

THE KILLING OF ALAN HENNING

Mizanur Rahman aka "Abu Baraa" and his Errors Regarding the Covenant of Security and the Definition of a Combatant in the Sharee'ah

Abū Hurayrah (radi Allāhu 'anhu) narrated that the Messenger of Allāh (sallallāhu 'alayhi wassallam) said: "There will come upon the people years of deceit wherein the liar will be regarded as truthful and the truthful will be considered a liar and the dishonest will be trusted and the trustworthy one will be considered dishonest and the Ruwaybidah will begin to speak!"

Then it was asked: "What are the Ruwaybidah?"

He (sallallāhu 'alayhi wassallam) replied: "The foolish insignificant man who speaks about general affairs."

"From the signs of the Hour is that knowledge will be taken from the smaller ones."2

Ibn al-Mubārak (rahimahullāh) said:

"The smaller ones are from the people of innovation."

Reported by Ibn ul-Mubārak in *az-Zuhd*, p.61, and Abū Amru ad-Dānī relayed it from him in *al-Fitan*, vol.2, p.62; al-Lālikā'ī, *Sharh Usūl us-Sunnah*, vol.1, p.230, al-Kawākib, p.576; at-Tabarānī, *al-Kabeer*, and al-Hāfidh 'AbdulGhanī al-Maqdisī reported it form him in *al-'Ilm*, vol.2, 'q' 16; Ibn Mandah, *al-Ma'rifah*, vol.2, p.220, no.1 – from Ibn ul-Mubārak from Ibn Lahee'ah from Bakr bin Sawaadah from Abū Umayyah al-Jumhī that Allāh's Messenger (*sallallāhu 'alayhi wassallam*) said...then he mentioned the hadeeth. I say: this chain of transmission is good...and what al-Munāwī transmitted from al-Haythamī who deemed it defective when he said "it contains Ibn Lahee'ah and he is weak" is not good and thus al-Hāfidh al-Maqdisī said: "its chain of transmission is hasan". It was also reported by al-Harawī in *Dhamm ul-Kalām*, vol.2, p.137 in marfū' form from Ibn Mas'ūd and mawqūf up to him and thus al-Lālikā'ī relayed from him. this is a strong testimony as he does not speak according to opinion.

¹ Reported by Ahmad in his Musnad, Ibn Mājah and others with a weak chain of narration, but Ahmad has another chain of narration for the hadeeth, which makes the hadeeth *hasan*.

² Imām al-Albānī stated in *Silsilah as-Saheehah*, vol.2, p.316:

Narrated 'Abdullāh Ibn 'Amr Ibn al-'Ās (radi Allāhu 'anhu): "I heard Allāh's Messenger (sallallāhu 'alayhi wassallam) saying: "Allāh does not take away knowledge by taking it away from (the hearts of) the people, but He takes it away by the death of the scholars till when none of the (scholars) remains, people will take ignorant people as their leaders who when consulted will give their verdict without knowledge.

So, they will go astray and will lead the people astray." 3

³ Saheeh al-Bukhārī vol. 1, no. 100

THE KILLING OF ALAN HENNING -

MIZANUR RAHMAN AKA ABU BARAA

(ENGLISH LANGUAGE ISIS DEFENDER FROM PALMERS GREEN, NORTH LONDON, HEAD OF THE SO-CALLED 'SIDDEEQ ACADEMY' IN WHITECHAPEL AND FORMER OMAR BAKRI GROUPIE)

AND HIS ERRORS REGARDING THE COVENANT OF SECURITY AND THE DEFINITION OF A COMBATANT IN THE SHAREE'AH – A CASE STUDY IN RULING BY OTHER THAN WHAT ALLĀH HAS REVEALED!

By 'AbdulHaq ibn Kofi ibn Kwesi al-Ashanti

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INTRODUCTION

Indeed, all praise is due to Allāh, we praise Him, we seek His aid, and we ask for His forgiveness. We seek refuge in Allāh from the evil of our actions and from the evil consequences of our actions. Whomever Allāh guides, there is none to misguide and whoever Allāh misguides there is none to guide. I bear witness that there is no god worthy of worship except Allāh and I bear witness that Muhammad is the servant and Messenger of Allāh. To proceed:

Mizanur Rahman aka 'Abu Baraa' is another attention-seeking and knowledge-claiming Takfiri-Khāriji propagandist who studied with Omar Bakri and Anjem Choudary. He has become a vocal defender of ISIS in the English language, while sitting in London comfortably receiving welfare state benefit handouts.⁴ Abu Baraa generally has a political approach which is reliant on a

⁴ Indeed, in a Youtube clip entitled 'What is the Islamic ruling on paying tax', after 3:35 into the "fatwa" (!?) which was removed by Youtube during the first week of December 2-14, alhamdulillāh, Abu Baraa says, with glee and pride:

"And, you know, a good way for to reduce the taxes insha'Allaah is claim JSA [Job Seekers Allowance]! Let them pay you taxes! Less money for them to buy weapons and bullets, yeah, and more money for us insha'Allaah to buy our, kebabs!"

Hardly sounds like the example of the illustrious Companions, may Allaah be pleased with them. See:

https://www.youtube.com/watch?v=gLcoWO2Z9uk&index=32&list=UUCmlxTMHbjE45jpbEa zj A Or here:

https://www.youtube.com/watch?v=np4VEKJ Of4&list=UUd9kZLwRGu3cFsgPqDePQVw

However, as I am transcribing his words on the evening of Monday 9 Safar 1436 AH/1 December 2014 CE I am noticing that his videos from his channel are being taken down from Youtube at the same time,

merely trying to antagonise non-Muslims of Britain and America (and the political authorities in particular) like a twisted individual with a personal vendetta, yet this counter-productive approach is merely a succulent dish served before the anti-Islamic factions, no matter how hard it may be claimed that Abu Baraa is "merely speaking the truth". As we shall soon observe that his approach is not based on a thorough or detailed study of the sources of the issues about which he has risen to discuss.

The rebuttal of him which we relay here will clearly show that he should not be listened to whatsoever and that he feigns knowledge, conducts poor research, is unacquainted with the Arabic sources and loves the attention – evidenced by his apparent ease in cosying up to various media outlets (such as NBC, CNN, Swiss TV, Press TV etc.!?) while apparently condemning the very media whose attention he relishes so much. He has even attempted to justify ruling by other than what Allāh has revealed in his void justification, or defence of a justification, of the murder of Alan Henning. In a Youtube clip which can be seen here:

https://www.youtube.com/watch?v=zQC NythXhw

and also here:

https://www.youtube.com/watch?v=roJokqOTIh4&index=54&list=UUd9kZLwRGu3cFsgPq DePQVw

[Note: the above links were removed by Youtube, alhamdulillāh, for "severe violation" of their terms pertaining to violence. However, Abu Baraa on Friday 5 December set up a new Youtube account and uploaded the above clip here:

https://www.youtube.com/watch?v=On0c-

m9bHbE&list=UUDMbuOf5pvdPZTRPm6-16Hw&index=16

but he did not upload the longer video about Alan Henning which we will critique below]

alhamdulillāh! May Allāh protect the Muslims from his deviancy, jahl and evil. His Youtube Channel now reads:

This account has been suspended due to multiple or severe violations of YouTube's policy on violence.

So much for Abu Baraa's alleged respect for "covenants" and "agreements"! He needs to take his own advice! In any case, his words have been documented here in this Ebook in order to document his ignorance for the record and to warn the Muslims and all the people from his pseudo-scholarship. Another Youtube Channel deceptively called "seeking knowledge is fard" also hosts Abu Baraa's talks and lectures. Abu Baraa on 5 December 2014 set up a new Youtube channel after his previous videos were all removed by Youtube: https://www.youtube.com/channel/UCDMbuOf5pvdPZTRPm6-16Hw/videos

The ignoramus Abu Baraa, who speaks as one who has inside knowledge of the inner-workings of ISIS while claiming welfare state benefits from the disbelievers in their lands, has claimed that because Āfia Siddiqi was not released in exchange for Alan Henning this is why Alan Henning was murdered by ISIS?! Hold on though. Alan Henning is from Britain and Āfia Siddiqi is being held by the Americans?! Āfia Siddiqi is not even being held on British soil. Furthermore, some of ISIS have claimed that they killed him due to airstrikes on their positions, and it is also known that they try to ransom captives for money, so which is it then?! Moreover, what Abu Baraa says is a blatant lie according to those who accompanied Alan Henning. Some of the Muslims with Alan Henning have noted that they were treated without any regard of the Sharee'ah treatment of captives whatsoever, another example of ISIS ruling by other than what Allah has revealed. After 14:28 into this video here:

https://www.youtube.com/watch?v=FQZrUoJQiZo and here:

https://www.youtube.com/watch?v=g6JouLYBwBQ&list=UUd9kZLwRGu3cFsgPqDePQVw&index=68&spfreload=10

[Note: the above links were removed by Youtube, alhamdulillāh, for "severe violation" of their terms pertaining to violence. However, Abu Baraa on Friday 5 December 2014 it appears set up a new Youtube account (Abu Baraa01) and uploaded the longer video in question about Alan Henning again here: https://www.youtube.com/watch?v=B5gCw e09Ck&list=UUDMbuOf5pvdPZTRPm6-16Hw]

THE DEFINITION OF A 'COMBATANT'

Abu Baraa defines a combatant in the Sharee'ah as:

"...any adult, mature, capable, kāfir man – he is called a combatant. That excludes women, children, the disabled, the very elderly who are not able to fight, you know we will exclude them, and blind men, these are excluded, otherwise the original rules are: any kāfir mature capable man if he has no covenant of security with the Muslims then he is called a 'combatant', a 'Muqātil', fighter. Okay, it's not about 'did he fight', it's about 'is he capable to fight'. We saw this in many evidences from the Qur'ān and Sunnah, Ibn

ul-Qayyim he mentions it aswell and even the topic of err, you 'he's just a citizen of the country, he's not one of the politicians or the leaders'.

I understand the emotive language and what people are used to in the West, but in the Sharee'ah rules there's a principle, Ibn ul-Qayyim said in Zād ul-Ma'ad that 'hukm ur-raddi hukm ul-mubāshir', the hukm of the one who is present from Banu Qawm, from the people of that tribe, the people of that town and that nation, okay the Banu Qawm is the people of that nation that is at war with Islām, they share the same hukm as the ones who are part of engaging or supporting the fighting against Muslims or the betrayal. That's the original nass..."

Let's dissect this:

One

Firstly, Abu Baraa should not speak on this serious issue as he clearly is devoid of the necessary knowledge with which to conduct an impartial and sincere investigation into the matter. His taking snippets from here and there is the first warning signal that Abu Baraa is upon dangerous grounds. As herein Abu Baraa has his own agenda which he believes in and then after that scours the sources for whatever snippets he can find which he feels concurs with his desires, Imām Muhammad bin Sālih al-'Uthaymeen (rahimahullāh) spoke about this method in his commentary on at-Tahdheer min Fitnat it-Takfeer, pp.68-69, which we relay fully as the entire quote is pertinent to Abu Baraa seeing as he is one of the main propagandists in the English language who claim that the tafseer of Ibn 'Abbās is weak:

However, due to this narration those who have been tested with takfeer have not been pleased and begin to say "this narration is unacceptable! It is not authentically relayed from Ibn 'Abbās!" so it can be said to them: "How can it not be authentic when those who are more virtuous and greater in knowledge than you in hadeeth have accepted the narration?! Yet you say "we don't accept it!"!? Let's say the matter was as you say and the narration of Ibn 'Abbās was not authentic, unto us are other texts which indicate 'kufr' is applied yet does not mean the kufr which expels one from the religion, like the aforementioned verses. As the Messenger of Allāh (sallallāhu 'alayhi wassallam) said: "there are two people that have kufr within them: the one who abuses lineages and those who wail over the dead." Yet this is not the kufr which expels one from the religion, however as is said: "A small amount

of knowledge coupled with a small amount of understanding of the general Shari' principles necessitates misguidance."

Another matter that can be appended to that is: evil intent necessitates evil understanding, because when a person wants and intends something this necessitates a person transmitting his understanding in accordance to what he wants and intends, and then he distorts the texts accordingly. From the well-known principles of the 'Ulama was that they used to say: deduce then believe, don't believe and then deduce and be misguided. The three reasons are:

- 1 Lack of Shari' knowledge.
- 2 Lack of fiqh of Shari' principles
- 3 Evil understanding resulting from evil intent and desire.

In relation to the narration of Ibn 'Abbās, then it is sufficient for us that the noteworthy scholars such as Shaykh ul-Islām Ibn Taymiyyah, Ibn Qayyim and others have all received the narration with acceptance and relay it as being an authentic narration.⁵

Two

Abu Baraa's gives a definition of a 'combatant' which upon first appearance to one without familiarity to the fiqh of jihad may seem like an accurate appraisal. However, upon inspection we find that Abu Baraa has been deceptive, as per usual with the Khāwārij propagandists and defenders. Not only does Abu Baraa not bring any daleel for his utterances, but he also speaks as if he is fully acquainted with the fiqh of jihad in the matter. Secondly, the books of jihad define a 'combatant' in much more detail than this, which begs the question: why did not Abu Baraa mention the full details on the matter?

❖ Either Abu Baraa was unaware, in which case he should not speak as if some sort of authority, indeed in the same lecture Abu Baraa presents himself as being a "student of knowledge"?! Now if this not an indication of Abu Baraa's delusions of grandeur we do not know what is!

⁵ From his notes to the book *Tahdheer min Fitnat it-Takfeer*, pp.68-69; also see for additional info, Shaykh Saleem al-Hilālī, *Qurrat ul-'Uyūn fī Tasheeh Tafseer 'Abdullāh Ibn 'Abbās 'alā Qawlihi Ta'ala "Wa man lam yahkum bi ma Anzala Allāh fa Ūlayika hum ul-Kāfirūn"* ('Ajmān, UAE: Maktabat ul-Furqān, 1422 AH/2001 CE), pp.87-94.

Or, he has intentionally been deceptive in not presenting the actual definition of a combatant which has been mentioned by the scholars within the fiqh of jihad, out of ruling by other than what Allāh has revealed.

The scholars mention, which we will relay below, that the worshipper from the people of the scripture is included among those who are not be fought – not mentioned by Abu Baraa.⁶

Three

When discussing the fiqh of jihad the scholars have been clear in highlighting that aggression is only to be shown to whoever is *involved* in fighting against the believers – this is the *'illah* [juristic reason] which is related to the combatant and was not noted at all by Abu Baraa. It is relayed in the *Muwatta*' of Imām Mālik that: 'Umar ibn al-Khattāb wrote to the army leader whom he had dispatched saying:

"I have heard that a man from you seeks out [to kill] the non-Arab disbelieving combatant who has fled to the mountains and refrained from battle and says to him "do not be scared" ['Mataras' in Persian], then when he gets close to him he kills him. By the One in Whose Hand is my soul, I have not found out about the one who did that except that I will strike his neck."

Not mentioned by Abu Baraa. This narration clearly mentions a man, a capable male, who has fled to the mountains so as not to fight. 'Umar ibn al-Khattāb (radi Allāhu 'anhu) did not instruct "kill him, as he is an adult, mature, capable, kāfir", as the jāhil Abu Baraa would have us believe. If this was the correct definition of a combatant then 'Umar ibn al-Khattāb (radi Allāhu 'anhu) would have instructed the man to be killed.

⁶ This is the first of many important details on the topic which Mizanur-Rahman Abu Baraa does not mention.

Thus, aggression is not to be shown to whoever has refrained from fighting against the believers. Hence, some of the scholars stated that it is allowed to kill women and children in self-defence if they fight against the believers on battlefields with weapons, but not allowed to kill them if they merely throw stones. So the issue is in regards to involvement in fighting, this matter has been neatly swept under the carpet by Abu Baraa. From Buraydah (radi Allāhu 'anhu) that the Messenger of Allāh (sallallāhu 'alayhi wassallam) used to say⁷:

'Fight in the way of Allāh and fight those who disbelieve Allāh. Do battle and do not exceed the limits, do not depart (from the battle), do not mutilate and do not kill children or those in monasteries (i.e. places of worship)."

The reason due to which the killing of monks (i.e. those secluded in places of worship) and those who are within places of worship is prohibited has to be understood. As-San'ānī stated in commenting on this hadeeth:

Within the hadeeth is proof that it is not permitted to kill whoever from the disbelieving monks has devoted himself to worship due to turning away from harming Muslims.

Not mentioned by Abu Baraa. Hence, here the key 'illah [juristic reason] is "turning away from harming Muslims". While ash-Shawkānī appended to as-San'ānī's words above:

An analogy can be made between those who have been documented and whoever sits out [of fighting against Muslims], or the blind or the likes from whom neither benefit [for fighting against Muslims] nor permanent harm [against Muslims] can be acquired.⁹

⁷ Reported by Muslim in *Kitāb ul-Jihād* and within other chapters, vol.3, p.1356, *hadeeth* no.1731.

⁸ The addition of "...and those in monasteries (or other places of worship)" is from the *Musnad* of Imām Ahmad, vol.5, p.352.

⁹ Ash-Shawkānī, Nayl ul-Awtār, vol.8, p.56

Not mentioned by Abu Baraa. Thus, the reason is due to them abandoning fighting, and not due to them being preoccupied with their worship for indeed they are leaders of *kufr*. Ibn Habeeb (rahimahullāh) said:

It was not prohibited to kill religious people due to their preoccupation with their worship, as they are the most distant from Allāh than others from the people of their deen due to their intense insight into kufr. Rather, on account of their non-involvement with the people of their deen in waging war against the believers whether that be via hand, thought or wealth. But as for it being known that one of them guides the enemy against us secretly or the likes, then at such a point it would be lawful to execute such a person (during jihad). ¹⁰

Ibn ul-Qayyim *(rahimahullāh)*, who Abu Baraa deceptively tried to quote as supporting his propaganda (and we will address that specific issue shortly insha'Allāh), said in his book *Hidāyat ul-Hiyārī*:

When Allāh Dispatched His Messenger, upon him be prayers and peace, most of the religions answered to him and his companions after him voluntarily and out of their own choice, and he (sallallāhu 'alayhi wassallam) did not at all coerce anyone into

Translator's Note ('AbdulHaq): Ibn ul-Habeeb (*rahimahullāh*) also stated that if women or children are fighting with swords, arrows and the likes against the Muslims then they can be killed out of self-defence, but if they are merely throwing stones and the likes at the Muslims from the turrets of fortified buildings then they should not be killed. (*adh-Dhakheerah*, vol.3, p.399). Other companions of Imām Mālik said the same as this. See Ibn ul-Munāsif, *op.cit.*, vol.1, p.235.

¹⁰ Abū Muhammad 'Abdullāh bin 'AbdurRahmān bin Abī Zayd al-Qayrawānī, *an-Nawādir wa'z-Ziyādāt 'alā mā fi'l-Mudawanna min Ghayrihā min al-Ammahāt* (Beirut: Dār ul-Maghrib al-Islami, 1999 CE, ed. Muhammad Hijji) vol.3, p.60.

the religion, rather he only fought those who waged war against him and fought against him. As for those [people] who made peace with him and did not fight him, he did not compel them to enter his deen in implementing his Lord's instruction wherein He Said

"There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong."

{al-Baqarah (2): 256}¹¹

Ibn ul-Qayyim also said in Ahkām Ahl udh-Dhimmah:

ولأن القتل إنما وجب في مقابلة الحراب لا في مقابلة الكفر ولذلك لا يقتل النساء ولا الصبيان ولا الزمني والعميان ولا الرهبان الذين لا يقاتلون بل نقاتل من حاربنا وهذه كانت سيرة رسول الله في أهل الأرض كان يقاتل من حاربه إلى أن يدخل في دينه أو يهادنه أو يدخل تحت قهره بالجزية وبهذا كان يأمر سراياه وجيوشه إذا حاربوا أعداءهم كما تقدم من حديث بريدة

Killing is only obligatory when facing warfare and armed combat not when facing kufr. For this reason, neither women are to be killed nor children, nor the elderly, nor the blind nor those worshippers who do not fight, rather we fight against those who fight us. This was the way of the Messenger of Allāh (sallallāhu 'alayhi wassallam) in dealing with the people of the earth, he used to fight those who fought against him until they either entered into the deen, make an agreement or treaty with him or came under his authority via paying the jizya. This is what he used to instruct his armies if they fought against their enemies, as has preceded from the hadeeth of Buraydah. 12

This is from the justice and fairness of Islām, which Abu Baraa is unaware of due to years of grooming from Omar Bakri. Thus, Ibn ul-Qayyim clearly stated in his book *Ahkām Ahl udh-Dhimmah*: "…rather we fight against those who fight us". Conveniently not mentioned by Abu Baraa. There is no doubt the contemporary humanitarian aid and relief worker is similar to the

¹¹ Ibn ul-Qayyim, *Hidāyat ul-Hiyārī fi Ajwibat il-Yahūd wa'n-Nasārā* (Makkah al-Mukarramah, KSA: Dār 'Ālam ul-Fawā'id, 1429 AH, ed. 'Uthmān Jum'ah Dumayriyyah), p.29

¹² Muhammad bin Abī Bakr Ibn Qayyim al-Jawziyyah, *Ahkām Ahl udh-Dhimmah* (Beirut: Dār al-'Ilm li'l-Malayyeen, 3rd Edn., 1983 CE, ed. Sahbī as-Sālih), vol.1, p.17.

'hired worker' for the Muslims and in fact the status of the relief worker is greater in fact, in that he was conducting aid and relief work for all Muslims.

Hence, this is why many contemporary scholars view that in the modern context of war, relief agencies, medics, and charitable organisations, which all were not present in the past, carry the ruling of those who are not participating in fighting against Muslims and a Qiyās can be made between them and the categories of those people who refrain from fighting the Muslims and do not assist in fighting, not to mention those who help, support, aid the Muslims and travel in safety with them - as in the case of Alan Henning. Hence, Dr Muhammad Khayr Haykal states in his published Ph.d thesis *al-Jihād wa'l-Qitāl fi's-Siyāsah ash-Shar'iyyah* [Striving and Fighting in Divinely Legislated Politics], after explaining that the Muslim commander or general can instruct his troops regarding which categories of people are not to be transgressed against based on the public interest and benefit, that:

The 'Aseef [hired worker], about whom the prohibition of killing has been relayed, has been explained as being the hired worker [al-Ajeer]. The Ajeer is well-known in fiqh terminology as being applicable to the one paid for the work or services that he has been contracted to do. Based on this, Ibn al-'Arabī applied, as has been mentioned, the term "Usafā'a' on hired workers absolutely and farmers.

His mention of farmers here and description of them as being 'Usafā'a is out of consideration that they have been contracted to farm the land and ensure all related agricultural affairs. From here we say within this research that this name "Usafā'a' is applicable to hired workers in trade, medical help, relief and aid work...we view that the 'Aseef has customary evidences connected to the type of work which is performed by a hired worker just as it is connected to society's view of this worker based on the work which he undertakes.¹³

Shaykh ul-Islām Ibn Taymiyyah (*rahimahullāh*) stated, in words which clearly explain that fighting is against those *involved* in waging war against the believers:

¹³ Dr Muhammad Khayr Haykal, *al-Jihād wa'l-Qitāl fi's-Siyāsah ash-Shar'iyyah* [Striving and Fighting in Divinely Legislated Politics]. Beirut: Dār ul-Bayāriq, 1417/1996, p.1270-71

As for those who are not from the people who help and fight, such as women, children, the worshipper, the elderly, the blind, the disabled and the likes then they are not to be killed according to the majority of the 'Ulama unless the person participates in fighting (against the Muslims) with speech or action.

Even though some 'Ulama permitted the killing of all merely on account of kufr, except for women and children which become for the Muslims. The first opinion (that non-combatants are not to be killed or fought against at all) is the most correct opinion, because fighting is only against whoever fights us when we want to manifest the deen of Allāh, just as Allāh says,

"Fight in the way of Allāh against those who fight you and do not transgress the limits (set by Allāh). Indeed, Allāh does not love those who transgress."

Then Ibn Taymiyyah stated:

In the Sunan is a hadeeth from the Prophet (sallallāhu 'alayhi wassallam) that he passed by a woman who had been killed within a battle and the people had gathered around the body. The Prophet (sallallāhu 'alayhi wassallam) said: "This is not one who should be fought against" and sent

¹⁴ As-Siyāsah ash-Shar'iyyah, pp.177; see within Majmū' al-Fatāwā, vol.28, p.354

the men away saying to one of them: "Tell Khālid not to kill children or workers." Also reported from him (sallallāhu 'alayhi wassallam) is that he said: "Do not kill a frail elderly man or a young child or a woman." ¹⁵

Imām Ibn ul-Munāsif states in his *magnum opus* on jihad fiqh, *Kitāb ul-Injād fī Abwāb il-Jihād*:

As for the insane person then there should be no difference of opinion whatsoever over the issue of not killing them, even if the person has reached maturity, this is because the person is not responsible by agreement. The evidence that these types of people (are not to be fought against) is the saying of Allāh,

"Fight in the way of Allāh against those who fight you and do not transgress the limits (set by Allāh). Indeed, Allāh does not love those who transgress."

{al-Baqarah (2): 190}

From these types of people are those who are generally unable to fight such as the elderly, the decrepit, those who are secluded in worship, hired workers, mothers and the likes who are not to be transgressed against during

[TN]: Shaykh Mashhūr (hafidhahullāh) highlights that the hadeeth is reported by Abū Dāwūd from Rabāh bin Rabī' in Kitāb ul-Jihād, chapter 'Qatl un-Nisā", hadeeth no.2669; an-Nisā'ī, al-Kabeer, hadeeth nos. 8625, 8628; Ibn Mājah, hadeeth no.2842; at-Tahawī, Sharh ul-ī vol.3, pp.221-22 and in al-Mushkil, 6138; Ahmad, vol.3, p.488 and vol.4, p.178; Ibn Hibbān, no.4789; al-Hākim, vol.2, p.122; at-Tabarānī, al-Kabeer, hadeeth nos. 4617, 4618, 4619, 4620, 4621, 4622; al-Bukhārī, Tārīkh ul-Kabeer, vol.3, p.314; al-Bayhaqī, al-Kubrā, vol.9, p.82, 91; Ibn 'AbdulBarr, at-Tamheed, vol.16, p.140; Ibn Abī 'Āsim, al-Āhād wa'l-Ma'ānī, hadeeth no.2751; Abū Ya'lā, hadeeth no.1546 – from the hadeeth of Rabāh bin ar-Rabī'.

The hadeeth with all its transmissions is saheeh, see Shaykh al-Albānī, *Saheeh Abī Dāwūd*. The narration from Ibn 'Umar with the wording 'the prohibition of killing women and children' has been verified by al-Bukhārī, no.3015; Muslims, nos. 1744, 25; and from Ibn 'Abbās; al-Aswad bin Suree'ah; Hadhalah al-Kuttāb; Buraydah bin al-Haseeb; an-Nu'mān bin Muqrin and Anas bin Mālik. There are other hadeeth on this issue refer to *Majma' az-Zawā'id*, vol.5, pp.315-18. Ibn ul-Munāsif stated that the hadeeth "for those who authenticate it is a proof that the 'aseef (hired workers or servants) and those like them are exempted from fighting and this is what the Qiyās is extrapolated from." See Imām al-Mujtahid Abū 'Abdullāh Muhammad bin 'Īsā bin Muhammad bin Asbagh al-Azdī al-Qurtubī (aka Ibn Munāsif), *Kitāb ul-Injād fī Abwāb il-Jihād* (Beirut: Mu'assasah ar-Rayān, 1425 AH/2005 CE), vol.1, pp.228-29.

¹⁵ Ibid.

fighting and Allāh gave them a special position in that it is prohibited to kill them due to His saying,

"...and do not transgress the limits (set by Allāh)."

{al-Bagarah (2): 190}

Meaning: do not kill non-combatants such as women due to their inability to fight.¹⁶

This is what has been mentioned in an actual classical text on jihad fiqh, as opposed to Youtube barks and pseudo-scholarship from the likes of Abu Baraa in Whitechapel. In the two Sahīhs¹⁷ Ibn 'Umar (radi Allāhu 'anhu) narrated: "A woman was found killed in one of the battles so Allāh's Messenger prohibited the killing of women and children." The hadeeth is hasan and was authenticated by at-Tirmidhī and Ibn Hibbān from the narration of al-Hasan from Samurah which the 'Ulama differed over in regards to its authenticity, however it is acceptable. It is mentioned in at-Talkhees: "It was reported by Ahmad and at-Tirmidhī from the hadeeth of al-Hasan from Samurah." At-Tirmidhī stated: "The hadeeth is Hasan Saheeh Ghareeb." Shaykh 'Abdullāh al-Bassām (rahimahullāh) stated in Tawdeeh ul-Ahkām:

- 1. It has preceded that the Prophet (sallallāhu 'alayhi wassallam) prohibited the killing of women, old men, children, people in places of worship and the likes who have no concern with fighting.
- 2. These two hadeeths affirm this meaning in regards to the prohibition of killing women and old people who do not aid in war via action or opinion (i.e. strategies).
- 3. The wars of Islām are neither about oppression nor corruption rather they are wars of mercy and to call to goodness. Al-Māwardī said in al-Ahkām us-Sultāniyyah: 'It is not permitted to kill women and children whether during warfare or outside of it, because the Prophet (sallallāhu 'alayhi wassallam) forbade killing them just as he prohibited killing the weak.

¹⁶ Imām al-Mujtahid Abū 'Abdullāh Muhammad bin 'Īsā bin Muhammad bin Asbagh al-Azdī al-Qurtubī (aka Ibn Munāsif), *Kitāb ul-Injād fī Abwāb il-Jihād* (Beirut: Mu'assasah ar-Rayān, 1425 AH/2005 CE) vol.1, p.228.

¹⁷ Also in Abū Dāwūd, at-Tirmidhī and Ibn Mājah.

The commander must order his troops with what Allāh has obligated in terms of adhering to His rulings.¹⁸

Therefore, the Prophet (sallallāhu 'alayhi wassallam) prohibited the killing of those who have no concern with fighting. Ibn Taymiyyah mentioned that:

Whoever neither prevents the Muslims from establishing the deen of Allāh nor is harmful with his kufr except to his own self.¹⁹

Shaykh ul-Islām Ibn Taymiyyah (rahimahullāh) also stated:

Killing a woman merely on account of kufr is not permissible and we do not know that it was allowed to kill any disbelieving woman at any time whatsoever. Rather, the Qur'ān and the sequence of its revelation prove that it is not allowed at all, because the first verses revealed about fighting,

"Permission [to fight] has been given to those who are being fought, because they were wronged. And indeed, Allāh is competent to give them victory.

[They are] those who have been evicted from their homes without right..."

So it was allowed for the believers to fight in defending themselves and to retaliate against those who evicted them from their homes and prevented them from tawheed of Allāh and His worship, and women are not included from those who do this. Then it was prescribed for them to fight absolutely and this is explained in his saying,

"Fight in the way of Allāh against those who fight you..."

¹⁸ 'Abdullāh bin 'AbdurRahmān al-Bassām, *Tawdeeh ul-Ahkām min Bulūgh il-Marām* (Makkah al-Mukarramah: Maktabah al-Asadī, 1423 AH/2003 CE, 5th Edn.), vol.6, pp.371.

¹⁹ As-Siyāsah ash-Shar'iyyah, pp.177-78; see within Majmū' al-Fatāwā, vol.28, p.354

So those people who are not people of combat are not permitted to be fought against.²⁰

Shaykh ul-Islām Ibn Taymiyyah (rahimahullāh) further noted:

The foundation is that the blood of Bani Ādam is sanctified and inviolable and no one is killed except with right. Killing due to kufr is not something which the legislations have agreed upon at any one time of the Sharee'ah, such as killing the one who sits out of combat, for this is something that the legislations and intellect do not differ over. The blood of the disbeliever during the early history of Islām was sanctified and inviolable just like the original sanctity of a person. Allāh prevented the Muslims from killing such a disbeliever.²¹

So here is a clear referral to those who sit out of combat, and that this is something that the legislations and intellect do not differ over, which makes Abu Baraa's definition of a 'combatant' fall flat on its face and reveals that his intellect has been corrupted in defending the Khawārij of the era along with the fact that he does not rule according to the Divine Legislation. Ibn Katheer stated in his tafseer in regards to where Allāh Says:

"Fight in the way of Allāh against those who fight you and do not transgress the limits (set by Allāh). Indeed, Allāh does not love those who transgress."

{al-Bagarah (2): 190}

That:

﴿الَّذِينَ يُقَتِلُونَكُمْ

"...those who fight you..."

...applies only to fighting the enemies who are engaged in fighting Islam and its people. So the Ayah means, "Fight those who fight you"...

The student of Ibn 'Abbās (radi Allāhu 'anhu) in tafseer, Mujāhid (rahimahullāh), stated as relayed in the Tafseer of Ibn Katheer in the explanation of where Allāh Says in Sūrat ul-Baqarah:

²⁰ As-Sārim al-Maslūl, p.101

²¹ Ahmad bin 'AbdulHaleem bin Taymiyyah al-Harrānī, Muhammad Muhiyydeen 'AbdulHameed (ed.), as-Sārim al-Maslool 'alā Shātim ir-Rasool (Beirut: Dār ul-Kutub al-'Ilmiyyah, n.d.), p.104.

"Fight them until there is no [more] fitnah and [until] worship is [acknowledged to be] for Allāh. But if they cease, then there is to be no aggression except against the oppressors."

{al-Baqarah (2): 193}

That:

لا يُقاتَل إلا من قاتل

None is to be fought except the one who fights...²²

All of this is clear in rebutting Abu Baraa's definition of a combatant for which he provided no evidence whatsoever.

In another talk Abu Baraa tries to refer to the narration wherein the Messenger of Allāh (sallallāhu 'alayhi wassallam) was asked about: women and children of the Mushrikeen (polytheists) being harmed during a night-raid, and the Messenger of Allāh (sallallāhu 'alayhi wassallam) responded by saying "They are from their fathers." However, as is the process with those who try to piece together whatever supports the Khawārij views, he neglected to mention that there has been further clarification on this within the books of jihad. Namely, that this hadeeth was deemed as being abrogated. Abū 'Ubayd bin Sallām (rahimahullāh) – d. 224 AH – stated after transmitting the hadeeth: "Then after that came the prohibition of killing women and children within many ahādeeth." Also note that Abu Baraa, despite feigning knowledge of the fiqh of jihad, did not

Shaykh 'AbdulMālik ar-Ramadānī al-Jazā'irī highlights in *Takhlees ul-'Ibād min Wahshiyyat Abi'l-Qatād* (Jeddah: Maktabah al-Asālah al-Athariyyah, 1422 AH), p.235, ftn.2: as-San'ānī (*rahimahullāh*) said in *Subul us-Salām*, vol.4, pp.101-02:

...attacking them at night time out of heedlessness while their women and children are mingled among them and then they get hurt during the attack unintentionally. The hadeeth which is reported by Ibn Hibbān from as-Sa'b (and has the addition of "..and then he prohibited this on the Day of Hunayn"). In the Sunan of Abū Dāwūd there is another addition in the hadeeth: Sufyān said: az-Zuhrī said: "and then the Messenger of Allāh (sallallallāhu 'alayhi wassallam) prohibited the killing of women and children after that." What supports the prohibition being after

²² Ibn Katheer, *Tafseer ul-Qur'ān al-'Adheem* (Dār ul-Jeel, 1411 AH, First Edn.), vol.1, p.216

²³ Reported by al-Bukhārī, *Kitāb ul-Jihād*, chapter '*Ahl ud-Dār yabayitoon*'; also in *Saheeh Muslim* with the same wording in *Kitāb ul-Jihād wa's-Seer*, chapter '*jawāz qatl in-Nisā' wa's-Sibyān*', vol.3, p.1364, hadeeth no.1745.

²⁴ *Al-Amwāl*, p.42

mention actual instances wherein it would be justified for the believers in self-defence to kill women and children, and that is when they attack the believers with weaponry. Thus, 'AbdulFattāh bin Sālih Qudūsh al-Yāfi'ī states in his paper entitled *Hukm Qitāl al-Madaniyyeen: Dirāsah Fiqhiyyah* [The Ruling on Killing Civilians: a Fiqh-Based Study] states:

Ahl ul-Harb [the people of war] or al-Harbeeoon [combatants] are non-Muslims who have not entered into a covenant of Dhimmah [protection] and do not want a covenant or agreement with Muslims. Effect to the Kuwaiti Fiqh Encyclopaedia, vol.7, p.105. So whoever is not a Dhimmee, or Mu'āhad nor a Musta'min is from the people of war whether he is a civilian or from the military. Yet the word "combatant" is not synonymous with the word 'soldier' as civilians [from the people of war] are also to be included as being people of war however they are the civilians from the people of war.

Four

In regards to the statements of the scholars of the past then these also need close scrutiny and inspection. There were jurists of the past who gave definitions which may at first reading seem to agree with what Abu Baraa stated earlier, such as al-Kāsānī (rahimahullāh) in Bidā'i' us-Sanā'i', vol.6, p.63 who mentioned that:

The basis in regards to it is that: all who are from Ahl ul-Qitāl [the people of combat] can be killed whether he fights or not.

Hunayn is what is mentioned in Bukhārī, that the Prophet (sallallāhu 'alayhi wassallam) said to one of them: "Go to Khālid and tell him: do not kill children or hired-workers." What indicates this is what was reported by Ibn Hibbān from as-Sa'b bin Jaththāmah who said: I heard the messenger of Allāh (sallallāhu 'alayhi wassallam) said: I asked him about the children of the Mushrikeen and them getting killed among the enemy. He (sallallāhu 'alayhi wassallam) said: "yes (it's ok) they are from them", then he prohibited their killing on the Day of Hunayn. Al-Albānī authenticated this in Saheeh Mawrārid ith-Thumān, p.1380.

²⁵ 'AbdulFattāh bin Sālih Qudūsh al-Yāfi'ī, *Hukm Qitāl al-Madaniyyeen: Dirāsah Fiqhiyyah* [The Ruling on Killing Civilians: a Fiqh-Based Study], p.26, it can be accessed here: http://vb.tafsir.net/tafsir18130/#.VF4kS_msWSo

Now this may appear to concur with the definition which Abu Baraa posited of the combatant being the "adult, mature capable, kāfir." Indeed, Abu Baraa mentioned that, according to him, that "excludes women, children, the disabled, the very elderly who are not able to fight, you know we will exclude them, and blind men, these are excluded..."

However, al-Kāsānī clearly mentions "Ahl ul-Qitāl" ['the people of combat'] and includes among them "the priest, the crier, the insane and the disabled if they are from Ahl ul-Qitāl". This clearly shows that the 'illah is being involved in fighting against Muslims, hence al-Kāsānī stated after the quote from him above:

Whoever is not from Ahl ul-Qitāl ['the people of combat'] – it is not permitted to kill him unless he is a real [haqīqī] combatant or with the meaning of having [war] strategies, obedience and agitation [to wage war] and the likes...

There were other scholars of the past who also viewed that whoever did not fight as being from among the category of non-combatants. This is understood from the *Sharh* of 'Ileesh on Khaleel, vol.3, p.145 and also in the *Hāshiyah* of ad-Dusūqī on ad-Dardeer, vol.2, p.147 wherein it is mentioned that those non-Muslims who have a trade or some sort of service are to be included and thus not to be killed and that this was the view of Ibn ul-Qāsim, Ibn Wahb, Ibn Mājishūn and Ibn Habeeb. While Ibn Qudāmah al-Maqdisī, in highlighting this 'illah in regards to farmers, stated in *al-Mughnī*:

...the saying of 'Umar and that the companions of Allāh's Messenger (sallallāhu 'alayhi wassallam) did not kill them [farmers] when they conquered the lands because they [the farmers] did not fight, as they resembled [the status of] the elderly and the monks.²⁶

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²⁶ Ibn Qudāmah, *al-Mugnī*, vol.13, p.180

Not mentioned by Abu Baraa. This indicates that the 'illah is being involved in fighting against the Muslims.

Five

Moreover, there is a difference in the rules and customs as things have developed today which is not taken into consideration by the Khawārij of the era which demonstrates that they have no fiqh of the deen. Humanitarian relief and aid workers are not found with any disbelieving troops on the ground, rather they have come on their own to aid all Muslims regardless, this is while ISIS surround Muslims then fight and kill them. There are no Western fighters on the ground in Syria from whom it can be deduced that any white Westerner present in Syria must therefore be from among them. Also, another aspect of contemporary custom which Abu Baraa and those Khawārij like him are oblivious to, is that in the past there were no distinctions in regards to combat as all able men were expected to fight as the situation between Muslims and non-Muslims was largely one of war. Whereas today there are clearly non-Muslim men who are mature, able-bodied, of sound-mind (as defined by the classical scholars) – yet they are totally against war against Muslims and some of them even aid the Muslims. Thus, there are new situations today which have to be taken into consideration. Hence, modern jurists such as Abu Zahra stated that:

The Prophet's prohibition of killing hired workers, who have been hired to work and do not fight and do not work in the arena of warfare, has been oft-repeated. Also the workers, farmers and labourers who do not fight – and these are builders who construct buildings. Islamic war is not about removing buildings.²⁷

Likewise, warfare and combat in Islām is not about removing humanitarian aid and relief work, via slaying and beheading non-Muslims who come to Muslim lands to help the poor, destitute and weak Muslims! Wahba az-Zuhaylī stated:

Muhāribeen [combatants] are: whoever has ascribed himself to warfare whether directly or indirectly, such as forced conscripts and volunteers. As for civilians who have put down weapons and gone to work, and all who have refrained from assisting the enemy [of the Muslims], such as those attached

²⁷ Abū Zahrā, al-'Alaqāt ad-Dawliyyah fi'l-Islām, p.99

to the foreign soldiers, journalists and religious people linked to the warring forces – then they are not considered combatants.²⁸

Then what of the case of humanitarian aid and relief workers who have no links whatsoever to military missions? Their lives are to be protected even moreso. Dr Khayr Haykal states in his book al-Jihād wa'l-Qitāl fi's-Siyāsah ash-Shar'iyyah [Striving and Fighting in Divinely Legislated Political Theory], after explaining that the Muslim commander or general can instruct his troops regarding which categories of people are not to be transgressed against based on the public interest and benefit, that:

Based on that, the Islamic army during their clashes with the enemy forces, or when approaching their land, it is prohibited for them to dishonour by killing those individuals about whom there has been an order not to kill. This is whether they are correspondents and photographers present on the battlefields of modern armed combat, or whether they are politicians, scholars, workers, medical workers, common people or other than that based on the order which has been given specifically about them [not to be harmed].²⁹

Thus, it is not as simple as applying the generalisations and details from jurists of the past, and even in this the likes of Abu Baraa have been either disingenuous or absolutely ignorant in that they have been selective and not taken into consideration a whole corpus of material in this issue from the classical scholars.

Six

In much of Abu Baraa's propagation he refers to what the US military does, as if:

- That is corroborated
- They are to be taken as an example to follow

Abu Baraa's often regurgitates the line of argument that "well the US do this, so what's wrong if we do that" and what he understands to be America's definition of a combatant. It shows Abu Baraa's political infatuation with merely trying to outrage non-Muslims of Britain and America as part of his vindictive vendetta. This is not the way of the Muslim traversing the Sunnah. For Ahl

²⁸ Dr Wahba az-Zuhaylī, *Āthār ul-Harb fi'l-Fiqh il-Islāmī: Dirāsah Muqārinah* [Consequences of War in Islamic Fiqh: A Comparative Study], p.480.

²⁹ Dr Muhammad Khayr Haykal, *al-Jihād wa'l-Qitāl fi's-Siyāsah ash-Shar'iyyah* [Striving and Fighting in Divinely Legislated Politics]. Beirut: Dār ul-Bayāriq, 1417/1996, p.1269

us-Sunnah has its reference points and there is no need to constantly refer to malpractices, abuses and mistreatment of the disbelievers as they are not our role-models. As Muslims we have our own guidelines and Abu Baraa's infatuation with what "America does" has even led him to disregard and underestimate the Islamic standard (!?) when it comes to warfare, civilians and the definition of combatants. Our Shaykh, Mashhoor Hasan stated:

...we are to treat the enemies the same and better. The first to lay down principles for the rights of captives was Imām Muhammad ibn Hasan ash-Shaybānī in his book as-Siyar and Abū Yūsuf in his book al-Kharāj.³⁰ They both mentioned that captives have the right to learn a trade while imprisoned, and that he has the right to learn his religion, to establish Jumu'ah, pray in congregation and gain understanding of his religion, contact his wife, children and relatives.³¹

Though Allāh Says,

³⁰ **[TN]:** Many non-Muslim Western academics and researchers have also credited Imām Muhammad bin Hasan ash-Shaybānī for his efforts in this regard. Rudolph Peters (ed.) in *Jihad in Classical and Modern Islam: A Reader* (Princeton, New Jersey: Markus Weiner Publishers, 1996), pp.3-5 stated:

During the second half of the eighth century the first comprehensive treatises on the law of jihad were written by al-Awzai and Muhammad al-Shaybani.

Peters also admits that: "the protection of non-combatants, lawful methods of warfare, treatments of prisoners of war [and] safe-conduct to enemy persons" were all issues defined in the books on law covering Jihad. Peters also stated (p.137) that as-Siyar was "devoted exclusively to Islamic law dealing with relations with non-Muslims." This was also noted by Charles Clinch in his 2005 article Jihad: How it can save Just War Doctrine: An analysis of Just War Doctrine in the UCLA International Institute: http://www.international.ucla.edu/article.asp?parentid=35780
John Strawson, a Reader of Law at the School of Law of The University of East London, stated in his renowned 1993 research paper Encountering Islamic Law that ash-Shaybānī's Siyar:

...contains detailed codes on the Law of War...its propositions on the Law of War would not seem unfamiliar to the modern student of international law.

See paper here: http://www.witness-pioneer.org/vil/Articles/shariah/jsrps.html

The role of Imām Muhammad ash-Shaybānī has also been highlighted by Recep Senturk (2005) in "Sociology of Rights: "I Am Therefore I Have Rights": Human Rights in Islam between Universalistic and Communalistic Perspectives," in the *Muslim World Journal of Human Rights*, vol. 2: issue 1, article 11.

³¹ From the Shaykh's Q & A session dated 22 March 2013 CE, it can be viewed here after 28 minutes: http://www.youtube.com/watch?v=SCHnlW2RQlU

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"So whoever has assaulted you, then assault him in the same way that he has assaulted you."

{al-Baqarah (2): 194}

And Allāh Says,

"And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed. But if you are patient – it is better for those who are patient.

And be patient, [O Muhammad], and your patience is not but through Allāh. And do not grieve over them and do not be in distress over what they conspire."

And Allāh Says,

"And the retribution for an evil act is an evil one like it, but whoever pardons and makes reconciliation – his reward is [due] from Allāh. Indeed, He does not like wrongdoers."

The last two verses are mainly in regards to Qisās and the appropriate compensation, the verses demonstrate that pardoning and being patient is better and of a higher reward. The verses have not been relayed in the books of jihad. As Muqātil stated, as relayed in the Tafāseer:

This is in regards to Qisās [retribution] for injuries and loss of life.

Moreover, the implementation of the punishment is not for individuals, otherwise there would be chaos, as is the case today with the Khawārij who misunderstand and mis-apply these verses, the punishments are to be implemented by the leader and the legitimate authorities. Imām ash-Shinqītī states in his tafseer of Sūrat un-Nahl in *Adwā' ul-Bayān*:

فَالْأَمْرُ فِي قَوْلِهِ: فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُمْ بِهِ لِلْجَوَازِ، وَاللَّهُ لَا يَأْمُرُ إِلَّا بِحَسَنٍ. فَدَلَّ ذَلِكَ عَلَى أَنَّ الْاِنْتِقَامَ حَسَنٌ، وَلَكِنَّ اللَّهَ بَيَّنَ أَنَّ الْعَفْوَ وَالصَّبْرَ، خَيْرٌ مِنْهُ وَأَحْسَنُ فِي قَوْلِهِ: وَلَئِنْ صَبَرْتُمْ لَهُو خَيْرٌ لِلصَّابِرِينَ وَالْكَنَّ اللَّهُ بَيَّنَ أَنَّ الْعَفْوَ وَالصَّبْرَ، خَيْرٌ مِنْهُ وَأَحْسَنُ فِي قَوْلِهِ: وَلَئِنْ صَبَرْتُمْ لَهُو خَيْرٌ لِلصَّابِرِينَ وَأَمْثَالُ ذَلِكَ كَثِيرَةٌ فِي الْقُرْآنِ

The instruction when Allah Says,

"And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed."

Is that it is permissible and Allāh does not instruct except goodness and that indicates that retribution is good however Allāh explains that pardoning and patience is better than retribution and revenge when He Says

"But if you are patient – it is better for those who are patient."

There are many examples of that in the Qur'an.

There are also many examples from the Sunnah wherein the Prophet (sallallāhu 'alayhi wassallam) did not apply retribution and was patient and pardoned, the best example being with the Conquest of Makkah. Retribution was only resorted to out of dire necessity so as to bring oppression to an end. Dr Hasan bin Idrees 'Azūzī, professor of Sharee'ah from the Qarawiyyeen University in Fes stated in regards to the ayah from Sūrat un-Nahl:

The Qur'aan clarifies that there are only two ways: either to deal in the same way without transgressing the bounds, or patience. However, traversing the second way, which is that of patience, appears to be preferred and the option to take.³²

Shaykh Khālid al-Muslih stated in his *Sharh* of *Qawā'id ul-Hissaan al-Muta'alliqah bi Tafseer il-Qur'ān* by Imām as-Sa'dī in regards to the above verses regarding retribution, in explaining the 36th principle:³³

³² Dr Hasan bin Idrees 'Azūzī, *Qadāyā ul-Irhāb wa'l-'Unf wa't-Tatarruf fī Mīzān il-Qur'ān wa's-Sunnah* [Issues of Terrorism, Violence and Extremism in the Scales of the Qur'ān and Sunnah], p.16

³³ The *Sharh* can be referred to here: www.almosleh.com/ar/topic/hissan-36.**doc**

لكن لا بد من تقييد قوله: (ومقابلته بمثل عدوانه) أن لا يكون ذلك الفعل محرّماً؛ فإنه يجوز مقابلة المعتدي بمثل عدوانه ما لم يكن فعله محرماً، فإنه لا يجوز أن يقابل: فمثلاً لو أن شخصا زنى بأهل شخص آخر، فليس للمعتدى عليه أن يزني بأهل هنذا المعتدى؛ لأن هنذا محرم، فتقيد تلك بأن لا يكون القصاص مفضياً إلى ارتكاب محرم حرمته الشريعة.

However, there has to be a restriction of his [Imām as-Sa'dī's] words where he stated "facing a transgressor with the like of his action" in that what one does in retaliation is not harām. It is permitted to face a transgressor with the like of his action as long as it is not something which is harām. So for example, if a man committed zinā with another man's wife it is not permissible for the man who has been transgressed against to then go and commit zinā with the wife of the transgressor – as this is harām. Thus, Qisās is restricted to that which does not lead to committing something prohibited which the Divine Legislation has prohibited.

This is enough to show the ignorance and the fallacy of Abu Baraa's constant referral to what disbelievers do in warfare as a benchmark for action to then be undertaken by Muslims. As Abu Baraa endorses the harām, in ruling by other than what Allāh has revealed, based on what disbelievers may or may not do in war all in order to justify rules of engagement which are contrary to the Qur'ān and Sunnah.

Seven

Abu Baraa deceptively tries to refer to a ruling which he says was mentioned by Ibn ul-Qayyim. The ruling which Abu Baraa infers: **Hukm ur-Rida'i, Hukm ul-Mubāshir** which means: the ruling of the one who provides material support/help is that of the one whom he helps who is directly [committing the crime]. First of all, Abu Baraa pronounces the ruling wrong saying "**Hukm ur-Raddi**" when it is actually: **Hukm ur-Rida'i**! For Allāh, Says,

https://www.youtube.com/watch?v=AdP7LOJlqVg&list=UUd9kZLwRGu3cFsgPqDePQVw&index=72

³⁴ Abu Baraa makes much reference to this, as if he is on to something, yet evidently poor research and checking, along with a deluded and twisted entry in political discussion, has led to his incorrect conclusions in the matter. Refer to Abu Baraa's discussion on 'the definition of a combatant' here on Youtube:

﴿ فَأَرْسِلْهُ مَعِيَ رِدْءًا يُصَدِّقُنِي ﴾

"...so send him with me as support, verifying me."

{al-Qasas (28): 34}

Secondly, Abu Baraa, due to his lack of knowledge of the Sharee'ah Ahkām specifically and his ignorance generally fails to adequately explain exactly what the ruling means! It is evident that he has merely picked up on something via Arabic Takfiri-Jihadi websites. As a result, Abu Baraa argues that it means:

"...the hukm of the one who is present from Banu Qawm, from the people of that tribe, the people of that town and that nation, okay the Banu Qawm is the people of that nation that is at war with Islām, they share the same hukm as the ones who are part of engaging or supporting the fighting against Muslims or the betrayal. That's the original nass..."

No it is not the "original nass" as we shall soon see! As thirdly, this ruling is particularly relayed in regards to the Hadd punishment for *Hirābah* [banditry] and *Qitā' ut-Turūq* [highway robbery], thus it is a ruling applicable mainly to bandits, rebels, highway robbers and the like – incidentally the very kinds of people who Abu Baraa under the guise of Islām usual supports himself! Ibn Muflih mentions in *al-Furū'* that the ruling is related to highway robbers, thieves, night robbers and whoever helps them to fight, carry, lift or transport items, or to make up the numbers. Ibn Qudāmah states in *al-Mughnī* in regards to the ruling that:

Hukm ur-Rida'i [the ruling of the one who provides material support] from the highway robbers is Hukm ul-Mubāshir [the same ruling of the one whom he helps who is directly committing the crime]. The author of al-Kashāf ul-Qinā' stated: "if one of them is executed, the ruling is verified for all of them". Meaning: all those of mature and responsible age from them, "all of them are to be executed" because Hukm ur-Rida'i [the ruling of the one who provides material support] from the highway robbers is Hukm ul-Mubāshir [the same ruling of the one whom he helps who is directly committing the crime].

Fourthly, the ruling is not mentioned by the scholars in the books of jihad nor is the ruling mentioned by the scholars when they give the definition of Ahl ul-Harb and Ahl ul-Qitaal. The ruling is in fact about who also deserve the Hadd punishment for supporting and aiding the bandits and rebels. The reference of this ruling to non-Muslim civilians, and also in fact to Muslim civilians in Muslim countries (!), is something of a modern development which has resonated among

ignorant Takfiri-Jihadi ideologues and theorists but is not discussed by the 'Ulama in their books on jihad fiqh. Abu Baraa therefore has demonstrated by his referral to it, totally out of context and incorrect in his usage, how he cuts and splices bits and pieces from different sources in order to reach his conclusions, as is typical with the modern Khawārij propagandists.

MIZANUR RAHMAN ABU BARAA AND THE ISSUE OF THE COVENANT OF SECURITY

Abu Bara also states after 32:57 into the talk (which has since be taken down from Youtube alhamdulillāh for "severe violation" of their policy on violent content) that:

"One of the main areas of dispute about the Covenant of Security is in relation to the format of the covenant, when it becomes binding or not, what's known as al-'Ahd al-'Urfi, the customary covenant versus the explicit covenant. So one of the disputes among the Ulama is: is a covenant valid if there was no formal agreement verbally or written down that clearly states that there is a covenant.

So for example at Hudaybiyah, the treaty of Hudaybiyah was clear, they wrote it down, it was a clear treaty, they, you know, they both were present and witnesses and it was clear: we have ten years, we have covenant with each other, nobody will harm each other and if we harm each other then it is violated, it was clear, absolutely clear, okay.

It could be argued aswell, people will say: that look if you have verbal contract explicitly "I protect you", "your life is secure from me", then they will say therefore this is a valid covenant of security, explicit covenant. But they said "what if there was no such agreement made and it was just an impression that you gave", a customary covenant, like a visa. A visa implies covenant but it's not explicitly clear...or for example this idea of, you know, "you come along with us, you'll be safe" or "come along with us, we're going to deliver aid", they did not say "we're going to protect you", so this is an argument.

Personally, I accept the customary covenant of security, I accept that as an opinion, I believe it's the strongest opinion, I believe it's the opinion of the Jamhūr of the 'Ulama of the Salaf however, it is no secret that there is another opinion, it's a matter of ijtihād, it's not known by necessity, and the majority of the key figures of the jihad, like Shaykh Ayman adh-Dhawāhirī, Shaykh Abū Qatādah, Shaykh Anwar al-'Awlaki, Shaykh Usāmah Bin Lādin and all these they did not believe in customary covenants to be valid, you

know, only explicit covenants. So they did not consider customary covenants to be valid.

So this is an area of ijtihad, dispute and ijtihad...so we need to understand from the perspective of Dawlah [i.e. ISIS] where they are coming from...they have their own ijtihad we need to appreciate it even if we disagree with it, we need to know what it is and understand what it is in order to really understand the matter properly. So we need to consider: did Dawlah [i.e. ISIS] consider this customary covenant given to Alan Henning to be binding or not? Perhaps they thought it was not a valid binding covenant, because it was not explicit or because they, eerrm, you know, for example the Khaleefah did not approve of it, this is something which is possible..."

Masha'Allāh, an apparently "knowledge-based" presentation!? There are a number of points to breakdown from this excerpt of pseudo-scholarship from the ISIS defender Mizanur Rahman Abu Baraa:

One

Mizanur Rahman Abu Baraa sets the ball rolling by mentioning modern Khawārij figureheads as being "key figures of the jihad". Half of the people he mentioned are not known to have fought on any sort of battlefield against the enemies of Islam and all of them are not scholars to be taken as Islamic reference points. Abu Baraa expects his audience to blindly follow him in his assertion that they are able to make scholarly ijtihad.

Two

Mizaur Rahman aka Abu Baraa argues that there is "ijtihad" within the issue of a covenant of security and hence there is "a difference of opinion" in the matter, he even asserts that:

"...they [i.e. ISIS] have their own ijtihad we need to appreciate it even if we disagree with it".

This assertion has also been propagated by Abu Baraa's original groomer, mentor and teacher Anjem Choudary. In the deen not every "difference of opinion" or disagreement is acceptable. This is the problem generally with those who always drone on about "there is a difference of opinion on it". It is well known in Usūl ul-Fiqh that:

Not every disagreement which has arrived is taken into consideration, Except the disagreement which has a degree of investigation Thus, Imām ash-Shāfi'ī (*rahimahullāh*) stated, as documented by Ibn ul-Qayyim in *I'lām ul-Muwaqqi'een*, vol.2, p.263 and *Kitāb ur-Rūh*, p.395, and al-Bayhaqī with an authentic chain of transmission that:

The people have concurred that whoever has the sunnah of Allāh's Messenger (sallAllāhu 'alayhi wassallam) clarified to him then he cannot leave it to follow the statement of anyone else.

While Ibn Khuzaymah stated, as relayed in al-Fath, vol.3, p.95:

"It is prohibited for a scholar to oppose the sunnah after he has gained knowledge of it." A caution against following concessions has arrived from the 'Ulama. Ibn as-Salāh stated in his Fatāwā, p.300:

...yet not every disagreement is accepted or to be relied upon! Whoever follows what the 'Ulama differed over and takes concessions from their words will deviate or thereabouts!³⁵

Al-Khattābī stated in Sharh Saheeh ul-Bukhārī, vol.3, p.2091:

Difference of opinion is not a proof! Clarification of the Sunnah is a proof for those who differ from the first ones and the later ones. Thus, no one should utilise [the argument] that "this issue is one wherein there is a difference of opinion" and then choose from whatever statements he wants.

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³⁵ Ibn ul-Qayyim ascribed it to him in *Ighāthat ul-Lahfān*, vol.1, p.228

Moreover, the above is about "scholars" differing, not Takfiri bandits and Khawarij! And the matter has to be something in which there is no difference of opinion, Ibn Muflih stated in *al-Ādāb ush-Shar'iyyah*, vol.1, p.186:

There is to be no condemnation of the one who makes ijtihād in that wherein ijtihād is allowed in the subsidiary branches [of the deen].

Imām 'Uthaymeen (rahimahullāh) stated in Sharh ul-Mumti', vol.1, p.49:

...because the rulings are not confirmed except with an evidence, and safeguarding disagreement is not a Divinely Legislated evidence for which rulings can be verified.

And even this is for those who are competent to make ijtihād. Ibn ul-Qayyim stated in *Qaseedah Nūniyyah*:

Knowledge is "Allāh Says", "The Messenger says", [and what] "the companions" said for they are the possessors of knowledge,

Knowledge is not that you foolishly ascribe to a difference, between the texts and the statement of so and so. Thus,

There is no ijithād [to be conducted] with the presence of a text [from the Qur'ān or Sunnah] Shaykh Fawzān has stated:

...the texts are what need to be respected, there is only respect [for other opinions] in that which does not oppose the texts in matters wherein ijtihād is allowed among the credible jurists...³⁶

Here is the key issue, "credible jurists", and it can be safely demonstrated that the individuals whom Abu Baraa mentioned are neither credible nor jurists and thus it is a censured form of disagreement in opposition to what is accurate in the matter. Shaykh Muhammad bin Ibrāheem stated:

³⁶ Refer to Shaykh Fawzān's article here, dated 9/5/1433 AH/CE responding to an article in the Saudi newspaper al-Jazeera by Dr Sa'd bin 'AbdulQādir al-Quway'ī about using astronomical calculations to work out the start and end of Ramadan: http://www.alfawzan.af.org.sa/node/13880

Within disagreements are that which has a degree of investigation and that which does not. There is also a third category which is that which is well-known as being a weak view so if it is said about this third category "do not turn to it as it is nothing" this would not be anything [problematic].³⁷

Imām ash-Shātibī stated in his magnum opus on Usūl ul-Fiqh, *al-Munāfaqāt*, with words which deserve to be written and gold and placed on a placard outside of Abu Baraa house:

The second [type of divergent view]: is that which is not to be taken into consideration, is that which emanates from one who is not familiar with what ijtihād requires and the reality of his view is merely [based on his own] whims, self-interests, confused misguidance and following desires. There is no doubt that all which emanates from these aspects is not to be taken into consideration as it opposes the truth which Allāh has revealed.³⁸

Imām ash-Shātibī continues:

Because it is not correct to rely on it as an [valid] disagreement in the Divinely Legislated issues as in reality they did not emanate from Ijtihād and they are not issues of ijtihād, even if the person is one of ijtihād.

Then Imām ash-Shātibī said:

³⁷ Shaykh Muhammad bin Ibrāheem, *Fatāwā*, vol.2, p.12

³⁸ Imām Abū Ishāq Ibrāheem bin Muhammad Mūsā al-Lakhmī ash-Shātibī, *al-Muwāfaqāt fī Usūl id-Deen* (Dammām, KSA: Dār Ibn ul-Qayyim, 1424 AH/2003 CE, ed. Shaykh Abū 'Ubaydah Mashhūr bin Hasan Āl Salmān), vol.5, p.131

و إنما يُعد في الخلاف الأقوال الصادرة عن أدلة معتبرة في الشريعة سواء أكانت مما يقوى أو يضعف وأما إذا صدرت عن مجرد خفاء الدليل أو عدم مصادفته فلا ، فلذلك قيل: إنه لا يصح أن يعتد بها في الخلاف كما لم يعتد السلف الصالح بالخلاف في مسألةٍ ربا الفضل .

What is regarded as being a [valid] disagreement are statements which emanate from considered evidences in the Divine Legislation, whether it is from that which strengthens or weakens it. As for if it emanated from mere concealment of evidence or a lack of coming across it, then no. For that reason it has been said: it is incorrect to regard it as a [valid] disagreement just as the Salaf us-Sālih did not regard the issue of Ribā al-Fadl as a valid difference of opinion.³⁹

Hence, the Salaf did not deem the views of the Khawarij, Rawāfid, Qadariyyah, Jahmiyyah and Mu'tazilah as being "valid differences of opinion", which is essentially what Abu Baraa is trying to posit when he says: "they [i.e. ISIS] have their own ijtihad we need to appreciate it even if we disagree with it". Rather the Salaf regarded the views of these sects, largely based on the apparent texts, as being bida' and not as "valid differences of opinion based on ijtihād". Every innovator comes with that which supports his innovation. Imām ash-Shātibī stated, with more words which deserve to be written in gold and placed on a placard outside Abu Baraa's home:

Therefore, the statements of the people of desires are not to be considered for disagreements acknowledged by the Divine Legislation.⁴⁰

³⁹ Ibid., p.139

⁴⁰ Ibid., vol.5, p.221

The full quote from which the above is taken is where Imām ash-Shātibī says:

وبهٰذا يظهر أن الخلاف ـ الذي هو في الحقيقة خلاف(۱) ـ ناشيءٌ عن الهوى المضل(۱)، لا عن تحري قصد الشارع باتباع الأدلة على الجملة والتفصيل، وهو الصادر عن أهل الأهواء، وإذا دخل الهوى أدى إلى اتباع المتشابه حرصاً على الغلبة والظهور بإقامة العذر في الخلاف، وأدى إلى الفرقة والتقاطع والعداوة والبغضاء؛ لاختلاف الأهواء وعدم اتفاقها، وإنما جاء الشرع بحسم مادة الهوى بإطلاق(۱۱)، وإذا صار الهوى بعض مقدمات الدليل لم ينتج إلا ما فيه اتباع الهوى، وذلك مخالفة الشرع، ومخالفة الشرع ليست من الشرع في شيء؛ فاتباع الهوى من حيث يظن أنه اتباع للشرع ضلال في الشرع، ولذلك سميت البدع ضلالات، وجاء: «إن كل بدعة ضلالة»(١)؛ لأن صاحبها مخطىء من حيث توهم أنه مصيب، ودخول الأهواء في الأعمال خفي(١)، فأقوال مخطىء من حيث توهم أنه مصيب، ودخول الأهواء في الأعمال خفي(١) حينئذ أهل الأهواء غير معتدِّ بها في الخلاف المقرر في الشرع؛ فلا خلاف(١) حينئذ

The disagreement, which in reality is a divergence borne from misguided desire and not from sincerely trying to adhere to the intent of the Legislator in following the evidence fully and in details, is that which emanates from the people of desires. If desire enters into the equation it will lead to the Mutashābih [unclear matters] in craving for dominance and fame via the excuse of "disagreement". It will also leads to division, boycotting, enmity and animosity due to the different desires and the lack of concurrence. The Divine Legislation came to absolutely dispose of the aspect of desires, and if desires become part of what precedes the evidence it will not result [in anything fruitful] except in that which concurs with following ones desires. That therefore opposes the Divine Legislation and this is not from the Divine Legislation at all.

Thus, following desires, wherein one thinks that he is actually following the Divine Legislation, is misguidance in the Divine Legislation, and for that reason innovation was named *Dalālāt* ["misguidances"] and it has also arrived that "every innovation is misguidance" as the person is incorrect when he thinks he is actually correct, and the entry of desires into actions is hidden. Therefore, the statements of the people of desires are not to be considered for

disagreements acknowledged by the Divine Legislation. Thus, from this aspect there is no disagreement in the Divine Legislation in this instance.

Thus, a person who makes ijtihād has to be qualified, for Allāh Says:

"Indeed, those who have divided their religion and become sects – you, [O Muhammad], are not [associated] with them in anything."

Imām ash-Shātibī (*rahimahullāh*) states in his monumental work on *bida*', *al-I'tisām*, that the above *ayah* has been understood by the *Mufassireen* as being applicable to *Ahl ul-Bida*'.⁴¹ Indeed, Imām ash-Shātibī highlights that one of the causes for splitting and division is:

"When a person believes, or others believe that the person, is from the people of 'Ilm (knowledge) and ijtihād in the deen when in fact the person has not reached that level whatsoever."

The following story illustrates this:

Imām Mālik bin Anas (rahimahullāh) said: "One day Rabee'ah was crying immensely, so he was asked 'has a calamity befallen you?' Rabee'ah replied: 'No! But a person without knowledge was asked to give a fatwa.""⁴³

43 Recorded by al-Fasawī in *al-Ma'rifah wa't-Tāreekh*, vol.1, p.670; al-Khateeb al-Baghdādī, *al-Faqeeh*

⁴¹ Al-'Allāmah al-Muhaqqiq Abū Ishāq Ibrāheem bin Mūsā bin Muhammad al- ash-Shātibī (d.790 AH/1388 CE), Abū 'Ubaydah Mashhūr bin Hasan Āl Salmān (ed.), *al-'I'tisām* (Ammān: ad-Dār ul-Athariyyah, 1428 AH/2007 CE), vol.2, p.167.

⁴² Ibid., p.128

wa'l-Mutafaqqih, vol.2, p.324, no.1039; Ibn 'AbdulBarr, *Jāmi' Bayān ul-'Ilm*, vol.2, p.1225, no.2410; Ibn us-Salāh, *Adab al-Muftī wa'l-Mustaftī*, p.85; Ibn ul-Jawzī, Mashhūr Hasan (ed.), *Ta'dheem ul-*

This is relevant as *Hizb ut-Tahreer* in the UK in the mid-1990s were the ones who set Omar Bakrī up as being a "Mufti", with Anjem Choudary and Abu Baraa becoming the most prominent of his blind followers. Yet it is important to know that giving *fatāwā* is not for every Tom, Dick and Bakrī! *Al-Muhajiroun* would later proclaim Bakrī as a "Mujtahid Murajjih" (!?). ⁴⁴ Hence, the ease in which they pronounce individuals as being able to give ijtihad is not surprising when they already come from the background of conferring the suitability of making ijtihad on the likes of Bakri. This is why it is no problem for Abu Baraa to claim with such simplicity that "they [i.e. ISIS] have their own ijtihad we need to appreciate it even if we disagree with it". Ibn Taymiyyah said, in commenting on the hadeeth "indeed the only cure for ignorance is to ask", that:

They erred without ijtihād as they were not people of knowledge.⁴⁵

So much for Abu Baraa's argument that "they [i.e. ISIS] have their own ijtihad we need to appreciate it even if we disagree with it". Hence, no consideration is to be given to this so-called "ijitihād" which Abu Baraa has attempted to confer upon ISIS. Rather it is a censured form of disagreement as it has emanated from those who are neither qualified nor suitable to indulge in ijtihād. Thus, there is no *Ikhtilāf* [valid difference of opinion] in the matter as Abu Baraa has tried to suggest yet there is a distinct *Khilāf* [disagreement, conflict and dissenting opinion] due to the view of the modern-day Khawārij. Here then, we see how Abu Baraa is attempting to validate the view of the modern-day Khawārij as being acceptable to follow by presenting it as a mere "difference of opinion" within the rubric of "ijtihād". Yet Ibn ul-Qayyim stated in *I'lām ul-Mumagqi'een* in regards to a Mufti that:

It is not permitted for the Mufti to act in accordance with the statements and views that he likes without investigation of what is the most accurate view or to adhere to it by sufficing with it being a "mere statement of an Imām" or "a view held by the congregation", thus acting according to the views and statements that he wants when he sees that the view agrees with his desires.⁴⁶

 $Futy\bar{a}$, p.112, no.46; at-Tartūshī, al- $Haw\bar{a}dith\ wa'l$ -Bida', p.70; Abū Shāmah, Mashhūr Hasan (ed.), al- $B\bar{a}'ith$, p.179.

⁴⁴ Meaning a Mujtahid who gives rulings based on the Usūl of the Imām of his madhhab and confines his rulings to the main source books of his madhhab.

⁴⁵ Ibn Taymiyyah, al-Fatāwā, vol.20, p.254

⁴⁶ Ibn ul-Qayyim, I'lām ul-Muwaqqi'een, vol.4, p.211

This is in regards to the Mufti, that it is not allowed for him to select whatever view agrees with his own whims and wishes and follow it, then what about the case of the common person? Abu Baraa is trying to present these views as being valid and thus okay if one chooses to adopt it, this is sleight of hand trick to condone such *shādh* views and opinions of the people of innovation from the modern-day Khawārij.

Three

Now in regards to the main issue here, which is the subject of the Covenant of Security, then here Abu Baraa's commits a number of blunders. He asserts that the scholars have discussed the validity of different types of covenants, yet Abu Baraa has not provided a shred of evidence to indicate where this difference has been discussed by the scholars of the past. Where in the books of jihad, in the fiqh of jihad, have the scholars mentioned this? Thus, we will refer to one of the scholars of the past, the mujtahid scholar Ibn ul-Munāsif (rahimahullāh) and his classical work which is a magnum opus on jihad fiqh, Kitāb ul-Injād fī Abwāb il-Jihād. It stands as out being perhaps the primary work from the scholars of the past which goes into the most detail into the issue of the Covenant of Security with precision and thorough explanation, and within it he states:

As for writing and the indications and the likes that it contains, then all of that are terms and understandings which are no different to spoken words. ⁴⁷ The ruling of this takes into account meanings and understandings not mere words. What affirms this is that the Messenger of Allāh (sallallāhu 'alayhi wassallam) wrote to the kings of kufr calling them to Islām and signalled to his companions. Also the signal that was given in regards to the Jewish person who hit a girl with two stones. She signalled with her head (i.e. nodded) when she was asked as to who the culprit was and when the name of the culprit was mentioned a third time she said: yes and nodded with her head, then the Messenger of Allāh had the culprit executed for his crime via the use of two large stones. The hadeeth was reported by Muslim in his Saheeh. ⁴⁸

⁴⁷ In the *Muwatta*' Imām Mālik (*rahimahullāh*), when asked whether safe conduct promised by gesture had the same status as that promised by speech, said:

[&]quot;Yes. I think that one can request an army not to kill someone by gesturing for safe conduct, because as far as I am concerned, gesture has the same status as speech."

⁴⁸ In *Kitāb ul-Qasāmah wa'l-Mahāribeen wa'l-Qisās wa'd-Deeyāt* [The Book of Oaths, Combatants, Retribution and Blood-Monies], (Bab Thabūt ul-Qisās fī Qatl bi'l-Hijārah wa Ghayruhu), vol.10, p.1672,

All of this is clear evidence and a lucid proof of the Divine Legislation fulfilling acting upon understandings. If a Muslim does not intend to grant the covenant of security that the [non-Muslim combatant thinks he has due to what the Muslim done which appears to be a covenant, yet the combatant is assured [that he has a covenant of security] – then the sanctity of a covenant of security is granted to the combatant. As for fulfilling what the combatant thinks [is a covenant of security] or granting him safe passage without attacking him, after he thought that he has a covenant of assurance and security anyway which insured that he would not killed or imprisoned, then Allāh says,

"If you [have reason to] fear from a people betrayal, throw [their treaty] back to them, [putting you] on equal terms."

Allāh instructs to inform them of any rejection of what they thought they had agreed to which insured their security and trust. It is not permissible to attack them until they know with insight what their affair is and they are warned, this was the origin for everything that the people of kufr felt was a covenant and a trust from the Muslims.

As for the one who indicates in a way in which a covenant of security is sensed or does something which apparently establishes a covenant of security yet does not intend to give [a trust of covenant], then he falls into one of two conditions:

- * Either, he was inattentive and did not intend to grant a trust or covenant of security thus did not adhere to the assurance at all, in which case he was still a cause for assuring [the combatant]. As a result, the Muslim has to maintain this trust as he was the cause for (the combatant thinking) that he had a trust.
- * Or he pretended to give a covenant and trust on purpose knowing that he does not intend to grant security whatsoever. All he wishes to do is delude the person in order to gain power over the person, this is the basis of

Translator's Note: The hadeeth is also reported by Imām Bukhārī in his *Saheeh* (Kitāb ud-Dīyāt) on the authority of Anas.

on the authority of Anas bin Mālik (*radi Allāhu 'anhu*). Bukhārī also reported the hadeeth in many instances within his Saheeh: hadeeth nos. 2413, 2746, 5295, 6876, 6877, 6879, 6884 and 6885.

'Umar bin al-Khattāb (radi Allāhu 'anhu) promised what he did⁴⁹ and there is no known difference among the Muslims in regards to the prohibition of treachery and betrayal. We will clarify inshā'Allāh the difference between the deception which is allowed during warfare and the treachery which is not allowed in regards to the trust and covenant of security.⁵⁰

Then Ibn ul-Munāsif states, after explaining the difference between *khuda'* (deception in warfare) and *khiyānah* (treachery) and *ghadr* (betrayal):

So the main difference (between deception during warfare and the treachery which is not allowed within granting covenants to non-Muslims) is that we have given him assurance that we have entered a covenant of security. He (the non-Muslim) goes with a sense of mutual peace and harmony (with the Muslim) and thinking that all of that will be fulfilled, trusting the Muslim due to what the Muslim manifested to him. He (the non-Muslim) was not taken in due to a change in the situation rather (this assurance) came from the Muslim's treacherous manifestation of friendship to him, hereby committing treachery. In the issue of plotting and deception his assurance (without clearly achieving it from the other) was only due to his own negligence and deficiency of the other.....and the likes which reflects his

"I have heard that a man from you seeks out [to kill] the non-Arab disbelieving combatant who has fled to the mountains and refrained from battle and says to him "do not be scared", then when he gets close to him he kills him. By the One in Whose Hand is my soul, I have not found out about the one who did that except that I will strike his neck."

⁵⁰ Kitāb ul-Injād, vol.2, pp.309-310

⁴⁹ The second rightly guided Khaleefah, the superb 'Umar ibn al-Khattāb (*radi Allāhu 'anhu*), under whom Islam spread and lands conquered, instructed that any Muslim who committed betrayal to non-Muslims should be executed. Any Muslim who betrayed a non-Muslim combatant, or any Muslim who deceived a non-Muslim combatant into thinking that he had an agreement or covenant with him. It is relayed in the *Muwatta*' of Imām Mālik that: 'Umar ibn al-Khattāb wrote to the army leader whom he had dispatched saying:

irresponsibility without any ascribing treachery to the other (who gave no indication of there being any assurance of security). This is clear, alhamdulillāh. ⁵¹

Ash-Shawkānī states:

The Mu'āhad: is the man from the people of the abode of war who enter the abode of Islām with a covenant of security. It is prohibited for the Muslims to kill him and there is no disagreement among the people of Islām, until he returns to his place of safety.⁵²

Ibn Taymiyyah stated in as-Sārim al-Maslūl:

If you say to the non-Muslim combatant, or do, that which he believes is a covenant then he [rightfully] has a covenant of security.⁵³

Ibn an-Nahhās (*rahimahullāh*) also states in *Mashāri' ul-Ashwāq ilā Masāri' il-'Ushshāq* (!!) in the edit of Idrees Muhammad 'Ali and Muhammad Khālid Istanbūlī (first published in 1410 AH/1989 CE with the Third Edition in Beirut in 1423 AH/2002 CE by Dār ul-Bashā'ir), pp.1060-1062:

Indicating a covenant of safety and security to a Mushrik is taken as an Amān (covenant of safety and security) according to Mālik and ash-Shāfi'ī. ⁵⁴ The author of al-Mughnī states: "If he (i.e. the Muslim) indicates towards them with what they view as an Amān and then (the Muslim) says "I did not intend an Amān" then this is just his word (the Amān remains)." ⁵⁵

Issue: an-Nawawī says in ar-Rawdah, in following ar-Rāfi'ī: "An Amān made with every word indicates a clear objective and is also made by ambiguous implication (kināyah). What is a clear objective is: "I grant you protection" or "you are protected" or "I have granted you safety" or "you are safe and

⁵¹ *Kitāb ul-Injād*, vol.2, pp.311-313

⁵² Ash-Shawkānī, Nayl ul-Awtār, vol.7, p.155

⁵³ Ibn Taymiyyah, *as-Sārim al-Maslūl*, vol.1, p.408

⁵⁴ Muhammad ash-Shirbīnī al-Khateeb, *Mughnī ul-Muhtāj ilā Ma'rifat Ma'ānī Alfādh il-Minhāj* (Maktabah al-Islāmī), vol.4, p.238.

⁵⁵ Ibn Qudāmah, al-Mughnī, vol.10, p.559

secure" or "you are in my safety so no harm will come to you" or "do not fear" or "do not be scared" or "do not be frightened" or says it in a foreign language by saying "Matars". ⁵⁶

By Kināyah (ambiguous implication) is to say: "you are as you like" or "be how you will". An Amān is also established by writing or messaging, whether the messenger is a Muslim or disbeliever. Or the Amān can be by a sign which is understood by one who is able to speak. This is a broad subject.

As for the one who was assured (the Mu'amman), with a fatha on the meem, then he must know about this and the news of the Amān must reach him. If this does not reach him then there is no Amān for him. If a Muslim was to then kill this (Harbī) then this is allowed and his (the Harbī) verbal acceptance it is not a condition (if the Amān does not reach him). Rather an indication and a sensed sign are sufficient as acceptance (from the Muslims), or the kāfir says "I have accepted your covenant but I do not grant you trust so beware". The Imām said: "he has rejected the Amān" because the Amān is not confirmed by one side without the recognition of the other. If the

The word 'Mattars' is a Persian word relayed in some narrations in the Musannaf of Ibn Abī Shaybah in the Book of Jihād in the section on the definition and description of granting Amān. It has been relayed as being 'Matars', 'Mattars', 'Matras' and 'Mattaras' and it all means 'do not be scared, you are safe'. In this section there are seven narrations relayed on the issue of granting and accepting covenants of safety and security. The first narration in the section (no. 34082) is: 'Abbād bin al-'Awwām narrated to us from Husayn from Abū 'Atiyyah who said: 'Umar wrote to the people of Kūfa saying: "It has been mentioned to me that the word 'Mattars' in the Persian language signifies assurance and safety so if you say it to those who do not speak your (Arabic) language then it signifies Amān."

Another narration (no. 34085) is: Wakī' narrated to us: al-'A'mash narrated to us: from Abū Wā'il who said: "the letter of 'Umar reached us and we were in Khāniqeen (in eastern 'Irāq, south of the Kurdish regions and near the Irānian border): if a man says to another "la tadhul (do not be scared)" then he has granted him safety and security. If a man says to another: "do not fear" then he has granted him safety and security. If he says "matras" then he has granted him safety and security, because Allāh knows all languages."

See al-Musannaf li Ibn Abī Shaybah: al-Imām Abū Bakr 'Abdullāh bin Muhammad bin Abī Shaybah al'Absī al-Kūfī (159-235 AH), ed. Muhammad 'Awwāmah (Jeddah, KSA: Dār ul-Qiblah li'th-Thaqāfat il-Islāmiyyah, 1427 AH/2006 CE), vol.18, pp.108-116.

مطرس أو مترس وهي كلمة فارسية تعريبها: لا تخف ومترس ومطرس بإبدال التاء طاء والعكس 56

Imām (Muslim leader) views there is a Maslahah (benefit) in allowing the entry of traders and says "whoever enters for trade is safe and secure" – then this is allowed.⁵⁷

Similar to this was also mentioned by Ibn ul-Juzayy (rahimahullāh) in al-Qawāneen ul-Fiqhiyyah towards the end of Kitāh ul-Jihād. Ibn an-Nahhās above also referred to Ibn Qudāmah (rahimahullāh) and what he said in al-Mughnī, 58 what Ibn Qudāmah stated was:

«.. وأما خيانتهم فمحرمة؛ لأنهم إنما أعطوه الأمان مشروطاً بتركه خيانتهم، وأمنه إياهم من نفسه، وإن لم يكن ذلك مذكوراً في اللفظ، فهو معلوم في المعنى، ولذلك من جاءنا منهم بأمان فخاننا كان ناقضاً لعهده. فإذا ثبت هذا لم تحل خيانتهم لأنه غدر ولا يصلح في ديننا الغدر. وقد قال النبي -صلى الله عليه وسلم-: «المسلمون عند شروطهم» فإن خانهم أو سرق منهم، أو اقترض شيئاً، وجب عليه رد ما أخذ

...and as for betraying them, then it is harām (prohibited), because they gave him the covenant of safety and security on the condition that he will neither betray them nor harm them, and even if this was not written therein as it is known contextually. Thus, whoever gained a covenant of safety and security into our countries and betrayed us then it is as if he withdrew his covenant. And thus, if this was true, then it is prohibited to betray them, because our religion prohibits betrayal. In this respect, the Prophet (sallallāhu 'alayhi wassallam) said:

"...the Muslims must stick to their conditions" 59

⁵⁷ An-Nawawī, *ar-Rawdah*, vol.10, pp.279-280

⁵⁸ In *Kitāb ul-Jihād, Mas'alat Man Dakhala Ard ul-'Aduw bi-Amān* [The Issue of Entering the Land of the Enemy with an Agreement/Covenant of Safety and Security].

⁵⁹ *Hasan Saheeh*; reported by Abū Dāwūd (3594) from Abū Hurayrah; at-Tirmidhī (1352) from 'Amr Ibn 'Awf al-Muzanī; and our sheikh classified Saheeh therein, while al-Bukhārī reported it *ta'leeqan* (without a chain of narrators), and so in case one betrays them, steals from them, or borrows anything, then he should give back what he took. See *al-Mughnī*, vol.10, p.507

Ibn Qudāmah here was himself commenting on what was stated by al-Khirqī al-Hanbalī (rahimahullāh) when al-Khirqī said:

It is found in the text of al-Khirqī al-Hanbalī: 'Whoever enters the land of the enemy should not betray them (betray the covenant or agreement with them).'

There are further statements on the issue, in the context this time of Muslims entering non-Musim abodes. Abu'l-Hasan 'Ali bin Abī Bakr bin 'AbdulJaleel al-Marghīyānī (511-593 AH/1118-1197 CE)⁶⁰ stated in *al-Hidāyah: Sharh ul-Bidāyah al-Mubtadi*', p.134:

"If a Muslim enters Dār ul-Harb as a trader, then he is like a Muslim who is Musta'min in Dār ul-Harb, and it is therefore not permissible for him to dishonour them in anything in terms of their wealth and blood as he is within Isti'mān which necessitates he does not dishonour them. If he dishonours them after this then this is betrayal and betrayal is harām."

In Saheeh ul-Bukhārī the long hadeeth of the treaty of Hudaybiyah mentions that al-Mugheerah ibn Shu'bah (radi Allāhu 'anhu) knew some people during Jāhilliyah that used to make alcohol and get drunk, and Mugheerah killed them and took their money. Mugheerah was thinking about accepting Islām after he had taken the money from these people, then he went to the Messenger of Allāh informing him that he wanted to be a Muslim and that he had with him the money from those people. What did the Messenger of Allāh (sallallāhu 'alayhi wassallam) say to him? He said (sallallāhu 'alayhi wassallam):

"As for your Islām, I accept it and as for the money then I have nothing to do with it."

Meaning: I accept your Islām but as for the money that you acquired from the people without right I have nothing to do with it. Also there was no jihād at that time so what do those people

⁶⁰ The great Hanafi jurist, was born at Marghiyān in the vicinity of Farghana in Present Day Uzbekistan. He studied with Najmudden Abū Hafs 'Umar an-Nasafi, his son Abu'l-Layth Ahmad bin 'Umar an-Nasafi and other eminent teachers, and excelled in Hadeeth, Tafseer, Fiqh and other studies.

⁶¹ Kitāb us-Siyar, Bāb ul-Musta'min

who make permissible robbing and stealing other people's money say? This was after the jihād and Allāh's Messenger (sallallāhu alayhi wassallam) is not a Messenger of treachery. If such wealth was allowed to keep then Allāh's Messenger (sallallāhu alayhi wassallam) would have accepted it with no problem. Ibn Hajar stated in regards to this hadeeth in Fath ul-Bārī:

His saying (sallallāhu 'alayhi wassallam): "As for the wealth then I have nothing to do with it whatsoever" it means: I have no part of it as it was taken via betrayal and treachery.

The benefit from this it is not permissible to take wealth and property (Amwāl) from the kuffār treacherously when they have trusted you during a period of safety and security, and trusts should be fulfilled whether the person is a Muslim or a disbeliever. The wealth and property (Amwāl) of the kuffār is only permissible to take through warfare or combat. Maybe the Prophet (sallallāhu 'alayhi wassallam) left the wealth that was in his (Mugheerah's hand) because of the possibility of his people embracing Islām and then their wealth would have to be returned to them. 62

Imām Abū Bakr Muhammad bin Ibrāheem Ibn ul-Mundhir an-Naysābūrī (d. 318 AH) stated in *al-Awsat fi's-Sunan wa'l-Ijmā' wa'l-Ikhtilāf* that Imāms ash-Shāfi'ī, al-Awzā'ī and Ahmad viewed it impermissible for a Muslim to betray the people of Dār ul-Harb when the Muslim enters their land with a covenant of safety and security. ⁶³ Al-Awzā'ī used the hadeeth of al-Mugheerah as a proof for this view. Ibn ul-Mundhir stated:

⁶² Ibn Hajar al-'Asqalānī, *Fath ul-Bārī: Sharh Saheeh ul-Bukhārī* (Beirut: Dār ul-Kutub al-'Ilmiyyah, 3rd Edn., 1421 AH/2000 CE, ed. Muhammad Fu'ād 'AbdulBāqī), *Kitāb ush-Shurūt* [The Book of Conditions], vol.6, p.428.

⁶³ Ibn ul-Mundhir however relays, as does Ibn ul-Munāsif in *Kitāb ul-Injād fī Abwāb il-Jihād*, that Imām Abū Haneefah allowed betrayal, yet we have not come across this view within Hanafī fiqh books.

If a (Muslim) man enters Dār ul-Harb with a covenant of security then he is safe from them based on their agreement of security and they are also safe from him. Thus, it is not allowed for him to betray them, cause fear to them or kill them. If he takes anything from them he has to return it back to them and if he takes anything with him back to Dār ul-Islām he has to give it back. A Muslim should neither purchase such (taken) property nor destroy it because the wealth and property has a trust.⁶⁴

Abū Yahyā Zakariyyah bin Muhammad al-Ansārī ash-Shāfi'ī (823-926 AH/1420-1520 CE) stated in *al-Asnā ul-Matālib*:

The wealth of the people of Harb (war) are prohibited to whoever from us has granted them safety and security. If a Muslim enters their abodes with a covenant of safety and security and borrows anything from them, or steals anything from them, and then returns to our land he has to return what he took; as he cannot dishonour them if he entered their lands with an agreement of safety and security.

As-Sarkhasī (rahimahullāh) states in his Sharh of Kitāb as-Siyar al-Kabeer of Muhammad bin al-Hasan (rahimahullāh):

Muhammad said: 'Chapter: what is classified as an Amān for those who enter Dār ul-Harb wa'l-Asrā and what is not an Amān':

If a group of Muslims go to the gate-keepers of Ahl ul-Harb and say to them "we are messengers of the Khaleefah" and produce a document which resembles an official document from the Khaleefah, or if they do not even produce any documentation, then this is them deceiving the Mushrikeen. If Ahl ul-Harb say to this Muslim group: "Enter" and they enter Dār ul-Harb

⁶⁴ Imām Abū Bakr Muhammad bin Ibrāheem Ibn ul-Mundhir an-Naysābūrī, *al-Awsat fi's-Sunan wa'l-Ijmā' wa'l-Ikhtilāf* (Riyadh, KSA: Dār Tayyibah, 1420 AH/1999 CE, ed. Dr Abū Hammād Sagheer Ahmad bin Muhammad Haneef), vol.11, p.292.

then it is not permissible for them to kill any Ahl ul-Harb or take any wealth from them so long as they are within their land.

(As-Sarkhasī says): Because what they (the Muslims) have manifested to them (Ahl ul-Harb) if it is true then they have an Amān from Ahl ul-Harb and Ahl ul-Harb also have an Amān from them so it is not permitted to dishonour them in anything. This is the ruling for messengers (of the Khaleefah) if they enter their lands as we have explained.⁶⁵

Our Shaykh, Mashhūr Hasan (hafidhahullāh) thus states:

Based upon this it becomes clear to us the accuracy of what has been acknowledged by the 'Ulama of our era in regards to the prohibition of wreaking havoc, hijacking airplanes and killing non-Muslims in their lands which is committed by some young Muslims who enter those lands with Amān (safe-passage and security), ⁶⁶ in the form of entry-visas. For this is an example of betrayal and treachery, the prohibition is intensified when it is ascribed to the Sharee'ah and considered as being from "Jihād", as they claim! ⁶⁷

Thus, the scholars of the past have been clear and the claims of Abu Baraa simply are not extant within the sources. Moreover, the statements of the jurists from the past are in regards to the combatant let alone the one who has volunteered to come to the lands of the Muslims to provide humanitarian aid and relief work to all Muslims there. Our point in relaying these quotes from the scholars of the past is to show they that have not made the differentiation and alleged "difference of opinion" in the issue which Abu Baraa has attempted to justify when he said "they [i.e. ISIS] have their own ijtihad we need to appreciate it even if we disagree with it".

⁶⁵ See Shaykh Faisal Jāsim, *Kashf ush-Shubuhāt fī Masā'il al-'Ahd wa'l-Jihād* (Kuwait: Jam'iyyah Ihyā at-Turāth al-Islāmī, 1425 AH/2004 CE, 4th Edn.), pp.54-55. The book has intros by Shaykh Sālih bin 'Abdullāh bin Humayd (Head of the Saudi Shūrā Council and Imām of Masjid ul-Haram in Makkah), Shaykh, Dr Sālih as-Sadlān and Shaykh, Dr Fayhān bin Shālī al-Mutayrī.

⁶⁶ And if they are Mu'āhadeen then the opposition to the *Sharee'ah* would be from two angles, like a person who steals pork and eats it!

⁶⁷ From the edit of Shaykh Muhammad bin Zakariyyā Abū Ghāzī and our Shaykh Mashhūr Hasan Āl Salmān to Imām al-Mujtahid Abū 'Abdullāh Muhammad bin 'Īsā bin Muhammad bin Asbagh al-Azdī al-Qurtubī (aka Ibn Munāsif), *Kitāb ul-Injād fī Abwāb il-Jihād* (Beirut: Mu'assasah ar-Rayān, 1425 AH/2005 CE), vol.1, pp.63-81.

Furthermore, 'AbdulFattāh bin Sālih Qudūsh al-Yāfi'ī states in his paper entitled *Hukm Qitāl al-Madaniyyeen: Dirāsah Fiqhiyyah* [The Ruling on Killing Civilians: a Fiqh-Based Study] that the Covenant of Security contains that which is customary and that based on that during our times: messengers, negotiators, traders, business people, journalists, doctors and relief workers are not to be killed within the arena of war.⁶⁸

Another aspect of the Covenant of Security, again conveniently not mentioned by the armchair commentator Abu Baraa, is that a covenant of security is valid from and can be enacted from any of the Muslims – which means that the Muslims have to respect and abide by that, as in the case of Alan Henning who was given safety by other Muslims. Bukhārī reported that the Prophet (sallallāhu 'alayhi wassallam) said: "And the dhimmah [asylum and protection] granted by any Muslim is one [to be secured and respected by all other Muslims]. Whoever betrays a Muslim in this respect incurs the curse of Allāh, the angels and all the people, and none of his compulsory or optional deeds of worship will be accepted..." From 'Abdullāh bin 'Amr (radi Allāhu'anhu) that the Prophet (sallallāhu 'alayhi wassallam) said: "Whoever kills a Mu'āhad will not smell the fragrance of Paradise, the fragrance of which can be smelled for a distance of forty years." Al-Bukhārī placed this hadeeth under the chapter: 'The sin of Killing a Dhimmah for No Crime'. The Hajar stated:

The Prophet's saying "whoever kills a Mu'āhad" has also been relayed regarding a Dhimmī and the report has been relayed regarding a "Mu'āhad" and the term "Jizyah" is applied to the meaning of "Mu'āhad" as is apparent from the report as the intent of an "Ahd" with the Muslims is that conducted either via contracts related to Jizyah, Hudnah, Sultān [authority] or Amān from a Muslim.⁷²

Al-Khirqī stated in his *Matn* in the chapter on jihad that:

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⁶⁸ 'AbdulFattāh bin Sālih Qudūsh al-Yāfi'ī, *Hukm Qitāl al-Madaniyyeen: Dirāsah Fiqhiyyah* [The Ruling on Killing Civilians: a Fiqh-Based Study], p.18, it can be accessed here: http://vb.tafsir.net/tafsir18130/#.VF4kSmsWSo

⁶⁹ From 'Ali (radi Allāhu 'anhu), Saheeh Bukhārī.

⁷⁰ Reported by al-Bukhārī; al-Bukhārī with *al-Fath*, vol.12, p.259, Kitāb ud-Dīyāt, Chapter: 'The Sin of Killing a Dhimmī for No Crime', hadeeth no.6914.

⁷¹ Al-Bukhārī with al-Fath, vol.12, p.259

⁷² Fath ul-Bārī, vol.12, p.259

And whoever from us [Muslims] gives them [non-Muslims] a covenant of security, be it a man, woman, or slave – it is allowed to give him [the non-Muslims] a covenant of security.

Ibn Qudāmah stated in al-Mughnī:

وجملته أن الأمان إذا أعطي أهل الحرب، حرم قتلهم، ومالهم، والتعرض لهم، ويصح . أي الأمان الذي يُعطى لهم . من كل مسلم بالغ عاقل مختار، ذكراً كان أو أنثى، حراً كان أو عبداً، وبهذا قال الذي يُعطى لهم . من كل مسلم بالغ عاقل مختار، ذكراً كان أو أنثى، حراً كان أو عبداً، وبهذا قال الثوري والأوزاعي، والشافعي، وإسحاق، وابن القاسم، وأكثر أهل العلم ا- هـ. In summary: if a Covenant of Security is given to the people of war – it is impermissible to kill them and their wealth and honour is for them. It [the granting of a Covenant of Security] is sound [when given by] any Muslim who is Bāligh [mature], 'Āqil [sane], Mukhtār [capable], male or female, free or slave. This was stated by ath-Thawrī, al-Awzā'ī, ash-Shāfi'ī, Ishāq, Ibn ul-

Ibn ul-Qayyim stated, again swept under the carpet by Abu Baraa so as to justify the Khawārij manhaj and procedures of ISIS, that:

Qāsim and most of the people of knowledge, and that has been narrated from

'Umar ibn al-Khattāb (radi Allāhu 'anhu).73

It is permitted for the covenant of security to be accorded to any disbeliever and it can be enacted by any Muslim. There are no conditions for the one who grants security yet contracts of dhimmah are only to be enacted by the Muslim leader or his deputy.⁷⁴

⁷³ Muwaffaquddeen Abū Muhammad 'Abdullāh bin Ahmad bin Muhammad Ibn Qudāmah al-Maqdisī al-Jammā'īlī ad-Dimishqī as-Sālihī al-Hanbalī, *al-Mughnī* (Riyadh, KSA: Dār 'Ālam ul-Kutub, 1997/1417, Third Edn. eds. 'Abdullāh bin 'AbdulMuhsin at-Turkī and 'AbdulFattāh Muhammad al-Hilw), vol.13, p.75, issue no. 1641

Also refer to ad-Dardeer, ash-Sharh as-Sagheer 'ala Aqrab il-Masālik ilā Madhhab il-Imām Mālik ma' Hāshiyat as-Sāwī (Cairo: Dār ul-Ma'ārif, 1392 AH, ed. Dr Mustafā Kamāl Wasfī), vol.2, p.288; an-Nawawī, Rawdat ut-Tālibeen (Damascus: al-Maktab al-Islāmī), vol.10, p.281 and al-Bahūtī, Kashāf ul-Qinā' 'an il-Iqnā' (Riyadh, KSA: Ministry of Justice, 2001 CE/1422 AH), vol.3, p.104.

⁷⁴ Ibn ul-Qayyim, Ahkām Ahl udh-Dhimmah, vol.3, p.1441

Four

Abu Bara's recognition of ISIS as a valid "state" is itself questionable, as he is talking as if they have defined borders and land, when the reality is that they gain a town, then lose it, gain a village and they are fought over it.

Five

Abu Qatada, like 'Abdullāh El-Faisal al-Jamaykī, himself called for ISIS to release Alan Henning! This was widely reported in the very media agencies which Abu Baraa so desperately cavorts with for his own exposure. As did the London-based Takfiri-Jihadi preacher Hani Sebai also, Sebai went further and even said that Jabhat un-Nusrah, the al-Qaeda group in Syria, released 45 UN soldiers had one Muslim had conferred upon them a Covenant of Security. So here again Abu Baraa's claim of the matter being one of "ijtihād" with differing views is bātil, and it is evident that he is merely trying to justify the Khawārij manhaj of ISIS and at the same time antagonise non-Muslims by asserting that the actions of ISIS has justification and validity within "ijtihād".

Six

Abu Bara's ignorance of the fact that ISIS is being controlled by former Ba'athist military officers who are openly saying that they are in fact the ones in charge! In an article on the NPR website dated June 19 2014 by Leila Fadel entitled 'Saddam's Ex-Officer: We've Played Key Role in Helping Militants' it is mentioned:

...sunni militants had important help from an old power in the country-former members of Saddam Hussein's Bā'th Party and his army. One retired air force colonel said he is a member of a newly formed military council overseeing Mosul, the large city captured last week by ISIS, the Islamic State of Iraq and Syria, and its allies from Sunni Arab armed factions. [He said:]

Refer to Hani Sebai's discussion of the matter here: http://www.almaqreze.net/ar/index.php/infusions/hsgallery_panel/sounds/1433/books/news.php?readmore=2523

"They [ISIS] are not in charge. They are not responsible for everything."

...the goal, he said, is to remove Maliki and take over the country. 76

Hardly sounds like a movement based on the Qur'ān, Sunnah and manhaj of the Salaf, let alone trying to "establish the Sharee'ah".

ABU BARAA COMPARES ISIS TO THE SAHĀBAH?!

Abu Baraa in his defence of ISIS, seeks to compare ISIS to the Sahābah?! He mentions a number of incidents from the era of the Sahābah and states after 48:04 minutes that:

"...this is the question: if, if, if it was the case that Alan was protected by a covenant and he was killed wrongly does that mean that they [i.e. ISIS] are no longer eligible for leadership? Clearly not cos' Khālid bin Wālid was sent as Ameer during the time of Rasoolullāh, during the time of Abū Bakr, in the time of 'Umar he was still Ameer. Usāmah bin Zayd, it was the Waseeya of Rasoolullāh "don't delay the army of Usāmah", and Abū Bakr Siddeeq refused to remove Usāmah as the leader of that army despite the fact that he killed somebody wrongly and it is agreed that he was wrongly killed in the time of the Prophet (sallallāhu 'alayhi wassallam) and he was told off by the Prophet because of it. So you see it is not so simple as people, you know, think, there's an exaggeration in the reaction to it aswell."

Here there are a number of points to append here:

One

The errors of the companions were in application in certain instances for which they regretted and repented for, their errors were not in the main foundational creed or methodology which is contrary to the case of ISIS. Moreover, Khālid and Usāmah were fighting on the battlefield against clear Mushrikeen and not against Muslims, which is the case of ISIS who mainly wage war against Ahl us-Sunnah.

⁷⁶ See http://www.npr.org/blogs/parallels/2014/06/19/323691052/saddams-ex-officer-weve-played-key-role-in-helping-militants

Two

With ISIS however, it is evident that their errors are in their foundational methodology which is one of extremism, takfeer of common Muslims for sins, takfeer of all the leaders, takfeer of all who disagree with them, takfeer of the 'Ulama of the scholars, etc. The very methodology of ISIS allows for bloodshed of their opposers.

Three

If a person errs this is to be discussed, clarified to him and the proof established on him. Yet with ISIS even the "Shaykhs" who they claim to respect such as Abū Qatādah al-Filistīnī, Abu Muhammad al-Maqdisi, Hani Sebai and others have all advised them and described them as extremists and Khawārij and ISIS have neither recanted nor repented, and have neither retracted nor regretted. In the case of the companions they all regretted their actions and performed good deeds in order to correct their errors. Abū Qatādah himself has stated, when he was imprisoned and was asked about ISIS that "ISIS will not last and they will not establish a Khilāfah". While Abū Muhammad al-Maqdisi and Hani Sebai, from the so-called "Ulama of jihad" have described ISIS as Khawārij and criminals. ISIS thus have no scholars and regard all scholars as being hypocrites. So how on earth can Abu Baraa make a comparison between ISIS and the noble companions (radi Allāhu 'anhum).

ABU BARAA REGARDS CRITICISM OF ISIS AS BEING "EXAGGERATION"?!

After an hour and seven minutes into the talk Abu Baraa makes remarks which insinuate that ISIS are of the "Mujāhideen". First of all, ISIS/ISIL, according to Ahl us-Sunnah in Syria, have been reported to have stated that their intents are not to wage jihad, but that rather they went to Syria in order to "establish the Sharee'ah". To his description of them as being "Mujāhideen" is questionable. Moreover, he argues "we must hear the defence of the other side" meaning by this ISIS, which is repeated throughout his talk.

Yet where is this "defence of the other side" when it comes to the leaders of the Muslims? Where is Abu Baraa's adherence to the Mawāni' of takfeer? He wants them applied to the Khawārij yet Ahl us-Sunnah are not included? Where was Abu Baraa's "defence of the other side" when his merry men from "al-Muhajiroun" were making takfeer of Muslims left, right and centre?! Where was Abu Baraa's "defence of the other side" when Muhajiroun produce and distribute articles on "The Necessity of Making Takfeer of Bin Baz"?!⁷⁸ Where was Abu Baraa's "defence of the other

https://www.youtube.com/watch?v=3Wn2ZNDezmI

Abdul 'Azeez bin 'Abdullah bin Bāz was one of those scholars who was extremely close to the Tawāgheet (apostate rulers and ministers) of the Saudi regime. Many fake Salafis adore him and praise him beyond belief, to a level where they have blindly taken him as a false god, criteria and measurement to judge what is haq and what is bātil (falsehood). Their taqleed (blind following) of this man has left them completely disoriented, resulting in them no longer referring back to the Qur'ān, Sunnah and understanding of the Sahābah exclusively. No matter how many verses and ahādeeth you quote to them, their only counter argument is, "Yes BUT, Ibn Bāz said...", thus rejecting the divine rules and verses of Allah (swt).

Due to the fact that he permitted the blood of the Mujāhideen and their families in the Arabian Peninsula, the existence of the apostate Saudi regime, and the occupation of the land of Rasoul-Ullah (saw) by the Americans, many 'Ulamā who follow Ahl us-Sunnah wal-Jamā'ah made

⁷⁷ This was reported by Abdullah Anas, a former Afghan War veteran, narrating on the authority of Abū 'Abdullāh al-Hamawī from Jabhat al-Islāmiyyah in Syria which is one of the non-Takfiri groups in Syria. See the discussion here after 47 minutes:

⁷⁸ Dated 2005, the vile article, may Allāh give the author what he deserves, stated:

Baraa' (disassociation) from him and even declared him as an apostate (kāfir). However, some of these scholars later retreated from their takfeer (including Sheikh Abu Muhammad al-Maqdisi) in response to the advice which was given to them by some sincere Muslims and scholars.

However, we and the Sheikh which we refer to and love for the sake of Allah have chosen not to retreat from this takfeer upon Ibn Bāz, despite the fact that we have been advised to do so by some sincere brothers and 'Ulamā who we refer to and love.

This is because what Ibn Bāz stood for was complete apostasy and kufr, and to this day his manhaj (method) and principles give complete justification to the existence of many corrupted scholars and Tawāgheet. Based upon his fatāwā (Islamic verdicts), occupying Muslim land, not implementing the Sharee'ah, imprisoning scholars and killing the Mujāhideen etc. has become halāl (lawful).

Many of these scholars and students of knowledge who we love for the sake of Allah (swt) agree that his manhaj is complete apostasy and contrary to Islam, yet they still advise us not to make takfeer upon him. We would like to say to these brothers, how can we make takfeer on his manhaj but not him? Isn't this irjā' (separating Eemān from actions)? If a person's manhaj and what he stood for was kufr, then as a principle of Eemān, this necessitates that he too must be a kāfir! We cannot say, "Don't call a fornicator "fornicator". He committed fornication but don't call him a fornicator!" This is the argument of the Murji-ah (those who separate Eemān from actions); therefore we chose not to take this advice.

Bāziyyah (what Ibn Bāz stood for) is complete kufr and shirk, and our takfeer upon him is not like the Khawārij as the fake Salafis like to assert and fabricate about us. We do not make takfeer based upon sin, rather takfeer should only be based upon a person committing major forms of kufr and shirk, and this is exactly what Ibn Bāz did.

Any person who chooses to make takfeer upon him should not be criticised at all, as takfeer is Ijtihād (extracting a divine rule from the Qur'ān and Sunnah), therefore if we are right we get two rewards, and if we are wrong we get one reward – how can you attack and ridicule someone who makes valid Ijtihād and even gets rewarded by his Lord!? Surely this is not the characteristic of the true Muwahhid (monotheist) or even Muslim.

So we would like to say to those who mock at, backbite and slander the sincere Muslims and scholars who follow the Saviour Sect and make takfeer upon this Kāfir Murtad Ibn Bāz: FEAR ALLAH in the way you speak and learn to respect valid Ijtihād which is based upon the Qur'ān and Sunnah.

side" when his Muhajiroun cohorts pronounce the Salafi scholars as being "scholars for dollars" and hypocrites?! Abu Baraa's "defence of the other side" is only when it comes to protecting his fellow Khawārij comrades. Abu Baraa also says, in a somewhat emotional outburst:

"...and if anybody if really serious in dealing with the case of Alan Henning stop with the rumours and this err, you know this exaggeration, stop with this exaggeration. Stop giving fuel to the kuffār to justify their bombing of Muslims; and take it seriously, go to the Sharee'ah Court in the Islamic State, one of the courts of al-Madhālim and take all of your evidence and your witnesses and present your case to a Sharee'ah judge they will judge."

First of all, if anyone has given "fuel to the kuffār to justify their bombing of Muslims" we need look no further than the Khawārij bandits of ISIS. If there has ever been a group who has given the pristine image of Islām a bad name, along with distorting its teachings in the modern era, ISIS are the ones who have done that. So if he wants to jump up and down and rant and rave about giving "fuel to the kuffār to justify their bombing of Muslims" he can thank his own Khawārij brethren for that.

Secondly, Abu Baraa talks about "going to the Sharee'ah court" etc., yet where are these courts which ISIS have established? Where did they establish the Divine Legislated legal proofs on Alan Henning?! And judging by ISIS brazen ruling by other than what Allāh has revealed, any court system is liable to be a kangaroo court as opposed to anything based on the Qur'ān and Sunnah.

Finally, Abu Baraa issues another defence of ISIS by saying, after an hour and twelve minutes into the talk that:

"...you suddenly feel that we're allowed to make mistakes but they're not allowed to make mistakes...we need to be fair".

Here Abu Baraa plays down the Khawārij methodology of ISIS. The manhaj of ISIS is no mere "mistake", Abu Baraa says all of this as if ISIS "just made a mistake", feigning ignorance of the fact that such brutal murder and shedding blood is all part and parcel of their very manhaj and 'aqeedah. Their manhaj is based on killing Muslims and violating covenants, Abu Baraa is brazen in his intellectual denial of all of the Muslims they have killed and oppressed, ruining the image of Islām in the process. Moreover, Abu Baraa is merely attempting to rationalise the methodology of

Ibn Bāz was a Murtad and enemy of Allah (swt). We hope and pray to Allah (swt) that he puts him and those who worship and love him in the same place on the Day of Judgement...Āmeen.

ISIS as if they are operating within a Shari'-Sunni ethical framework which: "we need to appreciate"?!

MIZANUR RAHMAN ABU BARAA – DEFENDER OF THE MODERN-DAY KHAWĀRIJ

Generally, Abu Baraa is a defender of the Khawārij, refusing to condemn them as he wishes to not "condemn Muslims", an Ikhwānī approach. This is evidenced by his justification of their actions with words such as "they [i.e. ISIS] have their own ijtihad we need to appreciate it even if we disagree with it". Moreover, it reeks of contradiction for those who gain infamy for jumping up and down ranting and raving about Muslim leaders and the scholars of Ahl us-Sunnah to then have the audacity to turn around and say "I am not going to condemn Muslims" as a get-out-clause so as to defend the Khawārij of the era.

However, Ahl us-Sunnah from the Salaf up until today have not ceased in condemning the Khawārij. Here we will relay some statements on that topic which not only show that Ahl us-Sunnah condemned openly the Khawārij but also rejected their methodology which is exemplified in contemporary times with ISIS, let's see. Imām Ahmad bin Hanbal (rahimahullāh) said (pay attention Abu Baraa and other ISIS sympathisers):

As for the Khāwarij then they call Ahl us-Sunnah "Murji'ah", and the Khāwrij have lied in their accusation as they themselves as Murji'ah. The Khawārij claim that they alone among the people are on the īmān and the truth and they claim that those who oppose them are disbelievers.⁷⁹

Shaykh ul-Islām Ibn Taymiyyah (rahimahullāh) said (pay attention Abu Baraa and other ISIS sympathisers):

They [i.e. the Khāwarij] are juhhāl [ignoramuses] they left the Sunnah and the Jama'ah out of ignorance.⁸⁰

Shaykh ul-Islām Ibn Taymiyyah had mentioned regarding the *Khawārij Qa'diyyah* that (pay attention Abu Baraa and other ISIS sympathisers):

They made the abode of the Muslims an abode of disbelief and war and they entitled their abode which they migrate to as 'an abode of eemān' and they

⁷⁹ Risālat ul-Istirkhī as relayed in Tabaqāt ul-Hanābilah, vol.1, p.36

⁸⁰ Minhāj us-Sunnah, vol.3, p.464

considered the countries of Islām as being violable much more than their considering violable the countries of the disbelievers.⁸¹

Ash-Sharbīnī⁸² (rahimahullāh) mentioned in Mughni al-Muhtāj (pay attention Abu Baraa and other ISIS sympathisers):

The belief of the Khawārij is that whoever performs a major sin has disbelieved, his actions have been nullified and he will reside in the fire forever. They also believe that if the abode of the Imām manifests major sins within it, it becomes an abode of disbelief and legalisation [of bloodshed]. For this reason, they slandered the leading scholars, did not pray behind them and avoided the Jumu'ah and congregation.⁸³

Shaykh ul-Islām Ibn Taymiyyah (rahimahullāh) said:

The Ummah is agreed on censuring the Khawārij and that they have misguidance, they (the Ummah) only dispute regarding making takfeer of the Khawārij and fall into two well-known views within the madhhab of Mālik, Ahmad and also ash-Shāfi'ī. For this reason there are two aspects within the madhdhab of Ahmad and others:

First: there are rebellious transgressors

Second: they are kuffār apostates who are allowed to be executed along with any prisoners from them who are caught and the followers of their main leader. Whoever among them is able and repents otherwise they are to be executed, like the apostate.⁸⁴

Al-Hāfidh Ibn Hajar stated (pay attention Abu Baraa and other ISIS sympathisers):

More recent prints were done in 1994 CE and 2000 CE by Dār Kutub 'Ilmiyyah (Beirut) edited and verified by Ādil 'Abdul-Mawjūd and 'Ali Muhammad Muwawwidh. There were also editions printed by Dār ud-Dhakhair (Beirut) in 1377 AH/1985 CE, Dār al-Ma'rifah, 1419 AH/1997 CE and Dār ul-Fikr, n.d. ⁸⁴ *Al-Fatāwā* (Riyadh: Matābi' Riyadh, 1382 AH, 1st Edn.), vol.28, p.518

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⁸¹ See *Majmū' al-Fatawā Ibn Taymiyyah*, compiled and arranged by 'Abdur-Rahmān bin Qāsim al-'Āsimī an-Najdī and his son Muhammad, (ar-Ra'āsah al-'Āmah li-Shu'ūn al-Haramayn ash-Shareefayn, n.d.), vol.3, p.28.

 $^{^{82}}$ Muhammad ash-Sharbeen \bar{i} al-Khateeb, he was an Egyptian scholar born in the city of Shirbeen in North-East Egypt near Sinai.

He was a scholar of Shāfi'ī fiqh and also a mufassir, he died in 977 AH/1569CE

⁸³ Muhammad ash-Sharbīnī al-Khateeb, *Mughni al-Muhtāj ilā Ma'rifat Ma'ānî Alfādh il-Manhaj*, (Beirut: Dār Ihyā Turāth al-'Arabī, n.d.), vol.4, p.124; also available Online: http://www.ahlalhdeeth.com/vb/showthread.php?t=31646

Most of the Ahl ul-Usūl from Ahl us-Sunnah viewed that the Khawārij are fussāq and they are ruled has having Islām due to their pronouncing of the Two Statements and practice of the pillars of Islām. Rather tafseeq is made of them due to their making takfeer of the Muslims and utilising a corrupt interpretation which leads them to make permissible the blood and wealth of those who oppose them and brand them with kufr and shirk.⁸⁵

Shaykh ul-Islām Ibn Taymiyyah stated (pay attention Abu Baraa and other ISIS sympathisers):

The Khawārij opposed the Sunnah which the Qur'ān instructs to follow, they also made takfeer of the believers who the Qur'ān instructs to be loyal to, this is how Sa'd bin Abi Waqqās interpreted this verse,

"And He misleads not except the defiantly disobedient, who break the covenant of Allāh after contracting it and sever that which Allāh has ordered to be joined and cause corruption on earth."

They (the Khawārij) began to follow the unspecific from the Qur'ān and thus they interpreted the Qur'ān incorrectly without knowledge of the correct meanings from those who are well versed in knowledge; without following the Sunnah and without referring to the Jama'ah of the Muslims who understand the Qur'ān. 86

Al-Khattābī (rahimahullāh) said:

The 'Ulama have reached consensus that the khawārij, with all their misguidance, are a sect from the different Muslim sects and thus it is

⁸⁵ Al-Fath, vol.12, p.314

⁸⁶ *Al-Fatāwā*, vol.13, p.210

permissible to marry them and eat the meat they slaughter. Takfeer is not to be made of them as long as they adhere to the foundation of Islām.⁸⁷

Imām an-Nawawī (rahimahullāh) said:

The correct madhdhab to choose is that of the majority and of the Muhaqqiqeen which says: the khawārij are not to be made takfeer of just like the rest of Ahl ul-Bida.⁸⁸

Ibn Qudāmah (rahimahullāh) stated:

The khawārij are those who make takfeer due to sins, they made takfeer of 'Uthmān, 'Ali, Talhah, az-Zubayr and many of the Sahābah. They made their blood and wealth permissible except for those who rebelled along with them. The most apparent statement of the fuqahā from our companions (i.e. madhdhab) is that they are rebels and this is their ruling. This is the view of Abū Haneefah, ash-Shāfi'ī, most of the fuqahā and many of the Ahl ul-Hadeeth.⁸⁹

Al-Qadi (rahimahullāh) said (pay attention Abu Baraa and other ISIS sympathisers):

The 'Ulama have concurred that the khawārij and their likes from the people of innovation and transgression, that when they rebelled against the Imām and opposed the view of the Jama'ah and broke away – it is obligatory to fight against them after warning them and making excuses for them. Allāh says,

"...then fight against the one that oppresses until it returns to the ordinance of Allāh."

However, their prisoners are not to be killed and their wealth is not permissible. As for those of them who do not rebel against obedience (to the leader) and raise up war (against the leader) then they are not to be fought against rather they are to be admonished, likewise those who retract from their innovation and bātil all are not made takfeer of. If their innovation was of those who

⁸⁷ Al-Fath, vol.12, p.300

⁸⁸ Sharh Muslim li'n-Nawawī, vol.2, p.50

⁸⁹ *Al-Mughnī*, vol.8, p.106

necessitate takfeer of them then the regulations for the Murtaddeen are applied to them. As for the rebels who do not make takfeer they inherit and can be inherited from. At the time of fighting their blood is permissible...and according to us and the majority (of scholars) it is not permissible to benefit from their riding beats and weapons at the time of war but Abū Haneefah allowed this and Allāh knows best. 90

Al-Qurtubī (rahimahullāh) said in al-Mufhim:

The view of making takfeer of the khawārij as a group who are to be fought against, executed and their wealth taken is a view of a group of Ahl ul-Hadeeth in regards to taking their wealth. As for the view then it avoids making takfeer of the khawārij and treats them in the way the people of transgression are treated who have broken off from obedience and began warfare.⁹¹

Al-Ājurrī (rahimahullāh) stated in his book ash-Sharee'ah, in the chapter 'Censure of the Khawārij' (pay attention Abu Baraa and other ISIS sympathisers):

Their Madhhab is vile, and it is permitted to fight them and there is a reward for the one who kills them or is killed by them. Muhammad bin Husayn stated: 'The 'Ulama past and present did not differ over the Khawārij being evil and disobedient to Allāh, 'Azza wa Jall, and his Messenger, even if they fast, pray and exert themselves in acts of worship – for that will not benefit them. And even if they manifest commanding the good and forbidding the evil that does not benefit them as they interpret the Qur'ān based on their desires...Allāh has warned us against them, His Messenger has warned us against them, the rightly-guided Caliphs warned us against them, the companions warned us against them as did those who followed them in goodness, may Allāh have mercy on them.'92

Therefore, if a clarification of a person's condition is in order to advise people and to warn them from his errors so that Allāh's creation is not misguided due to his statements, then this is soughtafter – so there at times there has to be open condemnation. Imām Ibn 'AbdulBarr stated:

⁹⁰ Sharh Muslim li'n-Nawawī, vol.7, p.170

⁹¹ See al-Ibānah as-Sughrā, p.152 and ash-Shafā, vol.2, p.1057

⁹² Imām al-Muhaddith Abū Bakr Muhammad bin Husayn al-Ājurrī, *ash-Sharī'ah* (ed. Dr 'Abdullāh bin 'Umar bin Sulaymān ad-Damījī, Riyadh, KSA: Dār ul-Watan, 1418 AH/1997 CE), vol.1, p.325.

The Sharee'ah has permitted speaking about a man in matters wherein there is a specific benefit such as in marriage.

As is found in the hadeeth in Saheeh Muslim of Fātimah bint Qays wherein the Prophet (sallallāhu 'alayhi wassallam) was asked by Fātimah about Abū Jahm and Mu'awiyah and the Prophet said: "As for Mu'awiyah then he is poor and has no money, and as for Abū Jahm then his stick does not leave his side, marry Usāmah." So pay attention: this is mentioning things about a man which he dislikes, but it is permissible as there is a benefit in mentioning that to the woman; so then what about a greater issue, such as the Ummah of Muhammad (sallallāhu 'alayhi wassallam)? The error of the one who erred is to be clarified so that the error will neither be followed nor will people be misguided and oppose the Sharee'ah of Muhammad ibn 'Abdillāh (sallallāhu 'alayhi wassallam). Imām Ahmad (rahimahullāh) recorded in his Musnad (hadeeth no. 21453) from the hadeeth of Abū Dharr al-Ghifārī (حضي الله عليه وسلم) that the Prophet (صلى الله عليه وسلم) advised him saying:

"And he ordered me to say the truth even if it is bitter."

Look at the statement of the Tābi'ī Imām, Muhammad ibn Sīrīn *(rahimahullāh)*, which is recorded in the *Muqaddimah* of Saheeh Muslim, vol.1, p.15:

"This is the knowledge of your religion, so look to whom you take your religion from." Imām Muslim *(rahimahullāh)* also recorded in his the *Muqaddimah* of his *Saheeh* (vol.1, p.15) that Muhammad ibn Sīrīn said:

They had not used to ask about the Isnād (chains of narration) but when the Fitnah arose they said, "Name us your men!" So they looked to Ahl us-Sunnah and they took their narrations and they looked to the people of innovation and they did not take their narrations.

The Imām Abū 'Abdillāh Muhammad bin 'Abdillāh (rahimahullāh), also well known as Ibn Abī Zamanayn, and is one of the top four most well-known scholars of the Madhhab of Imām Mālik, said:

And Ahl us-Sunnah never ceases to expose the people of desires, the deviants. And they prohibit sitting with them, and fear their trials and narrate in opposition to them, and this is neither seen as backbiting them nor insulting them.⁹³

Regardless of who is the speaker or caller, Ahl us-Sunnah wal-Jamā'ah were firm upon this affair of exposing and criticizing the callers to falsehood and making clear this religion. Imām adh-Dhahabī (rahimahullāh) recorded in Volume 2 of his Tadhkirat ul-Huffādh that Imām Abū Dāwūd as-Sijistānī (rahimahullāh) said:

Al-Hāfidh Ibn Hajar al-'Asqalānī (rahimahullāh) mentioned in volume 11 of his Tahdheeb at-Tahdheeb under the biography of Yahya bin Abī Unaysah that Zayd ibn Abī Unaysah said about his brother:

Thus, all are to be held accountable for their statements, Allah says,

"Man does not utter any word except that with him is an observer prepared [to record]."

This is regarding the one who speaks as no one else will be held accountable for his word; so what about if he was to speak to the masses? He speaks and addresses his words to all of them so he is accountable for his words. All of us are sought to refer to this, whether the words are in a lecture, class, "lesson", book, interview or whatever.

And all praise is due to Allāh, the Lord of the Worlds, and may prayers and peace be upon Muhammad, his family and all of his companions

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⁹³ Reported in *Usūl as-Sunnah*, p. 293.