and Najd. It is named as the 'Hijaz' because it separates (hajaza) between Tihaamah and Najd, such as Madeenah. It is also said that half of it is Tihaamee and the other half is Hijazee. Al-Yamaamah, is named 'al-Urood' and its name was Hajar but then named al-Yamaamah after a woman. Ibn ul-Atheer said: **“Al-Yamaamah: is a well known region in eastern Hijaz.”** This depends on it not being from the Hijaz. What is intended to be al-Hijaz is evidenced by the fact that not one of the Caliphs expelled them from Yemen and Taymaa', Imaam Ahmad said that the Arabian peninsula is Madeenah and what neighbours it and likewise it includes Yanbu' and Fadak. Shaykh Taqyuddeen said Tabook and its surrounding areas up to Shaam and non-Muslims can enter it and the correct opinion is that they can enter for trade with permission of the Imaam. Yet if they enter for trade, none of them cannot reside for more than four days, al-Qaadee said that this increase to four days is the limit for the traveler otherwise he would be like a resident. The school of opinion which states that they do not reside for more than three days is based on 'Umar (*radi Allaahu 'anhu*) allowing them to enter for trade purposes for only three days, so this indicates against increasing the number of days.⁷⁰

Ibn Qayyim (*raheemullaah*) stated:

⁶⁹ *Fath ul-Baaree*, vol.7, p.616

⁷⁰ *Al-Mabda'*, vol.3, p.381

“The fuquhaa (jurists) have differed, Imaam Maalik “I view that they (Mushrikeen and kuffaar) are to leave all of the Arab lands as the Prophet (sallallaahu alayhi wassallam) said “No two religions should be present in the Arabian peninsula” and in Saheeh Muslim in the hadeeth from ‘Umar (radi Allaahu ‘anhu) that he heard the Messenger of Allaah (sallallaahu alayhi wassallam) say “The Jews and Christians are to be expelled from the Arabian peninsula until it is only Muslim.”” Imaam Shaafi’ee said: “They are prohibited from entering the Hijjaz, which is Makkah, Madeenah and what neighbours them from their towns. As for all other than the Haram then it is prohibited for a person of the scripture to settle or reside there, he can enter with the permission of the Imaam for a beneficial reason such as delivering a very important message or carrying vital provisions that the Muslims need. If one of them enters for trade which is not of a strong need then they cannot be permitted except with a condition that they give some of their trade, but it is not possible that they remain for more than three (days).” Some of the followers of Imaam Shaafi’ee include Yemen as being part of the Arabian Peninsula and thus prohibit them from residing there. This is false because the Prophet (sallallaahu alayhi wassallam) sent Mu’aadh before his death to Yemen and commanded him to take the deenaar from them and acknowledged them as did Aboo Bakr, ‘Umar, Uthmaan and ‘Alee (radi Allaahu ‘anhum) after him (sallallaahu ‘alayhi wassallam) and they did not expel them from Yemen, even though the Messenger of Allaah (sallallaahu alayhi wassallam) ordered that the Jews and Christians be expelled from the Arabian Peninsula. So it is not known that an Imaam expelled the Jews and Christians from Yemen. Imaams Shaafi’ee and Ahmad said “They are to be expelled from Makkah,

Madeenah, al-Yamaamah, Khaybar and whatever neighbours them” and the Imaams did not refer to Yemen (as being part of the Arabian Peninsula) and the Jews and Christians were not expelled from Taymaa’. How can Yemen be from the Arabian Peninsula when it is behind the river and the river is between it and the Peninsula? This saying is mistaken.

THE RULING OF ALLOWING THE NON-MUSLIM PEOPLE UNDER PROTECTION (AHL UDH-DHIMMAH) INTO THE HARAM

As for the Haram, then if we are talking about the Haram of Makkah then the non-Muslims are prohibited from entering it absolutely. As for the Haram of Madeenah then it is not prohibited for them to deliver a message, conduct business (for a brief period of time) or to carry provisions (for the Muslims).

THIS EXPLANATION IS THE MADHDHAB OF IMAAM AHMAD (RAHEEMAHULLAAH)

According to him he allows them to enter the Hijaz for trade based on the fact that the Christians used to conduct trade in Madeenah during the time of ‘Umar (radi Allaahu ‘anhu) as has preceded. Aboo ‘Abdullaah bin Hamadaan relayed that the Haram of Madeenah is like the Haram of Makkah in its prohibition of allowing non-Muslims to enter it. It is clear that this is an error on Imaam Ahmad because he did not allow them to reside for more than three days and al-Qaadee said four days, which is the limit of a traveler for prayer. Then he said:

AS FOR THE EXPLANATION OF THE MADHDHAB OF IMAAM MAALIK (RAHEEMAHULLAAH)

They (non-Muslims) can be established in all lands except for the Arabian peninsula which is Makkah, Madeenah and whatever neighbours these two. It is related from 'Eesaa bin Deenaar that Yemen is included in the definition of the Arabian peninsula. It is narrated from Ibn Habeeb that the Arabian peninsula is from the farthest reaches of 'Aden and what neighbours it from the land of Yemen in its entirety to the 'Iraaqee highlands in length and as for its width then it stretches from Jeddah and its neighboring areas and the coast to the outermost regions of greater Shaam, Misr in the west and east. Also whatever is between Madeenah to the region of Samaawah. They are not prevented from traveling through but they should be prohibited from residing.

AS FOR ABOO HANEEFAH (RAHEEMAHULLAAH)

According to him they are allowed to enter the Haram and even up to the Ka'bah itself! However, they are not allowed to settle there. As for the Hijaaz then they are allowed to enter it and operate within it and residence depends on the need of them to be there. It is as if Aboo Haneefah (raheemahullaah) made an analogy that they are allowed in Makkah based on them being allowed to enter the Masjid of the Messenger of Allaah (sallallaahu alayhi wassallam) during his time, but this analogy is incorrect as the Haran of Makkah has its own rulings that differ from Madeenah.⁷¹

Imaam an-Nawawee (*raheemahullaah*) said:

“Within this is proof that the intent of the Prophet (sallallaahu alayhi wassallam) by expelling the Jews and Christians from the Arabian peninsula, is to expel them from some of the Arabian peninsula, that

⁷¹ Ibn Qayyim al-Jawziyyah, *Ahkaam Ahl idh-Dhimmah*, vol.1, p.392

being the Hijaz in particular. This is because Taymaa' is from the Arabian Peninsula however it is not part of the Hijaz.”⁷²

So what is apparent is that the Arabian Peninsula is the Hijaz only as neither the Messenger of Allaah (*sallallaahu alayhi wassallam*) nor the Caliphs expelled them from Yemen. Also 'Umar (*radi Allaahu 'anhu*) did not expel all of the non-Muslims, except for the Jews, from Khaybar to Taymaa'. It is reported by Imaam Bukhaaree from 'Umar that the expulsion of the Jews and Christians from the Hijaz and mentioned the Jews of Khaybar and then said **“Umar expelled them to Taymaa' and Areehaa' (Jericho).”** So if it is said **“Did not Imaam Ahmad report from Abee 'Ubaydah bin al-Jarraah that the Messenger of Allaah (*sallallaahu alayhi wassallam*) said “Expel the Jews of the Hijaz and the people of Najraan from the Arabian peninsula?”**” then it can be said: it may be the case that the one who authenticated it carried the meaning that their expulsion was due to an external issue not out of the fact that they were just *kuffaar* and the proof of this is that he did not expel other *kuffaar* from other parts of the Arabian Peninsula such as Yemen for example. This is what Aboo 'Ubayd refers to as being the correct opinion in the book *al-Anwaaal* wherein he said:

“We see that 'Umar allowed the expulsion of the people of Najraan, who were people with whom an agreement was made, as mentioned in the hadeeth narrated from the Prophet (*sallallaahu alayhi wassallam*) which is about them specifically. It is narrated from Ibraaheem bin Maymoon the free slave of Aal Samurah from Ibn Samurah from Abee 'Ubaydah from the Prophet (*sallallaahu alayhi wassallam*) that he said, in the last of what he spoke with, “Expel the Jews from the Hijaz and expel the people of Najraan from the Arabian peninsula.” Aboo 'Ubaydah said:

⁷² Imaam an-Nawawee, *Sharh us-Saheeh Muslim*, vol.10, pp.212-213

“We see that he (sallallaahu alayhi wassallam) only said this as the breach (of the treaty) was from them and out of the issue that transpired after the treaty. This is clear in the letter that ‘Umar wrote to them before his expulsion of them.”⁷³

So if the issue is one of *ijtihaad* it is not permissible for anyone to adhere to other than it by saying that there is an *ijmaa’*, as related by Ibn Taymiyyah wherein he said:

“Obligating the Sultaan to adhere to matters of dispute, with no proof from the Book and the Sunnah, then this is not permissible according to the consensus of the Muslims. It does not give any weight to the jurist one statement over another, unless he has a worthy proof. This ruling is the same before or after the rulership, this is the status of the books of knowledge. Yes, leadership is established with the true word and common knowledge and it is not possible without these. Having power or not is not based upon whether you deserve it or not. The jurist has to ascertain what every ‘Amr and Zayd says, if the statement is something specific for the jurists and if it is from general statements which are from the parlance of the people.”

The intent in the *hadeeth* is non-permanent settlement not residency and the evidence for this is the fact that there were kuffaar present in al-Madeenah. Who is Aboo Lu’Lu al-Maajoosee the killer of ‘Umar ibn al-Khattaab? The statements of the people of knowledge regarding this have been mentioned prior.

⁷³ Aboo ‘Ubayd ibn al-Qaasim ibn us-Sallaam, *Kitaab ul-Amwaal*, p.100