

**Shaykh, Dr Abū Anas Hamad al-'Uthmān**

**(hafidhahullāh)**

**ON THE PROHIBITION OF  
TRANSGRESSION WHEN FIGHTING<sup>1</sup>  
WITH ADDITIONAL NOTES AND BENEFITS RELATED TO THE  
USE OF MANJANEEQ FROM IMĀM AL-MUJTAHID, IBN UL-  
MUNĀSIF'S (563-620 AH)  
KITĀB UL-INJĀD FĪ ABWĀB IL-JIHĀD<sup>2</sup>**

**AND FROM SHAYKH 'ABDULMĀLIK AR-RAMADĀNĪ AL-JAZĀ'IRĪ**

**(hafidhahullāh)**

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From Buraydah (*radi Allāhu 'anhu*) that the Messenger of Allāh (*sallallāhu 'alayhi  
wassallam*) used to say<sup>3</sup>: “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).”<sup>4</sup>

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<sup>1</sup> From Hamad bin Ibrāheem al-'Uthmān, *Jihād: Anwā'ahu wa Ahkāmuhu, wa'l-Hadd al-Fāsīl Baynahu wa Bayna'l-Fawda* [Jihād: Its Types and Regulations, and the Decisive Distinction Between it and Chaos]. 'Ammān: Dār ul-Athariyyah, 1428 AH/2007 CE, pp.220-28. Translated by 'AbdulHaq al-Ashanti.

<sup>2</sup> The translator's notes for this paper are 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.225-235.

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

<sup>4</sup> The addition of “...and those in monasteries (or other places of worship)” is from the *Musnad* of Imām Ahmad, vol.5, p.352.

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. The reason is due to them abandoning fighting 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).<sup>5</sup>**

Ibn ul-Qayyim (*rahimahullāh*) said:

**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.<sup>6</sup>**

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<sup>5</sup> Abū Muhammad 'Abdullāh bin 'AbdurRahmān bin Abī Zayd al-Qayrawānī, Muhammad Hijji (ed.), *an-Nawādir wa'z-Ziyādāt'alā mā fi'l-Mudawanna min Ghayrihā min al-Ammahāt* (Beirut: Dār ul-Maghrib al-Islami, 1999 CE) vol.3, p.60.

**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.

<sup>6</sup> Muhammad bin Abī Bakr Ibn Qayyim al-Jawziyyah, Sahlī as-Sālih (ed.), *Ahkām Ahl udh-Dhimmah* (Beirut: Dār al-'Ilm Li'l-Malayeen, 3<sup>rd</sup> Edn., 1983 CE), vol.1, p.17.

**[TN]:** Imām Ibn ul-Munāsif states:

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

Rather, from the justice and fairness of the Muslims is that a boy was only to fight when he reached puberty and maturity. They used to distinguish between those who fought against them out of opposing and wanting to counter Islām and the one who fought against them out of play and jest, it is mentioned in Sahnūn’s book:

**If the child does not endure the fighting due to his young age then his fight is not (really) a (proper) fight, rather it is out of play and jest so he is not to be killed.<sup>7</sup>**

Abū Bakr as-Siddeeq (*radi Allāhu ’anhu*) said to Yazeed bin Abī Sufyān (*radi Allāhu ’anhu*) when he sent him to Shām, “*You will surely find a people who claim to have secluded themselves for Allāh, so leave them to what they claim they have secluded themselves for and I advise you with ten matters: do not kill women or children or the elderly and infirm. Do not chop down the fruit-bearing trees. Do not destroy inhabited places. Do not slaughter sheep or camels except for food. Do not burn bees and do not scatter them. Do not steal from the booty and do not be cowardly.*”<sup>8</sup>

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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 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-Baqarah (2): 190*}

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

From Ibn ul-Munāsif, *op.cit.*, vol.1, p.228.

<sup>7</sup> *An-Nawādir wa’z-Ziyādāt*, vol.3, p.58

<sup>8</sup> Reported by Mālik in the *Muwatta’*, *Kitāb ul-Jihād* in the chapter of the prohibition of killing women and children during warfare, vol.2, p.447, the hadeeth is on the authority of Yahyā bin Sa’eed from Abū Bakr as-Siddeeq that he said the hadeeth. ’AbdurRazzāq also reported the hadeeth in *Kitāb ul-Jihād* in the chapter of ‘*destroying the trees within the land of the enemy*’, vol.5, p.199, hadeeth no.9375 on the authority of Ibn Jurayj who said: Yahyā bin Sa’eed said that Abū Bakr said, then he mentioned the

Killing women, children and the elderly who have not opinion in fighting (by recommending strategies and the like) is included as being transgression which is prohibited,

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

**“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.”**

{*Baqarah* (2): 190}

Al-Hāfidh Ibn Katheer (*rahimahullāh*) said:

Allāh’s saying,

**(وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ)**

**“...and do not transgress the limits (set by Allāh). Indeed, Allāh does not love those who transgress.”**

{*Baqarah* (2): 190}

Means: ‘Fight for the sake of Allah and do not be transgressors,’ such as, by committing prohibitions, as al-Hasan al-Basri stated that transgression (indicated by the Ayah), “includes mutilating the dead, theft (from the captured goods), killing women, children and old people who do not participate in warfare, killing priests and residents of houses of worship, burning down trees and killing animals without real benefit.” This is also the opinion of Ibn ‘Abbās, ‘Umar bin ‘Abdul‘Azeez, Muqātil bin Hayyān and others.<sup>9</sup>

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hadeeth. The isnad is *munqati’* (disconnected) but the ‘*Ulama* have utilised it and referred to it as the meaning is correct and in agreement with other authentic *marfū’* narrations.

**[TN]:** Shaykh Mashhūr mentions that Yahyā bin Sa‘eed did not hear directly from Abū Bakr as-Siddeeq. The hadeeth was also reported by Sa‘eed bin Mansūr, *Sunan*, (no. 2284); al-Bayhaqī, *Sunan*, vol.9, p.86; al-Balādhuri, *Ansāb ul-Ashrāf*, pp.108-09 via another route of transmission from Abū Bakr, see *al-Majālisah*, p.1535 and *Jāmi’ il-Usūl*, vol.2, p.599.

In the *Sunan* of Abū Dawood, *Kitāb ul-Jihād* is the following *hadeeth* on the authority of Anas bin Mālik (*radi Allāhu ‘anhu*): The Prophet (*sallallāhu‘alayhi wassallam*) said: “Go in Allāh’s name, trusting in Allāh, and adhering to the religion of Allāh’s Messenger. Do not kill a decrepit old man, o a young infant, or a child, or a woman; do not be dishonest about booty, but collect your spoils, do right and act well, for Allāh loves those who do well.”

<sup>9</sup> *Tafseer al-Qur’ān al-‘Adheem*, vol.1, p.528.

Just like al-Hasan al-Basrī (*rahimahullāh*) is utilised as a proof for the prohibition of transgression in fighting involving killing women, children and old people, likewise 'Umar bin 'Abdul'Azeez (*rahimahullāh*) is used as proof wherein he said about the saying of Allāh,

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

**“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.”**

{*Baqarah* (2): 190}

“...the killing of women and children is included within this, and so are those who are not involved in warfare.”<sup>10</sup>

Ash-Shāfi'ī (*rahimahullāh*) opposed this and viewed that it was permissible to kill a disbeliever who was not fighting and he did not exempt the monk (or person of religion) from this, he said:

**If one was to say “what is the evidence that the mushrik who does not participate in fighting is to be killed?”<sup>11</sup> Then it can be said: the companions of the Messenger of Allāh (sallallāhu 'alayhi wassallam) on the Day of Hunayn killed Durayd bin as-Samah who was thrown into a tree and was not able to sit, he was about 150 years old and the Messenger of Allāh (sallallāhu 'alayhi wassallam) did not find this offensive.<sup>12</sup>**

The 'Ulama of the Shāfi'ī *madhab* opposed this view of ash-Shāfi'ī for the view of the majority and they neither found his view pleasing nor did they refer to it as a proof. Ibn Battāl (*rahimahullāh*) stated:

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**Translator's Note:** see Online English translation of Ibn Katheer's *tafseer* of the verse here: [http://www.qtafsir.com/index.php?option=com\\_content&task=view&id=234&Itemid=36](http://www.qtafsir.com/index.php?option=com_content&task=view&id=234&Itemid=36)

<sup>10</sup> *An-Nawādir wa'z-Ziyādāt*, vol.3, p.57

<sup>11</sup> [TN]: in any case this is in referral to a Mushrik so it could be deduced from Imām ash-Shāfi'ī's *shādh* view here that it is in referral to the Mushrikeen in any case and not Ahl ul-Kitāb, and Allāh knows best.

<sup>12</sup> Muhammad bin Idrees ash-Shāfi'ī, Muhammad Zuhri an-Najjār (ed.), *al-Umm* (Beirut: Dār ul-Ma'rifah), vol.4, p.240.

[TN]: this opinion of Imām ash-Shāfi'ī (*rahimahullāh*) is also reported in *Mukhtasar al-Muzanī*, p.272; *al-Wajeez*, vol.2, p.189; *al-Iqnā'*, p.176; *Mukhtasar ul-Khilāfāt*, vol.5, p.47, no.314; *Mugni ul-Muhtāj*, vol.4, pp.222-23; *Nihāyat ul-Muhtāj*, vol.8, p.64; *Rawdat ut-Tālibeen*, vol.10, p.243; *al-Muhdhab*, vol.2, p.299; *al-Majmū'*, vol.21, pp.154-55; *Hilyat ul-'Ulama*, vol.7, p.650 and *al-Māwardī, al-Ahkām us-Sultāniyyah*, p.41. See Ibn Munāsif, *op.cit.*, vol.1, p.225.

Ash-Shāfi'ī viewed it permissible to kill them as is found within one of his sayings on the issue and he used as a proof the fact that the Messenger of Allāh (sallallāhu 'alayhi wassallam) ordered the killing of Durayd bin as-Samah on the Day of Hunayn.<sup>13</sup>

What is useful to us is Ibn Battāl's mention of "...within one of his sayings..." which indicates that Imām ash-Shāfi'ī had another view which concurred with the view of the majority which takes precedence due to it agreeing with the generality of 'Ulama and due to its strong evidence.<sup>14</sup> As for using the killing of Ibn as-Samah as a proof then it is weak as Durayd was one of the military strategists and for that reason Ibn Battāl himself said:

**Whoever compares the hadeeth about the prohibition of killing shuyūkh from the Messenger of Allāh (sallallāhu 'alayhi wassallam) will see that they refer to those who do not assist at all in warfare via participating in combat or strategies. The hadeeth of Durayd relates to an old person who assisted in combat as indeed Durayd did, in such an instance there is no problem in killing such a person even if they do not participate in armed combat.<sup>15</sup> This is because such assistance is more severe than most fighting, this is the view**

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<sup>13</sup> 'Ali bin Khalf bin 'AbdulMālik ibn Battāl, Yāsir bin Ibrāheem (ed.), *Sharh Saheeh al-Bukhārī* (Riyadh: Maktabah Rushd, 1320 AH/2000 CE, 1<sup>st</sup> Edn.), vol.5, p.171

<sup>14</sup> [TN]: Ibn Munāsif (*rahimahullāh*) however asserts that this opinion was the most authentic of his sayings on the matter, see Ibn Munāsif, *op.cit.*, vol.1, p.225. Ibn Munāsif also says that this was the view of the Dhāhirī scholars such as Abū Muhammad Ibn Hazm in *al-Muhallā*, vol.7, p.296, issue no.928.

<sup>15</sup> [TN]: this is also the view of Shaykh 'Abdullāh bin 'AbdurRahmān al-Bassām in his explanation of the hadeeth in Abū Dawūd regarding the use of catapults against the people of Tā'if, see *Tawdeeh ul-Ahkām min Bulūgh il-Marām* (Makkah al-Mukarramah, KSA: Maktabah al-Asadī, 1424 AH/2003 CE, 5<sup>th</sup> Edn.), vol.6, p.385. Shaykh 'Abdullāh al-Bassām states:

**As for intending to attack those who are not fighting such as women, children, the elderly, those in monasteries, churches and the likes – then this is not permissible, as long as they neither provide a benefit (to the enemy troops) via their views or strategies nor have committed murder. For example, the Prophet (sallallāhu 'alayhi wassallam) acknowledged the execution of Durayd bin as-Samah on the Day of Hunayn because he was a strategist, and just as the Qaradhiyyah woman was executed because she had murdered one of the Companions.**

of Muhammad bin al-Hasan and is the analogy of the saying of Abū Haneefah and Abū Yūsuf.<sup>16</sup>

Some scholars claim that there is a lack of evidence preventing the killing of worshippers and the elderly,<sup>17</sup> Abū Bakr ibn al-Mundhir (*rahimahullāh*) – died 318 AH:

I do not know of decisive evidence which obligates withholding from killing worshippers, the elderly and the sick from the apparentness of the Book. Mālik, Layth bin Sa'd and a group of scholars viewed that killing them should be withheld due to the narration of Abū Bakr as-Siddeeq and his prohibition of that.<sup>18</sup>

However, the evidence from the Book is clear in refuting this as Allāh says,

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

“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.”

{*Baqarah* (2): 190}

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<sup>16</sup> Ibid.

<sup>17</sup> [TN]: Ibn Munāsif stated that the evidence that is used by Ibn Hazm and those of the view that it is permissible is the verse,

“Fight the Mushrikeen wherever you find them...”

{*at-Tawbah* (9): 5}

And they also use as a proof the saying of the Messenger of Allāh (*sallallāhu 'alayhi wassallam*): “I was instructed to fight the people until they say “La ilaha il-Allāh.” The hadeeth is reported by Muslim and others. They also use the hadeeth: “Wage war in the names of Allāh, on the way of Allāh and fight those who disbelieve in Allāh...”

<sup>18</sup> Abū Bakr Muhammad bin Ibrāheem bin al-Mundhir an-Naysabūrī, 'Abdullāh al-Jibreen (ed.), *al-Iqnā'* (n.p., 1408 AH, 1<sup>st</sup> Edn.) vol.2, p.464.

[TN]: The view of Imām Mālik (*rahimahullāh*) was documented in: *al-Mudawwana*, vol.1, p.370; *ar-Risālah*, p.189; *al-Ma'ūnah*, vol.1, p.624; *Ashal ul-Madārik*, vol.2, p.16; *al-Kāfi*, p.208; *Qawāneen ul-Ahkām*, p.164; *Bidāyat ul-Mujtahid*, vol.1, p.384; *Fath ul-Jaleel*, vol.3, p.144-46; *Hāshiyat ud-Dusuqī*, vol.2, p.177; *Sharh uz-Zurqānī*, vol.3, pp.111-12; *'Iqd ul-Jawāhir ath-Thameenah*, vol.1, p.468; *adh-Dhakeerah*, vol.3, p.397; *Jāmi' ul-Amāhāt*, p.246; *an-Nawādir wa'z-Ziyādāt*, vol.3, pp.57-8; *al-Istidhkār*, vol.14, p.72, hadeeth no.19435; *al-Ishrāf*, vol.4, p.419, issue no.1739; Ibn ul-Jawzī, *at-Tahqeeq*, vol.10, p.149, hadeeth no.728.



Along with the understanding of al-Hasan al-Basrī and 'Umar bin 'Abdul'Azeez (*rahimahumullāh*) as has preceded. Shaykh ul-Islām Ibn Taymiyyah (*rahimahullāh*) stated:

**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,

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

“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.”

{*Baqarah* (2): 190}

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 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.”<sup>19</sup>

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<sup>19</sup> *As-Siyāsah ash-Shar'iyyah*, pp.177.

[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,



Ibn Taymiyyah also stated:

فمن لم يمنع المسلمين من إقامة دين كانت مضرّة كفره على نفسه

**Whoever neither prevents the Muslims from establishing the deen of Allāh nor is harmful with his kufr except to his own self.<sup>20</sup>**

As for the underlying reason for the prohibition of killing women and children being due to them being under the ownership of the Muslims only then this is incorrect. This is because when the Prophet (*sallallāhu 'alayhi wassallam*) saw a murdered woman during a battle he said, “*This is not one who should be fought against.*”<sup>21</sup> This is a clear text indicating that a woman is not to be killed because she neither fights nor is the property of the Muslims. The disbeliever is only killed for helping and participating in fighting, not on account of their *kufr* only.

The conclusion of the matter is that the prohibition of killing women and children is clear as there is no evidence that opposes this.<sup>22</sup> As for old people, then there is another issue which is that

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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 Ibn ul-Munāsif, *op.cit.*, vol.1, pp.228029.

<sup>20</sup> *As-Siyāsah ash-Shar'iyyah*, pp.177-78; see within *Majmū' al-Fatāwā*, vol.28, p.354

<sup>21</sup> Reported by Abū Dāwūd in his *Sunan*, *Kitāb ul-Jihād* in the chapter entitled ‘*Qatl un-Nisā*’, vol.3, p.121, hadeeth no.2669.

<sup>22</sup> [TN]: It is amazing therefore to find the Khawārij of the current era feebly try to piece together all manner of *'daleel'* to justify the killing of non-combatants. Then to make matters worse some of the Qutbīs, Ikhwānīs and hizbīs then have the audacity to deny that any Muslims can even be involved in such actions and defer blame to conspiracy theories!? However, one does not need to be a conspiracy theorist to realise that the likes of Abū Qatādah al-Filistīnī gave *'fatāwā'* encouraging and inciting the murder and killing of women and children during the civil war in Algeria. Furthermore, the *'al-Ansār'* magazine that Abū Qatādah used to write articles and *'fatāwā'* for used to feature stories which they considered praiseworthy of so-called ‘Mujāhiddeen’ “reviving the way of the Salaf” by killing their own parents who they had made takfeer of!!! Refer to *al-Ansār* magazine, issue no.147, p.4 dated: al-

Samurah bin Jundub (*radi Allāhu 'anhu*) reported that the Prophet (*sallallāhu 'alayhi wassallam*) said: “Kill the *Shuyūkh* of the *Mushrikeen* and keep their *sharkb* alive.”<sup>23</sup> Al-Baghawī stated: he intended by ‘*sharkb*’ – children and by ‘*Shuyūkh*’ – the youth.”<sup>24</sup> Upon referral to dictionaries<sup>25</sup> we do not find that the entry ‘Shaykh’ refers to youth except that al-Baghawī (*rahimabullāh*) intends by ‘*Shuyūkh*’ those of them who have youthful vigour as there is no doubt that these, if they are fought against, are to be killed. The same is for the weak Shaykh who has a strategy or is consulted with for

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Khamees (Thursday) 14<sup>th</sup> Dhu'l-Hijjah 1416 AH corresponding to 2 May 1996 CE, transmitting the story from an article from *al-Qitāl* (issue no.32), the mouthpiece of the *GIA* [the ‘Armed Islamic Group’].

Therefore, even if we are arguing within the rubric of the Qutbī neo-conspiracy theorists (such as some of the *majāheel* from the ‘Islamic Awakening’ forum), Abū Qatādah is an “agent for the security services”.

<sup>23</sup> Reported by Ahmad, vol.5, p.12, 20; Abū Dāwood, *Kitāb ul-Jihād*, chapter ‘*Qatl un-Nisā*’, vol.3, p.122, hadeeth no.2670; at-Tirmidhī, *Kitāb us-Seer*, vol.4, p.145, hadeeth no. 1583 and at-Tirmidhī said: **the hadeeth is hasan saheeh ghareeb**.

**Translator’s Note:** Shaykh Mashhūr also highlights that the hadeeth is also reported by Ibn Abī Shaybah, vol.12, p.388, hadeeth no.33138; at-Tabarānī, *al-Kabeer*, hadeeth no.6900; Sa’eed bin Mansūr, *as-Sunan*, hadeeth no.2624; al-Bayhaqī, *al-Kubrā*, vol.9, p.92 and *Ma’rifat us-Sunan wa’l-Āthār*, hadeeth no.18099; Abū ‘Ubayd, *Ghareeb ul-Hadeeth*, vol.3, p.16; ar-Ruwayānī, *Musnad*, hadeeth no.802 – via Hajjāj bin Artā; at-Tabarānī, *al-Kabeer*, hadeeth no.6902 and *Musnad ush-Shāmiyyeen*, hadeeth no.2641 – via Sa’eed bin Basheer via Qatādah from al-Hasan al-Basrī from Samurah in a *marfū’* form; al-Bazzār, *Musnad* (al-Kattāniyyah), hadeeth no.253 and Abū Tāhir al-Mukhallas, *Fawā’id*, p.175, b via Qatādah.

Hajjāj bin Artā is *sudūq* yet has many mistakes and *tadlees* as al-Hāfidh stated in *at-Taqreeb*, he narrates much from Sa’eed bin Mansūr and Sa’eed bin Basheer (who is al-Azdī), their freed slave and he is weak. See *Da’eef Abī Dāwūd* and *Da’eef at-Tirmidhī* by Shaykh al-Albānī (*rahimahullāh*). The scholars differed as to whether al-Hasan heard from Samurah and the more correct opinion is that he did, see Shareef Hāim al-’Awnī, *al-Mursal al-Khafī’ wa ‘Alāqatuhu bi’t-Tadlees*, p.1301. Both transmissions (via Hajjāj bin Artā’ and Sa’eed bin Basheer) are weak but they strengthen each other and inshā’Allāh the hadeeth is *hasan*. For this reason at-Tirmidhī said that the hadeeth is: “**hasan saheeh ghareeb**” and he reported it via al-Hajjāj bin Artā from Qatādah. It is probably due to this reason that at-Tirmidhī made the hadeeth *hasan*. At-Tabarānī reported the hadeeth (hadeeth no. 7037) via Ja’far bin Sa’d bin Samurah from Khubayb bin Sulaymān ibn Samurah from his father from his father (Samurah). This *isnad* is weak because it contains more than one narrator who is either *da’eef* or *majhūl*. Ibn Munāsif, *op.cit.*, pp.226-27, ft.4.

<sup>24</sup> *Sharh us-Sunnah*, vol.11, p.48

<sup>25</sup> See *Mu’jam Maqāyees il-Lughah*, vol.3, p.234 and *as-Sahhāh*, vol.1, p.425.

fighting against the Muslims, then such an individual is to be killed (during warfare). Shaykh ul-Islām Ibn Taymiyyah (*rahimahullāh*) said:

**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.<sup>26</sup>**

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<sup>26</sup> Ahmad bin 'AbdulHaleem bin Taymiyyah al-Harrānee, Muhammad Muhiyydeen 'AbdulHameed (ed.), *as-Sārim al-Maslool 'alā Shātīm ir-Rasool* (Beirut: Dār ul-Kutub al-'Ilmiyyah, n.d.), p.104.

## THE PROHIBITION OF KILLING WOMEN AND CHILDREN IS MUHKAM AND THE PROPHET NEVER ALLOWED IT AT ALL

Some Ahl ul-'Ilm have thought that the killing of women was allowed during the early period of Islām and then it was abrogated. This doubt has affected some people of knowledge due to the hadeeth of as-Sa'b bin Jathhāmah: 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.*”<sup>27</sup> 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.”<sup>28</sup> Shaykh ul-Islām Ibn Taymiyyah (*rahimahullāh*) stated:

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<sup>27</sup> 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.

<sup>28</sup> *Al-Amwāl*, p.42

[TN]: Shaykh 'AbdulMālik ar-Ramadānee al-Jazā'irī highlights in *Takhlees ul-'Ibād min Wahshiyat Abi'l-Qatād* (Jeddah: Maktabah al-Asālah al-Athariyyah, 1422 AH), p.235, fn.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 (*sallallāhu 'alayhi wassallam*) prohibited the killing of women and children after that.”** What supports the prohibition being after Hunayn is what is mentioned in Bukhārī, that the Prophet (*sallallāhu 'alayhi wassallam*) said to one of them: “Go to

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,

(أُذِنَ لِلَّذِينَ يُقَاتَلُونَ بِأَنَّهُمْ ظَلَمُوا وَإِنَّ اللَّهَ عَلَىٰ نَصْرِهِمْ لَقَدِيرٌ  
الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ بِغَيْرِ حَقٍّ)

**“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...”**

{*al-Hajj* (22): 39-40}

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...”**

{*Baqarah* (2): 190}

So those people who are not people of combat are not permitted to be fought against.<sup>29</sup>

Likewise, those who try to prove that the killing of women was allowed during early Islām and then it was abrogated, refer to some positions taken by the Companions such as az-Zubayr bin al-Awwām’s (*radi Allāhu ’anhu*) objection to Abū Dujānah (*radi Allāhu ’anhu*) when he let a woman go and did not kill her.<sup>30</sup> Abū Ja’far Muhammad bin Jareer at-Tabarī (d. 310 AH) stated:

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*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.

<sup>29</sup> *As-Sārim al-Maslūl*, p.101

<sup>30</sup> *Tahdheeb ul-Āthār*, pp.560-61

Within this hadeeth is also an exposition that killing the women of the Mushrikeen who are at war was permissible and then the Messenger of Allāh (*sallallāhu 'alayhi wassallam*) prohibited it later either around the conquest of Makkah, before it or just after it. This is because when az-Zubayr objected to Abū Dujānah leaving the women and letting her go after raising his sword to her and az-Zubayr said to Abū Dujānah “I saw you raise your sword away from the woman after you had directed it to her.”<sup>31</sup> When az-Zubayr said this to Abū Dujānah, Abū Dujānah did not say “The Messenger of Allāh forbade killing women”, rather he said “I respect the sword of the Messenger of Allāh (*sallallāhu 'alayhi wassallam*) to much to use it on a woman.” Within this then is a clear evidence that killing women during warfare at the time of the Battle of Uhud and before that was allowed and then prohibited after.<sup>32</sup>

This does not show that there was a prior allowance to kill women rather the prohibition was possibly from the knowledge that escaped some of the Companions.<sup>33</sup>

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<sup>31</sup> [TN]: the woman was Hind bint al-'Utbah.

<sup>32</sup> *Tahdheeb ul-Āthār*, pp.560-61

<sup>33</sup> [TN]: Ibn ul-Munāsif stated that Ash-hab relayed from Imām Mālik that Mālik was asked about enemy women and their children who on the turrets throwing rocks against the Muslims and assisting against the Muslims, “should they be killed?” Mālik responded: “The Messenger of Allāh (*sallallāhu 'alayhi wassallam*) prohibited the killing of women and children”. Ibn ul-Mundhir reported this saying from Mālik from a group of Mālik’s companions (refer to *an-Nawādir wa'z-Ziyādāt*, vol.3, p.58 and *adh-Dhakeerah*, vol.3, pp.397-98). See Ibn ul-Munāsif, *op.cit.*, vol.1, pp.234-35.

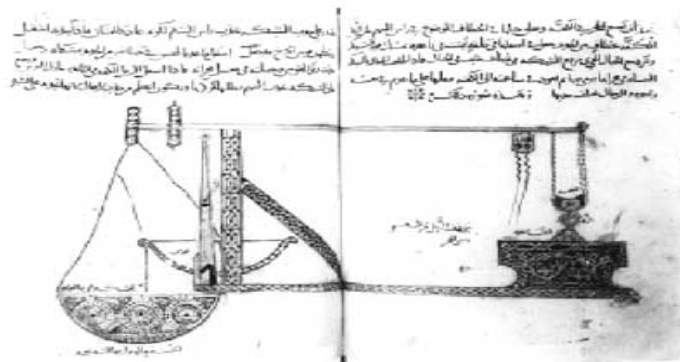
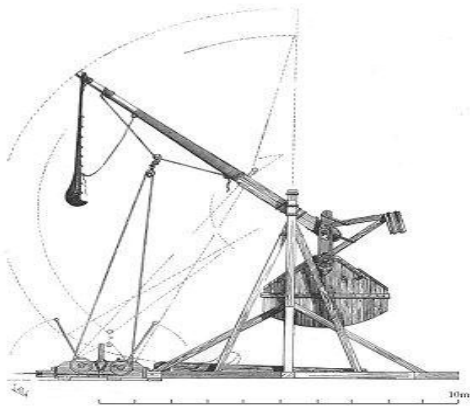
## THE USE OF MANJANEEQ (CATAPULTS)<sup>34</sup>

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<sup>34</sup> This section is not from Shaykh Hamad, but rather notes and points of benefits from different scholars on this issue. It is relevant as some of the Khawārij of the era have tried to make the deduction that due to the fact that catapults were used (and were indiscriminate) it is permissible to deliberately target those who are not fighting with modern day weapons of destruction.

The Arabic word *manjaneeq* (catapult): its plural forms are: “majāneeq”, “majāniq” and “majaneeqāt”. The English word ‘catapult’ came from the Greek word *katapeltes*, “kata” and “pelte” where “kata” means downward and “pelte” is a small shield. Put together, *katapeltes* probably meant “shield crusher” or “shield piercer”. The word “Trebuchet” came from the Old French word “Trabucher”, meaning “to overturn” or “to fall over”, and believed to be derived from the Latin “trabuc(h)us”. While the “catapult” is generally used to mean anything that “catapults” a weight into the air and hence includes slings and rubber-bands, the “Trebuchet” is used almost exclusively to mean the levered catapult that launches the projectile as the lever swings or rather falls over. The Illustration is from at-Tarsūsī’s treatise written for Salahuddeen al-Ayyūbī in Alexandria in 1199 CE showing the earliest illustration of a Hinged Counterweight Catapult.





Ibn Munāsif states<sup>35</sup>:

They (the scholars) differed over the use of attacking the forts of the enemies with manjaneeq (catapults) and the likes of such destructive weapons when women, children<sup>36</sup> and Muslim prisoners are within the fortified enemy abodes. Mālik, ash-Shāfiʿī, Abū Haneefah, al-Awzāʿī and others allowed them to be used which we will explain from them. it was also stated that: they are not to be used as mentioned by Fadl that Ibn ul-Qāsim, from the companions of Mālik, relayed from him that attacking them with catapults (majāneeq) is not permissible, neither is flooding them out with water in order to drown them, if women and children are among them.<sup>37</sup>

<sup>35</sup> [TN]: any footnoted upon the words of Imām Ibn Munāsif are from Shaykh Mashhūr and Muhammad bin Zakarīyā Abū Ghāzī unless stated otherwise.

<sup>36</sup> What are called today: civilians.

<sup>37</sup> See *Qudwat ul-Ghāzī*, pp.172-73; *adh-Dhakheerah*, vol.3, p.409; *al-Kharashī*, vol.4, p.17; *al-Bayān wa't-Ta'seel*, vol.3, pp.31-2 – wherein four statements are relayed:

1. It is permissible to throw fire at the enemy as a projectile via catapults, this is the view of Asbagh as Ibn Mazeen relayed from him.

As for Abū Haneefah then he viewed that it was permissible to use catapults and to use fire even if there are Muslim prisoners and children (held by the enemy within their forts) and even if they use the Muslims as human-shields, as long as the intended targets are the kuffār (fighters). If a Muslim is hit then there is no blood-money to be paid and no expiation to be made.<sup>38</sup> Ash-Shāfi'ī said: there is no

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2. It is not permissible at all to do any of this, this is the view of Ibn ul-Qāsim as relayed Fadl relayed from him.
  3. It is permissible to use catapults against them and to use water to flood them out, but it is not permissible to use fire as projectiles against them, this is the view of Ibn Habeeb as mentioned in *al-Wādiyah*.
  4. It is permissible to use catapults against them but it is neither permissible to drown them out with water nor burn them, this is the *madhhab* of Mālik as mentioned in *al-Mudawwanah*. As for there being Muslim prisoners held by the enemy fighters then in such as instance they are not to be attacked with fire or drowned with water. There is difference of opinion with regards to attacking them with catapults, some of them said it was permissible such as Ibn ul-Qāsim and Asbagh from Sahnoun and it was also said that it is not permissible, which is the view of Ibn Habeeb as mentioned in *al-Wādiyah*, he relayed this view from Mālik and his companions in Madeenah and Egypt. See *al-Bayān wa't-Ta'seel*, vol.2, pp.44, 52; also see *adh-Dhakheerah* for this view from Mālik's companions in Egypt and Madeenah. See Ibn ul-Mundhir, *al-Iqnā'*, vol.2, pp.465-66.

**Translator's Note:** this is also the view of Shaykh 'Abdullāh bin 'AbdurRahmān al-Bassām in his explanation of the *hadeeth* in Abū Dawūd regarding the use of catapults against the people of Tā'if, see *Tawdeeh ul-Ahkām min Bulūgh il-Marām* (Makkah al-Mukarramah, KSA: Maktabah al-Asadī, 1424 AH/2003 CE, 5<sup>th</sup> Edn.), vol.6, p.385. Shaykh 'Abdullāh al-Bassām states:

**As for intending to attack those who are not fighting such as women, children, the elderly, those in monasteries, churches and the likes – then this is not permissible, as long as they neither provide a benefit (to the enemy troops) via their views or strategies nor have committed murder. For example, the Prophet (sallallāhu 'alayhi wassallam) acknowledged the execution of Durayd bin as-Samah on the Day of Hunayn because he was a strategist, and just as the Qaradhiyyah woman was executed because she had murdered one of the Companions.**

<sup>38</sup> This is because they were not intended as the target and in this case to throw projectiles via catapults is permitted and does not necessitate any expiation to be made or any blood-money to be paid. See *al-Mabsūt*, vol.5, pp.64-5; *Tuhfat ul-Fuqhā*, vol.3, p.295; *Bidā'i' us-Sanā'i'*, vol.7, pp.100-01; *al-Lubāb*, vol.4, p.118; *ar-Rad'alā Seer al-Awzā'i*, p.16; al-Jassās, *Ahkām ul-Qur'ān*, vol.3, pp.395-96; *al-Hidāyah Sharh Bidayāh al-Mubtadī*, vol.2, p.428; *al-Bināyah fī Sharh il-Hidāyah*, vol.5, p.656; *Fath ul-Qadeer*, vol.5, pp.447-48; *Majmā' ul-Anhar*, vol.2, p.413; *Radd al-Muhtār*, vol.3, p.179; *al-Bahr ur-Rā'iq*, vol.5,

problem with hitting the fortified bases with catapults and fire and with whatever will affect the enemy, even if there are women and children present. But Abū Haneefah did not view that it was permissible to use catapults if the enemies are using Muslims as human-shields except at times of compulsion.

Any Muslim that harms those who were not intended to be targeted then that Muslim has to free a slave and there is no blood-money to pay. If the Muslim saw him (a Muslim and yet still targeted the enemies with the Muslim being there) and saw where he was and then hurled (the projectile) due to being compelled to do that then he has to pay blood-money and make expiation. If he was not compelled into hurling the projectile and intended to strike the Muslim then Qisās (retaliation against that Muslim attacker) has to be implemented.<sup>39</sup> Al-Awzā'ī stated: forts can be attacked with catapults and fire even if there are Muslim captives therein. If any Muslim captives are harmed (due to being harmed from the projectiles from Muslim fighters) then this is an error which demands some form of expiation or blood-money to be paid. Al-Awzā'ī<sup>40</sup> viewed that the Muslim captives not be put in danger if the enemy are using them as human-shields. From Mālik it is reported that he viewed it permissible to attack with catapults but that it was not permissible to use fire, except if there were none but fighter within the fortified bases. I do not know of any statement from Mālik with regards to the issue of the human-shields, what is apparent from the madhhab is that it is not allowed (to attack when the enemies use the Muslims as human-shields).<sup>41</sup>

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p.128 and *Tabyeen ul-Haqā'iq*, vol.3, p.243. This is the view of the majority of the Hanafis like al-Hasan bin Ziyād, the companion of Abū Haneefah, see *Bidā'ī' us-Sanā'ī'*, vol.7, p.101.

<sup>39</sup> *Al-Umm*, vol.4, p.257; *Rawdat ut-Tālibeen*, vol.10, pp.244-45; *Asnā ul-Matālib*, vol.4, p.191.

<sup>40</sup> See at-Tabarī, *Ikhtilāf ul-Fuqhā*, p.5 (with the edit of Yūsuf Sakht); *al-Umm*, vol.7, p.369; *al-Mughnī*, vol.13, p.142; *al-Istidhkār*, vol.14, p.66, no.19412; *Hāshiyat ul-Qaleeyūbī*, vol.4, p.219. there is another narration from al-Awzā'ī about the impermissibility of throwing projectiles against the fortified bases of the Mushrikeen if there are Muslim prisoners therein or if the enemies are using the Muslim captives as human-shields. Ibn Rushd transmitted this from him in *Bidāyat ul-Mujtahid*, vol.1, p.416 (Egypt: Dār ul-Hamāmī), also see: *Fiqh ul-Imām al-Awzā'ī*, vol.2, p.400.

<sup>41</sup> See *'Aqd ul-Jawāhir ath-Thameenah*, vol.1, p.469, al-Qarāfī transmitted this from him in *adh-Dhakheerah*, vol.3, 408; *al-Bayān wa't-Tahseel*, vol.3, p.44; *an-Nawādir wa'z-Ziyādāt*, vol.3, p.66; *Hāshiyat ud-Dusūqī 'alā's-Sharh al-Kabeer*, vol.2, p.178; *al-Kāfī*, vol.1, pp.466-67; *al-Qawāneen al-Fiqhiyyah*, p.98; Ibn ul-'Arabī, *Ahkām ul-Qur'ān*, vol.4, p.1696; *Tafseer ul-Qurtubī*, vol.16, pp.286-87; *Hāshiyat ur-Rahūnī 'alā Sharh az-Zurqānī li-Mukhtasar Khaleel*, vol.3, p.146 and *Hāshiyat ul-*

As for the evidence which permits to use catapults against a fortified base is what was reported by Muslim and Bukhārī from as-Sa’b bin Jathāmah who said: the Prophet (*sallallāhu ‘alayhi wassallam*) was asked about an abode wherein the Mushrikeen were staying the night (and was subsequently attacked) and they had women and children who were attacked there, he (*sallallāhu ‘alayhi wassallam*) said: “*They are from them.*” the meaning of “*they are from them*” lifts any blame from the Muslim fighters in them being compelled or forced to hurt them.<sup>42</sup>

**SHAYKH ‘ABDULMĀLIK AR-RAMADĀNĪ AL-JAZĀ’IRĪ ON  
USING THE HADEETH IN ABOO DĀWOOD REGARDING THE  
INDISCRIMINATE ATTACK ON THE PEOPLE OF TĀ’IF WITH  
MANJANEEQ<sup>43</sup>**

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*‘Adawee ‘alā Sharh al-Kharashī*, vol.3, p.114. The avoidance of attacking when Muslims are being used as human-shields is the more correct view according to the Maliki scholars and also with the *Hanābilah*. See *al-Mughnī*, vol.13, p.141; *al-Insāf*, vol.4, p.129; *al-Mabda’*, vol.3, p.324 and *Matālib Uola’n-Nahy*, vol.2, pp.518-19. This is also the view of al-Hasan bin Ziyād, the companion of Abū Haneefah, as mentioned previously. Likewise, this is the view of al-Layth bin Sa’d as mentioned in *al-Mughnī*, vol.13, p.142.

<sup>42</sup> Abridged from Ibn Munāsif, *op.cit.*, vol.1, pp.236-39.

<sup>43</sup> Based on what the Shaykh mentioned in *Takhlees ul-‘Ibād min Wahshiyyat Abi’l-Qatād* (Jeddah: Maktabah al-Asālah al-Athariyyah, 1422 AH), pp.237-39.

The story of the people of Tā'if being attacked with *manjaneeq* is not relayed with an authentic *sanad*, it has only been reported by Abū Dāwūd in his *Marāseel*<sup>44</sup>; al-Wāqidī<sup>45</sup> in his *Maghāzī*, vol.3, p.927 and Ibn Hishām in his *Sīrah*, vol.2, p.483. as-San'ānee (*rahimahullāh*) stated in *Subul us-Salām*, vol.4, p.111:

Aboo Dāwood reported the hadeeth in the Marāseel and its men (i.e. the narrators) are thiqāt and al-'Uqaylee relayed the hadeeth with a da'eef isnād from 'Ali (radī Allāhu 'anhu), at-Tirmidhī relayed the hadeeth from Thawr from Makhūl, but he did not mention Makhūl. This type of hadeeth is Mu'dal.<sup>46</sup>

This Mursal narration from Abū Dāwūd within his *Marāseel* (az-Zahrānī's edition), as for Tirmidhī's narration, vol.5, p.94 which is *mu'dal* then it contains 'Umar bin Hārūn from Thawr and al-Hāfidh stated in *at-Taqrīb* about this 'Umar: **“matrook, but he was a hāfidh”**. Ibn Sa'd also reports the story in *at-Tabaqāt*, vol.2, p.159 and so does Ibn al-Jawzī in *al-Muntadham*, vol.3, p.341 via ath-Thawrī from Thawr from Makhūl in a *mursal* form. Ibn ul-Mulaqqin raised the *hadeeth* in *Khulāsāt ul-Badr al-Muneer*, vol.2, p.345 and also az-Zayla'ī in *Nasb ur-Rāyah*, vol.4, p.104 and also

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<sup>44</sup> [TN]: If in the chain of a particular *hadeeth*, the link between the successor (*tabi'ī*) and the Prophet is missing, the hadeeth is *mursal* (hurried), e.g. when a *tabi'ī* says, “The Prophet said .....” A *mursal* hadeeth is the strongest type of weak hadeeth and requires supporting narrations to strengthen it to the level of “*hasan due to supporting evidence*”, thereby removing doubt. For more on this see Dr. Mahmūd at-Tahhān, *Tayseer Mustalah al-Hadeeth* (Riyadh: Maktabah Ma'ārif, 1425 AH/2004 CE, 10<sup>th</sup> Edn.), pp.87-91.

<sup>45</sup> [TN]: Al-Wāqidī died in 207 AH/823 CE. Shaykh Sālih Āli Shaykh states in his lecture *Dawābit fī Ma'rifat is-Sīrah* [Principles for Understanding the Sīrah] that:

Likewise, those who gave importance in authoring works on the *sīrah* include al-Wāqidī, some scholars praise him for his *maghāzī* and yet some scholars say that **“his works on maghāzī should be regarded as his affair in hadeeth, his hadeeth are not accepted.”**<sup>45</sup> The *maghāzī* of al-Wāqidī does not exist with us today and many of the people of knowledge rely upon it and what is correct is that *al-Wāqidīyyah* is not totally verified in what has been transmitted and it is maybe the case that he obtained narrations and transmissions which are not known to the people of knowledge. Therefore, his hadeeth of the *maghāzī* which the people of knowledge reject are not accepted, especially that which differs from the basis of *usūl* or opposes that which the speech of the people of knowledge indicates about *sīrah*.

Khalidi mentioned in his book *Arabic Historical Thought in the Classical Period* (Cambridge: Cambridge University Press, 1994), p.48 that: **“Waqidi was attacked for loose isnad usage by strict practitioners of Hadith...”** [TN]

<sup>46</sup> A *mu'dal* hadeeth is a hadeeth whose reporter omits two or more consecutive reporters in the *isnād*.

al-Mubārakfūrī in *Tuhfat ul-Abwadhī*, vol.8, p.37. As for the narration of al-'Uqaylī as reported in *ad-Du'afā'*, vol.2, p.243 from 'Ali in a *mawsūl* (connected) form then it contains however 'Abdullāh bin Kharāsh from al-'Awwām bin Hawshab. Al-Bukhārī stated in *at-Tāreekh al-Kabeer*, vol.5, p.80: 'Abdullāh bin Kharāsh from al-'Awwām bin Hawshab is munkar hadeeth (i.e. rejected).<sup>47</sup> According to al-Hasan ar-Rāmahurmuzī in *al-Mubaddith al-Fāsil*, pp.316-17, he said: Muhammad bin 'Uthmān bin Abī Shaybah narrated to me saying: I heard 'Ali ibn al-Madanī say:

I sat with 'Abdullāh bin Kharāsh and while I was talking I heard him say: al-'Awwām narrated to us from Ibrāheem at-Taymī from his father from 'Ali who said: “The Prophet (*sallallāhu 'alayhi wassallam*) attacked the people of Tā'if with manjaneeq”, then I realised that he was a liar!

In the *Sunan* of al-Bayhaqī *al-Kubrā*, vol.9, p.84 via Hishām bin Sa'd from Zayd bin Aslam from his father 'Ubaydah (*radi Allāhu 'anhu*): The Messenger of Allāh (*sallallāhu 'alayhi wassallam*) attacked the people of Tā'if and used catapults against them for seventeen days. Abū Qilābah said: this hadeeth was rejected from him, the Shaykh (*rahimabullāh*): it is as if he rejected its *isnād* and it is possible that at the time he rejected them being attacked with catapults. Abū Dāwood relays the hadeeth in *al-Marāseel* from Abī Sālih from Abī Ishāq al-Fazārī from al-Awzā'ī from Yahyā (who is Ibn Abī Katheer) who said: The Messenger of Allāh (*sallallāhu 'alayhi wassallam*) attacked them for a month, I said: has it reached you that he used *majāneeq* (catapults) against them? He rejected that saying: this is not known. This narration is in *Marāseel Abī Dāwood*, p.322 (*az-Zahrānī's* edition)

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<sup>47</sup> Also see Shaykh 'Abdullāh bin 'AbdurRahmān al-Bassām, *Tawdeeh ul-Ahkām min Bulūgh il-Marām* (Makkah al-Mukarramah, KSA: Maktabah al-Asadī, 1424 AH/2003 CE, 5<sup>th</sup> Edn.), vol.6, p.384. [TN]