

At-Tibyân Publications

# *Retractions* *from behind bars*

قال رب السجن احب الي مما يدعونني اليه

*He said: "O my Lord! Prison is dearer to me  
than that to which they invite me ..."*

[Surah Yusuf 12:33]

***Captivity, Compulsion, Coercion and the  
Effects and Response of the Ummah***

والله اعلم

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## **Introduction:**

Verily, all praise is due to Allâh and may the Blessings and Peace of Allâh be upon our Prophet Muhammad and upon his family and his companions until the Last Day.

To proceed:

Since the events of September 11<sup>th</sup>, 2001, a number of trends have emerged, which have far-reaching implications upon the Islâmic Ummah collectively, and for Muslims individually. Without doubt, one of the trends witnessed throughout the Muslim world in this time are the flow of retractions and recantations coming from high-profile Muslim groups, scholars, writers and preachers while in the custody of the apostate governments and the prisons of the enemies of Allâh.

The goal of this project is to offer a critical analysis of this phenomenon along with some commentary and guidelines from the scholars of Islâm – passed and present – in order to put this trend into context and to prepare the youth who are most often confronted with these retractions, along their path of working for their religion.

Certainly, it can be confusing when individual scholars or the leaders of Muslim groups – known for their commitment to Jihâd and Da'wah – issue written, recorded or televised retractions of their former teachings or their previous verdicts. Obviously, scholars and groups are entitled to change their views, regardless of whether those views relate to the detailed rulings of Jihâd or any other subject, so long as those changes are a result of studying the evidences of the Sharî'ah. But the question which emerges is: What is to be said when these retractions are issued from behind bars or while the individual or the group is in the custody of their enemies and those who have a vested interest in seeing these retractions made publicly?

Obviously, a discerning Muslim would greet such news with a degree of scepticism and doubt as to the authenticity or legitimacy of such retractions. Still, one can not underestimate the effects and the outcomes upon the regular Muslim masses that often remain complacent about such realities and who are accustomed to merely blindly following the words of their scholars and the groups which they support.

Therefore, as part of the previously stated objective, we hope to present the reader with examples of our pious predecessors and those who took their path in defending the truth. This path is inevitably confronted with degrees of opposition and hostility. One can imagine what lengths the enemies of this truth would go to, in order to prevent the masses from following that path. And if a caller to this path finds him or herself overpowered by its enemies, or under their control, there would be nothing more pleasing to these forces than a public retraction or recantation by their captive, in order to discourage others from following that same path.

The degrees of coercion and compulsion faced by those captives, in the custody of their enemies, vary from time-to-time and place-to-place, in accordance with the circumstances of that situation and the issues being opposed. And just as the degrees of coercion and compulsion vary according to the situation and circumstances; similarly, the ability to remain steadfast and resolute by those experiencing this pressure would be different from person-to-person, in accordance with their personalities, their personal strength and their unique position under the power of those who have detained or imprisoned them.

We ask Allâh, عز وجل, the One who controls all of the affairs, to free our fellow Muslim brothers and sisters, our scholars, our callers, our fighters and those who follow their path, from the prisons of the enemies of Islâm. And we ask Allâh, تعالی, to shower His mercy upon those members who remain within their dungeons and to keep them steadfast upon the truth and to protect them from the physical torture and torment, the threats, and the mental distress and suffering while in their custody. May their patience under such circumstances be a key to their forgiveness and reward on the Day of Resurrection. And may their example be a source of inspiration and influence upon the rest of us traversing this same path.

And may the Blessings and Peace of Allâh be upon our Prophet, Muhammad and upon his family and upon his companions and upon all those who follow their path until the Last Day.

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## Translator’s Forward

As with all of At-Tibyân Publications’ original and translated releases, we have attempted to remain as close to the original Arabic meaning for the translated excerpts from their original sources. Only in rare cases were certain sentences rearranged and reconstructed to be more coherent to the English reader. We have included extensive footnotes to accompany the quotes and encourage the reader, who is fluent in both Arabic and English, to refer to those references to confirm the correctness of those translations. We have included the publication and edition information to make this easier. In those cases where the original books were unavailable to us, we have used alternate sources for certain comprehensive Islâmic material, such as popular Islâmic websites designed for research, and compiled forms of digital media. We welcome all corrections, criticisms and advice as it relates to the quality of the translations used.

In some cases, certain Arabic words and expressions, which are not as easily translated with a single word or phrase in English, have been left in the form of English phonetic transliteration. We then translated, defined or explained these words or phrases below, in footnote form. The objective in using this method is to avoid interrupting the flow of the reader and the details of the narrative. In other cases, we have done the same with commentary of particularly lengthy passages so that the reader would not confuse the text of the passage with our own commentary. Yet in other cases, we have used parenthesis to define or clarify any ambiguous passages, depending on what the writers felt more appropriate for that particular text.

In addition, we have also included several popular Islâmic expressions and Arabic phrases within the English text. Phrases such as: *‘sul Allâhû ‘alayhi wa sallam’* appear in the text as: صلى الله عليه وسلم, instead of being translated to: *‘may the Blessings and Peace of Allâh be upon him’*. Likewise, many other common Islâmic phrases were left in their original Arabic text within the body. Below is a list of these phrases:

تعالى	<b><i>Ta’âlâ</i></b>	the Most High (i.e. Allâh)
عز وجل	<b><i>‘Azza wa Jall</i></b>	the Powerful, the Exalted (i.e. Allâh)
سبحانه	<b><i>Subhânahû</i></b>	Glory be to He (i.e. Allâh)
تبارك وتعالى	<b><i>Tabâraka wa Ta’âlâ</i></b>	Blessed and Most High (i.e. Allâh)
صلى الله عليه وسلم	<b><i>Sal Allâhû ‘Alayhi wa Sallam</i></b>	may Allâh send Blessings and Peace upon him
عليه الصلاة والسلام	<b><i>‘Alayhi as-Salâtu was-Salâm</i></b>	may upon him be Blessings and Peace (of Allâh)
رضي الله عنه	<b><i>Radhî Allâhû ‘anhu</i></b>	may Allâh be pleased with him
رضي الله عنها	<b><i>Radhî Allâhu ‘anhâ</i></b>	may Allâh be pleased with her
رضي الله عنهما	<b><i>Radhî Allâhu ‘anhumâ</i></b>	may Allâh be pleased with them both
رضي الله عنهم	<b><i>Radhî Allâhu ‘anhum</i></b>	may Allâh be pleased with them
رحمه الله	<b><i>Rahimahu Allâh</i></b>	may the Mercy of Allâh be upon him

Some of the chapters required us to quote excerpts from English language newspapers, <sup>1</sup> intelligence manuals and reports, in addition to strategic and analytical essays etc. Therefore, it was impossible to maintain our standardized spelling of certain Arabic words, names and popular phrases, as there are numerous differences between our spelling and among those authors we were quoting. In those instances where the spelling was wildly different than ours, we have used the expression [*sic*]; a common Latin word found in English academic books, which means “*as it was written*”, or “*as it was found*”, etc.

Another area which was impossible to standardize were the recorded date formats associated with historical references and incidents. For instance, most of the Islâmic books we have quoted used the common Islâmic Hijrah Calendar for their dates of publication. This was the same for many of the historical dates referred to in most of the Islâmic history books, such as Ibn Kathîr’s “Al-Bidâyah wan-Nihâyah”, for example. However, when it came to the historical dates found in the biographies of the likes of Sayyid Qutb, رحمه الله, and the references found in other more recent historical records, then those date formats were mostly recorded according to the Western Gregorian Calendar. This might be particularly confusing to the reader where the same chapter refers to both Hijrah dates as well as Gregorian dates, but we did our best to keep things more-or-less chronologically consistent.

We ask Allâh to protect and safeguard our work from errors and to perfect both the accuracy of our translation, as well as the comprehension of the English-speaking reader of our books. And we praise Allâh, عز وجل, for His endless bounties and favours we personally experienced from the wealth of resources we were able to rely upon and refer to, while preparing this book.

And may the Blessings and Peace of Allâh be upon our Prophet, Muhammad and upon his family and upon his companions and upon all those who follow their path until the Last Day.

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<sup>1</sup> And although we tried to exclusively refer to news stories from Muslim sources; magazines, newspapers and books, due to the fact that presently there is no truly independent international Islâmic media to refer to, we were often forced to refer to certain English (and Arabic) language newspapers, news websites and books in order to cite relevant reports. And we ask Allâh to bless our Ummah by establishing a reliable source of Muslim-owned and operated media for international news.

## Chapter 1: Examples of Captivity and Compulsion from the Qur'ân

From the first moments Allâh, عز وجل, sent His Prophets and Messengers to their people to deliver them the Message of Truth, those people would threaten the Prophets with harm, captivity and even death if they didn't stop preaching the Message. For example, the statement of Allâh, تعالى:

﴿ قَالَ أَرَأَيْتَ أَنْتَ عَنْ آلِهَتِي يَا إِبْرَاهِيمُ لَئِن لَّمْ تَنْتَهَ لِأَرْجُمَنَّكَ وَاهْجُرْنِي مَلِيًّا ﴾

﴿ **He (the father) said: "Do you reject my gods, O Ibrâhîm (Abraham)? If you stop not (this), I will indeed stone you. So get away from me safely before I punish you."** ﴾<sup>2</sup>

And:

﴿ قَالُوا إِنَّا تَطَيَّرْنَا بِكُمْ لَئِن لَّمْ تَنْتَهُوا لَنَرْجُمَنَّكُمْ وَلَيَمَسَّنَّكُم مِّنَّا عَذَابٌ أَلِيمٌ ﴾

﴿ **They (people) said: "For us, we see an evil omen from you, if you cease not, we will surely stone you, and a painful torment will touch you from us."** ﴾<sup>3</sup>

And:

﴿ وَإِذْ يَمْكُرُ بِكَ الَّذِينَ كَفَرُوا لِيُثْبِتُوكَ أَوْ يَقْتُلُوكَ أَوْ يُخْرِجُوكَ وَيَمْكُرُونَ وَيَمْكُرُ اللَّهُ وَاللَّهُ خَيْرُ الْمَاكِرِينَ ﴾

﴿ **And (remember) when the disbelievers plotted against you (O Muhammad, صلى الله عليه وسلم) to imprison you, or to kill you, or to get you out (from your home, i.e. Makkah); they were plotting and Allâh too was planning, and Allâh is the Best of the planners.** ﴾<sup>4</sup>

And:

﴿ وَجَاءَ رَجُلٌ مِّنْ أَقْصَى الْمَدِينَةِ يَسْعَى قَالَ يَا مُوسَى إِنَّ الْمَلَأَ يَأْتَمِرُونَ بِكَ لِيَقْتُلُوكَ فَاخْرُجْ إِنِّي لَكَ مِنَ النَّاصِحِينَ ﴾

﴿ **And there came a man running, from the farthest end of the city. He said: "O Mûsâ (Moses)! Verily, the chiefs are taking counsel together about you, to kill you, so escape. Truly, I am to you of those who give sincere advice."** ﴾<sup>5</sup>

<sup>2</sup> Maryam, 46

<sup>3</sup> Yâ-Sîn, 18

<sup>4</sup> Al-Anfâl, 30

In some cases, the believers who accepted the Da'wah of their Prophets and Messengers would likewise be threatened and put into trials concerning their faith, as Allâh, تعالى, mentioned regarding the People of the Cave. They retreated from their people to practise their religion and to avoid their threats of torment and when they awoke from their slumber, they said:

﴿ كَمْ لَبِثْتُمْ قَالُوا لَبِثْنَا يَوْمًا أَوْ بَعْضَ يَوْمٍ قَالُوا رَبُّكُمْ أَعْلَمُ بِمَا لَبِثْتُمْ فَابْعَثُوا أَحَدَكُمْ بِوَرِقِكُمْ هَذِهِ إِلَى الْمَدِينَةِ فَلْيَنْظُرْ أَيُّهَا أَزْكى طَعَامًا فَلْيَأْتِكُمْ بِرِزْقٍ مِنْهُ وَلْيَتَلَطَّفْ وَ لَا يُشْعِرَنَّ بِكُمْ أَحَدًا إِنَّهُمْ إِنْ يَظْهَرُوا عَلَيْكُمْ يَرْجُمُوكُمْ أَوْ يُعِيدُوكُمْ فِي مِلَّتِهِمْ وَلَنْ تُفْلِحُوا إِذَا أَبَدًا ﴾

﴿ **"How long have you stayed (here)?" They said: "We have stayed (perhaps) a day or part of a day." "Your Lord (Alone) knows best how long you have stayed (here). So send one of you with this silver coin of yours to the town, and let him find out which is the good lawful food, and bring some of that to you. And let him be careful and let no man know of you. For if they come to know of you, they will stone you (to death or abuse and harm you) or turn you back to their religion, and in that case you will never be successful."** ﴾<sup>6</sup>

Likewise, many of the Prophets and Messengers were saved by Allâh and instructed to leave their people, prior to His punishment destroying them, as Allâh, تعالى, said:

﴿ فَاسْرِبْ بِأَهْلِكَ بِقِطْعٍ مِنَ اللَّيْلِ وَاتَّبِعْ أَدْبَارَهُمْ وَلَا يَلْتَفِتْ مِنْكُمْ أَحَدٌ وَامْضُوا حَيْثُ تُؤْمَرُونَ ﴾

﴿ **"Then travel in a part of the night with your family, and you go behind them in the rear, and let no one amongst you look back, but go on to where you are ordered."** ﴾<sup>7</sup>

And:

﴿ وَلَقَدْ أَوْحَيْنَا إِلَى مُوسَى أَنْ أَسْرِ بِعِبَادِي فَاصْرِبْ لَهُمْ طَرِيقًا فِي الْبَحْرِ يَبَسًا لَا تَخَافُ دَرْكًا وَلَا تَخْشَى ﴾

﴿ **And indeed We inspired Mûsâ (Moses) (saying): "Travel by night with Ibâdî (My slaves) and strike a dry path for them in the sea, fearing neither to be overtaken [by Fir'aun (Pharaoh)] nor being afraid (of drowning in the sea)."** ﴾<sup>8</sup>

<sup>5</sup> Al-Qasas, 20

<sup>6</sup> Al-Kahf, 19-20

<sup>7</sup> Al-Hijr, 65

<sup>8</sup> Tâ-Hâ, 77

However in some cases, the disbelievers were able to capture those Messengers with the intention of killing or harming them for insisting on preaching their Message. And Allâh, تعالى, would in some cases protect His Prophets, as He did with Ibrâhîm, عليه الصلاة والسلام:

﴿ قَالُوا حَرِّقُوهُ وَانصُرُوا آلِهَتَكُمْ إِنْ كُنْتُمْ فَاعِلِينَ قُلْنَا يَا نَارُ كُونِي بَرْدًا وَسَلَامًا عَلَىٰ إِبْرَاهِيمَ وَأَرَادُوا بِهِ كَيْدًا فَجَعَلْنَاهُمُ الْأَخْسَرِينَ ﴾

﴿ **They said: "Burn him and help your âlihah (gods), if you will be doing." We (Allâh) said: "O fire! Be you coolness and safety for Ibrâhîm (Abraham)!" And they wanted to harm him, but We made them the worst losers.** ﴾<sup>9</sup>

And yet with other Prophets, Allâh allowed their people to succeed in their evil plans in order to have them earn His Wrath, as was the case with some of the Prophets and their righteous followers from the Children of Israel:

﴿ إِنَّ الَّذِينَ يَكْفُرُونَ بِآيَاتِ اللَّهِ وَيَقْتُلُونَ النَّبِيَّ بِغَيْرِ حَقٍّ وَيَقْتُلُونَ الَّذِينَ يَأْمُرُونَ بِالْقِسْطِ مِنَ النَّاسِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ ﴾

﴿ **Verily! Those who disbelieve in the Ayât (proofs, evidences etc.) of Allâh and kill the Prophets without right, and kill those men who order just dealings, announce to them a painful torment.** ﴾<sup>10</sup>

Ibn Kathîr mentioned in his Tafsîr of this verse:

"This is a condemnation from Allâh, تعالى, towards the People of the Book for the transgressions and prohibitions they committed by their denials in the past and more recent times, of Allâh's proofs which were conveyed to them by the Messengers. (They did this) out of pride and stubbornness towards the Messengers, arrogance towards the truth and refusal to follow it. And along with this they killed who they killed from the Prophets when they conveyed to them from Allâh what He legislated for them, without cause or criminal behaviour committed by them (i.e. the Prophets), against them, except that they only called them to the truth, **and (they) kill those men who order just dealings from the people** and this is the highest degree of arrogance."<sup>11</sup>

## 1. The Prophet of Allâh, Yûsuf Ibn Yâqûb, عليه الصلاة والسلام

<sup>9</sup> Al-Anbiyâ, 68-70

<sup>10</sup> Âl Imrân, 21

<sup>11</sup> "Tafsîr al-Qur'ân al-'Athîm", Vol. 1/473-474, publication of "Maktabat Dâr al-Fayhâ"; Damascus and "Maktabat Dâr as-Salâm"; Riyadh, 2<sup>nd</sup> Edition, 1418 H.

Looking to the Book of Allâh specifically for examples of the captivity and prisons and those who face them as a result of taking the path of truth, one need look no further than the most honoured man, Yûsuf, عليه الصلاة والسلام, the Prophet of Allâh, the son of the Prophet of Allâh (i.e. Yâqûb, عليه الصلاة والسلام), the son of the Prophet of Allâh (i.e. Is'hâq, عليه الصلاة والسلام), the son of the Khalîl<sup>12</sup> of Allâh (i.e. Ibrâhîm, عليه الصلاة والسلام).<sup>13</sup>

As Allâh, تعالى, mentioned:

﴿ قَالَتْ فَذَلِكُنَّ الَّذِي لُمْتُنَنِي فِيهِ وَلَقَدْ رَاودْتُهُ عَنْ نَفْسِهِ فَاسْتَعْصَمَ وَلَئِن لَّمْ يَفْعَلْ مَا آمُرُ بِهِ لَيُسْجَنَنَّ وَلَيَكُونًا مِّنَ الصَّاغِرِينَ ﴾

﴿ **She said: "This is he (the young man) about whom you did blame me (for his love), and I did seek to seduce him, but he refused. And now if he refuses to obey my order, he shall certainly be cast into prison, and will be one of those who are disgraced."** ﴾

﴿ قَالَ رَبِّ السِّجْنُ أَحَبُّ إِلَيَّ مِمَّا يَدْعُونَنِي إِلَيْهِ وَإِلَّا تَصْرِفْ عَنِّي كَيْدَهُنَّ أَصْبُ إِلَيْهِنَّ وَأَكُن مِّنَ الْجَاهِلِينَ ﴾

﴿ **He said: "O my Lord! Prison is more to my liking than that to which they invite me. And unless You turn away their plot from me, I will feel inclined towards them and be one of the ignorant ones."** ﴾

﴿ فَاسْتَجَابَ لَهُ رَبُّهُ فَصَرَفَ عَنْهُ كَيْدَهُنَّ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ ﴾

﴿ **So his Lord answered him and turned away from him their plot. Verily, He is the All-Hearer, the All-Knower.** ﴾

﴿ ثُمَّ بَدَأَ لَهُمْ مِّنْ بَعْدِ مَا رَأَوْا الْآيَاتِ لَيَسْجُنُنَّهُ حَتَّىٰ حِينٍ ﴾

﴿ **Then it appeared to them, after they had seen the proofs (of his innocence) to imprison him for a time.** ﴾<sup>14</sup>

So the Prophet Yûsuf, عليه الصلاة والسلام, chose prison as a preferred option over inclining to the fornication he was being invited to. And this was an attempt on the part of the wife of Al-Azîz, to compel Yûsuf, عليه الصلاة والسلام, into performing her bidding. And even after the authorities saw

<sup>12</sup> A 'Khalîl' is someone given the highest level of love.

<sup>13</sup> Referring to the Hadîth narrated by Abû Hurayrah, رضي الله عنه, reported by Al-Bukhârî (#3,353, #3,374, #3,383, #4,689) and Muslim (#2,378)

<sup>14</sup> Yûsuf, 32-35

evidence of his innocence, he was sentenced to remain in prison, where he had already resolved to remain in as a dwelling place, from the moment he was given the choice.

And in this way, Yûsuf was imprisoned and did not yield to the attempt to compel him into what Allâh has forbidden.

And later in the story, we see this same level of steadfastness and patience when the imprisoned Yûsuf, عليه الصلاة والسلام, interpreted the dream of the King. The King was so impressed with the accuracy of Yûsuf's interpretation and advice, that he ordered for him to be released from prison. However, Yûsuf, عليه الصلاة والسلام, initially declined this offer of freedom, despite having languished in that dungeon for years – for a crime he did not even commit – until his honour and reputation had been exonerated from any slander or accusations:

﴿ وَقَالَ الْمَلِكُ ائْتُونِي بِهِ فَلَمَّا جَاءَهُ الرَّسُولُ قَالَ ارْجِعْ إِلَىٰ رَبِّكَ فَاسْأَلْهُ مَا بَالُ النَّسُوءِ الَّتِي قَطَعْنَ أَيْدِيَهُنَّ إِنَّ رَبِّي بِكَيْدِهِنَّ عَلِيمٌ ﴾

﴿ **And the king said: 'Bring him to me.' But when the messenger came to him, [Yûsuf (Joseph)] said: 'Return to your lord and ask him, 'What happened to the women who cut their hands? Surely, my Lord (Allâh) is Well-Aware of their plot.'** ﴾

﴿ قَالَ مَا خَطْبُكُمْ إِذْ رَاوَدْتُنَّ يُوسُفَ عَن نَّفْسِهِ فُلْنَ حَاشَ لِلَّهِ مَا عَلِمْنَا عَلَيْهِ مِن سُوءٍ قَالَتِ امْرَأَةُ الْعَزِيزِ الْآنَ حَصْحَصَ الْحَقُّ أَنَا رَاوَدْتُهُ عَن نَّفْسِهِ وَإِنَّهُ لَمِنَ الصَّادِقِينَ ﴾

﴿ **(The King) said (to the women): 'What was your affair when you did seek to seduce Yûsuf (Joseph)?' The women said: 'Allâh forbid! No evil know we against him!' The wife of Al-'Azîz said: 'Now the truth is manifest (to all), it was I who sought to seduce him, and he is surely of the truthful.'** ﴾<sup>15</sup>

And Ibn Kathîr said: "He, تعالى, said (this) in conveying about the King when they returned to him with something that impressed him and convinced him regarding the interpretation of his dream, which he had seen. So he came to realize the virtue of Yûsuf, عليه السلام, his knowledge, the strength of his interpretation of his dream, and his good manners compared to those of his servants within his country. So he said: ﴿ **'Bring him to me.'** ﴾ In other words, take him out of the prison and bring him forth. So when the Messenger came to him with that (offer), he refused to come out until the King and his subjects realized his innocence in this situation and the purity of his honour with regards to what had been attributed to him on behalf of the wife

<sup>15</sup> Yûsuf, 50-51

of Al-'Azîz, and that this imprisonment was not for a justifying cause, rather it was due to oppression and transgression. So he (Yûsuf) said: ﴿ **'Return to your lord...** ﴾<sup>16</sup>

And the Prophet, صلى الله عليه وسلم, praised the steadfastness and patience of Yûsuf, عليه الصلاة والسلام, who did not immediately accept this first opportunity for freedom. As it was narrated by Abû Hurayrah, رضي الله عنه, that the Messenger of Allâh, صلى الله عليه وسلم, said: "And if I had remained in prison for as long as Yûsuf did, I would have responded to the caller."<sup>17</sup>

And Imâm an-Nawawî said, "It is a praise of Yûsuf, عليه الصلاة والسلام, and a clarification of his patience and his caution. And what was meant by 'the caller', was the messenger of the King, whom Allâh, تعالى, سبحانه وتعالى, informed that he said: ﴿ **'Bring him to me.' But when the messenger came to him, [Yûsuf (Joseph)] said: 'Return to your lord and ask him, 'What happened to the women who cut their hands?'** ﴾ So Yûsuf, صلى الله عليه وسلم, did not go out, rushing to ease and departing from the lengthy imprisonment. Rather, he remained steadfast and calm and sent to the King, to investigate the matter for which he was imprisoned, so that his innocence would be made clear to the King and the others and he would meet him, while believing that he was innocent of what was attributed to him and there would be no shyness from Yûsuf nor from others. So our Prophet, صلى الله عليه وسلم, clarified the virtue of Yûsuf in this, and his personal strength in goodness and his complete patience and his good point of view."<sup>18</sup>

## 2. The Magicians of Pharaoh

And when Mûsâ, عليه الصلاة والسلام, demonstrated the signs of Allâh in the contest against Pharaoh's magicians, they believed and were tested, as Allâh, تعالى, mentioned:

﴿ فَأَلْقَى السَّحْرَةَ سُجَّدًا قَالُوا آمَنَّا بِرَبِّ هَارُونَ وَمُوسَى ﴾

﴿ **So the magicians fell down prostrate. They said: "We believe in the Lord of Hârûn (Aaron) and Mûsâ (Moses)."** ﴾

﴿ قَالَ آمَنْتُمْ لَهُ قَبْلَ أَنْ آدَنَ لَكُمْ إِنَّهُ لَكَبِيرِكُمْ الَّذِي عَلَّمَكُمُ السَّحْرَ فَلَأَقْطَعَنَّ أَيْدِيَكُمْ وَأَرْجُلَكُمْ مِّنْ خِلَافٍ  
وَلَأُصَلِّبَنَّكُمْ فِي جُدُوعِ النَّخْلِ وَلَتَعْلَمَنَّ أَئِنَّا أَشَدُّ عَذَابًا وَأَبْقَى ﴾

﴿ **[Fir'aun (Pharaoh)] said: "Believe you in him [Mûsâ (Moses)] before I give you permission? Verily! He is your chief who taught you magic. So I will surely cut off your hands and feet on**

<sup>16</sup> "Tafsîr al-Qur'ân al-'Athîm", Vol. 8/48, publication of "Mu'assasat Qurtubah" and "Maktabat Awlâd ash-Shaykh lit-Turâth"; Jîzah, 1<sup>st</sup> Edition, 1421 H.

<sup>17</sup> Sahîh al-Bukhârî, (#3,372) and Muslim (#151)

<sup>18</sup> "Al-Minhâj Sharh Sahîh Muslim Ibn Hajjâz", Vol. 2/185

**opposite sides, and I will surely crucify you on the trunks of date-palms, and you shall surely know which of us [Allâh or Pharaoh] can give the more severe and more lasting torment.** ﴿

﴿ قَالُوا لَنْ نُؤْتِرَكَ عَلَىٰ مَا جَاءَنَا مِنَ الْبَيِّنَاتِ وَالَّذِي فَطَرَنَا فَاقْضِ مَا أَنْتَ قَاضٍ إِنَّمَا تَقْضِي هَذِهِ الْحَيَاةَ الدُّنْيَا ﴾

﴿ **They said: "We will not prefer you over the clear signs that have come to us, and to Him (Allâh) Who created us. So decree whatever you desire to decree, for you can only decree (regarding) this life of the world.** ﴾<sup>19</sup>

Ibn Kathîr mentioned, ﴿ **...and the magic to which you compelled us,** ﴾ that Ibn Abî Hâtim narrated from Ibn ‘Abbâs, رضي الله عنهما, “That Fir’awn (i.e. Pharaoh) took forty boys from the Children of Israel and commanded that they be taught magic at (a place called) Al-Faramâ’. He said, ‘Teach them knowledge that no one in the land knows.’ Ibn ‘Abbâs (then) said, ‘So they were of those who believed in Mûsâ and they were of those who said, ﴿ **We have believed in our Lord, that He may forgive us our faults, and the magic to which you did compel us.** ﴾’ `Abd ar-Rahmân Ibn Zayd bin Aslam said something similar.<sup>20</sup>

Ibn ‘Abbâs, رضي الله عنهما, said, ‘So he (i.e. Pharaoh) was the first one to do that (i.e. cutting off feet and hands and crucifixion).’ – Narrated by Ibn Abî Hâtim.”<sup>21</sup> And from As-Suddî: “Pharaoh said, ﴿ **Believe you in him [Mûsâ (Moses)] before I give you permission? Verily! He is your chief who taught you magic. So I will surely cut off your hands and feet on opposite sides, and I will surely crucify you on the trunks of date-palms,** ﴾ so he killed them and crucified them, as ‘Abd Allâh Ibn ‘Abbâs said, when they said, ﴿ **Our Lord! Pour out on us patience, and cause us to die as Muslims.** ﴾<sup>22</sup> And he said, ‘They were magicians in the beginning of the day and martyrs at the end of the day.’<sup>23</sup> And the mentioning of the magicians as martyrs was also stated by ‘Ubayd Ibn ‘Umayr, Qatâdah and Mujâhid.<sup>24</sup>

So the magicians were under the power of Pharaoh since the time they were taken as slaves when they were young. At the time they were children, they were compelled to learn the magic until they took positions as magicians within Pharaoh’s court. Years later, when they saw the Proofs of Allâh, upon the hand of Mûsâ, عليه الصلاة والسلام, they decided to reject what they had been forced to do and they sought the forgiveness of Allâh for what they had done, even

<sup>19</sup> Tâ-Hâ, 70-72

<sup>20</sup> Tafsîr al-Qur’ân al-‘Athîm”, Vol. 3/215, publication of “Maktabat Dâr al-Fayhâ”; Damascus and “Maktabat Dâr as-Salâm”; Riyadh, 2<sup>nd</sup> Edition, 1418 H.

<sup>21</sup> Tafsîr al-Qur’ân al-‘Athîm”, Vol. 3/214, publication of “Maktabat Dâr al-Fayhâ”; Damascus and “Maktabat Dâr as-Salâm”; Riyadh, 2<sup>nd</sup> Edition, 1418 H.

<sup>22</sup> Al-A’râf, 126

<sup>23</sup> “Jâmi’ al-Bayân Fî Ta’wîl Ây al-Qur’ân”, Vol. 13/36

<sup>24</sup> “Jâmi’ al-Bayân Fî Ta’wîl Ây al-Qur’ân”, Vol. 13/36

though they had been compelled as children. And when their master attempted to compel them to remain upon that path, they resisted and were threatened with some of the most severe torture ever mentioned in the Book of Allâh (i.e. cutting off of hands and feet, and crucifixion.) Yet, this did not deter them and they remained steadfast. And may Allâh, تعالی, be pleased with them.

Interestingly, both the case of Yûsuf, عليه الصلاة والسلام, along with the magicians of Pharaoh, appear to be examples wherein both were slaves already under the authority of their masters. Another point to take note of is that both the crime, which they were being forced to commit, and the threat of not complying with that action, were not equal.

In the case of Yûsuf, عليه الصلاة والسلام, the wife of his master, Al-Azîz, was attempting to compel him to perform the great sin of fornication, which is less than disbelief (Kufr), while her threat was to imprison Yûsuf, عليه الصلاة والسلام, if he did not comply. Yet, in the case of the magicians, however, they were being commanded to disbelieve in the Lord of Mûsâ, عليه الصلاة والسلام, and they were threatened with torture and death for not complying with Pharaoh's command.

### 3. The Slave-Girls of 'Abd Allâh Ibn Ubay as-Salûl

And Allâh, تعالی, mentioned:

﴿وَلَا تُكْرِهُوا فَتِيَاتِكُمْ عَلَى الْبِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِّتَبْتَغُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهِنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ  
إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ﴾

﴿And compel not your slave-girls to prostitution, if they desire chastity, in order that you may make a gain in the (perishable) goods of this worldly life. And whoever compels them (to prostitution), then after their compulsion, verily, Allâh is Oft-Forgiving, Most Merciful.﴾<sup>25</sup>

This verse was revealed regarding 'Abd Allâh Ibn Ubay, who had slave-girls and would force them to prostitute themselves, but when Islâm reached them, they refused.

Imâm Muslim narrated from Jâbir, رضي الله عنه, that there was a slave-girl of 'Abd Allâh Ibn Ubay Ibn Salûl named 'Musaykah' and another named 'Umaymah', and he used to compel them to perform fornication. So they complained about that to the Prophet, صلى الله عليه وسلم, so Allâh revealed: ﴿And compel not your slave-girls to prostitution...﴾ until His saying: ﴿Oft-Forgiving, Most Merciful.﴾<sup>26</sup>

<sup>25</sup> An-Nûr, 33

<sup>26</sup> Hadîth (#3,029)

And Ibn Jarîr narrated from Az-Zuhrî: “A man was taken captive from Quraysh on the day of Badr and ‘Abd Allâh Ibn Ubay had taken him prisoner. ‘Abd Allâh also had a slave-girl named ‘Mu’âthah’ and the Qurayshite captive desired her for intercourse, and she was Muslim so she used to refuse him, due to her Islâm. But Ibn Ubay used to compel her upon that and beat her, hoping that she would become pregnant by the Qurayshite, so that he could request the ransom for his child. So Allâh said: ﴿ **And compel not your slave-girls to prostitution, if they desire chastity...** ﴾ Az-Zuhrî said: ﴿ **And whoever compels them (to prostitution), then after their compulsion, verily, Allâh is Oft-Forgiving, Most Merciful.** ﴾ He (i.e. Allâh) says: He is forgiving of them for what they were compelled to do.<sup>27</sup> And similar narrations were reported from ‘Ikrimah<sup>28</sup> and Mujâhid.<sup>29</sup>

And this was another example of a slave, who was under the power of a disbelieving enemy (i.e. ‘Abd Allâh Ibn Ubay – the leader of the hypocrites). And that slave (or those slaves) were compelled to perform fornication – the same crime which the wife of al-‘Azîz, attempted to compel the Prophet Yûsuf, عليه الصلاة والسلام, to perform. Yet in this case, the punishment for failing to commit this crime, was beating. But Allâh, تعالى, – due to His attributes of mercy and forgiveness – excused this crime, because of the compulsion involved. And Allâh knows best.

#### 4. The People of the Trench

And finally, perhaps the greatest example from the Book of Allâh, which illustrates the trials of those under the captivity of an evil tyrant, as well as the diversity of those who endured and suffered this torment, is the story of the ‘People of the Trench’ mentioned in Sûrat al-Burûj. As Allâh, تعالى, said:

﴿ قُتِلَ أَصْحَابُ الْأُخُدُودِ ﴾

﴿ **Cursed were the ‘People of the Trench’.** ﴾

﴿ النَّارِ ذَاتِ الْوَقُودِ ﴾

﴿ **Fire supplied (abundantly) with fuel,** ﴾

﴿ إِذْ هُمْ عَلَيْهَا قُعُودٌ ﴾

﴿ **When they sat by it (fire),** ﴾

<sup>27</sup> “Jâmi’ al-Bayân Fî Ta’wîl Ây al-Qur’ân”, Vol. 19/175

<sup>28</sup> “Jâmi’ al-Bayân Fî Ta’wîl Ây al-Qur’ân”, Vol. 19/175

<sup>29</sup> “Jâmi’ al-Bayân Fî Ta’wîl Ây al-Qur’ân”, Vol. 19/176

﴿ وَهُمْ عَلَىٰ مَا يَفْعَلُونَ بِالْمُؤْمِنِينَ شُهُودٌ ﴾

﴿ **And they witnessed what they were doing against the believers (i.e. burning them).** ﴾

﴿ وَمَا نَقَمُوا مِنْهُمْ إِلَّا أَن يُؤْمِنُوا بِاللَّهِ الْعَزِيزِ الْحَمِيدِ ﴾

﴿ **And they had nothing against them, except that they believed in Allâh, the All-Mighty, Worthy of all Praise!** ﴾<sup>30</sup>

And in the Tafsîr of these noble verses, is the lengthy story of ‘The Boy and the King’,<sup>31</sup> which was narrated by Imâm Ahmad in his ‘Musnad’ and by Imâm Muslim in his ‘Sahîh’, from Suhayb, رضي الله عنه, who said that the Messenger of Allâh, صلى الله عليه وسلم, said:

“Among the people who came before you, there was a king who had a sorcerer, and when that sorcerer became old, he said to the king, ‘I have become old, so send me a boy whom I can teach magic.’ So, he sent him a boy for him to teach him. Whenever the boy went to the sorcerer, he sat with a monk who was on the way and listened to his speeches, so they impressed him. So, when he went to the sorcerer, he passed by the monk and sat there with him; and when he would go to the sorcerer, he would beat him. So he complained about this to the monk. So he said, ‘If you fear the sorcerer then say: ‘My family held me back.’ And if you fear your family, then say: ‘The sorcerer held me back.’ So the boy carried on like that (for some time). Then he came upon a huge creature which had trapped the people. So he said, ‘Today I shall know whether the sorcerer is better or the monk is better.’ So, he took a stone and said, ‘O Allâh, if the matter of the monk is more beloved by You than the matter of the sorcerer, then kill this creature so that the people can pass.’ So he struck it, killing it and the people (were able to) continued.’

“So he came to the monk then informed him (about it). So the monk said to him, ‘O my son, today you are better than me, and your matter has reached what I see! And verily, you will be put to trial. And in case you are put to trial, do not inform (them) about me.’<sup>32</sup> And the boy used

<sup>30</sup> Al-Burûj, 4-8

<sup>31</sup> In *Shâ’ Allâh*, we will offer our commentary in footnote form, as to avoid distracting the reader from the details of the story’s narrative.

<sup>32</sup> And it must not be understood that the monk requested this secrecy about his identity due to fear, as it will be proven later in the story itself, but rather this was a form of secrecy in Da’wah for the benefit of its continuation and for wisdom and careful planning. And the earliest Muslims in Makkah also went through a similar stage in the Da’wah, while under the threat of Quraysh. Also, take note of how the monk warned the boy about the upcoming trials he would face, due to what he recognized in the boy from sincerity and piety. And this is a trend with the believers of our nation, and indeed those who believed from the nations before us. Those who claim faith will be tested, as Allâh, تعالى, said:

to treat the people suffering from congenital blindness, leprosy, and he would cure the people from the rest of the diseases. So a courtier of the king who had become blind, heard (about the boy) so he came to him with many gifts and said, 'All of what is here is for you if you cure me.' So he said, 'Verily, I do not cure anybody; it is only Allâh who cures. So, if you believe in Allâh, I will supplicate to Allâh, then He will cure you.' So, he believed in Allâh, and Allâh cured him.'

"So he came to the king and sat just as he used to sit (before). So the king said to him, 'Who gave you back your sight?' He said, 'My Lord.' He said, 'And you have a Lord besides me?' He said, 'My Lord and your Lord – Allâh.' So he took him and did not cease torturing him until he informed him about the boy.<sup>33</sup> So the boy was brought, then the king said to him, 'O my son, your magic reached to the extent that you cure congenital blindness, leprosy and you do, and you do...?' So he said, 'I do not cure anyone. Verily, only Allâh cures.' So he took him and did not cease torturing him until he informed him about the monk.<sup>34</sup> Then the monk was brought so it was said to him, 'Turn back from your religion.' So he refused. So he (i.e. the king) called for a saw, and he placed the saw in the middle of his head and he fell, sawn in two.<sup>35</sup>

﴿ أَحْسِبَ النَّاسُ أَنْ يُتْرَكُوا أَنْ يَقُولُوا آمَنَّا وَهُمْ لَا يُفْتَنُونَ ﴾

﴿ Do people think that they will be left alone because they say: "We believe," and will not be tested? ﴾

﴿ وَلَقَدْ فَتَنَّا الَّذِينَ مِنْ قَبْلِهِمْ فَلَيَعْلَمَنَّ اللَّهُ الَّذِينَ صَدَقُوا وَلَيَعْلَمَنَّ الْكَاذِبِينَ ﴾

﴿ And We indeed tested those who were before them. And Allâh will certainly make (it) known (the truth of) those who are true, and will certainly make (it) known (the falsehood of) those who are liars. ﴾ Al-'Ankabût, 2-3

<sup>33</sup> So this marks the first incident in the story of 'The Boy and the King' in which a believer was taken captive by the tyrant King and tormented until he provided the information that was demanded from him. Notice that this demand was not disbelief (Kufr) and there is nothing in the text of the story itself that would indicate that the courtier was being compelled to disbelieve or return to the religion of the King. However, it is clear that there was initial resistance to the demands of the King because, as the Hadîth states, it was the torture which resulted in the compliance, and not merely a request for information. And so when that torment became too great for this courtier to endure and to remain steadfast, he provided the tyrant King with the identity of the boy.

<sup>34</sup> And this is the second instance in which the tyrant King took a believer captive and tortured him to disclose the identity of someone. In this case, it was the boy being tortured to inform the King about the monk. Note that previously in the story, the monk had given explicit instructions to the boy not to tell who had taught him his religion in the event that he is put through trials. Yet, due to the level of torture he was facing by the King, he was unable to remain steadfast upon maintaining the secrecy of the monk's identity. Again, there is little to suggest from this incident that disclosing the identity of the monk would be an act of Kufr, and Allâh knows best. However, it is clear that it was a violation of a commitment the boy had made previously, which he was unable to maintain due to that compulsion.

<sup>35</sup> And here we see the first clear example of where a captive believer is being ordered to disbelieve and told that if he does not do so, he will be tortured to death by being sawn in half. This was the monk, who previously told the boy not to disclose his identity when he eventually faces those trials. And in this example, he see clearly that the secrecy of the monk was not due to his fear or due to his weakness, rather it was due to his wisdom and his taking precautions in Da'wah. And the greatest proof for the steadfastness of the monk is that he faced his tormenters bravely even during his final moments of brutal, painful and horrific murder, while remaining firm upon his religion. And in this example, we are reminded of the bravery of Sumayyah, the mother of 'Ammâr Ibn Yâsir, رضي الله عنها, which we will discuss later, *In Shâ' Allâh*.

courtier of the King was brought. So it was said to him, 'Turn back from your religion!' So he refused. Then he (i.e. the king) placed the saw in the middle of his head and he fell, sawn in two.<sup>36</sup> Then the boy was brought. So it was said to him, 'Turn back from your religion!' So he refused. So he (i.e. the king) gave him to a group from his companions and said, 'Take him to such-and-such mountain and ascend the mountain with him. Then when you reach its peak, then if he turns back from his religion (let him be); otherwise throw him off!'<sup>37</sup> So they took him and ascended the mountain with him. Then he said, 'O Allâh, save me from them by any means that You wish.' So, the mountain shook with them, then they fell, and he came walking to the king. So the king said to him, 'What did your companions (i.e. the people I sent with you) do?' He said, 'Allâh saved me from them.' So, he gave him to a group of his companions and said, 'Take him and carry him in a small boat to the middle of the sea, (saying), 'Then if he turns back from his religion (let him be); otherwise throw him (into the sea).' So they took him, so he said, 'O Allâh, save me from them by any means that You wish.' So the boat capsized with them and they drowned, and he came walking to the king.'

Then the  
"So the king said to him, 'What did your companions do?' He said, 'Allâh saved me from them.' Then he said to the king, 'Verily, you will not be able to kill me until you do as I order you.' He said, 'And what is that?' He said, 'Gather the people in one elevated place and crucify me to the trunk (of a tree); then take an arrow from my quiver, then place the arrow in the centre of the bow and say: 'In the Name of Allâh, the Lord of the boy,' then shoot me. So if you do this, you will be able to kill me.'<sup>38</sup> So he gathered the people on one elevated place, and crucified him to the trunk (of a tree). Then he took an arrow from his quiver. Then he placed an arrow in the centre the bow. Then he said 'In the Name of Allâh, the Lord of the boy' and shot him. So the arrow hit the boy in his temple. So he placed his hand upon his temple, at the place of the arrow, then died. So the people proclaimed, 'We believe in the Lord of the boy! We believe in the Lord of the boy! We believe in the Lord of the boy!' Then the King came so it was said to him, 'Do you see what you used to fear? By Allâh, what you used to fear has fallen upon you. The

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<sup>36</sup> And just as it was stated about the monk who faced his death firmly upon his religion, we see that the courtier, whose blindness had been healed, faced his tormenters firmly upon his religion until his death. And this was the second example of where the tyrant King clearly attempted to compel a believer to leave his religion, but he failed and the believer who was subjected to that horrific torture prevailed and accepted his martyrdom, while remaining both outwardly and inwardly upon his religion, in defiance of the King.

<sup>37</sup> Here we see the first of several attempts by the tyrant King to compel the boy to leave his religion by threatening him, and even attempting to fulfill those threats of murder. The variety of methods of killing ranged from being thrown off a mountain, to being drowned in the sea. But in both of these attempts, the boy remained steadfast upon his religion and did not comply with what they attempted to compel him with. And Allâh saved him in order to fulfill His plan as the details of the story unfold.

<sup>38</sup> And here we see that the boy actually informed the tyrant King with the only method by which he could succeed in killing the boy. And he did so with such detail that we can see that the boy was fully prepared to die firmly upon his religion. And this is one of several evidences used by the contemporary scholars in permitting what are known as 'Martyrdom Operations', because the boy willingly told the King the precise method by which he would be able to kill him, and the one who willingly makes it possible and assists any action being committed, is a participant in that action.

people have believed (in the Lord of the boy)!'<sup>39</sup> So he ordered that a trench be dug at the entrances to the roads. So they were dug and the fires were set ablaze (in them). And he said, 'Whoever does not turn back from his religion then throw him in it. Or it is said to him, 'Jump in,' so they did so<sup>40</sup> until a woman came and she had with her a young boy of hers.<sup>41</sup> So she delayed falling into it (out of hesitation), so the boy said to her, 'O mother, be patient for verily, you are upon the truth!'"<sup>42 43</sup>

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<sup>39</sup> So this final sacrificial action of the boy became the means of his own execution, which he wilfully participated in by providing the tyrant King the precise instructions for carrying out that action. But it also became his final invitation to Tawhîd and the first public form of Da'wah seen in the land of the King, whereas the monk had been conducting that Da'wah in stages of secrecy. And it became the fulfillment of the promise of the monk, as he stated: 'O my son! Today you are better than me, and your matter has reached what I see!' And Allâh knows best.

<sup>40</sup> And here we see that even the newest believers, who only testified their belief in the Lord of the boy moments before, were facing perhaps the most painful and grotesque death possible (i.e. being burned alive) if they persisted upon their religion, and yet they remained steadfast upon that faith even though it resulted in their own painful demise. And we are reminded by the magicians of Pharaoh, may Allâh curse him, who accepted the Lord of Mûsâ, عليه الصلاة والسلام, and were put through trials and scenes of torment and death, while remaining steadfast upon their religion.

<sup>41</sup> In the narration of Imâm Ahmad, it states that she was nursing him, meaning that the boy was of the age of being nursed, no older. ("Musnad Ahmad", (#23,976), publication of "Mu'assasat Qurtubah"; Cairo) Shaykh Shu'ayb al-Arna'ût stated after this Hadîth, "Its chain of narration is Sahîh according to the conditions of Muslim. Its men are trustworthy, the men of the two Shaykhs, except for Hammâd Ibn Salamah, as (he is) from the men of Muslim."

<sup>42</sup> And finally, in the last example mentioned in this Hadîth, which is filled with examples of captivity, compulsion, and torture, we see a glimpse of the diversity of those being tested and those facing the torment of the fire upon their steadfastness upon their religion. It was a nursing woman, fearing for her child, who hesitated in her final moments, until Allâh caused a miracle to take place, which was the baby speaking words of reassurance to its mother. And we are reminded of the miracle of إسّا, عليه الصلاة والسلام, who spoke to his mother, Maryam while he was only an infant. And in this example we see that the abilities of the people were not all equal because of their own unique circumstances and their own conditions, because while some of those present at the trench did not hesitate at all, this woman did and was supported by this miracle of Allâh, which was needed so that she would not slip into compliance with what the tyrant King was compelling them upon.

<sup>43</sup> Muslim (#3,005) & Ahmad (#23,976), publication of "Mu'assasat Qurtubah"; Cairo

## Chapter 2: Examples of Captivity and Compulsion from the Sunnah

From the earliest days in Makkah, as it is well-known; the most vulnerable of the companions, رضي الله عنهم, were tormented due to their Islâm. The degree of torment was different from person-to-person, as were the methods by which Quraysh attempted to compel them to renounce their religion, while under their power or in their captivity.

Many of the companions endured torment to the extent that they asked the Messenger of Allâh, صلى الله عليه وسلم, to supplicate to Allâh for relief, however the Prophet, صلى الله عليه وسلم, would always encourage them to be patient and remain steadfast, as it was narrated by Khabbâb Ibn al-Aratt, رضي الله عنه, that he said:

"We complained to the Messenger of Allâh, صلى الله عليه وسلم, when he was reclining on his cloak in the shade of the Ka'bah. We said to him: 'Will you not ask for help for us? Will you not pray to Allâh for us?' He said, 'A man from the people before you would have a hole dug for him then be placed in it, then a saw would be brought, placed on his head, then it would be cut in two, yet that would not make him renounce his faith. And he would be scraped with iron combs (to drag) the flesh and nerves from his bones, yet that would not make him renounce his faith. By Allâh, this matter will be completed (i.e. Islâm will be perfected and will prevail) until a rider will travel from Sanâ' to Hadhramawt (i.e. two cities in Yemen) not fearing (anything) but Allâh or (the attack of) a wolf on his sheep, but you are hasty.'" <sup>44</sup>

### 1. Khabbâb Ibn al-Aratt, رضي الله عنه

As an example, the narrator of the aforementioned Hadîth, Khabbâb Ibn al-Aratt, رضي الله عنه, was one of those severely tormented due to his Islâm, and he experienced some of the most difficult forms of punishment, as it was narrated by Ash-Sha'bbî, who said:

"Umar Ibn al-Khattâb once asked Khabbâb, رضي الله عنهما, what he had been confronted with, from the polytheists. So he said: 'O Amîr al-Mu'minîn, look at my back.' So he looked and then said, 'I have never seen a man's back like (I did) today!' Khabbâb said, 'Fire had been kindled for me and then I was dragged on top of it, and nothing extinguished it except for the (sizzling) fat of my back (i.e. grease drippings).'" <sup>45</sup>

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<sup>44</sup> Narrated by Al-Bukhârî (#3,612)

<sup>45</sup> "Asad al-Ghâbah Fî Ma'rifat as-Sahâbah", Vol. 2/142. And in it, Ibn al-Athîr attributed the narrations to three sources; Ibn Mandah, Abû Nu'aym and Ibn 'Abd al-Barr.

And this torment he suffered was due to his resistance towards them in their attempts to compel him to disbelieve, as it was mentioned in another narration from Ash-Sha'bbî, who said: "Verily, Khabbâb was patient and did not give the disbelievers what they had asked for, so they began to force his back onto a boulder which had been heated in the sun, until the meat of his back was gone."<sup>46</sup>

## 2. Bilâl Ibn Rabâh, رضي الله عنه

In some cases, for instance, such as that of Bilâl, رضي الله عنه, they would torture them with the promise that they would end their suffering if they would only glorify their gods. Yet Bilâl was the most obstinate and determined in his resistance to their offers, as it has been narrated from 'Abd Allâh Ibn Mas'ûd who said:

"The first ones who openly showed their Islâm were seven; the Messenger of Allâh, صلى الله عليه وسلم, Abû Bakr, 'Ammâr, his mother Sumayyah, Suhayb, Bilâl and Al-Miqdâd. As for the Messenger of Allâh, صلى الله عليه وسلم, then Allâh protected him through his uncle, Abû Tâlib. And as for Abû Bakr, then Allâh protected him through his people. And as for the rest of them, then the polytheists took them and placed upon them iron armour and heated them in the sun. So there was no one from them except that he complied with that which they wanted, except for Bilâl, because he considered himself insignificant for the sake of Allâh and he considered his people insignificant (too). So they took him and gave him to the children, so they paraded him in the neighbourhoods of Makkah, while he was saying, 'One, One.'<sup>47</sup>

And Ibn Kathîr said, "And it is allowed for him to resist as Bilâl, رضي الله عنه, resisted them while they were committing the actions against him to the point where they placed a large boulder upon his chest in the severe heat and commanded him to associate partners with Allâh, but he would resist them and he would say: '(Allâh is) One. (Allâh is) One.' And he would say: 'By Allâh, if I knew a word that was more hated to you than this, I would have said it!'<sup>48</sup>

- **A Point of Benefit Regarding the Example of Bilâl, رضي الله عنه, and the Diversity of the Companions**

<sup>46</sup> "Asad al-Ghâbah Fî Ma'rifat as-Sahâbah", Vol. 2/141

<sup>47</sup> Narrated by Ibn Mâjah and Ahmad and declared 'Sahîh' by Ahmad Shâkir in his verification of "Musnad Ahmad", Vol. 5/319. It was declared 'Hasan' by Al-Albânî in "Sahîh Ibn Mâjah" (#122) and in "Sahîh al-Mawârid" (#1,865) and also by Al-Wâdi'î in "As-Sahîh al-Musnad" (#863 & #898)

<sup>48</sup> "Tafsîr al-Qur'ân al-'Athîm", Vol. 2/776; publication of "Maktabat Dâr al-Fayhâ"; Damascus and "Maktabat Dâr as-Salâm"; Riyadh, 2<sup>nd</sup> Edition, 1418 H.

So look at the hero, Bilâl, رضي الله عنه! He not only refused to comply with what his captors attempted to compel him with; he even tried to antagonize his tormenters by saying words they would hate, in an effort to infuriate them further!

And contrast this level of defiance and boldness with what the narrator of the aforementioned Hadîth, ‘Abd Allâh Ibn Mas’ûd, رضي الله عنه, said, as it was narrated by Al-Hârith Ibn Suwayd, from ‘Abd Allâh that he said:

“There are no words that I could speak in front of the Sultân (ruler), which would repel from off of me what is between a lash and two lashes, except that I would speak them.”<sup>49</sup>

And in another phrasing, from the narration of Ibn Hazm:

“There is no person of authority who would want to make me say words, which (if I said them) would repel from me a lash or two lashes, except that I would speak them.”<sup>50 51</sup>

And yet despite the differences between the abilities of Bilâl and Ibn Mas’ûd, رضي الله عنهما, to remain steadfast, the Messenger of Allâh, صلى الله عليه وسلم, praised them equally as it was narrated from Ibn Mas’ûd that one day he climbed a tree of Arâk, but he had such thin calves that the wind began to push him over and out of the tree. So the people laughed at him and the Messenger of Allâh, صلى الله عليه وسلم, said, “*What are you laughing at?*” They said, ‘O Prophet of Allâh, at the thinness of his calves.’ So he said, ‘*By the One in Whose Hand is my soul, they are heavier on the scale, than (mount) Uhud.*’<sup>52</sup>

And about Bilâl, رضي الله عنه, the Messenger of Allâh, صلى الله عليه وسلم, said: “*As verily, tonight I heard the sound of the movement of your shoes in front of me in Paradise.*”<sup>53</sup>

<sup>49</sup> Narrated by Ibn Abî Shaybah in his “Musannaf”, (#33,717), publication of “Dâr al-Qiblah”

<sup>50</sup> “Al-Muhallâ bil-Âthâr”, Vol. 5/336

<sup>51</sup> And some scholars have suggested that this statement from Ibn Mas’ûd, رضي الله عنه, was due to his thin and frail body, as it has been narrated that he was a very small and thin man. Therefore, his ability to withstand harm would naturally be less than others. And Allâh, تعالى, knows best. Shaykh Abû Basîr At-Tartûsî, may Allâh preserve him stated, “And some of the people of knowledge have held that these two lashes (mentioned) with regards to the Ibn Mas’ûd, رضي الله عنه, are injurious (and) destruction was feared for him, due to weakness and thinness of his body, رضي الله عنه. And Allâh, تعالى, knows best.” (Look to “Hâlât Yajûzu Fihâ Ith’hâr al-Kufr”, Pg. 3)

<sup>52</sup> Narrated with numerous phrasings by Ahmad in his “Musnad”, At-Tabarî in “Musnad ‘Alî”, and others. Some of these phrasings were declared “Sahîh” by At-Tabarî in “Musnad ‘Alî” (#163), Ahmad Shâkir in his verification of “Musnad Ahmad” (Vol. 6/93) and Al-Albânî in “Irwâ’ al-Ghalîl” (Vol.1/104) and Al-Wâdî’î in “As-Sahîh al-Musnad” (#845) declared it ‘Hasan’.

<sup>53</sup> Narrated by Muslim (#2,458) and by Al-Bukhârî (#1,149), as well as *Mu’allaq* (i.e. only mentioning the end of the chain) within the title: “The Book of Virtues, Chapter: The Virtues of Bilâl Ibn Rabbâh the Freed Slave of Abû Bakr as-Siddîq, رضي الله عنهما,” both from Abû Hurayrah, رضي الله عنه.

So the diversity between the companions and their capacity to endure physical and psychological torment was not all equal, just as the other various abilities and skills of the companions were diversified. And in some cases, a man from the companions was able to withstand the torment of his captors and would not comply with them whereas others were unable to do so and for them was the concession (Rukhsah) <sup>54</sup> of complying with the tormenters, while one's heart is at rest with faith. <sup>55</sup>

And this is similar to what was narrated by Ibn Abî Shaybah from Al-Hasan al-Basrî who said: "Spies of Musaylamah <sup>56</sup> took two men from the Muslims and brought them to him, so he said to one of them, "Do you bear witness that Muhammad is the Messenger of Allâh?" He said, 'Yes.' He said, 'Do you bear witness that I am the Messenger of Allâh?' So he motioned to his ears and said, 'I am deaf.' So he ordered for him to be killed. And he said to the other one, 'Do you bear witness that Muhammad is the Messenger of Allâh?' He said, 'Yes.' He said, 'Do you bear witness that I am the Messenger of Allâh?' He said, 'Yes.' So he let him go, so he came to the Prophet, صلى الله عليه وسلم, and he said to him, 'As for your companion, then he went forth upon his faith. And as for you, then you took the concession (Rukhsah).'" <sup>57</sup>

### 3. The Family of Yâsir, رضي الله عنهما

And this example was proven, even more directly, within the family of Yâsir, whose wife Sumayyah and son 'Ammâr, رضي الله عنهم, endured some of the most horrible scenes of torture and persecution, due to their Islâm. As Ibn Hajar mentioned within his discussion of the virtues of Sumayyah, the first martyr in Islâm:

"She was the mother of 'Ammâr Ibn Yâsir. She was the seventh of seven to enter Islâm. She was tortured by Abû Jahl who stabbed her in her front (i.e. private parts), and she died. She was the first *shahîdah* (female martyr) in Islâm. And Yâsir was an ally of Abû Huthayfah so he married Sumayyah to him and she gave birth to 'Ammâr so he freed him. And Yâsir, his wife and his son from her, were from the first to enter Islâm. Ibn Is'hâq said in 'Al-Maghâzî': 'I was informed by men from the family of 'Ammâr Ibn Yâsir that Sumayyah, the mother of 'Ammâr was tortured by the family of Banî al-Mughîrah because of Islâm, but she resisted anything other than it, until

<sup>54</sup> **Rukhsah:** A form of concession or facilitation whereby a standard ruling is relaxed or reduced, due to circumstances that prevent the fulfillment of that ruling. An example would include the concession for Tayammam (wiping with dust) instead of Wudhû' (ablution) when water is not available. More will be explained in the Chapter: "The Rulings of Compulsion", *In Shâ' Allâh*.

<sup>55</sup> And more about this will come in the chapter: "The Rulings of Compulsion", *In Shâ' Allâh*.

<sup>56</sup> He was Musaylamah 'The Liar', who claimed Prophethood during the lifetime of the Messenger of Allâh, صلى الله عليه وسلم, and also after his death and was fought and defeated during the Khilâfah of Abû Bakr, رضي الله عنهما.

<sup>57</sup> Declared 'Mursal' by Ash-Shawkânî in "Fat'h al-Qadîr", Vol. 3/199, and it was narrated by Abû Dâwûd in his "Marâsîl", (#395) and Az-Zayla'î mentioned that one of its chains was 'Mursal' and one is 'Mu'dhal' in "Takhrij al-Kashâf", Vol. 2/247

they killed her. And the Messenger of Allâh, صلى الله عليه وسلم, used to pass by ‘Ammâr, his mother and his father, while they were being tortured at Al-Abtah in the scorching heat of Makkah, and then he would say: *‘Patience, O family of Yâsir. Your appointment is Paradise.’* And Mujâhid said: ‘The first ones to publicly declare their Islâm in Makkah were seven; the Messenger of Allâh, صلى الله عليه وسلم, Abû Bakr, Bilâl, Khabbâb, Suhayb, ‘Ammâr and Sumayyah. As for the Messenger of Allâh, صلى الله عليه وسلم, and Abû Bakr, they were protected by their own people, but the others were forced to wear iron armour, then were exposed to the burning sun. Abû Jahl came to Sumayyah and stabbed her with a spear, killing her.’<sup>58</sup>

“And Ibn Sa’d reported with an authentic chain from Mujâhid, who said: ‘The first martyr in Islâm was Sumayyah, the mother of ‘Ammâr Ibn Yâsir. She was an old, weak woman. And when Abû Jahl was killed on the day of Badr, the Prophet, صلى الله عليه وسلم, said to ‘Ammâr: *‘Allâh has killed the one who killed your mother.’*”<sup>59</sup>

And so Sumayyah, the wife of Yâsir and the mother of ‘Ammâr, رضي الله عنهم, was actually tortured to death because of her Islâm, and did not give in to her tormenters and did not comply with their compulsion, until she was finally murdered in a horribly painful and degrading way. And may Allâh, عز وجل, raise the status of this *Shahîdah* in the hereafter and give her the best of rewards in Paradise.

- **A Point of Benefit Regarding the Family of Yâsir, رضي الله عنه, and Their Diversity**

The son of Sumayyah, ‘Ammâr, رضي الله عنه ما, was likewise tortured for his Islâm, yet due to their various forms of persecution, he complied with his tormenters and issued statements of disbelief.

Muhammad Ibn ‘Ammâr Ibn Yâsir narrated: “The polytheists took ‘Ammâr Ibn Yâsir and they did not leave him until he swore at the Prophet, صلى الله عليه وسلم, and mentioned their gods favourably, then they left him. Then when he came to the Messenger of Allâh, صلى الله عليه وسلم, he said, *‘What took place?’* He said, ‘Evil, O Messenger of Allâh. I was not left until I insulted you and mentioned their gods favourably.’ He said, *‘How do you find your heart?’* He said, ‘At rest with faith.’ He said, *‘Then if they repeat (what they did to you), then repeat (what you said).’*”<sup>60</sup>

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<sup>58</sup> “Al-Isâbah Fî Tamyîz as-Sahâbah”, Vol. 7/712. Ibn Hajar stated after narrating it: “This was reported by Abû Bakr Ibn Abî Shaybah, from Jarîr, from Mansûr, from Mujâhid and it is an authentic, ‘Mursal’ chain.”

<sup>59</sup> “Al-Isâbah Fî Tamyîz as-Sahâbah”, Vol. 7/712

<sup>60</sup> Narrated by Al-Hâkim, Vol. 2/357 who said, “It is an authentic Hadîth upon the conditions of the two Shaykhs (i.e. Al-Bukhârî and Muslim),” and Ath-Thahabî agreed. And it was narrated by Ibn Sa’d in “At-Tabaqât”, Vol. 3/249 and also by Al-Bayhaqî in “As-Sunan al-Kubrâ”, Vol. 8/208-209, publication of “Maktabat Dâr al-Bâz”; Makkah al-Mukarramah, 1414 H. with the Tahqîq of Muhammad ‘Abd al-Qâdir ‘Atâ, and by Abû Nu’aym in “Hilyat al-Awliyâ’ wa Tabaqât al-Asfiyâ’”, Vol. 1/140, as well as by others. Ibn Kathîr authenticated it in “Irshâd al-Faqîh”, Vol. 2/295

And it was this incident that the interpreters of the Noble Qur’ân are generally in agreement as to the reason for the revelation of the verse of compulsion:

﴿ مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَكِنْ مَنْ شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِّنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ ﴾

﴿ ***“Whoever disbelieved in Allâh after his belief, except him who is forced thereto and whose heart is at rest with Faith but whoever opens their hearts to disbelief, then on them is wrath from Allâh, and theirs will be a great torment.”*** ﴾<sup>61</sup>

And Ibn Jarîr said, “And it is mentioned that this verse was revealed concerning ‘Ammâr Ibn Yâsir and a (group of) people who had entered into Islâm, then the polytheists placed them through trials, due to their religion. So some remained firm upon Islâm and some fell into trials.” And he went on to narrate this from Ibn ‘Abbâs, Qatâdah, Abû ‘Ubaydah Ibn Muhammad Ibn ‘Ammâr Ibn Yâsir and Abû Mâlik.<sup>62</sup>

And so even within the household of Yâsir, رضي الله عنهم, we can see the diversity among his family members regarding their capacity to endure the torture and resist the compulsion. In the case of Sumayyah, رضي الله عنها, she resisted the compulsion until she was tortured to death, whereas her son, ‘Ammâr, رضي الله عنه, was unable to do that and complied with the compulsion of his captors. And yet despite this, ‘Ammâr was excused, due to verse of compulsion. And this issue will be addressed in greater detail within the rulings related to compulsion, *In Shâ Allâh*.

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and other narrations exist with slightly different phrasings, which were mostly declared ‘Mursal’. As-Suyûtî attributed it to Ibn Abî Hâtim and Ibn Mardawayh, in “Ad-Durr al-Manthûr”, Vol. 9/120, and Ibn Hajar also attributed it to ‘Abd Ar-Razzâq and ‘Abd Ibn Humayd and he said about it, “It is ‘Mursal’ and its men are trustworthy,” and he mentioned another ‘Mursal’ path and said, “And these ‘Mursal’ narrations are strengthened by each other.”- “Fat’h al-Bârî”, Vol. 12/391

<sup>61</sup> An-Nahl, 106

<sup>62</sup> “Jâmi’ al-Bayân Fî Ta’wîl Ây al-Qur’ân”, Vol. 17/304

## Chapter 3:

### The Companions, and Those who Followed Them, Facing Captivity and Compulsion After the Death of the Messenger of Allâh, صلى الله عليه وسلم

Looking into the events that took place during the ‘Apostasy Wars’, during the Khilâfah of Abû Bakr, رضي الله عنه, and also the various battles against the Romans, during the Khilâfah of ‘Umar, رضي الله عنه, we see some examples of captivity, torment and compulsion, as Ibn Kathîr narrated in his Tafsîr<sup>63</sup> of the verse:

﴿مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَكِنْ مَنْ شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ﴾

﴿“Whoever disbelieves in Allâh after his belief - except one who was forced while his heart is at rest with the faith - but whoever opens their hearts to disbelief, then on them is wrath from Allâh, and theirs will be a terrible torment.”﴾<sup>64</sup>

#### 1. Habîb Ibn Zayd al-Ansârî, رضي الله عنه

He (i.e. Ibn Kathîr) said: “Similarly, when the Liar, Musaylamah, asked Habîb Ibn Zayd al-Ansârî, ‘Do you bear witness that Muhammad is the Messenger of Allâh?’ He said, ‘Yes.’ Then he asked, ‘Do you bear witness that I am the messenger of Allâh?’ He said, ‘I do not hear (you).’ Musaylamah kept cutting him, piece by piece, but he remained steadfast upon that.”<sup>65</sup>

#### 2. ‘Abd Allâh Ibn Huthâfah, رضي الله عنه

And in his Tafsîr of the aforementioned verse, Ibn Kathîr, رحمه الله, went on to say: “It is better and preferable for the Muslim to remain steadfast in his religion, even if that leads to him being killed,<sup>66</sup> as was mentioned by Al-Hâfith, Ibn ‘Asâkir in his biography of ‘Abd Allâh Ibn Huthâfah as-Sahmî, one of the Companions. He said that he was taken prisoner by the Romans, who brought him to their King. The King said: ‘Become a Christian, and I will give you a share of my kingdom and my daughter in marriage.’ ‘Abd Allâh said: ‘If you were to give me all that you

<sup>63</sup> “Tafsîr al-Qur’ân al-‘Athîm”, Vol. 2/776; publication of “Maktabat Dâr al-Fayhâ”; Damascus and “Maktabat Dâr as-Salâm”; Riyadh, 2<sup>nd</sup> Edition, 1418 H.

<sup>64</sup> An-Nahl, 106

<sup>65</sup> Ibn al-Athîr mentioned that it was narrated by Abû Nu’aym Ahmad Ibn ‘Abdillâh al-Asfahânî, Abû Mûsâ Muhammad Ibn Abî Bakr Ibn Abî ‘Îsâ al-Asfahânî and Abû ‘Umar Ibn ‘Abd al-Barr al-Qurtubî. (Look to “Asad al-Ghâbah Fî Ma’rifat as-Sahâbah”, Vol. 1/542-543

<sup>66</sup> And *In Shâ Allâh*, we will revisit some of these statements in our upcoming discussions of the Islâmic rulings related to compulsion.

possess and all that the Arabs possess to make me give up the religion of Muhammad even for an instant, I would not do it.' The King said, 'Then I will kill you.' `Abd Allâh said, 'It is up to you.' The king gave orders that he should be crucified, and commanded his archers to shoot near his hands and feet while ordering him to become a Christian, but he still refused. Then the King gave orders that he should be brought down, and that a big vessel made of copper be brought and heated up. Then, while `Abd Allâh was watching, one of the Muslim prisoners was brought out and thrown into it, until all that was left of him was scorched bones. The King ordered him to become a Christian, but he still refused. Then he ordered that `Abd Allâh be thrown into the vessel, and he was brought back to the pulley to be thrown in. `Abd Allâh began to weep, and the King hoped that he would respond to him, so he called him, but `Abd Allâh said, 'I only weep because I have only one soul with which to be thrown into this vessel at this moment for the sake of Allâh; I wish that I had as many souls as there are hairs on my body with which I could undergo this torture for the sake of Allâh.' According to some reports, the king imprisoned him and deprived him of food and drink for several days, then he sent him wine and pork, and he did not come near them. Then the king called him and asked him, 'What stopped you from eating?' `Abd Allâh said, 'It is permissible for me [under these circumstances], but I did not want to give you the opportunity to gloat.' The king said to him, 'Kiss my head and I will let you go.' `Abd Allâh said, 'And will you release all the Muslim prisoners with me?' The king said, 'Yes.' So `Abd Allâh kissed his head and he released him and all the other Muslim prisoners he was holding. When he came back, `Umar Ibn Al-Khattâb said, 'Every Muslim should kiss the head of `Abd Allâh Ibn Huthâfah, and I will be the first to do so.' And he stood up and kissed his head. May Allah be pleased with them both." <sup>67</sup>

### 3. Abû Muslim al-Khawlânî, رحمه الله

And when the Liar, Al-Aswad Ibn Qays also claimed to be a Prophet, Abû Muslim al-Khawlânî <sup>68</sup> faced something similar, and he did not comply with the compulsion. And Allâh, عز وجل, saved

<sup>67</sup> Ibn Hajar mentioned this narration from Al-Bayhaqî. He also mentioned that Ibn 'Asâkir narrated a supporting narration for this story from the Hadîth of Ibn 'Abbâs, رضي الله عنه, with a 'Mawsûl' (i.e. completed final link in the chain) and another narration in the 'Fawâ'id' of Hishâm Ibn 'Uthmân, from the 'Mursal' (i.e. broken final link in the chain) from Az-Zuhrî. (Look to "Al-Isâbah Fî Tamyîz as-Sahâbah", Vol. 4/58) However Shaykh Mash'hûr Ibn Hasan Âl Salmân compiled eight different narrations of this story, the strongest of which was "Mursal" and the weakest of which had three defects. In summary, the Shaykh concluded that the details that are mentioned in this story are not authentic. And Allâh knows best. He did, however, mention that it is confirmed that `Abd Allâh Ibn Huthâfah was captured by the Romans, but the details of his release differ from those mentioned in this story. For a detailed discussion on this topic, look to "Qisas Lâ Tathbut", Vol.3/74-90. Shaykh al-Albânî also concluded that the story was weak and did not strengthen it based on any supporting evidences. Look to "Irwâ' al-Ghalîl", Vol. 8/156-157.

<sup>68</sup> His full name was `Abd Allâh Ibn Thawb and according to the most correct opinion, his birth was on the Day of Hunayn and that he entered Islâm during the lifetime of the Messenger of Allâh, صلى الله عليه وسلم. However, he did not meet the Prophet, صلى الله عليه وسلم, as he arrived in Al-Madînah after his death. He was from the major successors to the Sahâbah, and was known for his intense worship. [Look to "Asad al-Ghâbah Fî Ma'rifat as-Sahâbah", Vol. 3/192]

him, just as He saved his Khalîl, Ibrâhîm, عليه الصلاة والسلام, as it was narrated by Shurahbîl Ibn Abî Muslim al-Khawlânî:

“That Al-Aswad Ibn Qays Ibn Thil-Khimâr claimed Prophethood in Yemen, so he sent for Abû Muslim. Then when he arrived, he said: ‘Do you bear witness that I am the Messenger of Allâh?’ He said, ‘I can’t hear (you).’ He said, ‘Do you bear witness that Muhammad is the Messenger of Allâh?’ He said, ‘Yes.’ So he repeated that to him, but each time he would say to him the same as before. He said, ‘So he ordered for a great fire, then he set it ablaze, then he (i.e. Abû Muslim) was placed in it, but it did not harm him at all.’ So it was said to him, ‘Banish him away from you, otherwise he will corrupt your followers in your matter.’ He said, ‘So he ordered him to leave. So when he (i.e. Abû Muslim) came to Al-Madînah, and the Messenger of Allâh, صلى الله عليه وسلم, had been taken, and Abû Bakr had been made the Khalîfah. So Abû Muslim sat his riding animal at the entrance of the Mosque and entered the Mosque and he stood in prayer, facing the direction of a pillar, and ‘Umar Ibn al-Khattâb saw him. So he went to him and asked, ‘Who (i.e. which tribe) are you from?’ He said, ‘From the people of Yemen.’ He said, ‘What did the man, whom the liar burned with fire, do?’ He said, ‘That was ‘Abd Allâh Ibn Thawb.’ He said, ‘I ask you by Allâh, are you him?’ He said, ‘O Allâh, yes.’ So ‘Umar hugged him and wept. Then he took him and sat him between himself and Abû Bakr and said, ‘Praise be to Allâh, who did not take my life until He showed me someone in the Ummah of Muhammad, who had done to him, like what was done to Ibrâhîm, the Khalîl of Allâh.’”<sup>69</sup>

#### 4. ‘Uthmân Ibn ‘Affân, رضي الله عنه

And when the Fitnah took place and the Egyptian rebellion overran Al-Madînah and demanded he relinquish his Khilâfah, ‘Uthmân Ibn ‘Affân, رضي الله عنه, became besieged in his home. This period was referred to by the Salaf as “Yawm ad-Dâr” (i.e. the Day of the House)<sup>70</sup> because the home of ‘Uthmân, رضي الله عنه, became a kind of prison for him where he faced the options of either complying with their demands, or being murdered by them. And Ibn Kathîr, رحمه الله, narrated in ‘Al-Bidâyah wan-Nihâyah’,<sup>71</sup> in his chapter entitled:

<sup>69</sup> “Asad al-Ghâbah Fî Ma’rifat as-Sahâbah”, Vol. 6/304. (Ibn Kathîr narrated it and mentioned that despite its chain being severed, it is well-known. Look to “Musnad al-Fârûq”, Vol. 2/692)

<sup>70</sup> Imâm al-Mubârafûrî said in his explanation of this phrase: “In other words, the time of the besiegement, meaning, when ‘Uthmân remained in his home due to the people of Fitnah.” “Tuhfat al-Ahwathî Bi-Sharh Jâmi’ at-Tirmithî”, Vol. 6/273

<sup>71</sup> And the Fitnah during this period resulted from a complicated series of escalating incidents, but it is not our intention to digress into all these details; rather only the portion where Amîr al-Mu’minîn, ‘Uthmân, رضي الله عنه, experienced captivity and compulsion towards the end of his life. For a broader discussion on the details of this Fitnah, and the build-up to “Yawm ad-Dâr”, refer to the book “‘Uthmân Ibn ‘Affân”, by Shaykh Muhammad Ridhâ. We will, however, offer some explanatory footnotes for some of the ambiguous references by Ibn Kathîr, رحمه الله, so that this excerpt is understandable to the reader.

### “The Description of the Besiegement of Amîr al-Mu’minîn, ‘Uthmân Ibn ‘Affân”

“What happened, which took place on the day of Jumu’ah (i.e. Friday), was that Amîr al-Mu’minîn, ‘Uthmân was struck while he was on the Minbar (pulpit) and he fell down unconscious. Then he was carried to his home and the matter became critical and those crude, mixed-up ones from the people became jealous of his authority. (They) forced him to his home and imposed restrictions upon him and surrounded him, besieging him thereby, while many of the Sahâbah remained in their homes. And a group from the sons of the Sahâbah went to him by an order from their fathers; from them were Al-Hasan, Al-Husayn, ‘Abd Allâh Ibn az-Zubayr – and he was the Amîr of the Dâr <sup>72</sup> – and ‘Abd Allâh Ibn ‘Umar. And they began to argue in his favour (against those who had detained him) and took up defence of him so that no one would be able to reach him. But some of the people gave him up hoping that he would respond to those ones (i.e. the invading rebellion) in one of their demands. As they had sought from him to either step down or to surrender Marwân Ibn al-Hakam <sup>73</sup> to them and it did not cross anyone’s mind that he would be killed, except what those rebels against him, kept to themselves. And ‘Uthmân was cut off from the Masjid so he did not used to go out to it, except on rare occasions, in the beginning of the matter. But in the end, he was completely cut off (from leaving his home). And during these days, Al-Ghâfiqî Ibn Harb <sup>74</sup> used to lead the people in prayer. And the besiegement lasted for more than one month, and it is (also) said (it lasted) forty days until the end of that was when he was killed as a Shahîd, رضي الله عنه, as we will clarify, *In Shâ’ Allâh, تعالى.* <sup>75</sup>

Until he (i.e. Ibn Kathîr) said:

<sup>72</sup> Here, what is meant is that ‘Abd Allâh Ibn az-Zubayr, رضي الله عنه, was the governor over Al-Madînah, as ‘Uthmân, رضي الله عنه, had delegated that authority over the city to him. It was narrated from ‘Abd Allâh Ibn az-Zubayr, who said: “I said to ‘Uthmân on ‘Yawm ad-Dâr’: ‘Fight them, because by Allâh, Allâh has made it permissible for you to fight them.’ So he said, ‘No, by Allâh, I will never fight them.’ He (i.e. the narrator) said, ‘So they entered upon him while he was fasting.’ He (i.e. the narrator) said, ‘And ‘Uthmân had placed ‘Abd Allâh Ibn az-Zubayr as the Amîr over the Dâr. And ‘Uthmân said, ‘Whomever I have obedience over him, then he must obey ‘Abd Allâh Ibn az-Zubayr.” [“Kitâb at-Tabaqât al-Kabîr”, Vol. 3/67]

<sup>73</sup> They sought the arrest of Marwân Ibn al-Hakam for forging a letter, in ‘Uthmân’s name, to the governor of Egypt, ordering him to kill, crucify and amputate the hands and feet of those rebels. [Look to “Al-Bidâyah wan-Nihâyah”, Vol. 10/285 – 286, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1419 H.

<sup>74</sup> In his book on the history of the Amîrs of al-Madînah, ‘Ârif Ahmad ‘Abd al-Ghanî said, “Al-Ghâfiqî Ibn Harb: The Amîr of al-Madînah by way of seizure in the year 35 H. In Shawwâl of the year 35 H. he was in authority over the people who came from the townships to kill ‘Uthmân, رضي الله عنه. And he led the people in prayer after ‘Uthmân Ibn ‘Affân was prevented from leading the people in prayer. And he was the one who took part in the murder of the Khalîfah, ‘Uthmân. And after he was killed, Al-Madînah remained without an Amîr for five days, while their Amîr was this Al-Ghâfiqî Ibn Harb. They looked for someone who would respond to them in fulfilling this matter but they did not find anyone, until ‘Alî Ibn Abî Tâlib, رضي الله عنه, was given Bay’ah. And I see that the authority of the one being discussed lasted for approximately 45 days, from the beginning of the besiegement until after the murder of the Khalîfah, رضي الله عنه.” “Târîkh Umarâ’ al-Madînah al-Munawwarah”, Pg. 43

<sup>75</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 10/310 –311, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1419 H.

“The besiegement continued from the last days of (the month of) Thil-Qa’dah until the day of Jumu’ah, the 18<sup>th</sup> of (the month of) Thil-Hijjah. But one day prior to that, ‘Uthmân said to those who were in the Dâr from the Muhâjirîn and the Ansâr, and they were nearly 700. Amongst them were ‘Abd Allâh Ibn ‘Umar, ‘Abd Allâh Ibn az-Zubayr, Al-Hasan, Al-Husayn, Marwân, Abû Hurayrah and a group from their servants. And if he left them, they would have defended him, so he said to them: ‘I put an oath upon those whom I have an authority over, to raise up his hands and to return to his home.’ And he had a large number of the individual Sahâbah and their sons. And he said to his slaves, ‘Whoever sheathes his sword, then he is free.’ Therefore, the (desire to) fight weakened from inside the Dâr, while the (desire to) fight intensified outside and the matter became more critical. And the reason for that was that ‘Uthmân had a dream while sleeping, which indicated the drawing near of his time (i.e. his death), so he submitted to the command of Allâh, hoping for that which he was promised and (due to) his longing (to reunite with) the Messenger of Allâh, صلى الله عليه وسلم,<sup>76</sup> and so that he would be like the better one of the (two) children of Adam, as he said when his brother wanted to kill him:

﴿إِنِّي أُرِيدُ أَنْ تَبُوءَ بِإِثْمِي وَإِثْمِكَ فَتَكُونَ مِنْ أَصْحَابِ النَّارِ وَذَلِكَ جَزَاءُ الظَّالِمِينَ﴾

﴿“Verily, I intend to let you draw my sin on yourself as well as yours, then you will be one of the dwellers of the Fire, and that is the recompense of the Thâlimûn (polytheists and wrongdoers).”﴾<sup>77</sup> – end quote.<sup>78</sup>

Until he (i.e. Ibn Kathîr) said:

“The Description of his Murder, رضي الله عنه”

“Khalîfah Ibn Khayyât said, ‘Ibn ‘Ulayyah narrated to us: ‘Ibn ‘Awn narrated to us, from Al-Hasan, who said, ‘Wathâb informed me, who said: ‘Uthmân sent me, so I called Al-Ashtar for him and he asked, ‘What do the people want?’ He said, ‘Three (things). There is no escape from one of them (i.e. one of them would be compulsory).’ He said, ‘And what are they?’ He said, ‘They are giving you the choice between giving up your authority to them, so that you say: ‘This is your authority so chose whomever you will?’ Or (the second choice is that) you repay them

<sup>76</sup> As for the details of this dream, certain books of history offer slightly different narrations of the details. However Al-Hâkim narrated from Ibn ‘Umar that ‘Uthmân began the day speaking to the people and he said: ‘I saw the Prophet, صلى الله عليه وسلم, while sleeping and he said, ‘O ‘Uthmân, break your fast with us.’ So he began his day fasting and he was killed that day.” [Ahmad narrated it in ‘Fadhâ’il as-Sahâbah’, Vol. 1/497, and Shaykh Wasiyallâh Ibn Muhammad ‘Abbâs declared it ‘Hasan’ in its verification.]

<sup>77</sup> Al-Mâ’idah, 29

<sup>78</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 10/298, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1419 H.

from yourself, <sup>79</sup> then if you refuse them, (the third option is that) the people will fight you. So he said, ‘As for me giving them the authority, then I would not remove a shirt which Allâh placed upon me. As for me repaying them from myself, then by Allâh, I have known that my two companions ahead of me (i.e. Abû Bakr and ‘Umar, رضي الله عنهما) used to suffer, but my body would not be able to endure the Qisâs (i.e. physical penalties). As for them killing me, then by Allâh if you kill me you will not be united upon love after me, nor will you pray altogether after me, nor will you ever fight an enemy together after me.’ He (i.e. the narrator) said, ‘And a small man approached as if he were a wolf (i.e. aggressively) and entered the door and returned back. Then Muhammad Ibn Abû Bakr entered amongst thirteen men. Then he (i.e. Muhammad Ibn Abû Bakr) seized his (i.e. ‘Uthmân’s) beard and pulled it up until I heard the impact of his molars (hitting each other) then he (i.e. Muhammad Ibn Abû Bakr) said: ‘Mu’âwiyah did not benefit you. Ibn ‘Âmir did not benefit you. And your letters did not benefit you.’ <sup>80</sup> He said, ‘Let go of my beard, O son of my brother.’ He (i.e. the narrator) said, ‘So I saw him (i.e. Muhammad Ibn Abû Bakr) seek the help of a man from the people specifically,’ meaning he pointed to him, ‘So he (i.e. that man) stood up to him with a *Mishqas* <sup>81</sup> and struck his (i.e. ‘Uthmân’s) head with it.’ I (i.e. the next narrator in the chain) said, ‘Then what?’ He (i.e. the narrator) said, ‘Then they took turns attacking him, by Allâh, until they killed him.’

“Sayf Ibn ‘Umar at-Tamîmî, رحمه الله, said, ‘(I heard from) Al-Ghusn Ibn Al-Qâsim from a man from Khansâ’ – the freed slave-girl of ‘Usâmah Ibn Zayd – and she used to be with Nâ’ilah bint al-Farâfisah, the wife of ‘Uthmân, that she was present in the home, while Muhammad Ibn Abû Bakr entered. And he seized his beard and reached out with some *Mishqas*, which he had with him in order to stab into his throat.’

“So he said, ‘Easy, O son of my brother, because by Allâh, you have seized something, which your father would have never seized.’ So he left him and went out with shame and regret. Then the people met him at the gate of As-Sufah so he held them back for a long time, until they overpowered him. Then Muhammad left and returned home. So a man came to him who held a palm branch stripped of its leaves in his hand, pushing them forward, until he stood over ‘Uthmân. Then he struck his head with that and wounded him. So his blood spattered upon the Mus-haf, until it (i.e. his blood) stained it. Then they assisted one another attacking him and then a man came to him and struck his breast with a sword. And Nâ’ilah bint al-Farâfisah al-Kalbiyyah jumped and screamed, throwing herself over him saying (to herself): ‘O daughter of Shaybah, will Amîr al-Mu’minîn be killed?’ And she took the sword, so the (same) man cut off

<sup>79</sup> And in another narration, Al-Ashtar explained this “payment” saying: “Or you pay back from yourself those who you have (punished by means of) beating, lashing, or imprisonment.” [As narrated by Ibn Jarîr; look to “Al-Bidâyah wan-Nihâyah”, Vol. 10/294, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1419 H.]

<sup>80</sup> Referring to the letters written by Amîr al-Mu’minîn, ‘Uthmân, رضي الله عنه, to the leaders of Ash-Shâm, Kûfah and Al-Basrah, requesting assistance at the beginning stages of ‘Yawn ad-Dâr’. [Look to “Al-Bidâyah wan-Nihâyah”, Vol. 10/294, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1419 H.]

<sup>81</sup> A ‘*Mishqas*’ is said to be either a wide arrowhead, or an arrow with a wide arrowhead, or an arrowhead which is long and thin. And Allâh knows best.

her hand and they stole the belongings of their home. And a man passed by ‘Uthmân while his head was upon the Mus-haf, so he struck his head with his foot and moved it off of the Mus-haf saying, ‘I did not see a face of a disbeliever better nor the laying place of a disbeliever better than today!’ He (i.e. the narrator) said, ‘So no, by Allâh, they did not leave anything in his home. They even took the cups.’<sup>82</sup>

- **A Point of Benefit Regarding the Captivity and Compulsion of ‘Uthmân, رضي الله عنه**

Although the narrative of Ibn Kathîr, رحمه الله, does refer to the house arrest of ‘Uthmân Ibn ‘Affân and the demands from his captors to comply or be murdered, some more specific narrations illustrate exactly how critical and oppressive this period was for Amîr al-Mu’minîn, رضي الله عنه. And we also see a glimpse into his personality and that of the noble Sahâbah who supported him during this besiegement, as it was narrated by ‘Abd Allâh Ibn ‘Umar who said:

“‘Uthmân said to me, while he was besieged in his home, ‘What do you see regarding that which Al-Mughîrah Ibn al-Akhnas advised me with?’<sup>83</sup> He said, ‘I asked, ‘What did he advise you about?’ He (i.e. ‘Uthmân) said, ‘Verily, those people want to remove me. So if I step down, they will leave me alone, but if I do not step down, they will kill me.’ He (i.e. Ibn ‘Umar) said, ‘I asked, ‘If you are removed, will you remain in this worldly life forever?’ He (i.e. ‘Uthmân) said, ‘No.’ He (i.e. Ibn ‘Umar) asked, ‘Do they own the Paradise and the Fire?’ He (i.e. ‘Uthmân) said, ‘No.’ He (i.e. Ibn ‘Umar) said, ‘So I asked: ‘If you do not step down, will they do anything more than kill you?’ He (i.e. ‘Uthmân) said, ‘No.’ I said, ‘Then I do not see that this tradition should begin in Islâm, whenever a people become angry with their Amîr, they remove him. Do not remove a shirt, which Allâh fitted you with.’<sup>84 85</sup>

And specifically about the restrictive nature of the house arrest of ‘Uthmân, رضي الله عنه, it is narrated that not only were no visitors allowed to see him, but by the end, he was not allowed to leave, even for supplies, food or water as Râshid Ibn Kaysân, رحمه الله, narrated:

<sup>82</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 10/305 - 307, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1419 H.

<sup>83</sup> And it is narrated that Al-Mughîrah Ibn al-Akhnas had advised ‘Uthmân to step down from his Khilâfah in order to save himself, as it was narrated on the authority of Nâfi’ who said, “Ibn ‘Umar entered upon ‘Uthmân Ibn al-Akhnas, and then he said: ‘Look to (i.e. consider carefully) what those ones say. They are saying to step down and to not kill yourself.” [“Târîkh Khalîfah Ibn Khayyât”, Vol. 1 /170]

<sup>84</sup> “Kitâb at-Tabaqât al-Kabîr”, Vol. 3/62. Declared “Sahîh” by Shaykh Wasiyallâh Ibn Muhammad ‘Abbâs in his verification of “Fadhâ’il as-Sahâbah”, Vol. 1/578

<sup>85</sup> And we are reminded here of the story of ‘The Boy and the King’, where the resolve of the mother, holding her infant son, was strengthened and she became steadfast and determined to embrace her fate. And in this story, it was the advice of ‘Abd Allâh Ibn ‘Umar, رضي الله عنه, to Amîr al-Mu’minîn, along with the dream he saw, which strengthened the resolve of ‘Uthmân, رضي الله عنه, to embrace his. And Allâh knows best.

“‘Uthmân sent (a message) to ‘Alî, while he was besieged in his home (saying): ‘Come to me.’ So ‘Alî stood up (intending) to go to him, but some of the people of ‘Alî stood up and prevented him, saying: ‘Do you not see what is facing you from the legions? You will never make it!’ And ‘Alî had a black turban upon him, so he untied it from his head and then threw it to the messenger of ‘Uthmân saying: ‘Inform him of what you saw (i.e. that I have been prevented).’ Then ‘Alî left the Masjid until he reached the Ahjâr az-Zayt<sup>86</sup> near the market of Al-Madînah. And then the news of his death reached him, so he said, ‘O Allâh, I free myself to You, from his blood; that I killed him or supported his murder!’”<sup>87</sup>

And from Al-Hasan al-Basrî, who said:

“When their matter became critical on ‘Yawn ad-Dâr’, they said, ‘Then who (can help)? Then who (can help)?’ He said, ‘So they sent for Umm Habîbah (the wife of the Messenger of Allâh, صلى الله عليه وسلم) and brought her upon a white mount along with a quilt, which had been concealed. But when she drew near the gate, they said: ‘What is this?’ They answered, ‘Umm Habîbah.’ They said, ‘By Allâh, she will not enter.’ So they turned her away.”<sup>88</sup>

And from Kinânah who said:

“I was leading Safiyyah (the wife of the Messenger of Allâh, صلى الله عليه وسلم) so that she could turn the people away from ‘Uthmân, but Al-Ashtar intercepted her and punched the face of her mount until it tipped over. So she said, ‘Return me (so that) this one does not expose me.’ Al-Hasan said in his Hadîth: ‘Then she placed a wooden board between her home and the home of ‘Uthmân, upon which she would pass water and food (to him).’”<sup>89</sup>

## 5. Sa’îd Ibn Jubayr, رحمه الله

And when Sa’îd Ibn Jubayr, رحمه الله, joined Ibn al-Ash’ath in his rebellion against Al-Hajjâj bin Yûsuf ath-Thaqafî, they were defeated so Sa’îd fled to Makkah. After remaining there for a long period, Khâlîd Ibn ‘Abdillâh al-Qusrî, the mayor of Makkah, had him arrested and sent to Al-Hajjâj. And Ibn al-Jawzî narrated on the authority of Thakwân, the details of their meeting:

“Al-Hajjâj Ibn Yûsuf sent for Sa’îd Ibn Jubayr, so the messenger arrested him in Makkah. Then after travelling with him for three days he (i.e. the messenger) saw him (i.e. Sa’îd) fasting his days and standing (in prayer) during his nights. So the messenger said to him, ‘By Allâh, I know

<sup>86</sup> “Ahjâr az-Zayt” is place in Al-Madînah where rocks used to overlook its path, until one time it was buried in a rockslide.

<sup>87</sup> “Kitâb at-Tabaqât al-Kabîr”, Vol. 3/65

<sup>88</sup> “Fadhâ’il as-Sahâbah”, Vol. 1/602-603 and declared ‘Sahîh’ by Shaykh Wasiyallâh Ibn Muhammad ‘Abbâs in his verification.

<sup>89</sup> “Kitâb at-Tabaqât al-Kabîr”, Vol. 10/124

that I am taking you to someone who will kill you, so escape from any of the paths that you wish.’<sup>90</sup> So Sa’îd Ibn Jubayr said to him, ‘Verily, it will reach Al-Hajjâj that you arrested me. So if you release me, I fear that he will kill you. But instead, take me to him.’ He (i.e. the narrator) said, ‘So he (i.e. the messenger) took him (i.e. Sa’îd) to him (i.e. Al-Hajjâj). Then when he was brought before him, Al-Hajjâj said to him, ‘What is your name?’ So he said, ‘Sâ’id Ibn Jubayr.’ He said, ‘Rather, *Shaqî Ibn Kusayr*.’<sup>91</sup> He said, ‘My mother named me Sa’îd.’ He said, ‘Be miserable! You, and your mother!’ He said, ‘The unseen (i.e. the future) is known (only) by someone other than you (i.e. Allâh).’ Al-Hajjâj said to him, ‘By Allâh, I will switch, for you, your worldly life for the blazing fire.’ Sa’îd said, ‘If I knew that was up to you, I would not have taken a deity besides you.’ Then Al-Hajjâj said to him, ‘What do you say about the Messenger of Allâh, *صلى الله عليه وسلم*?’ He said, ‘(He was) the chosen Prophet, the best of those who remain and the best of those who have passed.’ He said, ‘Then what do you say about Abû Bakr as-Siddîq?’ ‘(He was) the second of two when they were in the cave.’<sup>92</sup> The religion was given glory through him and it was reunited through him after the split.’<sup>93</sup> He said, ‘And what do you say about ‘Umar Ibn al-Khattâb?’ He said, ‘The *Fârûq* of Allâh<sup>94</sup> and His elite from His creation. Allâh loved to honour the religion with one of the two men.’<sup>95</sup> So he was the most deserving of the two with the goodness and the virtue.”

And he went on questioning him about the Khalîfahs until his own time and said:

“Then what do you say about ‘Abd al-Malik Ibn Marwân?’ He said, ‘If he is a Muhsin (i.e. good-doer), then the reward for his good deeds is with Allâh. And if is a wrongdoer, then he cannot

<sup>90</sup> So it is at this point that Sa’îd Ibn Jubayr, *رحمه الله*, learned for certain what he would be faced with upon meeting Al-Hajjâj. This is, assuming he was unaware of what fate he would likely face, after being arrested. And Allâh knows best.

<sup>91</sup> This insulting phrase means ‘miserable son of broken one’, which is the opposite of Sa’îd Ibn Jubayr, which means ‘the happy son of the mighty one’.

<sup>92</sup> Referring to the verse: ﴿ **If you help him not (it does not matter), for Allâh did indeed help him when the disbelievers drove him out, the second of two, when they were in the cave, and he said to his companion (i.e. Abû Bakr): ‘Be not sad (or afraid), surely Allâh is with us.’** ﴾ – At-Tawbah, 40

<sup>93</sup> Referring to the wars of apostasy during the Khilâfah of Abû Bakr, *رضي الله عنه*, and the division of the Ummah.

<sup>94</sup> ‘Umar Ibn al-Khattâb’s, *رضي الله عنه*, title ‘Al-Fârûq’ refers to the fact that he divided (lit. ‘*Farraqa*’) between truth and falsehood upon his entry into Islâm. There are some weak Ahâdîth mentioned wherein he was named as such by the Messenger of Allâh, *صلى الله عليه وسلم*, and that he was called such by the Sahâbah and those who followed them. And due to that, several scholars and historians referred to him as ‘Al-Fârûq’ in their books. For instance, Imâm Ibn Kathîr named his collection of narrations by ‘Umar Ibn al-Khattâb, *رضي الله عنه*, as “Musnad al-Fârûq”.

<sup>95</sup> Referring to the Hadîth narrated by At-Tirmithî and Ahmad and others from Ibn ‘Umar, *رضي الله عنه*, that the Prophet, *صلى الله عليه وسلم*, said: ‘O Allâh, give glory to Islâm with the one of these two men who is most beloved to you; (either) with Abû Jahl or with ‘Umar Ibn al-Khattâb.’ Ibn ‘Umar said, “And the most beloved to Him was ‘Umar Ibn al-Khattâb.” [Declared ‘Hasan Sahîh Gharîb’ by At-Tirmithî, and ‘Sahîh’, by Ahmad Shâkir, (Musnad Ahmad Vol. 8/60) and Al-Albânî (Sahîh at-Tirmithî, #3,681)]

escape Allâh.’ He said, ‘Then what do you say about me?’<sup>96</sup> He (i.e. Sa’îd Ibn Jubayr) said, ‘You are more knowledgeable about yourself.’ He (i.e. Al-Hajjâj) said, ‘Share your knowledge.’ He (i.e. Sa’îd) said, ‘Then I will upset you and displease you.’ He said, ‘Share.’ He said, ‘Yes. Tyranny has come from you regarding the boundaries set by Allâh, and insolence in disobeying Him, by your murdering the allies of Allâh.’<sup>97</sup> He said, ‘By Allâh, I shall cut you into pieces and I will dismember you, limb-by-limb!’ He said, ‘Then you will ruin my worldly life, but will ruin your hereafter, and the recompense is coming to you.’ He said, ‘May there be doom to you, from Allâh!’ He said, ‘Doom is for whoever is removed away from Paradise and admitted to the Fire.’<sup>98</sup> He said, ‘Take him and strike his neck.’ Sa’îd said, ‘I bear witness that nothing is worthy of worship besides Allâh and I bear witness that Muhammad is His slave and Messenger. I entrust you with it (i.e. Al-Hajjâj witnessing Sa’îd’s testimony) until I meet you with it on the Day of Resurrection.’

“And when they took him to be executed, he smiled. So Al-Hajjâj said to him, ‘What are you laughing at?’ He said, ‘At your insolence towards Allâh, عز وجل.’ So Al-Hajjâj said, ‘Lay him down for slaughter,’ so he was laid down. Then he said: ﴿ **I have turned my face towards Him Who has created the heavens and the earth.** ﴾<sup>99</sup> So Al-Hajjâj said, ‘Turn his back towards the Qiblah.’ So Sa’îd recited: ﴿ **So wherever you turn yourselves, then there is the Face of Allâh.** ﴾<sup>100</sup> So he said, ‘Throw him on his face.’ So Sa’îd recited: ﴿ **Thereof (the earth) We created you, and into it We shall return you, and from it We shall bring you out once again.** ﴾<sup>101</sup> So he was slaughtered from the back of his neck. He (i.e. the narrator) said, ‘Then that (news) reached Al-Hasan Ibn Abî al-Hasan al-Basrî, so he said, ‘O Allâh, O Destroyer of the tyrants, destroy Al-Hajjâj.’ So he did not stay for three<sup>102</sup> until worms infested his stomach and he died.’ And according to another narration: ‘He lived after him for (only) fifteen days.’<sup>103</sup>

<sup>96</sup> And it is at this point where it appears that Sa’îd Ibn Jubayr, رحمه الله, has been given an opportunity to spare his own life, if only he would speak kind words of praise towards his captor, Al-Hajjâj. And it is this point where his circumstance takes on a clear example of a scholar given a chance by his captor to offer a kind of retraction of his previous statements and reversal of his previous stance towards a governing tyrant.

<sup>97</sup> And with this statement, Sa’îd bin Jubayr, رحمه الله, has sealed his fate and taken the final step towards his own execution, which he was promised with by the messenger who arrested him. And he has clearly chosen to give up his own life so that the word of truth could be conveyed, just as the boy did in the story of ‘The Boy and the King’.

<sup>98</sup> Referring to the verse: ﴿ **And whoever is removed away from the Fire and admitted to Paradise, he indeed is successful.** ﴾ – Âl ‘Imrân, 185

<sup>99</sup> Al-‘An’âm, 79

<sup>100</sup> Al-Baqarah, 115

<sup>101</sup> Tâ-Hâ, 55

<sup>102</sup> And it is unclear from the text whether this refers to three months, three weeks, or three days.

<sup>103</sup> “Al-Muntathim Fî Târîkh al-Mulûki wal-Umam”, Vol. 7/8-9

## Chapter 4: The Scholars from the Salaf Face Captivity and Compulsion (Imâm Ahmad Ibn Hanbal, رحمه الله)

Looking for examples of those who succeeded the Companions and their being confronted with captivity (i.e. in most cases, imprisonment) and various methods of compulsion, we are lead directly to the era known as ‘The Fitnah (Tribulation) of the Creation of the Qur’ân’. This was a time wherein the leader of the Muslim nation – the Khalîfah – and those who worked directly beneath him, had been so greatly influenced by the innovated ideas of the misguided school of philosophical deviants, known as ‘Al-Mu’tazilah’, that they began to pressure the scholars of Ahl as-Sunnah into following and propagating these views. And when those scholars would resist that pressure, they were brought before the authorities and examined and tested in order for the Sultân and his agents to determine which of them would require further forms of coercion to comply or if they should be released.<sup>104</sup>

### 1. Al-Imâm, Ahmad Ibn Hanbal, رحمه الله, and the Scholars of Ahl as-Sunnah during ‘Al-Mihnah’

This form of trial was called ‘Al-Mihnah’, and during their peak, one man emerged as the most obstinate and resistant to these various forms of compulsion and pressure. That man was Al-Imâm, Ahmad Ibn Hanbal, رحمه الله.

Ibn Kathîr recorded the details of this event in his famous encyclopaedia of history, ‘Al-Bidâyah wan-Nihâyah’<sup>105</sup> in both the Biography of Al-Ma’mûn (i.e. the Khalîfah at the time) as well as the Biography of Imâm Ahmad, رحمه الله, as follows:

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<sup>104</sup> And this historical period provides us a more closely reflected example to what our scholars are presently facing, than in some other historical examples. The scholars of Ahl as-Sunnah in this era were being compelled by their leaders to issue certain verdicts, just as the apostate governments are doing to our scholars today. They were being tested to see what they would say about ‘the Creation of the Qur’ân’, just as our scholars are being tested to see what they say about the rulings and the importance of Jihâd today. They would face prison, torture and repeated offers to publicly recant their formerly issued verdicts, in favour of what the government wanted them to say, which is precisely what is happening to the scholars of Ahl as-Sunnah who are under the oppressive rule of the apostate regimes today. And just as we will see, *In Shâ’ Allâh*, there were scholars in this period who were able to withstand those forms of compulsion, and there were those who were unable to do so, just as there are in our time. Therefore this chapter shall be extended to bring out as many beneficial points as possible, so that we can address the situations which most closely mirror those of today. And due to the numerous beneficial points found within this particular story, we did not include the many other stories of compulsion faced by the scholars of the Salaf, although their examples are numerous.

<sup>105</sup> We have left out certain portions of the passage from Ibn Kathîr, in cases where the details were not relevant to the discussion, or in those instances where he went into detail refuting the claims of Al-Mu’tazilah, which, although important, were not really relevant to the details of the incident we are highlighting. In those cases, we will end the section within quotations and then pick up with the phrase: ‘Until he (i.e. Ibn Kathîr) said:’ in order to

“And in this year Al-Ma’mûn wrote to his deputy in Baghdad, Is’hâq Ibn Ibrâhîm Ibn Mus’ab, ordering him to test the judges and the scholars of Hadîth concerning the opinion of ‘the Creation of the Qur’ân’, and to send a group of them to him.”<sup>106</sup>

Until he (i.e. Ibn Kathîr) said:

“And the point is that when the letter of Al-Ma’mûn reached Baghdad, it was read out to the people and Al-Ma’mûn specified a group of the scholars of Hadîth to be brought back to him and they were: Muhammad Ibn Sa’d, the scribe of Al-Wâqidî, Abû Muslim al-Mustamlî, Yazîd Ibn Hârûn, Yahyâ Ibn Ma’în, Abû Khaythamah Zuhayr Ibn Harb, Ismâ’îl Ibn Abî Mas’ûd and Ahmad Ibn ad-Dawraqî. So they were sent to Al-Ma’mûn in Ar-Raqqah,<sup>107</sup> and then he tested them regarding ‘the Creation of the Qur’ân’. So they responded to him in that and (outwardly) displayed their compliance, while hating it.<sup>108</sup> So he returned them to Baghdad and ordered for their matter (i.e. their alleged agreement) to be distributed amongst the jurists. So Is’hâq Ibn Ibrâhîm did so, and he brought a group from the Shaykhs of Hadîth, the judges, the Imâms of the Mosques and others and then called them to that (i.e. the view of Al-Mu’tazilah) based upon the order of Al-Ma’mûn. And he mentioned to them the compliance of those scholars of Hadîth upon that. So they answered him with the likes of the answer of those ones (i.e. the first group) out of compliance with them. And a great Fitnah (tribulation) took place among the people. And verily we belong to Allâh and verily to Him we return.’<sup>109</sup>

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let the reader know that a portion of the passage was skipped. Due to the length of this passage, we will mention our commentary in footnote form, as we did in the story of ‘The Boy and the King’, *In Shâ’ Allâh*.

<sup>106</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 7/278, publication of “Dâr al-Fikr”; Lebanon, 1425 -1426 H.

<sup>107</sup> Ar-Raqqah was the capital of the ‘Abbâsî Khilâfah during this period. It is located in North Central Syria, approximately 200 km East of Halab (Aleppo). It is located on the Northern bank of the Euphrates River.

<sup>108</sup> So this marks the first instance from this incident where a group of scholars were tested and felt the pressure and coercion to comply with the official policy of the Khalîfah. And although the threat for failing to comply with his policy was not specifically mentioned within the text of Ibn Kathîr, it is not hard to imagine that when the Khalîfah sends his deputy to arrest a group of scholars and bring them to him personally so that he can test them one-by-one to see which of them will comply and which ones will not, that there would be a price to pay for non-compliance. And it was narrated (and will be mentioned later) that the consequence for not endorsing the policy of the Khalîfah would be a beating. And Allâh knows best.

<sup>109</sup> So look to the methods used by the rulers during this era and compare that to what happens today. Look to how Al-Ma’mûn and his deputy used the compliance of the scholars, whom they compelled, to issue statements and verdicts, which would then be used to placate the masses into agreeing with, and even propagating the official government policy. And this was happening during a time when – for the most part – the Sharî’ah was the governing system. And although the Khalîfah and his deputies were certainly far from guided in this issue, they were not specifically regarded as apostate, puppet-regimes who had thrown the Sharî’ah behind their backs, seeking the pleasure of their allies and masters. So if this happened in their time, how much greater and more prevalent is this trend in our time? And look to the commentary of Ibn Kathîr, when he reached this historical event, and his statement: “And a great Fitnah took place among the people. And verily we belong to Allâh and verily to Him we return.” And it is particularly revealing to note that he issued the statement one customarily says upon facing news of a great tragedy or calamity: “And verily we belong to Allâh and verily to Him we return,” which shows that although this period had long passed by the time Ibn Kathîr recorded it, he was still very much aware that this sort of thing could reoccur to himself and the scholars in his own time, and that if it did, a great

“Then Al-Ma’mûn also wrote to Is’hâq Ibn Ibrâhîm with a second letter proving to him the opinion of ‘the Creation of the Qur’ân’ with what (only) resembled evidence, below which there was no proof and which did not result in any (evidence); rather they were from the ambiguous (proofs). And he mentioned verses from the Qur’ân which were (even) an argument against himself. All of that was narrated by Ibn Jarîr.’

“And he ordered his deputy to read that to the people and to call them to it and to the opinion of ‘the Creation of the Qur’ân’, so Abû Is’hâq brought a group from the Imâms. And they were Ahmad Ibn Hanbal, Qutaybah, Abû Hassân az-Ziyâdî, Bishr Ibn al-Walîd al-Kindî, ‘Alî Ibn Abî Muqâtil, Sa’duwayh al-Wâsitî, ‘Alî Ibn al-Ja’d, Is’hâq Ibn Abî Isrâ’îl, Ibn al-Harash, Ibn ‘Ulayyah al-Akbar, Yahyâ Ibn ‘Abd al-Hamîd al-‘Umarî, and another Shaykh from the decedents of ‘Umar, who was a judge in Ar-Raqqah, and Abû Nâsir at-Tammâr, Abû Mu’ammâr al-Qatî’î, Muhammad Ibn Hâtim Ibn Maymûn, Muhammad Ibn Nûh al-Jundaysâbûrî al-Madhrûb, Ibn al-Farkhân, An-Nadhr Ibn Shamîl, Abû ‘Alî Ibn ‘Âsim, Abul-‘Awâm al-Bârid, Abû Shujâ’, ‘Abd ar-Rahmân Ibn Is’hâq and a group.’

“So when they entered upon Abû Is’hâq, he read the book of Al-Ma’mûn to them, then when they understood (the point of) it, he said to Bishr Ibn al-Walîd: ‘What do you say about the Qur’ân?’ So he said, ‘It is the Words of Allâh.’ He said, ‘It is not this which I am asking you about. Rather, I am only asking you whether it is created.’ He said, ‘It is not a Creator.’ He said, ‘Nor am I asking you about this.’ So he said, ‘I do not comprehend (anything) other than this,’ and he remained silent upon that. So he said, ‘You bear witness that nothing is worthy of worship except Allâh, alone, individually? There was nothing before Him and nothing after Him and nothing from His creation resembles him, in any meaning from the meanings? Nor any aspect from the aspects?’ He (i.e. Bishr) said, ‘Yes.’ So he said to the scribe, ‘Write down what he said.’ So he wrote and then he tested them, man-by-man and the majority of them resisted the view of ‘the Creation of the Qur’ân’. So if a man from them refused, he would test him with the document, which Bishr Ibn al-Walîd al-Kindî agreed with, in that he said, ‘Nothing from His creation resembles Him, تعالیٰ, in any meaning from the meanings? Nor any aspect from the aspects?’ So he would say, ‘Yes,’ just as Bishr said.<sup>110</sup> Then when the catastrophe reached to the testing of Ahmad Ibn Hanbal, he said to him, ‘Do you say that the Qur’ân is created?’ So he said, ‘The Qur’ân is the words of Allâh. I will not add anything to this.’ So he said to him, ‘What do you say about this document?’ I say, ﴿ **There is nothing like unto Him, and He is the All-Hearer, the All-Seer.** ﴾ So a man from the Mu’tazilah said, ‘Verily, he says: ‘Hearing with an ear, seeing with an eye.’ So Is’hâq said to him, ‘What do you mean by your saying: ‘All-Hearer, All-

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Fitnah would likewise take place among the people. Therefore, if this Fitnah was a cause of great concern during the time of Ibn Kathîr, how much more of a threat must it be in our time?

<sup>110</sup> So this is another example wherein the deputy of the Khalîfah attempts to use the statement of one of the senior and more established scholars to pacify the junior ones and those with less stature who were present. And is this any different than what takes place today?

Seer?’ So he said, ‘I mean by it what Allâh meant by it, and He is as He described Himself, and I will not add anything to that.’ So he wrote the answers of the people, man-by-man, and he sent it to Al-Ma’mûn. And from those who were brought were those who complied with the opinion of ‘the Creation of the Qur’ân’ out of an enticement which they plotted out of compulsion, because they would remove those who did not comply from his employment, and if he had any provision coming from Bayt al-Mâl (i.e. national treasury), it would be cut off, and if he were a Muftî he would be prevented from issuing verdicts, and if he was a Shaykh of Hadîth, he was forbidden from narrating and conveying. And a firm Fitnah, a repulsive Mihnah and a disastrous ordeal took place, so there is no power and no strength except with Allâh.’ <sup>111</sup>

“So when the answers of the people reached to Al-Ma’mûn, he sent to his deputy (a letter) praising him for that and he answered all of that individual-by-individual, with what he stated in the letter (previously) sent, and he also ordered his deputy to (re)test them. So whoever complied from them, his matter would be made known amongst the people but whoever did not comply with the opinion of ‘the Creation of the Qur’ân’, then he would be sent to the army of *Amîr al-Mu’minîn*, <sup>112</sup> tied up and concealed, until he reaches *Amîr al-Mu’minîn* and then he would make a decision regarding them. And from what he was considering was to strike the neck of whoever did not take his opinion. <sup>113</sup> So at that point, the deputy held another meeting in Baghdad and he collected those ones (i.e. the same scholars). Amongst them was Ibrâhîm Ibn al-Mahdî, who was a companion of Bishr Ibn al-Walîd al-Kindî. And Al-Ma’mûn had clearly stated that he would kill them both if they did not comply immediately, so when Is’hâq (re)tested them, all of them complied out of compulsion by interpreting from His, *تعالى*,’s statement: ﴿...**except him who is forced thereto and whose heart is at rest with Faith...**﴾ – the verse. Except for four, and they were Ahmad Ibn Hanbal, Muhammad Ibn Nûh, Al-Hasan Ibn Hammâd Sajjâdah and ‘Ubayd Allâh Ibn ‘Umar al-Qawârîr.’ <sup>114</sup>

<sup>111</sup> So this became the second instance of coercion used by the Khalîfah and his deputy to exert pressure upon those scholars who did not comply with his demands and who did not endorse the official government policy. Their livelihood was cut off, they were removed from their positions and their ability to teach the religion and to spread the knowledge was stripped away. And by doing so, the fame and following of those scholars who remained in-line with the official government policy would increase as would their reputations and the acceptance of their verdicts by the masses. And it is as if Ibn Kathîr is speaking about our own time, instead of centuries before his own.

<sup>112</sup> *Amîr al-Mu’minîn* – literally, ‘The Leader of the Believers’ is a phrase referring to the Imâm of the Muslim state (i.e. the Khalîfah); in this case Al-Ma’mûn.

<sup>113</sup> And here we see a two-pronged approach for coercing the scholars who remained resistant to the official government policy. They would be shown the apparent compliance of those scholars who were compelled into endorsing the views of the Khalîfah, and this was one attempt to pressure them. Next, if this wasn’t convincing to that scholar, he would be threatened with being arrested and taken back to the presence of the Khalîfah himself where he would decide what kind of punishment he would issue. And Ibn Kathîr mentioned that Al-Ma’mûn was considering execution as the punishment.

<sup>114</sup> And this began the process whereby we see the gradual separation between those who could endure more forms of persecution, from those who could not reach their level in remaining steadfast. The threat of death at this point – knowing full-well the ability of the Khalîfah to implement that threat – was sufficient to compel most of those scholars present that day. And Allâh knows best.

“So he tied them up and placed guards over them to send them to Al-Ma’mûn, then he called them the next day and (re)tested them. So Sajjâdah complied with that opinion of ‘the Creation of the Qur’ân’, so he was released.<sup>115</sup> Then he tested them (again) on the third day so Al-Qawârîrî complied with that, so his shackles were removed.<sup>116</sup> And he detained Ahmad Ibn Hanbal and Muhammad Ibn Nûh al-Jundaysâbûrî, because they continued with resistance to taking that opinion. So he tightened their ties and put them together in irons and he sent them to the Khalîfah while he was in Tarsus.<sup>117</sup> And he wrote a letter regarding them being sent to him. So they wound up at a final turning back point, tied together, counterbalanced upon a camel, may Allâh be pleased with them both. And Imâm Ahmad began to supplicate to Allâh, ﷻ وجل, that He would not bring them together with Al-Ma’mûn, that both of them would not see him and that he would not see both of them. Then a letter from Al-Ma’mûn came to Is’hâq Ibn Ibrâhîm (stating): ‘It has reached me that the people only complied out of compulsion, interpreting His, تعالى,’s statement: **﴿...except him who is forced thereto and whose heart is at rest with Faith...﴾** – the verse. And they made a grave error in that interpretation of theirs.’ So he sent them all to *Amîr al-Mu’minîn*. So Is’hâq called them and forced them to travel to Tarsus, so they began traveling there, but while they were on the path, they were reached by the news of the death of Al-Ma’mûn, so they were returned to Ar-Raqqah. Then they were given permission to return to Baghdad. And Ahmad Ibn Hanbal and (Muhammad) Ibn Nûh were ahead of the people but they did not meet him; rather Allâh took his (i.e. Al-Ma’mûn’s) life before they reached him, and Allâh, سبحانه, answered the supplication of His slave, and His ally, the Imâm, Ahmad Ibn Hanbal. So neither of them saw Al-Ma’mûn, nor did he see either of them. Instead, they were returned to Baghdad.’<sup>118</sup>

And within ‘**The Biography of Imâm Ahmad**’, Ibn Kathîr went on to say:

“So when the letter arrived – as we mentioned – he called a group from the Imâms of Hadîth, and called them to that. But they resisted so he threatened them with beating and cutting off their provisions, so most of them complied with that, due to compulsion, while Imâm Ahmad Ibn Hanbal and Muhammad Ibn Nûh al-Jundaysâbûrî continued resisting. So they were carried upon a camel and taken to the Khalîfah by his order for that. And they were both tied up and

<sup>115</sup> And so they added being tied up to the aforementioned threat – thus making that threat appear all the more immanent – and this was the limit of Sajjâdah, رحمه الله. Therefore, his capacity to endure this threat exceeded the scholars from the day prior, who took for themselves the concession (Rukhsah) of compulsion, but he fell short of the limits of the remaining three men.

<sup>116</sup> And likewise, Al-Qawârîrî exceeded Sajjâdah by a day in captivity, under the threat of possible death, but took for himself the concession (Rukhsah) of compulsion on the third day, leaving only two men left; Imâm Ahmad and Muhammad Ibn Nûh.

<sup>117</sup> Tarsus is a city in modern day Turkey, which is located on the Tarsus River. It is located in the Mersin province, 15 km from the city of Mersin. It is a city whose control has changed hands between Muslims and non-Muslims numerous times throughout history and has been an important stop for merchants

<sup>118</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 7/278-280, publication of “Dâr al-Fikr”; Lebanon, 1425 -1426 H.

counterpoised on a stretcher upon one camel. Then when they reached the vast open lands, a Bedouin man from their (pious) worshippers, who was named Jâbir Ibn 'Amr, came to them. He said 'Salâm' to Imâm Ahmad and said to him, 'O you. Verily you are arriving upon the people, so do not be an evil tiding upon them. And verily you are the head of the people today, so beware of responding to them in that which they are calling you to, so they (i.e. the other people) would respond (as you did). So (in that case) you would carry their burdens on the Day of Resurrection. And if you love Allâh, then be patient upon that which you are in, as there is nothing between you and Paradise except that you will be killed. And if you are not killed, you will (eventually) die (anyway). And if you live, you will live praiseworthy.'

"Ahmad said: 'And his words were from what strengthened my resolve upon that which I was in from resistance to what they were calling me to.'<sup>119</sup> So when they got near the army of Al-Ma'mûn and dismounted at a juncture, a servant came and he was wiping his tears with the edge of his cloak, while saying: 'I regret to inform you, O Abû 'Abd Allâh (i.e. Imâm Ahmad), that Al-Ma'mûn has drawn a sword, which he has never drawn out before. And he is swearing by his family tie to the Messenger of Allâh, صلى الله عليه وسلم, that if you do not respond to him, to the opinion of 'the Creation of the Qur'ân', that he will kill you with that sword.' He said, 'So Imâm Ahmad knelt upon his knees and he gazed at the sky with his eyes and said, 'My Master, Your Leniency has fooled this wicked one, until he showed impudence against your allies with beating and killing! O Allâh, if the Qur'ân is your words, not created, then save us from his power.' He said, 'So someone came yelling that Al-Ma'mûn had died during the last third of the night. Imâm Ahmad said, 'So we became elated by that (news). Then the news came that Al-Mu'tasim had inherited the Khilâfah and Ahmad Ibn Abî Du'âd (i.e. another influential member of the Mu'tazilah sect) had joined him and the situation was grave. So they returned us to Baghdad upon a ship with some of the prisoners and I received a lot of harm from them.' And the shackles were upon his ankles and his companion, Muhammad Ibn Nûh died along the route and Ahmad prayed upon him. Then when Ahmad returned to Baghdad, he entered during Ramadhân and he spent twenty-eight months in prison. And it is (also) said, thirty-something months.<sup>120</sup> Then he was brought out in the presence of Al-Mu'tasim to be beaten, as it will come, *In Shâ' Allâh*, تعالى. And in Him is the trust. And while in prison, Ahmad used to lead the people of the prison in prayer, while the shackles were upon his ankles.'

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<sup>119</sup> So look at how Imâm Ahmad mentioned that this advice strengthened his resolve and his determination not to comply with the compulsion he would soon be facing. And again we are reminded of the story of 'The Boy and the King' wherein the nursing mother hesitated to enter the fire, until Allâh caused her baby to speak words of encouragement to his mother to remain steadfast, and how that strengthened the resolve of his mother. *Subhân-Allâh*, how the believers experience the same things while upon the same path! To be in a barren land inhabited by Bedouins, and for one of their slaves to come out and give advice to Imâm Ahmad – the likes of which even his fellow scholars had not given – and the resulting effect on the future of the Ummah, is something that should be pondered.

<sup>120</sup> So this was a prison sentence, which was added to the captivity he was already enduring, along with the various threats of beating and being killed. So the levels of compulsion were not equal and they were multiplied and added one-by-one. And may Allâh be merciful and generous to Al-Imâm, Ahmad.

## The Mentioning of His, رضي الله عنه, 's Beating In the Presence of Al-Mu'tasim

“When Al-Mu'tasim brought him out of prison, he increased his shackles. Ahmad said, ‘So I was unable to walk with them. So I tied them to the waistband and carried them in my hands. Then they brought a riding animal for me and I was placed upon it. I would almost fall onto my face due to the weight of my shackles and there was no one to hold me. But Allâh kept me safe until I reached the home of the Khilâfah. Then I was placed within a house and it was locked upon me. I had no lamp, but I wanted to perform ablution so I reached out and there was a container with water in it. So I performed ablution with it and stood up but I did not know the direction of prayer. Then when I woke up (after prayer), in the morning, I was facing the direction of prayer (i.e. the direction he chose was correct). And all praise is due to Allâh. Then I was called and entered upon Al-Mu'tasim. Then when he looked at me, while Ibn Abî Du'âd was with him, he said: ‘Have you not claimed that he is young in age while this is an aged old man?’ So when I came near him to him and said, ‘Salâm’, he said: ‘Come closer.’ Then he did not stop drawing me closer until I was directly beside him. Then he said, ‘Sit down,’ so I sat. And the iron had become heavy for me. So I remained for an hour...”<sup>121</sup>

Until he (i.e. Ibn Kathîr) said:

“Then when they did not have any argument against him, they resorted to using the status of the Khalîfah. So they said, ‘O *Amîr al-Mu'minîn*, this is a misguided, misguiding disbeliever!’ And Is'hâq Ibn Ibrâhîm – his deputy in Baghdad – said to him, ‘O *Amîr al-Mu'minîn*, it is not from the (befitting) actions of the Khilâfah for you to release him and for him to defeat two Khalîfahs.’ Then at that point, he became furious and his anger increased while he was the most gentle of them in character and he assumed that they were onto something (i.e. they convinced him by appealing to his self-image of being an authority figure). Ahmad said, ‘And at that point, he said to me: ‘May Allâh curse you! I had hopes that you would respond to me, but you did not respond to me.’ Then he said, ‘Take him, strip him and drag him!’ Ahmad said, ‘So I was taken, dragged and stripped. Then the tormenters and whips were brought to me while I looked on. I had some hairs from the hair of the Prophet, صلى الله عليه وسلم, bundled together in my cloak, but they took it from me and I found myself in front of the tormenters. So I said, ‘O *Amîr al-Mu'minîn*, Allâh, Allâh (i.e. reminding him of his Lord). Verily, the Messenger of Allâh, صلى الله عليه وسلم said: ‘*The blood of a Muslim individual who testifies that there is nothing worthy of worship except Allâh is not permitted except by one of three,*’ and I mentioned the Hadîth. And verily, the Messenger of Allâh, صلى الله عليه وسلم, said: ‘*I was ordered to fight the people until they say that there is nothing worthy of worship except Allâh. Then if they say it, they have protected their blood and their wealth from me,*’ so with what have you permitted my blood, while I have not come with anything from this? O *Amîr al-Mu'minîn*, remember your standing in front of Allâh, تعالى, as I am standing in front of you.’ So it was as if he stopped. Then they continued to say to

<sup>121</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 7/346-348, publication of “Dâr al-Fikr”; Lebanon, 1425 -1426 H.

him: ‘O *Amîr al-Mu’minîn*, verily he is a misguided, misguiding disbeliever.’<sup>122</sup> Then I was ordered and stood up in front of the tormenters and a chair was brought and I was stood upon it and one of them ordered me to take either of the two pieces of wood (sticks) with my hand, but I did not understand. So I held out my hands, then the tormenters were brought, and they had whips. So one of them would strike me with two lashes and he – meaning Al-Mu’tasim – would say to him: ‘Harder, may Allâh cut off your hands!’ Then another one would come and strike me with two lashes, then another one likewise. So he beat me with lashes until I lost consciousness and I became disoriented, over-and-over. Then when the beating would relent, my mind would return to me and Al-Mu’tasim would stand and invite me to their opinion, but I would not respond. And they started saying, ‘Woe to you, the Khalîfah is at your head!’ but I would not accept. And they would repeat the beating. Then he repeated to me (i.e. the offer to accept) but I would not respond, so they would continue the beating. Then he came to me the third time, and he called me but I did not comprehend what he said due to the intensity of the beating. Then they repeated their beating but I became disoriented so I did not feel the beating. And that terrified him concerning me (i.e. Al-Mu’tasim became worried that maybe they had killed Imâm Ahmad). Then he ordered for me to be released and I did not feel anything except that I wound up in the room of a house and the shackles had been removed from my ankles.’

“And that was on the twenty-fifth day of Ramadhân in the year 221. Then the Khalîfah ordered for him to be released to his family and the sum total of what he was beaten with was thirty-something lashes. And it is (also) said that it was eighty lashes. But they were extremely severe, injurious, strikes. And Imâm Ahmad was a tall, thin man with a dark complexion with much piety. May Allâh have mercy upon him. And may Allâh be pleased with him and bestow honour upon him regarding his (final) dwelling. And when he was carried from the house of the Khalîfah to the house of Is’hâq Ibn Ibrâhîm, while he was fasting, they brought him some Sawîq (i.e. a food made from crushed wheat and barley) for him to break his fast, due to weakness, but he refused that and continued his fasting. And when the Thuhr prayer came, he prayed with them. So Ibn Sumâ’ah, the judge, said to him: ‘And you prayed in your blood?’ So Ahmad replied to him: “Umar prayed while his wound was gushing blood,’ so he remained silent. And it is narrated that when he was stood up to be beaten, the waistband of his pants was cut, so he feared that his pants would fall and his private parts would be uncovered. So he moved his lips and supplicated to Allâh so his pants were returned to how they were. And it is narrated that he said, ‘O Helper of those who seek help, O God of the worlds, if you know that I am standing for

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<sup>122</sup> And here we can see many differences between the characteristics of Al-Mu’tasim and those of the oppressing, apostate rulers in our time. And what seems clear is that if it weren’t for the taunting and provocation of the innovating Mu’tazilah who were present and who had a vested interest in seeing Imâm Ahmad, a leader of Ahl as-Sunnah, humiliated and tortured, it is likely that Al-Mu’tasim would have come to his senses and the words of Imâm Ahmad would have guided him. However, unlike those times, the apostate rulers of today are the ones encouraging harm, torment and the varieties of compulsion towards the Mujâhidîn and the scholars who guide them. And in some cases, if it weren’t for the intervention and appeal of certain foreign and non-governmental organizations, the atrocities of those apostates towards the people of truth would even be worse, due to their hatred of Islâm and their animosity towards those who carry its banner.

you in truth, then do not dishonour my private parts for me.’ And when he returned to his home, the surgeons came to him and cut off (the pieces of) dead flesh from his body and began to treat him, and the deputy would ask about him often. And that was because Al-Mu’tasim regretted what had taken place from him towards Ahmad with much regret.<sup>123</sup> And he used to ask his deputy about him and the deputy would seek out news about him. Then when he healed, Al-Mu’tasim and the Muslims were elated with that. And when Allâh restored him to good health, he remained for a period where his thumbs would be hurt by the cold. And he excused everyone who harmed him, except for the people of innovation. And he used to recite about that, His, تعالیٰ, ’s statement: ﴿ **Let them pardon and forgive.** ﴾<sup>124</sup> – the verse.”<sup>125</sup>

Until he (i.e. Ibn Kathîr) said:

“And those who remained steadfast during the Mihnah and did not respond at all were five; Ahmad Ibn Hanbal – and he was their leader, Muhammad Ibn Nûh Ibn Maymûn al-Jundaysâbûrî – and he died along the way, when he and Ahmad went to Al-Ma’mûn, Na’îm Ibn Hammâd al-Khuzâ’î – and he died in prison, Abû Yâqûb al-Buwaytî – and he died in the prison of Al-Wâthiq upon the opinion of ‘the Creation of Qur’ân’ while he was weighed down with iron, and he bequeathed that he be buried in them, and Ahmad Ibn Nasr al-Khuzâ’î and we mentioned the way in which he was killed, may Allâh be merciful to him, during the days of al-Mutawakkil.”<sup>126</sup>

## 2. The Attitude of Imâm Ahmad, رحمه الله, Towards Those who Complied with the Compulsion of the Sultân

As was pointed out in the history of Ibn Kathîr, رحمه الله, Imâm Ahmad was one of only a handful of scholars who did not succumb to the compulsion of the Sultân and his deputies. He mentioned:

“...and Al-Ma’mûn specified a group of the scholars of Hadîth to be brought back to him and they were: Muhammad Ibn Sa’d Kâtib al-Wâqidî, Abû Muslim al-Mustamilî, Yazîd Ibn Hârûn, Yahyâ Ibn Ma’în, Abû Khaythamah Zuhayr Ibn Harb, Ismâ’îl Ibn Abî Mas’ûd and Ahmad Ibn ad-Dawraqî. So they were sent to Al-Ma’mûn in Ar-Raqqah, and then he tested them, so they responded to him in that, and (outwardly) displayed their compliance, while hating it. So he returned them to Baghdad and ordered for their matter (i.e. their alleged agreement) to be distributed amongst the jurists.”

<sup>123</sup> Unlike the apostate rulers of today who use the media to boast and brag and celebrate the arrests, punishments and prison sentences they issue to those who oppose their rule and call for the laws of the Sharî’ah to be implemented instead of their oppressive regimes.

<sup>124</sup> An-Nûr, 22

<sup>125</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 7/349-350, publication of “Dâr al-Fikr”; Lebanon, 1425 -1426 H.

<sup>126</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 7/350, publication of “Dâr al-Fikr”; Lebanon, 1425 -1426 H.

And he (i.e. Ibn Kathîr) said:

“...so when Abû Is’hâq retested them, all of them complied out of compulsion by interpreting from His, تعالى, ’s statement: ﴿Whoever disbelieved in Allâh after his belief, except him who is forced thereto and whose heart is at rest with Faith...﴾ – the verse. Except for four, and they were Ahmad Ibn Hanbal, Muhammad Ibn Nûh, Al-Hasan Ibn Hammâd Sajjâdah and ‘Ubayd Allâh Ibn ‘Umar al-Qawârîrî.”

And present among those scholars who were retested that day, and who subsequently complied with their compulsion, was the Shaykh of Hadîth, and the defender of the Sunnah, Yahyâ Ibn Ma’în, رحمه الله. Ibn Ma’în was an exceptional scholar of Ahl as-Sunnah and even exceeded Imâm Ahmad in knowledge of the men in the chains of Hadîth narration and was well-known for that.<sup>127</sup> He was one of the teachers of Imâm al-Bukhârî and is universally decorated as one of the preeminent scholars of Ahl al-Sunnah, from both our past scholars and our contemporary ones. Yet, due to the pressure of the Sultân and his threats towards those who did not comply with the letter he sent to his deputy, Abû Is’hâq, Ibn Ma’în took for himself the concession (Rukhsah) of the Sharî’ah, mentioned in the aforementioned verse, as did the other scholars who were present on that day.<sup>128</sup> And although there remained four scholars who refused to comply with this compulsion, the number of scholars who did so far exceeded those four men who continued to resist.

Still, Imâm Ahmad felt that what was faced by those scholars that day – including himself – was not sufficient to excuse them from uttering words of disbelief.<sup>129</sup> Or it may be interpreted that he felt that the importance of resisting this compulsion at this particular time and in this

<sup>127</sup> For instance, Ath-Thahabî said, “Ad-Dawrî said: ‘I saw Ahmad Ibn Hanbal in the session of Rûh (Ibn ‘Ubâdah) during the year 205 H. So he would ask Yahyâ Ibn Ma’în about things and he would say, ‘O Abû Zakariyyah, what do you say about the Hadîth of such-and-such, and how is the Hadîth of such-and-such?’ So he would seek confirmation from him about a Hadîth, which they had heard. Then whatever Yahyâ said, Ahmad would write. And very seldom I would ever hear him (i.e. Imâm Ahmad) refer to Yahyâ by his name; but rather by his Kunyâ (i.e. Abû Zakariyyah).” [From “Siyar A’lâm an-Nubalâ’, Vol. 11/79, publication of “Mu’assasat ar-Risâlah”; Beirut, 1<sup>st</sup> Edition, 1402 H.]

<sup>128</sup> And the issue of who is included in the verse of compulsion vs. those who are not, will be covered in more detail when we reach the Rulings of Compulsion, *In Shâ’ Allâh*.

<sup>129</sup> And without getting into a detailed discussion of why saying that ‘the Qur’ân is a Creation of Allâh’ and not His Words is disbelief, suffice it to say that this is because those who do so are stripping Allâh from what He described Himself with in His Book; and that is His attribute of Speech:

﴿وَمَنْ أَصْدَقُ مِنَ اللَّهِ حَدِيثًا﴾

﴿And who is truer in speech than Allâh?﴾ [An-Nisâ’, 87]

And the proofs regarding the attribute of the Speech of Allâh are more than can be listed. Yet, the Mu’tazilah were one of the most extreme of the groups of innovation who denied and rejected those attributes of Allâh, found in the Qur’ân and the Sunnah. And for more details about this group and a more comprehensive explanation of their innovated and disbelieving ideologies, look to “Al-Milal wan-Nihal”, by Ash-Shahrastânî, Vol. 1/56-96

situation was so great, that those who complied with their pressure, had let down the Muslims who were in a great need for their scholars to take a stand against the tide of innovation, which was taking such a firm foothold at this time in history.

And Ibn al-Muflih narrated from him that he once famously said, “If the scholar replies out of Taqiyyah,<sup>130</sup> and the ignorant one (replies) out of ignorance, then when will the truth be made clear?”<sup>131</sup>

And ‘Abd Allâh Ibn ‘Abd ar-Rahmân Abâ Butayn<sup>132</sup> said, “And you mentioned that some of the Salaf, such as Ibn al-Madîni, said that the Qur’ân is created, so there is no doubt that Ibn al-Madîni, Ibn Ma’în and others from the Imâms of Hadîth responded, during the Mihnah, due to compulsion and used compulsion as their excuse when the Imâms criticized them. And Imâm Ahmad boycotted them and did not excuse them. And Ibn Ma’în used ‘Ammâr, رضي الله عنه, as proof against him, when the people of Makkah compelled him to utter words of disbelief. But Ahmad replied to him by saying: ‘Verily, ‘Ammâr was beaten, but it was said to you: ‘We want to beat you.’ And from what is known is that only a small amount remained steadfast during the Mihnah whereas the majority responded, due to compulsion. And whoever attributes that opinion to Ibn al-Madîni or others from the people of Hadîth, after their clear declaration that they only complied out of compulsion, then he has said that which he does not know and attributed to them that which they are free from.”<sup>133</sup>

And Ath-Thahabî narrated that Sa’îd Ibn ‘Amr al-Bartha’î said: “I heard Al-Hâfith, Abû Zur’ah ar-Râzî say, ‘Ahmad Ibn Hanbal did not used to see (permit) writing down (narrations) from Abû Nâsir at-Tammâr nor from Yahyâ Ibn Ma’în nor from anyone who was tested and complied (during the Mihnah).’ I (i.e. Ath-Thahabî) say: ‘This is a strict issue (i.e. from Imâm Ahmad) and there is no sin upon anyone who responded during the Mihnah. Furthermore, not upon anyone who is compelled upon clear Kufr – acting upon the verse. And this is the truth and Yahyâ, رحمه الله was from the Imâms of the Sunnah, but then he feared the tyranny of the state and he responded out of Taqiyyah (fear).”<sup>134</sup>

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<sup>130</sup> **Taqiyyah:** A form of speaking wherein the compliance and a degree of support is demonstrated towards those surrounding a person, due to a perceived threat of harm from them. This term and some examples will be defined and discussed in detail within “The Rulings of Compulsion”, *In Shâ’ Allâh*.

<sup>131</sup> “Al-Âdâb ash-Shar’iyyah” by Ibn Al-Muflih, Vol. 1/183

<sup>132</sup> Born in Rawdhatu Sadîr in the year 1194 H. He took over the judgeship in many of the areas. He has numerous books on the ‘Aqîdah of Ahl as-Sunnah and defending the Da’wah of Muhammad Ibn ‘Abd al-Wahhâb. He was labelled “The Muftî of the Najdî States”, and was the top Hanbalî scholar of the area. He died in Shaqrâ’ in the year 1282 H. [Look to “‘Ulamâ’ Najd Khilâl Sitati Qurûn”, Pg. 234]

<sup>133</sup> “Ad-Durur as-Saniyyah”, Vol. 3/241, compiled by ‘Abd ar-Rahmân Ibn Qâsim; 6<sup>th</sup> Edition, 1417 H.

<sup>134</sup> “Siyar A’lâm an-Nubalâ”, Vol. 11/86, publication of “Mu’assasat ar-Risâlah”; Beirut, 7<sup>th</sup> Edition, 1410 H.

'Ali Ibn al-Madîî said, "And who has the power to be able to do that which Abû 'Abd Allâh (i.e. Imâm Ahmad) was able to do?"<sup>135</sup>

And Yahyâ Ibn Ma'în himself commented upon this issue briefly, as Ibn Kathîr narrated from him: "The people wanted for us to be like Ahmad Ibn Hanbal. By Allâh, we do not have the strength to be like him, nor can we endure taking his path."<sup>136</sup>

Therefore, as we pointed out in our commentary on this incident, the scholars of the Salaf were not all equal in their capacity to endure the forms of compulsion they faced during this period. And just as we are reminded of Bilâl, رضي الله عنهم, when reading about the example of Imâm Ahmad, we are likewise reminded of 'Abd Allâh Ibn Mas'ûd, رضي الله عنهم, when reading about Yahyâ Ibn Ma'în's inability to endure what his student/contemporary endured. And Allâh, تعالى, knows best.

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<sup>135</sup> "Al-Bidâyah wan-Nihâyah", Vol. 7/351, publication of "Dâr al-Fikr"; Lebanon, 1425 -1426 H.

<sup>136</sup> "Al-Bidâyah wan-Nihâyah", Vol. 7/351, publication of "Dâr al-Fikr"; Lebanon, 1425 -1426 H.

## Chapter 5: Selected Scholars from the Mid-Centuries Facing Captivity and Compulsion (The Shahîd, Abû Bakr Ibn an-Nâbulusî, رحمه الله, and Shaykh al-Islâm, Ibn Taymiyyah, رحمه الله)

Because it would be nearly impossible for us to compile and detail all the various instances when the scholars of the mid-centuries found themselves faced with captivity and compulsion, we have selected two examples for the reader to reflect upon.

### 1. The Shahîd, Abû Bakr Ibn an-Nâbulusî, رحمه الله

In order to establish the context of the story of Ibn an-Nâbulusî's arrest and subsequent martyrdom, it is important to note who was in charge of the region wherein Ibn an-Nâbulusî preached. It was during the third century after the Hijrah, when the Fâtimiyyah sect established themselves in the state of Egypt and began ruling with other than the laws of the Sharî'ah and employed several scholars who delivered the sermons and lead the prayers and deceived the masses thereby. And they were known as Banî 'Ubayd; named after 'Ubayd Allâh, the son of their leader, Maymûn al-Qaddâh.<sup>137</sup>

The apostasy of this sect isn't historically disputed, and our scholars during this period were particularly harsh against those scholars who found themselves in the employ of these tyrants. For instance:

#### a) The Fatwâ of Al-Qâdhî 'Iyâdh Upon the Scholars of Banî 'Ubayd

Al-Qâdhî 'Iyâdh said in his discussion of Abû Bakr Ismâ'îl Ibn Is'hâq Ibn 'Athrah al-Anawî: "Ibn Abî Yazîd praised him regarding his youthful nature in his correspondence with Ibn Sam'al Ibn 'Athrah regarding those who delivered the sermons for Banî 'Ubayd. And it was said to him: 'Verily, they are Sunnîs,' so he said, 'Do they not say: 'O Allâh, send blessings upon your slave, Al-Hâkim (i.e. the leader of Banî 'Ubayd whom they claimed Allâh had entered into him) and the inheritors of the Earth?' They answered, 'Yes.' He said, 'What if a speaker gave the sermon, and

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<sup>137</sup> And he became the leader of their movement initially in Northern Africa where they first united, and was succeeded by his son, 'Ubayd Allâh who established their state within Egypt. And by concealing their beliefs, they gained military and political power within Egypt and from there they expanded into Ash-Shâm. And due to several of the scholars of history during this period, who disputed the claim of Maymûn al-Qaddâh that he was a direct descendant of 'Ali, رضي الله عنه, through Fâtimah, they were known simply as Banî 'Ubayd or Al-'Ubaydiyyah instead of Al-Fâtimiyyah. As for their beliefs, they did not outwardly professed Ismâ'îlî beliefs, but used to hide behind the cloak of *Ithnâ 'Ashariyyah* ("Twelvers" sect of the) *Shî'ah*. However our scholars have accused them of being Ismâ'îlî, which they were, and Allâh knows best.

he praised Allâh and His Messenger and did so properly, then he said: ‘Abû Jahl is in Paradise,’ would he be a disbeliever?’ They said, ‘Yes.’ He said, ‘But Al-Hâkim is worse than Abû Jahl.’

Al-Qâdhî ‘Iyâdh continued: “And Ad-Dâwûdî was asked about the issue and he said, ‘Their speaker who gives the sermon for them and supplicates for them on the Day of Jumu’ah, is a disbeliever who is to be executed and he should not be given an opportunity to repent and his wife is forbidden upon him. He neither inherits nor is he inherited from and his wealth is Fay’<sup>138</sup> for the Muslims, and the mothers of his children (i.e. slave-girls with whom he has had children) are to be set free and his slaves whose freedom was made contingent upon his death are for the Muslims. A third of them are to be set free upon his death, because no wealth is left for him. And those indebted to him are to pay the Muslims (his debt) and they are to be set free by their payment or they become enslaved if they are unable. And all of his rulings are the rulings of disbelief. But if he repents before he is removed, openly showing regret and he did not accept the Da’wah of the people (i.e. he did not convert to one of them), then his repentance is accepted. But if it takes place after he is removed, or due to something that prevented him, then it is not accepted and whoever prayed (Salât al-Jumu’ah) behind him out of fear, he is to repeat Thuhr as four (Rak’ahs), then he must not remain a resident if he is able to leave, and he is not excused due to a large number of relatives (present in that land) or other than that.”

And he continued in his discussion of Abû Muhammad al-Kabarânî: “(He is) from the jurists Al-Qayrawân, was asked about those who Banî ‘Ubayd compelled to enter into their Da’wah or they would be executed. He said, ‘He chooses execution and no one is excused with this, except those whose original entrance into the country took place prior to him knowing their matter. As for afterwards, then fleeing was obligatory. And no one is excused by fear after he took up residence, because residence in a place where its people are requested to decommission the legislations is not allowed. But the scholars and the worshippers only resided therein out of opposition to them, and (if) the Muslims (were) left alone with their enemy, (they) would be placed into trials regarding their religion.”

Al-Qâdhî ‘Iyâdh then said: “And upon this (ruling) Jabalah Ibn Hamûd and his contemporaries; Rabî’ al-Qattân, Abul-Fadhl al-Himsî, Marwân Ibn Nasrûn, As-Sabâ’î and Al-Jabniyânî used to declare and issue verdicts. And Yûsuf Ibn ‘Abdillâh ar-Ra’înî said in his book: ‘The scholars of Al-

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<sup>138</sup> **Definition of Fay’:** As-San’ânî said, “The Fay’ is that which is taken without fighting.” [“Subul as-Salâm”, Vol. 4/124, publication of “Dâr al-Kitâb al-‘Arabî”; Beirut, 13<sup>th</sup> Edition 1422 H.] And Ibn Kathîr said, “He, تعالى, spoke, clarifying what the Fay’ is, what its description is and what its ruling is. So the Fay’ is all wealth which it taken from the disbelievers without fighting nor expedition with either cavalry or camelry.” [“Tafsîr Ibn Kathîr”, Vol. 4/429, publication of “Dâr al-Fayhâ’ ”; Damascus and “Dâr as-Salâm”; Riyâdh, 2<sup>nd</sup> Edition, 1419 H.] And ‘Abd ar-Rahmân as-Sa’dî said, “And the definition of the Fay’, according to the terminology of the jurists, is that which is taken from the wealth of the disbelievers rightfully without any fighting, such as this wealth (i.e. the wealth of Banî an-Nadhîr), which they fled and abandoned due to fear of the Muslims. And it was called Fay’, because it returned from the disbelievers who did not deserve it, to the Muslims, who are the most deserving of it.” [“Taysîr al-Karîm ar-Rahmân”, Pg. 788]

Qayrawân; Abû Muhammad Ibn Abî Zayd, Abul-Hasan al-Qâbisî, Abul-Qâsim Ibn Shablûn, Abû 'Alî Ibn Khaldûn, Abû Muhammad at-Tabîqî and Abû Bakr Ibn 'Athrah formed consensus that the condition of Banî 'Ubayd was the condition of the apostates and Zanâdiqah.<sup>139</sup> So (they were considered to be upon) the condition of the apostates, due to that which they openly displayed from the contradiction of the Sharî'ah – so they are not inherited from, by consensus – and (they were considered to be upon) the condition of the Zanâdiqah, due to what they kept hidden from denial (of the Sharî'ah). So they are to be killed due to their Zandaqah. They (i.e. these scholars) said: 'And no one is excused by compulsion in entering into their school of thought, contrary to the rest of the categories of disbelief, because he became a resident – after his knowledge of their disbelief – so that was not allowed for him unless he chooses death instead of entering into disbelief. And the companions of Sahnûn used to issue verdicts to the Muslims, based upon this opinion. Abul-Qâsam ad-Dahhân said, 'And they are different than the (original) disbelievers, because their disbelief was mixed with sorcery, so whoever has contact with them, then sorcery and disbelief has intermingled with him.' And when the people of Tripoli were taken as prisoners to Banî 'Ubayd, they secretly made their intention to enter into their religion when they were subjected to compulsion, then on the way they were returned safely. So Ibn Abî Zayd said, '(Despite this) they are disbelievers, due to them intending that.'<sup>140</sup>

Therefore, the period of Banî 'Ubayd was very similar to that of our time today. And during both periods, we see those leaders and their employed scholars, who invite the people to supplicate for their leader's victory against their enemies from the Mujâhidîn (whom they call misguided deviants), and who permit and excuse all of the wickedness, oppression and disbelief of their employers. They do so while pacifying the regular people and using their positions of trust and authority to deceive the people and make the truth appear as falsehood and falsehood appear as truth, and faith to be disbelief and disbelief to appear as faith, while being rewarded with positions and wealth to do so.<sup>141</sup> And may Allâh, عز وجل, remove us far from the

<sup>139</sup> The Zanâdiqah are a sub-category of hypocrites who expose their disbelief but deny it, unlike the Munâfiqîn (Hypocrites) whose disbelief remains hidden. Some of our scholars mentioned that the term "Zindîq" was to be used to describe those Munâfiqîn who openly demonstrated their disbelief after the time of the Prophet, صلى الله عليه وسلم, as opposed to the term "Munâfiq", which referred to those who always concealed their disbelief in his time. Ibn al-Mubâarak, رحمه الله, said, "They are Zanâdiqah because hypocrisy, during the time of the Messenger of Allâh, is Zandaqah afterwards." ["Al-Ibânah", by Al-'Ukbarî, (#944), Vol. 2/703] And Ibn Qudâmah, رحمه الله, said, "And the Zindîq is the one who openly displays Islâm, while hiding disbelief. And he is the Munâfiq. During the time of the Prophet, صلى الله عليه وسلم, he was labelled a Munâfiq, and today he is labelled a Zindîq." ["Al-Mughnî", Vol. 9/159, publication of "Dâr 'Âlam al-Kutub"; Riyadh, 3<sup>rd</sup> Edition, 1417 H.]

<sup>140</sup> "Tartîb al-Madârik wat-Taqrîb al-Masâlik", Vol. 7/274-278

<sup>141</sup> And Sayyid Qutb, رحمه الله, discussed this trend very eloquently in his commentary upon:

﴿ فَلَمَّا جَاءَ السَّحَرَةُ قَالُوا لِفِرْعَوْنَ أَئِنَّا لَمَّا لَأَجْرًا إِن كُنَّا نَحْنُ الْغَالِبِينَ ﴾

﴿ *So when the sorcerers arrived, they said to Fir'aun (Pharaoh): "Will there surely be a reward for us if we are the winners?"* ﴾ [Ash-Shu'arâ', 41]

influence of those purchased souls and useless figureheads and may He guide those sincere scholars who simply do not know they are being used in this capacity and wake them from their apparent slumber.<sup>142</sup>

**b) The Shahîd, Abû Bakr Ibn an-Nâbulusî, رحمه الله, his Animosity Towards the Apostate Rulers and his Refusal to Comply with the Compulsion of Banî 'Ubayd**

Imâm Ibn Kathîr said in his biography of Al-Mu'izz al-Fâtimî, who was the leader of Banû 'Ubayd in Egypt, during the era of Abû Bakr Ibn an-Nâbulusî:

“And he (i.e. Al-Mu'izz al-Fâtimî) had the ascetic (Zâhid), the worshipper, the pious one, Abû Bakr an-Nâbulusî brought before him. Then he had him stood up in front of him and Al-Mu'izz said to him, ‘It has reached me that you have said, ‘If I had ten arrows, then I would shoot the Romans with one arrow and I would shoot the Mu'izziyyîn with nine.’<sup>143</sup> So he said, ‘I did not say this.’ So he assumed that he had retracted (his position), so he said, ‘Then what did you say?’ He said, ‘I said: ‘He must shoot you with nine (arrows), then shoot you with the tenth (also).’ He said, ‘And why is that?’ He said, ‘Because you have changed the religion of the Ummah. You have killed the righteous ones and claimed the Divine Light (i.e. Divinity).’ So he ordered for him to be publicly stripped on the first day, then he was beaten with whips on the second day, with extremely injurious lashes. Then on the third day, he ordered for him to be skinned (alive). So a Jew was brought forward who began to skin him, while he was reciting the Qur’ân. The Jew said, ‘So I became overtaken by compassion for him and when I reached the region near his heart (while skinning), I stabbed him with the knife so that he died.’ May Allâh, the Most High,

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As he, رحمه الله, said: “Then comes the scene of the magicians in the presence of Pharaoh prior to the contest. They were seeking to be reassured regarding their payment and recompense if they are the winners. And they take the promise from Pharaoh regarding the ample payment and nearness to his noble throne: ﴿ **So when the sorcerers arrived, they said to Fir'aun (Pharaoh): ‘Will there surely be a reward for us if we are the winners?’ He said: ‘Yes, and you shall then verily be of those brought near (to myself).** ﴾ And in this way, the position of the employed group, which Pharaoh, the tyrant (Tâghiyah) was seeking help from, is revealed. It puts forth its efforts, by means of its skills, as compensation for the payment, which is being awaited. And it has no tie to any belief or any link to this matter and (expecting) nothing except for payment and benefit. And those are the ones whom the tyrants always use in every place and in every era. And here are those ones seeking a contract upon their recompense for their exertion, playing and their skilfulness in deception. And here is Pharaoh promising them with what is more than payment. He promises them that they would be from those brought near to him, and he is – in this claim, the King and the god.” [“Fî Thilâl al-Qur’ân”, Vol. 5/2,595]

<sup>142</sup> And we add this phrase here deliberately because there were, and possibly are, some sincere scholars whose vision and comprehension has been blurred and have not willingly become the pawns and puppets of those regimes who use them as such, and this discussion is a long one and there is no room within these pages to digress into a lengthy discussion of the various potential excuses for certain scholars who have fallen into such roles.

<sup>143</sup> And in the research and verification of the manuscripts of “Al-Bidâyah wan-Nihâyah” it is mentioned that in other versions, what was stated is: “...with nine, and I would have shot the Egyptians with one arrow.”

be merciful to him. Therefore, he was labelled ‘The Shahîd’, and the until this day, the people of Nâbulus from his descendants are called ‘Banû ash-Shahîd’.”<sup>144</sup>

Ath-Thahabî said in his biography of Imâm Ibn an-Nâbulusî:

“The Imâm, the leader, the Shahîd, Abû Bakr Muhammad Ibn Ahmad Ibn Sahl ar-Ramlî, who was known as Ibn an-Nâbulusî. He narrated from Sa’îd Ibn Hâshim at-Tabarânî, Muhammad Ibn al-Hasan Ibn Qutaybah, Muhammad Ibn Ahmad Ibn Shaybân ar-Ramlî, and those who narrated from him were Tammâm ar-Râzî, ‘Abd al-Wahhâb al-Maydânî, and ‘Alî Ibn ‘Umar al-Halabî. Abû Tharr al-Hâfith said: “Banû ‘Ubayd imprisoned him and crucified him due to the Sunnah. I heard Ad-Dâraqutnî mentioning him and weeping while saying: ‘He used to say while he was being skinned: **﴿That is written in the Book.﴾**”<sup>145</sup> Abul-Faraj Ibn al-Jawzî said, ‘Jawhar al-Qâ’id stood Abû Bakr an-Nâbulusî up for Abû Tamîm, the governor of Egypt, and he used to visit the shanties (i.e. slums) so he said to him, ‘It has reached us that you said if a man has ten arrows then it is obligatory upon him to shoot the Romans with one arrow and nine towards us.’ He said, ‘I did not say this, rather I said, ‘If he has ten arrows, it is obligatory upon him to fire nine at you and to fire the tenth at you as well, because verily you have changed the religion, murdered the righteous ones and claimed the Godly Light.’ So he stripped him then beat him, then he ordered a Jew to skin him.’

“Ibn al-Akfânî said, ‘The ascetic, righteous servant, Abû Bakr Ibn an-Nâbulusî died. He used to hold the opinion of fighting the Maghâribah (the North-West Africans; i.e. Banî ‘Ubayd). He fled from Ar-Ramlah to Damascus, then its governor, Abû Mahmûd al-Kutâmî took him and placed him inside a wooden cage and sent him back to Egypt. Then when he reached there, they said, ‘You are the one who said, ‘If I had ten arrows...’ and the mentioned the story. ‘So he was skinned, stuffed with straw, and crucified.’ Mu’ammâr Ibn Ahmad Ibn Ziyâd as-Sûfî said, ‘I was informed by a trustworthy person that Abû Bakr was skinned from the middle of his head until it reached the face, but he was mentioning Allâh and remaining patient until it reached the chest so the skinner had mercy upon him and stabbed him with the knife in the region of his heart, thereby finishing him.’

“And a trustworthy person informed me that he was an Imâm in Hadîth and Jurisprudence (Fiqh). He fasted continuously and he had great influence and high standing with the general (population) and the specific (i.e. people of authority and influence). And when he was skinned, recitation of the Qur’ân was heard coming from his body. So the North African conquered Ash-Shâm and implemented the filthy school of (‘Ubaydî) thought and prevented the Tarâwîh (prayers) and Dhuhâ (prayer) and ordered for the Qunût (to be performed) during Thuhr. And he killed An-Nâbulusî in the year 3.<sup>146</sup> And he was noble, (and) the leader of Ar-Ramlah. So he

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<sup>144</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 15/366, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1419 H.

<sup>145</sup> Al-Isrâ’, 58

<sup>146</sup> And the edition only refers to this year as “3” and it is unclear whether this is a typographical error or if it means the 3<sup>rd</sup> year after the conquest of Ash-Shâm.

fled, but was taken from Damascus and it is said that one of the leaders of those who opposed him said (sarcastically), when he arrived in Egypt: ‘All praise is due to Allâh for your safety.’ He replied, ‘All praise is due to Allâh for the safety of my religion and the safety of your worldly life (Dunyâ).’<sup>147</sup>

“I say: The ways in which those ‘Ubaydiyyah changed the religion inside out cannot be described and they conquered North West Africa, then Egypt and Ash-Sham and they cursed the Sahâbah. Ibn as-Sa’sâ’ al-Misrî mentioned that he saw Abû Bakr Ibn an-Nâbulusî in his sleep, after he had been crucified, but he was upon his best appearance. So he asked, ‘What did Allâh do with you?’ So he said:

*‘My owner bestowed love upon me with continuous honour,  
(He) brought me close and near to Him,* *And promised me a near victory.  
And said: ‘Take pleasure in living near Me.’*<sup>148</sup>

## 2. Shaykh al-Islâm, Ibn Taymiyyah, رحمه الله

The career of Shaykh al-Islâm, Ahmad Ibn Taymiyyah, رحمه الله, is full of examples of steadfastness upon the truth, adherence to the Sunnah and confronting his contemporary enemies who were the leaders of the deviant sects and callers to innovation. And like Imâm Ahmad, رحمه الله, before him, the Shaykh eventually found himself at odds with the various authorities in those districts wherein he took up residence; primarily in Egypt and in Damascus. And the two primary deviant sects who opposed the Shaykh, resulting in his imprisonment, were the Ash’arîs<sup>149</sup> and the Sûfis,<sup>150</sup> who frequently plotted against the Shaykh and had him arrested and tried in the courts, using their influence with the leaders in that region.

<sup>147</sup> And what a perfect reply to those puppets and slaves of the apostates in Imâm an-Nâbulusî’s time, as well as in our own!

<sup>148</sup> “Siyar A’lâm an-Nubalâ’”, Vol. 16/148-150, publication of “Mu’assasat ar-Risâlah”; Beirut, 7<sup>th</sup> Edition, 1410 H.

<sup>149</sup> They are a deviant sect, which attributes itself to Abul-Hasan al-Ash’arî. Some of their main beliefs and fundamentals are placing the intellect ahead of the textual evidences in the explanation of the Sharî’ah, Ta’wîl (interpretation) of the Attributes of Allâh in ways to explain away their real meanings and replacing them with allegorical meanings. In the matters of Îmân (Faith) and Kufr (Disbelief), they are upon the ‘Aqîdah of the Murji’ah; those who believe that outward actions are not from the pillars of Îmân and that belief in the heart and uttering the Shahâdatayn is sufficient for one to be Muslim and enter Jannah (Paradise). Some even say that belief in the heart is sufficient without even uttering the Shahâdatayn (Two Testimonies of Faith).

<sup>150</sup> The Sûfis (Mystics) are a cluster of groups that differ in their beliefs and actions, yet share a number of attributes. In general, we can say that some of these shared and individual group characteristics are: A) Having specific means by which they form their beliefs about Allâh, such as through Kashf (spiritual intuition) or Dawq (spiritual experiences), B) Explaining this as receiving information, while awake or asleep, from Allâh, from the Prophets, especially Muhammad and al-Khidhr, صلى الله عليه وسلم, C) They often engage in innovated forms of worship and spiritual exercises, which they believe will unburden them from the restrictions of their physical bodies so that they may attain a hidden or secret form of understanding, which is reserved for the elite worshippers. D) With

In his introduction to the book “Al-Jâmi’ Li-Sîrat Shaykh al-Islâm Ibn Taymiyyah” by Muhammad ‘Uzayr Shams & ‘Alî Ibn Muhammad al-‘Imrân, Shaykh Bakr Abû Zayd summarized these arrests by saying:

“When he (i.e. Ibn Taymiyyah) – may Allâh, تعالی, be merciful to him – reached the age of 32, and after he had returned from his Hajj, he – may the Mercy of Allâh, تعالی, be upon him – started being subjected to the brandings of the prisons and the trials of being arrested and being sentenced to house arrest. (This took place) across a thirty-four year period, starting in the year 693 H. until the day of his death within the citadel prison in Damascus on Monday, the 20/11, 728 (H).’

“And he was imprisoned seven times; four times in Egypt; in Cairo and Alexandria, and three times in Damascus. And all of them (totalled) approximately five years and all of them likewise were due to provocation of the authorities against him by his enemies whom he had exposed what they were upon from beliefs and ways and the following of varying methodologies in the hopes that he would leave them alone and to cease speaking and writing about that which they were upon, yet he did not turn back.”<sup>151</sup>

Without going into each and every reported arrest and subsequent trial of the Shaykh, we will present to the reader a few instances where Shaykh al-Islâm was under pressure to comply with his captors, in order to highlight the severity of those conditions. But first, in order to grasp the context of this period wherein the Shaykh endured persecution, let us briefly describe the environment for the leading scholars of Ahl as-Sunnah in Egypt and Damascus, and the hostility of the innovators in those regions towards their Da’wah:

**a) The Persecution of the Hanbalîs in Egypt During the Period of Shaykh al-Islâm, Ibn Taymiyyah, رحمه الله**

During the lifetime of Ibn Taymiyyah, رحمه الله, Egypt was a centre of activity for several leading Sûfî sects, many of whom attributed themselves to the Shâfi’î school (Math’hab). The pervasive ignorance at this time, lead them to oppose the adherents of Ahl as-Sunnah on the basis that they were mostly followers or students attributed to the Hanbalî school (Math’hab). And due to this, the Sûfîs often referred to themselves as “Shâfi’îs” while referring to the scholars and students of Ahl as-Sunnah as “Hanbalîs”. This strange perversion of the names of the juristic schools resulted in hostility towards students and scholars from the Hanbalî schools throughout Egypt and eventually Damascus, which had nothing to do with jurisprudence, but instead entered into matters of creed (‘Aqîdah). And therefore, the Sûfî innovators began to use such

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regards to Allâh, some belief in the concept of Wahdat al-Wujûd (i.e. Allâh is everything and everything is Allâh), others in Al-Hulûl (divine incarnation), and other similar concepts.

<sup>151</sup> “Al-Jâmi’ Li-Sîrat Shaykh al-Islâm Ibn Taymiyyah”, Pg. 23-24 of the introduction.

strange expressions as “the creed of the Hanbalîs” or “the creed of Ibn Taymiyyah”. This setting is illustrated in what Ahmad al-Maqrîzî narrated in his historical record of one of Shaykh al-Islâm’s arrests and imprisonments in Cairo:

“And Ibn Taymiyyah intended to setup a meeting in the citadel and he wanted to speak, but he was unable to do so in his normal fashion and (instead) he was imprisoned for a number of days in the tower. Then he was moved to the pit on the night of ‘Īd al-Fitr along with his two brothers. And the judge of judges, Najm ad-Dîn was treated well and was removed (from his position) and he was returned to Damascus. And he had a letter with him, which was read out in Damascus; the basis of which was (an order to) oppose Ibn Taymiyyah in matters of creed (‘Aqîdah) and to hold the people upon that (opposition); particularly the people of his juristic school (Math’hab) and the threat of removal (from their positions) and imprisonment. And that was announced throughout the lands of Ash-Shâm. And the opposition to Ibn Taymiyyah became abundant throughout Cairo and the Hanbalîs became persecuted. And Taqiyyuddîn ‘Abd al-Ghanî Ibn ash-Shaykh Sharaf ad-Dîn al-Hanbalî was imprisoned, while the rest of the Hanbalîs were forced to turn back from the ‘creed of Ibn Taymiyyah’, and he was spoken ill of. And the judges advised their companion, the judge of judges, Sharaf ad-Dîn Abu Muhammad ‘Abd al-Ghanî Ibn Yahyâ Ibn Muhammad al-Harrânî, to comply with the group so he agreed and he forced a group from the people of his school upon that and their signatures were taken (upon their compliance). And (persecutions) took place against the Hanbalîs, the likes of which had never before happened to them. And that was all due to the Amîr, Rukn ad-Dîn Bîbris al-Jâshnakîr, <sup>152</sup> acting upon his bias towards the Shaykh, Nasr al-Manbajî.” <sup>153 154</sup>

And in his account of the same period, Ibn Hajar narrated:

“Then the Mamlûk <sup>155</sup> of the deputy reached there and he informed them that Al-Jâshnakîr and the Mâlikî judge <sup>156</sup> had taken up the cause of condemning the Shaykh (i.e. Ibn Taymiyyah) and that the situation in Egypt had become very harsh upon the Hanbalîs, to the point where some of them were being beaten. Then the judge and the Shaykh went to Cairo and they had a group with them. So they reached there in the last ten days of Ramadhân and a meeting was set up for the 13<sup>th</sup> <sup>157</sup> of that (month) after the Friday prayer. So he made allegations against Ibn

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<sup>152</sup> He was Rukn ad-Dîn Abul-Fat’h Bîbars al-Jâshnakîr al-Mansûrî. He was surrounded by Qarâsinqar al-Mansûrî and killed in the year 709 H. Look to “Al-Bidâyah wan-Nihâyah”, 14/55 and “Shatharât ath-Thahab”, 6/18. Jâshnakîr was a title given to those who were the food-tasters for the Sultân.

<sup>153</sup> Nasr al-Manbajî: Nasr Ibn Sulaymân al-Manbajî, he was a Sûfî from the Halûlî order. Died in the year 719 H. Look to “Shatharât ath-Thahab”, Vol. 6/52

<sup>154</sup> “Al-Muqaffâ al-Kabîr”, Vol. 1/462-463

<sup>155</sup> **Mamlûk:** The Mamlûks were slaves who entered into Islâm, and who were considered at a higher status than other slaves, as they were primarily used for warfare.

<sup>156</sup> He was Zayn ad-Dîn ‘Alî Ibn Makhlûf Ibn Nâhidh Ibn Muslim an-Nuwayrî al-Mâlikî, the Mâlikî judge in Egypt, Died in the year 718 H. Look to “Al-Bidâyah wan-Nihâyah”, Vol. 14/90 and “Shatharât ath-Thahab”, 6/49

<sup>157</sup> The day mentioned in the source was the 13<sup>th</sup>. This would not be in the last ten days of Ramadhân, so perhaps the author meant the 23<sup>rd</sup>.

Taymiyyah in the presence of the Mâlikî (judge) saying: ‘This one (i.e. Ibn Taymiyyah) is my enemy, yet he has not replied to the accusation(s).’ Then he repeated this (accusation) against him, but he stayed firm. So the Mâlikî (judge) decreed that he should be imprisoned. So he was stood up from the meeting and imprisoned in the tower. Then it reached the Mâlikî (judge) that the people were coming back-and-forth to him (i.e. Ibn Taymiyyah) so he said: ‘He must have restrictions placed upon him if he is not to be killed, because his Kufr has been proven!’ So they moved him on the night of ‘Īd al-Fitr, to the pit and the Shâfi’î judge was returned to his authority. And in Damascus, it was announced that whoever believes in the ‘creed of Ibn Taymiyyah’, then his blood and his wealth has become permitted; particularly the Hanbalîs. So that was announced and the decree was read out by Ibn ash-Shihâb Mah’mûd in the main Mosque. Then they gathered the Hanbalîs from As-Sâlihiyyah<sup>158</sup> and elsewhere and they bore witness upon themselves that they were upon the creed of Imâm ash-Shâfi’î.”<sup>159</sup>

So here we see examples where this persecution of Ahl as-Sunnah included the removal from positions (which is essentially having one’s source of income removed), arrests, imprisonment and even Takfîr and the threat of execution towards the followers of Shaykh al-Islâm, Ibn Taymiyyah’s teachings; particularly those attributed to the Hanbalî school. And this threat led to several of the Hanbalîs of this period, complying with the pressure of the innovators – whose influence dominated the authorities at the time – resulting in many of them publicly renouncing their affiliation with the Shaykh and his teachings, and even recanting their association to the same juristic school (Math’hab) as his (i.e. Hanbalî).

Meanwhile, the Shaykh remained firm and steadfast with his imprisonment, and as it was narrated by Ibn Hajar, he even persisted in offering lessons to those who continued to visit him in the tower wherein he was being held prisoner.

### **b) The Arrest of Ibn Taymiyyah, His Compulsion and His Taqiyyah**

The other huge opposition group to the Da’wah of Shaykh al-Islâm, رحمه الله, in this region were the Ash’arîs. And in one instance, after they successfully lobbied the authorities in Cairo to arrest and try the Shaykh, رحمه الله, on charges of heresy,<sup>160</sup> the Egyptian deputies reached a point where his execution was ordered.

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<sup>158</sup> As-Sâlihiyyah: A neighbourhood in Damascus. North-North West of the Ancient Damascus City site.

<sup>159</sup> “Ad-Durar al-Kâminah”, Vol. 1/170-171

<sup>160</sup> In many historical documents, it was mentioned that what infuriated the Ash’arîs and prompted them to make the allegations against Shaykh al-Islâm was his essay entitled “Al-‘Aqîdat al-Hamawiyyah”, which he wrote in the year of 698 H. in response to a question presented to him from Hamâh, a township in Ash-Shâm. In this essay, Ibn Taymiyyah, رحمه الله, wrote extensively regarding the correct understanding of the Names and Attributes of Allâh, including the Decent of Allâh during the last third of the night to the lowest Heaven, and His Rising above His Throne.

Ibn Hajar, رحمه الله, narrated: “But Sallâr<sup>161</sup> became somewhat obsessed with Ibn Taymiyyah, and he brought the three judges; the Shâfi’î, the Mâlikî and the Hanafî, and he spoke with them about having him (i.e. Ibn Taymiyyah) released. So they agreed upon stipulating conditions upon him (for his release), and that he must turn back from some of his beliefs. So they sent for him (numerous) times, but he refused to come into their presence, and he persisted (in defying them). And Ibn Taymiyyah remained inside the pit until Muhannâ, the chief of Âl Fadhl<sup>162</sup> interceded on his behalf. So he was released on the twenty-third day of Rabî’ al-Awwal<sup>163</sup> but was brought to the citadel, and the deliberation took place with some of the jurists. Then a report was written about him that he said, ‘I am an Ash’arî.’ Then his handwriting was found with the following statement: ‘What I believe is that the Qur’ân is a meaning that is present in the self of Allâh and it is a characteristic of His eternal self and it is not created. It is not with letters nor with a voice. And His statement:

﴿الرَّحْمَنُ عَلَى الْعَرْشِ اسْتَوَى﴾

﴿**The Most Beneficent (Allâh) Istawâ (rose over) the (Mighty) Throne.**﴾<sup>164</sup>

...is not how it appears, and I do not know what it means. Rather, no one knows what it means except Allâh. And what is said about the Descent (i.e. of Allâh) is like what is said about the Istiwâ’ (Rising above). And this was written by Ahmad Ibn Taymiyyah.’ Then they brought witnesses that he willingly repented ‘from that which contradicts this (written statement).’ And that was on the twenty-fifth of Rabî al-Awwal in the year 707. And a large group of the scholars and others testified to that against him. And the situation calmed down, and he was released and Cairo became peaceful.<sup>165</sup>

And in another version, narrated by Shihâb ad-Dîn an-Nuwayrî: “And as for Taqiyyuddîn (i.e. Ibn Taymiyyah) then he remained in the pit, at the citadel of the mountain until the chief, Hussâm ad-Dîn Muhannâ reached to the Sultân’s gates in the month of Rabî al-Awwal in the year 707 H. So he asked the Sultân about him and he interceded on his (i.e. Ibn Taymiyyah’s) behalf. So he was ordered to be released and he was released on Friday, the 23<sup>rd</sup> of that month and brought to the Dâr al-Niyâbah at the citadel of the mountain and the discussion with some of the jurists took place. Then a group from the scholars arrived but the judges did not show up, and that was due to the illness of the judge of judges, Zayn ad-Dîn al-Mâlikî. And none others besides

<sup>161</sup> He was Sayf ad-Dîn Sallâr, who was a deputy in Egypt at that time, as mentioned by Ibn Kathîr in “Al-Bidâyah wan-Nihâyah”, Vol. 17/717, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1419 H.

<sup>162</sup> He was Husâm ad-Dîn Muhannâ Ibn ‘Îsâ the King of the Arabs, as was mentioned by Ibn Kathîr in Al-Bidâyah wan-Nihâyah”, Vol. 18/73, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1419 H. The “King of the Arabs” refers to the fact that he was the Amîr of his tribe, which was the tribe designated over the Arab townships by the State. Look to “Târîkh Ibn Khaldûn”, Vol. 5/498-592

<sup>163</sup> And this period of imprisonment lasted nearly two years.

<sup>164</sup> Tâ-Hâ, 5

<sup>165</sup> “Ad-Durar al-Kâminah”, Vol. 1/172-173

him from the judges showed up. So the discussion took place, and it was recorded and witnessed. And a letter was written summarizing the meeting, which included:

“In the Name of Allâh, the Beneficent, the Most Merciful. It was witnessed by those, whose handwriting is being recorded by a third party, that a meeting was setup for Taqiyyuddîn Ahmad Ibn Taymiyyah al-Harrânî al-Hanbalî, in the presence of Sallâr, the deputy authority. <sup>166</sup> And a group of the leading, virtuous scholars from the people of Fatwâ, in the Egyptian states participated in (the aforementioned meeting). (This was) due to what had been previously narrated from him (i.e. Ibn Taymiyyah) and found in his handwriting, which was known to be his previously, from the matters relating to his creed, that Allâh, the Most High, speaks with a voice and that the Rising Above, is upon its reality and other than that from what contradicts the people of the truth. The meeting ended after discussions took place with him in order for him to turn away from his beliefs in that, until he said while in the presence of witnesses: ‘I am an Ash’arî.’ And he raised the Ash’arî book above his head. And what he said was witnessed and recorded and its description was: ‘All praise is due to Allâh. What I believe is that the Qur’ân is a meaning that is present in the self of Allâh and it is a characteristic of His everlasting, eternal self and it is not created. It is not with letters nor with a voice. – Written by Ahmad Ibn Taymiyyah. And that which I believe about His statement:

﴿الرَّحْمَنُ عَلَى الْعَرْشِ اسْتَوَى﴾

﴿**The Most Beneficent (Allâh) Istawâ (rose over) the (Mighty) Throne.**﴾ <sup>167</sup>

“Is that it is the way that the group (i.e. the Ash’arîs) has said, in that it is not upon its reality and its apparentness and I do not know what is meant by it. Rather no one knows that except Allâh, the Most High. – Written by Ahmad Ibn Taymiyyah. And the statement concerning the Decent (of Allâh) is the same as the statement said about the Rising Above. I say about this is what I say about that. And I do not know what is meant by it. Rather, no one knows that except Allâh, the Most High. And it is not upon its reality or its apparentness. – Written by Ahmad Ibn Taymiyyah. And that was on Sunday, the 25<sup>th</sup> of the month Rabî al- Awwal, in the year 707.” <sup>168</sup>

And Ibn Rajab, رحمه الله, referred to this incident briefly, saying: “And Ath-Thahabî and Al-Birzâlî and others mentioned that the Shaykh wrote for them, in his own handwriting, a general statement and some phrases in which there was some of what there was (i.e. questionable/objectionable things), when he became fearful and was threatened with execution.” <sup>169</sup>

<sup>166</sup> We have deliberately left out the extraneous and exaggerated titles attributed here to Sallâr here to save time and preserve continuity.

<sup>167</sup> Tâ-Hâ, 5

<sup>168</sup> “Nihâyatul-Arab Fî Funûn al-Adab”, Vol. 32/84-85, 1424 H.

<sup>169</sup> “Ath-Thayl ‘Ala Tabaqât al-Hanâbilah”, Vol. 4/514, 1425 H.

So here we see an example of the Taqiyyah <sup>170</sup> of Shaykh al-Islâm, Ibn Taymiyyah, رحمه الله, who wrote certain ambiguous words concerning the Names and Attributes of Allâh, which would appease the Ash'arîs, in order to secure his release, and continue his Da'wah against them and their innovation. And it must not be misunderstood that it was fear of the prison itself, which led to his Taqiyyah, because as long as he was able to continue his writings and conduct his Da'wah from prison, the Shaykh was content to remain there. And this will be seen in the later examples, *In Shâ' Allâh*. But it was only the threat of execution, as it was narrated by Ibn Rajab, رحمه الله, which prompted him to seek a means of freedom in order to continue his Da'wah.

And substantiating this point, Ibn 'Abd al-Hâdî narrated from Ath-Thahabî: "So the Shaykh and his two brothers were stood up and imprisoned in the pit of the citadel of the mountain. And lengthy (interrogation) sessions took place. And a letter from the Sultân was written to Ash-Shâm, which insulted him (i.e. Ibn Taymiyyah). So it was read out in the main Mosque and the people were hurt by that. Then he remained (imprisoned) for a year and a half and was released. And he wrote phrases for them, which they suggested to him and he was threatened and promised execution, if he did not write it. And (upon his release) he remained teaching the knowledge in Egypt and the people remained around him." <sup>171</sup>

- **A Historical Point Concerning the Taqiyyah Mentioned in this Incident:**

It should be pointed out that although this incident was narrated by Ibn Hajar, An-Nuwayrî and Ibn Rajab – who attributed it to Ath-Thahabî and Al-Birzâlî – other historians are silent about this particular detail of Shaykh al-Islâm's release. For instance, Ibn Kathîr, رحمه الله, doesn't refer to it in his account of this incident in "Al-Bidâyah wan-Nihâyah" <sup>172</sup> nor did a number of others. And although Ibn Rajab, رحمه الله, attributed it to the historical records of Ath-Thahabî and Al-Birzâlî, (whereas Ibn 'Abd al-Hâdî only referred to Ath-Thahabî), we found no mention of it in Ath-Thahabî's: "Siyar A'lâm an-Nubalâ", or in the incident narrated in "Al-Muqtafî li-Târîkh Abî Shâmah" <sup>173</sup> by Al-Birzâlî.

**c) The Arrest of Ibn Taymiyyah and His Choosing Prison Instead of Freedom**

Shaykh al-Islâm, رحمه الله, was later arrested again in Cairo, again due to the influence of the various Sûfî sects there and their plots, as Ahmad al-Maqrîzî narrated:

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<sup>170</sup> And the details related to Taqiyyah and its rulings will be presented in the chapter: "The Rulings of Compulsion".

<sup>171</sup> "Al-'Uqûd ad-Durriyyah Min Manâqib Shaykh al-Islâm Ahmad Ibn Taymiyyah", Pg. 213

<sup>172</sup> Look to Vol. 18/73-74, publication of "Dâr Hajr"; Jîzah, 1<sup>st</sup> Edition, 1419 H.

<sup>173</sup> Look to Vol. 2/312-313

“And in (the month of) Shawwâl, the Shaykh, Karîm ad-Dîn al-Âmulî <sup>174</sup> who was the Shaykh of the Sûfis in Cairo, Ibn ‘Atâ and a group of approximately 500 people complained to the leaders of the state about Ibn Taymiyyah regarding his words concerning Ibn al-‘Arabî the Sûfî <sup>175</sup> and others. So they left that to be decided by Ibn Jamâ’ah. <sup>176</sup> So a meeting was set up for him, and Ibn ‘Atâ’ accused him of things; none of which he proved except that he (i.e. Ibn Taymiyyah) admitted that he said: ‘The Prophet, صلى الله عليه وسلم, is not to be made Istighâthah <sup>177</sup> to with the type of Istighâthah that is worship, but he could be made Tawassul <sup>178</sup> through.’ So some of those present said, ‘There is nothing wrong with this (statement).’

“But Ibn Jamâ’ah was of the opinion that this was a form of bad manners and he was harsh against him in that, so a letter to him was brought saying that he should act towards Ibn Taymiyyah with whatever the Sharî’ah necessitates in that (case). So he said: ‘I have said to him the likes of what should be said to one like him.’

“But that did not convince them and they gave Ibn Taymiyyah the choice between residing in Damascus or Alexandria with the condition of imprisonment, so he chose imprisonment.’ <sup>179</sup>

“And a group convinced him to travel to Damascus while fulfilling what had been stipulated so he responded to them. And he rode the postal animal on the eighteenth night of Shawwâl and he traveled. Then the following day, another postal animal was sent to him, which took him back to Ibn Jamâ’ah and the jurists had gathered. Some of them were saying: ‘The state does not accept anything other than imprisonment.’ So Ibn Jamâ’ah said: ‘And in it there is a benefit for him.’

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<sup>174</sup> He was Karîm ad-Dîn Abul-Qâsim ‘Abd al-Karîm Ibn al-Husayn Abî Bakr al-Âmulî at-Tabarî. Died on the 9<sup>th</sup> of Shawwâl in the year 710 H. Look to “As-Sulûk li-Ma’rifati Duwal al-Mulûk”, Vol. 2/462

<sup>175</sup> He was Muhammad Ibn ‘Alî Ibn Muhammad Ibn Ahmad at-Tâ’î, known for his Sufism and Wahdat al-Wujûd (Pantheism). Look to “Al-Bidâyah wan-Nihâyah”, Vol. 13/156 and “Shatharât ath-Thahab”, Vol. 5/190

<sup>176</sup> He was Badr ad-Dîn Muhammad Ibn Ibrâhîm Ibn Sa’d Allâh Ibn Jamâ’ah al-Hamawî al-Kinânî ash-Shâfi’î. Died in the year 733 H. Look to “An-Nujûm az-Zâhirah Fî Mulûk Misr wal-Qâhirah”, Vol. 9/219

<sup>177</sup> **Istighâthah:** Shaykh Hâfith al-Hakamî, may Allâh be merciful to him, said: “And it is seeking relief from Him, تعالى, such as bringing about goodness and repelling harm.” “Ma’ârij al-Qabûl Bi’Sharh Sullam al-Wusûl Ilâ ‘Ilm al-Usûl Fit-Tawhîd”, Vol. 2/453

<sup>178</sup> **Tawassul:** The linguistically meaning of Tawassul revolves around “coming or drawing near”. In the terminology of the Sharî’ah, it has the same meaning, but refers to coming close to Allâh. In the terminology of the Sharî’ah, there are two types of Tawassul: 1-Acceptable and 2-Unacceptable. The acceptable types are a person supplicating to Allâh using His Names and Attributes, a person supplicating to Allâh using their good deeds and someone asking a live, present person to supplicate on their behalf. The unacceptable types are a person supplicating to Allâh using the status of one of His creation, which is an innovation (Bid’ah), and a person asking a dead person or someone who isn’t present to supplicate on their behalf. For a detailed explanation of what is allowed and not allowed, refer to “At-Tawassul: Anwâ’uhu wa Ahkâmuh”, Pg. 9-49. These pages were mentioned specifically, yet the whole book is a masterpiece on this topic.

<sup>179</sup> And this is a clear case which demonstrates the aforementioned point. Shaykh al-Islâm preferred to remain in the prison of Alexandria, where he could continue his Da’wah against the Sûfis of Egypt, rather than be banished to Damascus and leave them to spread their innovation.

“So he deputized Shams ad-Dîn at-Tûnisî al-Mâlikî and permitted him to judge against him with imprisonment, but he refused and said: ‘Nothing has been proven against him (i.e. Ibn Taymiyyah).’ So he gave permission to Nûr ad-Dîn az-Zawâwî al-Mâlikî but he hesitated. So Ibn Taymiyyah said: ‘I will go to prison and follow that which the benefits necessitate.’ So Az-Zawâwî said: ‘Then he should be in a place that is befitting for the likes of him.’ So it was said to him: ‘The state does not accept anything other than a prison.’ So he was sent to the prison of Al-Qâdhî and he was placed in the section where the judge of judges, Taqiyyuddîn Ibn bint al-A’izz <sup>180</sup> had been placed in when he (himself) had been imprisoned. And he was given permission to have someone serve him. And all of this was through an order of the Shaykh, Nasr al-Manbajî.” <sup>181</sup>

And according to the version related by Ibn ‘Abd al-Hâdî, he said: “Then when the people who had gathered around him started to increase, along with their continuous returning to him, that upset his enemies and tightened their chests (i.e. stressed them out), so they asked for him to be moved to Alexandria and they assumed that the hearts of its people were empty from any love for him. And they wanted to keep his news far away from them, or hoped that they could kill him, so that his influence would be cut off. So he was sent to the trenches of Alexandria on the night before the day of Jumu’ah, at the end of Safar in the year 709 H.” <sup>182</sup>

So here we see the preference of Shaykh al-Islâm, Ibn Taymiyyah, رحمه الله, to dwell within the prisons, as long as he was able to continue his writings and Da’wah and teachings from that place. And ironically, it was his persistence and non-compliance of the Shaykh towards the pressures of the authorities of the time, which made him an even more influential figure historically. And in this way, his influence actually increased rather than being decreased, as opposed to the plots and intentions of his enemies.

#### **d) The Final Arrest, Imprisonment and Death of Shaykh al-Islâm, Ibn Taymiyyah, رحمه الله**

Ibn Kathîr, رحمه الله, narrating from Al-Birzâlî said: “And on Monday, the 6<sup>th</sup> of Sha’bân, after the ‘Asr prayer, the Shaykh, the Imâm, the ‘Âlim, the ‘Allâmah, Taqiyyuddîn Ibn Taymiyyah was arrested (and held) in the citadel of Damascus. He was approached on behalf of the deputy-Sultân by Tankiz, the administrator of the endowments and Ibn al-Khatîr, one of the gatekeepers in Damascus, and they informed him that the decree of the Sultân had come down with that and they brought with them transportation for him to ride on. So he showed happiness and elation due to that, and he said: ‘I have been waiting for that. And there is a lot of goodness and a great benefit in this.’ And they all rode from his home to the gate of the

<sup>180</sup> He was Taqiyyuddîn Abul-Qâsim ‘Abd ar-Rahmân Ibn ‘Abd al-Wahhâb Ibn Khalaf Ibn Mahmûd Ibn Badr ash-Shâfi’î al-Misrî. He was a jurist and a poet, known for his generosity and humility. He was a minister, a judge, the Khatîb of the main Mosque of Al-Azhar. He went through very harsh trials at the beginning of the reign of the Ashrafiyyah state. He died in the year 695 H. Look to “An-Nujûm az-Zâhirah Fî Mulûk Misr wal-Qâhirah”, Vol. 8/68

<sup>181</sup> “Al-Muqaffâ al-Kabîr”, Vol. 1/463-464

<sup>182</sup> “Al-Uqûd ad-Durriyyah Min Manâqib Shaykh al-Islâm Ahmad Ibn Taymiyyah”, Pg. 285-286

citadel and a courtyard was emptied for him and water channelled into it. And it was decreed that he must remain there and he had his brother, Zayn ad-Dîn stay with him to serve him by permission of the Sultân and it was decreed that he was to have what he needed to suffice him.’

“Al-Birzâlî said: ‘On the day of Jumu’ah, the 10<sup>th</sup> of the aforementioned month, a letter from the authorities was read out in the main Mosque of Damascus mentioning his arrest and his being prevented from issuing legal verdicts (Fatâwa). And the cause of this incident was the legal verdict, which was discovered in his hand-writing, which prevented traveling and loading riding animals (with supplies) in order to visit the graves of the Prophets, may the Blessings and Peace of Allâh be upon them, and the graves of the righteous ones.”<sup>183</sup>

And when discussing the end of Ibn Taymiyyah’s life, Ibn Kathîr said:

“And on Monday, the 9<sup>th</sup> of (the month of) Jumâdâ al-Âkhirah, that which the Shaykh Taqiyyuddîn Ibn Taymiyyah had from books, papers, inkwells and pens were removed and he was prevented from writing and reviewing. And his books were carried out at the beginning of Rajab to the book archives in Al-‘Âdiliyyah al-Kabîrah.<sup>184</sup> Al-Birzâlî said, ‘And they were approximately sixty volumes with fourteen bundles of notebooks. Then the judges and the jurists examined them and divided them up amongst themselves. And the reason for that (removing of his books) was that he replied to a refutation against him from At-Taqî Ibn al-Akhnâ’î al-Mâlikî regarding the issue of visitation (of the graves). So the Shaykh Taqiyyuddîn refuted him and declared him ignorant and informed him that he had a small share of knowledge. So Al-Akhnâ’î went to the Sultân and complained about him, and the Sultân decreed, at that point, to remove what he had from that (i.e. books etc.). And what happened, took place, as we have mentioned.”<sup>185</sup>

And the next thing Ibn Kathîr wrote about the Shaykh, رحمه الله, was his death, as he narrated from Al-Birzâlî:

“And on Monday night, the 20<sup>th</sup> of Thil-Qa’dah, Shaykh al-Islâm, Taqiyyuddîn Abul-‘Abbâs Ahmad Ibn Taymiyyah al-Harrânî,<sup>186</sup> passed away in the citadel of Damascus in the courtyard wherein he was imprisoned. And extremely large groups came to the citadel. So they were permitted to enter and a group sat beside him before he was washed, and they read Qur’ân and they took blessings in seeing him and kissing him, then they left. And a group of women

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<sup>183</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 18/267, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1419 H.

<sup>184</sup> **Al-‘Âdiliyyah al-Kabîrah**: A large Shâfi’î school in Damascus.

<sup>185</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 18/293, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1419 H.

<sup>186</sup> In the original version, it has Ibn Taymiyyah’s lineage and titles mentioned in over three lines. We condensed them here for the sake of brevity and flow.

came and did the likes of that, and left.<sup>187</sup> And all that remained were those who came to wash him. So when that was completed, he was brought out and the people had gathered at the citadel and along the path to the main Mosque and the main Mosque was filled along with its courtyard, Al-Kallâsah,<sup>188</sup> Bâb al-Barîd,<sup>189</sup> Bâb as-Sâ'ât<sup>190</sup> up to Al-Labbâdîn<sup>191</sup> and the fountain. And the body was brought at the fourth hour of the day, or approximately that time, and it was placed within the main Mosque. So the soldiers were protecting it from the people due to the extreme overcrowding. And he was first prayed upon within the citadel and the one who came forth for the prayer upon him was the Shaykh, Muhammad Ibn Tammâm. Then he was prayed upon in the main Mosque of Damascus after the Thuhr prayer and then he was carried out from the Bâb al-Barîd."<sup>192</sup>

### e) The Attitude of Shaykh al-Islâm Towards His Enemies and His Appreciation for His Time in Prison

Ibn Rajab al-Hanbalî said, "Our Shaykh Abû 'Abd Allâh Ibn al-Qayyim said, 'I heard our Shaykh, Shaykh al-Islâm Ibn Taymiyyah, may Allâh purify his soul and illuminate his grave, saying: 'Verily, in this worldly life there is a garden, whoever does not enter it, he will not enter the garden of the Hereafter.' He (i.e. Ibn al-Qayyim) said, 'And he said to me once: 'What can my enemies do to me? My garden and my orchard lie within my chest. Wherever I go, it is with me (and) it does not leave me. My imprisonment is a (welcomed) seclusion and my execution is my martyrdom and my expulsion is a (form of) tourism.'

"And he used to say during his imprisonment in the citadel, 'If I were to give the weight of this citadel in gold (in charity), in my opinion, it would not equal my gratitude for this favour.' Or he said, 'It would not repay them for what resulted for me in goodness,' or the likes of that."<sup>193</sup>

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<sup>187</sup> And the research verification author said, "Ibn Rajab mentioned that they were the relatives of the Shaykh and he did not mention that they kissed him." – Look to "Ath-Thayl 'Alâ Tabaqât al-Hanâbilah", Vol. 2/406

<sup>188</sup> **Al-Kallâsah:** The School of al-Kallâsah is a school connected the Umayyid Mosque to the North. The Northern entrance to the Mosque is called Bâb al-Kallâsah.

<sup>189</sup> **Bâb al-Barîd:** A neighbourhood in old Damascus around the Umayyid Mosque. The Western entrance to the Mosque is called Bâb al-Barîd.

<sup>190</sup> **Bâb as-Sâ'ât:** One of the main entrances to the Mosque. It was called that due to a large historical clock (Sâ'âh) which was in front of it. Two entrances have had this name historically.

<sup>191</sup> **Al-Labbâdîn:** A neighbourhood in old Damascus with a large marketplace.

<sup>192</sup> "Al-Bidâyah wan-Nihâyah", Vol. 18/295-296, publication of "Dâr Hajr"; Jîzah, 1<sup>st</sup> Edition, 1419 H.

<sup>193</sup> "Ath-Thayl 'Alâ Tabaqât al-Hanâbilah", Vol. 4/519

## Chapter 6: Scholars of the Recent Past Facing Captivity and Compulsion (The Shahîd, Sayyid Qutb, رحمه الله)

Without doubt, from among the most notable stories of resistance and steadfastness by a scholar and caller, against the tyranny of an apostate regime, was that of Sayyid Qutb, رحمه الله. And in the details of his biography we hear echoes of those examples from the scholars of the Salaf, who likewise resisted the forms of coercion, which they experienced – particularly that of Imâm Ahmad, رحمه الله.

And for our source material to present the narrative of these biographical details, we have selected the book “Sayyid Qutb: Min Al-Mîlâd Ilal-Istish’hâd”, by Dr. Salâh ‘Abd al-Fattâh al-Khâlîdî, due to its extensive references and in-depth research, which details the biography of Shaykh Sayyid Qutb, رحمه الله.<sup>194</sup> *In Shâ’ Allâh*, we will use this biography as a reference to most of the material presented in this chapter, just as we referred to “Al-Bidâyah wan-Nihâyah” by Ibn Kathîr, for the details of the Mihnah of Al-Imâm Ahmad, رحمه الله.

We begin with an example in which Sayyid Qutb, رحمه الله, demonstrated some of the steadfastness which would characterize his entire Islâmîc career up until the day he faced his martyrdom upon his execution. In a chapter entitled:

### 1. “The Second Arrest of Sayyid in October, 1954 G.”

Dr. Salâh al-Khâlîdî writes:

“The Ikhwân (al-Muslimîn)<sup>195</sup> continued their Da’wah and their work after their release (from their first arrest) in the month of March and the work of Sayyid with the Ikhwân increased after this release, as he produced the newspaper ‘Al-Ikhwân al-Muslimîn’ and he supervised the compilation of Islâmîc essays, which were produced by the general headquarters and the division of propagating the Da’wah within it.’

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<sup>194</sup> There would not be enough space here to go into the details of Sayyid Qutb’s pre-Ikhwân al-Muslimûn days or into his subsequent joining with them and his role within the second generation of the Ikhwân during the 1950s – 1960s. For those details, see the aforementioned book or look to “Sayyid Qutb: Ash-Shahîd al-Hayy”, by the same author, publication of “Maktabat al-Aqsâ”, ‘Ammân, 1<sup>st</sup> Edition, 1401 H.

<sup>195</sup> Throughout his narrative, Dr. Salâh al-Khâlîdî often refers to the ‘Ikhwân al-Muslimûn’ organization simply as ‘the Ikhwân’. But one must not assume that the organization during this period when Sayyid Qutb, رحمه الله, was a member, is the same as it is today. Indeed, this organization has undergone so many evolutionary changes to the point where it no longer resembles much of its founding characteristics. And for more on this specific topic, refer to the book: “Al-Hisâd al-Murr: Al-Ikhwân al-Muslimûn Fî Sittîn ‘Âman”, by Shaykh Ayman ath-Thawâhirî.

“And when the conflicting differences increased between the Ikhwân and (Egyptian president) ‘Abd an-Nâsir, the Ikhwân began to produce secret materials wherein they conveyed the underground news concerning those differences and the (growing) hostilities with ‘Abd an-Nâsir and they wrote within them (i.e. these essays) many analyses, editorials and commentaries. And Sayyid Qutb had a large role in writing these analyses and commentaries.’

“And Sayyid continued in this work of his from the beginning of the month of April until the event of ‘Al-Manshiyyah’ on 26/10/1954 G. at which point, at 8 o’clock pm of that day, it was announced that ‘Abd an-Nâsir survived an assassination attempt against him when a culprit fired at him, while he was issuing an address at Dâr Hay’at at-Tahrîr, in Al-Manshiyyah (district) within Alexandria.’

“And the plot was attributed to the Ikhwân al-Muslimîn. Also, Mahmûd ‘Abd al-Latîf, who was a member of a family from those families of “An-Nithâm al-Khâs”<sup>196</sup> in Cairo, was (specifically) accused of it. And (it was alleged) that his supervisor in that (i.e. the plot) was the lawyer, Hindâwî Duwayr.’

“And the government began a frantic round-up in which they arrested thousands of the Ikhwân al-Muslimîn and herded them into the prisons. And Sayyid was at the forefront of those who were arrested from the Ikhwân at the end of the month of October. And with the arrest of Sayyid, and imprisoning him, his true Mihnah began, which remained with him until his martyrdom and in which he spent the remainder of his life.’

“And regarding that (incident), he said: ‘Then the events of 1954 G. took place. So I was arrested along with those who were arrested in January and who were released in March. Then I was arrested after that concerning the event of Al-Manshiyyah on the 26<sup>th</sup> of October, again.’<sup>197</sup>

## 2. “The Interrogation of Sayyid”

Dr. Salâh al-Khâlidî continues:

“Less than a month after Sayyid Qutb and the leaders and members of the Ikhwân al-Muslimîn group (were arrested), military courts were established for them, which were called ‘The Courts of the Uprising’. The leaders and judges of these were officers of the army.’

“And many types of aggression, torture and harm, which cannot be described, were inflicted upon the Ikhwân in prison. And the Ikhwân faced this torture and met it with faith (Îmân), patience, steadfastness, glory and seeking reward. And Sayyid’s share of this torture was great

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<sup>196</sup> “An-Nithâm al-Khâs”: This was a military section within Al-Ikhwân al-Muslimîn” which was started in 1940 with the goal of readying a Muslim army to fight against the foreign enemies at the time.

<sup>197</sup> “Limâthâ A’damûnî”, Pg. 12

and it led to the increasing of his illnesses, which had overtaken his body, and his contracting further illnesses.’

“And from the courts which were established to judge the Ikhwân, was the First Court, and it was led by Jamâl Sâlim. And from its members were Anwar as-Sâdât,<sup>198</sup> and Husayn ash-Shâfi’î. And the three officers were members of the “Revolutionary Command Council”.’<sup>199</sup>

“And in the month of November, 1954 G. the court tried the General Murshid (i.e. religious counsel), Hasan al-Hudhaybî. Then on the evening of Monday, November 22<sup>nd</sup>, the court called upon Sayyid Qutb to be a witness in the trial of Al-Hudhaybî. And the court asked him numerous questions about his ties to Al-Hudhaybî, which he answered with assertiveness, clarity and courage. And the discussion was about the plot of the Ikhwân to oppose ‘Abd an-Nâsir during the two years of 1953 and 1954 G. and about the coordination between them and the army and about the material, which they produced and about the role of Sayyid in that and about his opinion regarding those events.’<sup>200</sup>

### 3. “Sayyid Shows the Judges the Results of his Torture”

Dr. Salâh al-Khâlidî writes:

“In one of the trials of the Ikhwân in front of the court of Jamâl Sâlim, in the year 1954 G., two months after bringing Sayyid from prison to the court as a witness in the trial of Hasan al-Hudhaybî, Sayyid was called as a witness a second time. And within these two months, he was subjected to severe torture to the point that he fell victim to a severe tear in his lung. And when he entered into the hall of the court, the following discussion took place between him and its leader, Jamâl Sâlim:

“Jamâl Sâlim: It looks as though you are exhausted, Mr. Sayyid. Are you exhausted?”

“Sayyid Qutb: Yes, because I have been standing on my feet for six hours prior to entering the court.’

“Jamâl Sâlim: And what does this mean? All of us stand for long periods.’

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<sup>198</sup> Yes, this was the ‘Anwar as-Sâdât’ who later became the successor to Jamâl ‘Abd an-Nâsir, as Egypt’s president, and was subsequently killed by the group lead by Khâlid Islâmbûlî, رحمه الله.

<sup>199</sup> “**Revolutionary Command Council**”: This was a council which was set up after the successful completion of the Egyptian Revolution of 1952, with the task of supervising Egypt and Sudan. This was due to the fact that they took over the government and forced the king to give up his power.

<sup>200</sup> See his statements as a witness in these trials as were narrated by Al-Mujtama’ magazine, #539, dated August 25<sup>th</sup>, 1981, pages 26-27

“Sayyid Qutb: But we, the Ikhwân al-Muslimîn, have the fundamentals of ‘Revolution’ implemented upon us.’<sup>201</sup>

“And Sayyid removed his shirt from his body in front of those present, so the results of the severe torture upon his body were revealed to them. So Jamâl Sâlim was forced to convene the session immediately.”<sup>202</sup>

“This remarkable, surprising action of Sayyid indicated his daringness and bravery as he did not fear the military court, nor its oppressive judges, just as he wanted to show the people some of what takes place against the Ikhwân inside the prisons from torture and aggression. And he wanted to be the representative of the Ikhwân in exposing the rulers and the judges and showing the reality of their tyranny and oppression. (And he did so) despite knowing that whoever dares to expose the oppressive judges regarding the torture in the prisons, they would return him to his cell to pour out (even more) torture upon him. And we can only imagine the torture they poured upon Sayyid when they returned him to the prison after the hearing convened.’

#### 4. “His Secret Trial and Sentencing”

Dr. Salâh al-Khâlidî continues:

“The trial of Sayyid Qutb in front of the court of Jamâl Sâlim was slightly delayed, due to the sicknesses he suffered and which were later worsened by his continued torture.’

“And on the third day of the month of May the year 1955 G. he was moved to the military hospital for the treatment of what was inflicted upon him from the results of torture and the numerous illnesses, which his horrific imprisonment left behind upon his pure body; illness of the chest, heart attack and rheumatism in the majority of the limbs of his exhausted, tortured body.’

“And on the thirteenth day of the month of July in the year 1955 G. ‘The Court of the People’ or you could say, ‘The Farce of the People’, sentenced the afflicted man (i.e. Sayyid Qutb, رحمه الله), the spiritual scholar, to prison with fifteen years of hard labour.’

“And the sentence took place in absentia due to his inability to be present at the hearing because of the severity with what he was afflicted with from fatigue, illnesses and torture.’<sup>203</sup>

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<sup>201</sup> Meaning that this forced standing was being used as a means of torment and punishment, unlike what regular non-prisoners experience in their daily work-life.

<sup>202</sup> “Al-Mujtama’ Magazine”, #539, dated August 25<sup>th</sup>, 1981, Pg. 27, and look to “Mathâbih al-Ikhwân Fî Sujûn Nâsir”, by Jâbir Rizq, Pg. 113

<sup>203</sup> “Sayyid Qutb”, by Yûsuf al-‘Atham, Pg. 39

“And his trial was held secretly because they feared the daringness and bravery of Sayyid and the exposure of his tormentors in front of the people.’

“And the magazine ‘Ash-Shihâb’ narrated that on the day in which the sentencing of Sayyid took place, the warden of the prison, Hamzah al-Basyûnî, came to him and said, “We will not try you because you have tuberculosis.’

“And the reason for this became known later because during that time, a representative from the International Human Rights Council was present and they feared that Sayyid might speak about his torture in his presence. But after the representative left, Sayyid was brought to the court. And when they questioned him, he removed his shirt to show the judges, the lawyers and the witnesses the results of his savage torture. And when he heard his sentence of fifteen years, he sarcastically faced it, saying: ‘It is a short amount of time, but where is the sentence of execution?’<sup>204</sup>

“And Sayyid spoke about his sickness prior to his trial in his affidavit, (explaining) that he was in the military prison preparing for his trial. Then when he became sick, he was moved to the hospital of the prison of Turrah. Then when his illness let up, he was returned to the military (prison) for the court in front of Jamâl Sâlim:

“At that time, I was imprisoned in Turrah, and no sentence was placed upon me yet, nor had I been tried. And that was due to a tear in the lungs and severe haemorrhaging, which necessitated moving me from the military prison on the 25<sup>th</sup> of January, 1955 G. to the clinic of Lîmân Turrah, for treatment. And in April my conditioned improved slightly, so it was decided that I would be returned to the military prison in order for me to be tried.’<sup>205</sup>

## 5. “Sayyid in Lîmân Turrah”

Continuing from Dr. Salâh al-Khâlîdî:

“Sayyid was moved after the sentence upon him with fifteen years of hard labour, to Lîmân, or the prison of Turrah, in order to serve the length of the sentence.’

“And the prison of Turrah was built in the middle of the 19<sup>th</sup> Century and it was made at that point to be a prison. And it is from the worst prisons of Egypt and the most filthy and harmful of them. And the Ikhwân were taken to it so that their morale would be ruined, and in order to destroy their hopes. And so that illnesses would spread decay throughout their bodies.’<sup>206</sup>

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<sup>204</sup> “Ash-Shihâb Magazine”, from Lebanon, 6<sup>th</sup> Year, no. 9, September, 1972 G., Pg. 2

<sup>205</sup> “Limâthâ A’damûnî”, Pg. 20

<sup>206</sup> Look to the description of the prison of Turrah in the book “Al-Ikhwân al-Muslimûn”, by Mahmûd ‘Abd al-Halîm, Vol. 3/494 – 497 and in the book “‘Indamâ Ghâbat ash-Shams”, by ‘Abd al-Halîm Khafâjî, Pg. 181-200

“And Sayyid narrates that the Ikhwân who were imprisoned were spread across three main prisons; the prison of Turrah – and therein were approximately 400 from the Ikhwân, including the most famous of their leaders, the prison of Egypt – and therein were approximately the same number, the military prison – and therein were approximately 2000 of the Ikhwân who had been apprehended.’

“And included in the Ikhwân in the prison of Turrah were some of the officers from the likes of Husayn Hamûdah, Fu’âd Jâsir, and Jamâl Rabî.’

“And likewise included in the leaders of the Ikhwân, in the prison of Turrah, were Munîr ad-Dalah and Sâlih Abû Raqîq.<sup>207 208</sup>

Eventually, in May of 1964 G., Sayyid Qutb was released from his prison, due to the intercession of ‘Abd as-Salâm ‘Ârif, the Iraqi president who had responded to the requests of the Ikhwân al-Muslimîn in Iraq to intercede on his behalf with ‘Abd an-Nâsir.

And later, upon Sayyid Qutb’s third and final arrest, we see the same steadfastness under compulsion and torture, even when clear offers were presented for him to find a way out of that, as Dr. Salâh al-Khâlidî narrated within a section entitled: **“Sayyid Qutb’s Arrest on 9/8/1965 G.:**

“And on Monday night 9/8/1965, the intelligence (agencies) raided the home of Sayyid at Ra’s al-Barr before dawn and arrested him and took him to the military prison where he remained under torture, interrogation and trial, until he was executed one year after this arrest.’<sup>209</sup>

“And up until the date on which Sayyid was arrested, 9/8, the government did not uncover any part of the Ikhwânî organization and it did not arrest any of its members.’

## **6. “The Government Uncovers the (Al-Ikhwân al-Muslimûn) Organization by Divine Decree”**

Dr. Salâh al-Khâlidî writes:

“The government uncovering the Ikhwânî organization was by divine decree – and we do not say it was coincidental, as there are no coincidences in the events of this life, because every event in it takes place due to the divine decree of Allâh.’

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<sup>207</sup> “Limâthâ A’damûnî”, Pg. 19

<sup>208</sup> “Sayyid Qutb: Min al-Mîlâd Ilal-Istish’hâd”, Pg. 346-351, by Dr. Salâh ‘Abd al-Fattâh al-Khâlidî, publication of “Dâr al-Qalam”; Damascus and “Ad-Dâr ash-Shâmiyyah”; Beirut, 2<sup>nd</sup> Edition, 1414 H.

<sup>209</sup> “Al-Mawtâ Yatakallamûn”, Pg. 120-121

“Before the Mihnah of the Ikhwân, the security agencies were preoccupied with the case of Husayn Tawfîq and his group. And they arrested the engineer, Sâmî ‘Abd al-Qâdir, who had confessed to his visiting Mr. Yûsuf al-Qurash in the town of Sanfâ, who was from the original Ikhwân al-Muslimîn. But they did not find him in that town, rather they found him with the brother, Habîb ‘Uthmân, in Cairo. So Yûsuf al-Qurash and Habîb ‘Uthmân were arrested together.’

“And by arresting Habîb ‘Uthmân, the security agencies had placed their hand on the first thread leading to the Ikhwân, because Habîb ‘Uthmân was a member of an Ikhwânî family, which were members of the new organization.’

“And Habîb ‘Uthmân confessed – under the pressure of torture – to the (names) of the Ikhwânî members of his family, and the members of his family were arrested, and some of them confessed regarding others and the arrests increased.’

“All of this, while none of the leadership council had been arrested until the Friday of 20/8/1965 G.

“And from amongst those arrested was the brother, Mahmûd Fakhrî, who confessed to the (name) of brother, Mursî Mustafâ Mursî. So the intelligence agents raided the apartment of the brother, Mursî in Imbaba <sup>210</sup> and they used it as a snare to hunt the Ikhwân.’

“And on the Friday night of 20/8/1965 G., the officer, Riyâdh Ibrâhîm – who was from the most aggressive and violent of the officers of the military police – was with his men in the apartment, and in the middle of the night three of the members of the Khumâsiyyah council knocked at the door; ‘Abd al-Fattâh Ismâ’îl, ‘Alî ‘Ashmâwî and Mubârak ‘Abd al-‘Athîm.’

“And the officer, Riyâdh Ibrâhîm led them to the militant prison arrogantly, due his high-valued trophy and on Friday morning of 20/8/1965 G., two unexpected events took place in the military prison.’

“The first; the falling of the first martyr from the martyrs of the Ikhwân, in the year 1965 G., due to the severity of the torture. And he was the martyred poet, Muhammad ‘Awwâd, whom Shams Badrân personally supervised his torture and the one who the torturer, Safwat ar-Rûbî crushed his head in the presence of Badrân but Muhammad ‘Awwâd chose to die rather than revealing the secrets of the organization.’

“The second; ‘Alî ‘Ashmâwî – a member of the Khumâsiyyah council – confessing to the secrets of the organization and giving them up to the intelligence agents.’

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<sup>210</sup> Imbaba is a neighbourhood in northern Egypt, located in the Giza governorate, and part of the greater Cairo metropolitan area.

“And what a distance between the two stances; the stance of the martyr, Muhammad ‘Awwâd and the stance of ‘Alî ‘Ashmâwî!’<sup>211 212</sup>

And when Sayyid Qutb, رحمه الله, was questioned at his arrest, he demonstrated a very firm resolve and did not resort to Taqiyyah, although it would have been perfectly legitimate to do so under his circumstances. And it is important to reflect that this candid speech was demonstrated by Sayyid Qutb, while he knew he would be executed for those answers, as we shall see in the later sections. And we see that the only time he refused to openly convey the details of what he was questioned about was when it related to the activities of another brother or group of brothers. And this is apparent in the trial documents, which Dr. Salâh al-Khâlîdî narrated within the chapter entitled:

## 7. “Excerpts From the Interrogation Session”

...as he quoted the interrogator asking:

**“Question:** ‘Do you believe that Sa’îd Ramadhân, Kâmil ash-Sharîf, Fat’hî Hilâl, Usâmah ‘Allâm and ‘Ashmâwî Sulaymân – and they were from the Ikhwân group who had fled – are supporting the members of this organization with money and weapons in order to support Islâm?’

**“Answer:** ‘I wish to be excused from answering this question.’

**“Question:** ‘What are the means to reaching the final objective, and what is this objective as you see it?’

**“Answer:** ‘The final objective, which we agreed upon is that an Islâmic system be established, which rules according to the Shar’ah of Allâh; not according to the fabricated laws. And the means is a lengthy Islâmic upbringing in a broad sense.’

**“Question:** ‘Was the organization secret or open?’

**“Answer:** ‘It was secret.’

**“Question:** ‘And what was the purpose of making it secret if the goal was a religious and conduct-oriented upbringing?’

**“Answer:** ‘We have a belief, which we took from all of the past attempts and from our knowledge about the plans of the Crusaders, Zionists and Communists in the region to fight and

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<sup>211</sup> Look to this story in “Mathâbih al-Ikhwân Fî Sujûn Nâsir”, Pg. 31 - 39

<sup>212</sup> “Sayyid Qutb: Min al-Mîlâd Ilal-Istish’hâd”, by Dr. Salâh ‘Abd al-Fattâh al-Khâlîdî, publication of “Dâr al-Qalam”; Damascus and “Ad-Dâr ash-Shâmiyyah”; Beirut, 2<sup>nd</sup> Edition, 1414 H., Pg. 419-421

suppress any Islâmic upbringing movement whose goal is to establish the likes of this objective and establish an Islâmic rule.’<sup>213</sup>

And under the heading:

## 8. “The Introduction to His Second Affidavit”

...the author continues by showing the openness and said:

“Sayyid took responsibility for all of the events of 1965 G. and he knew that by doing so, he was paying for the Ikhwânî organization with his head and his life. And he clarified what his goal was in writing his first general affidavit. And it gives me great pleasure to mention that introduction, due to what it sheds light upon:

*‘I wrote a general address before this, which lacked many details, just as it lacked many events and clarifications. And my position, along with what was assumed about my motivations were misunderstood, as well. And I hope that this new detailed affidavit will fulfill what is being sought and will make my position understood according to its reality. And Allâh knows that I was not worried about myself, nor did I intend to save myself with that generality (i.e. the former affidavit). However – and I must confess to this – I was trying first of all, and before anything else, to protect a group of the young men who worked with me in this movement with whatever I was able to, due to my belief that these young men were from the best of what the Earth contains in this entire generation and that they were an ammunition for Islâm and for humanity, whom it would be a disgrace for them to be wasted and (their blood to be) permitted. And that I am responsible before Allâh to put forth whatever I can to save them, and that this general address, which did not include all of the minute details, was all of what I was able to put forth to relieve them in these current circumstances. And this relief might have incidentally included me, but Allâh knows that my own self was not part of my consideration. And I took full responsibility from the first word and I said: ‘Verily, the time has come for a Muslim person to put forth his head as a price to openly declare the presence of an Islâmic movement and an organization, which has not been openly declared and which originated upon the basis that it was a foundation for the establishment of the Islâmic system, no matter what the means may be that are used to establish that. And this is a ‘crime’ which deserves execution according to the customs of the Earthly laws. And I must clarify in this short introduction that my submitting that first general address with that (aforementioned) intention was my obligation as a Muslim, as the Muslim prisoner should not point to those who are behind him from the soldiers of Islâm, and he must refrain from exposing the warriors of Islâm and their vulnerabilities, as much as he can. And I was putting forth my obligation according to my Islâmic understanding, interacting in that, with Allâh without considering how the laws and the human councils would perceive me. But now that it has been shown that these young men have confirmed all of the details of their*

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<sup>213</sup> “Sayyid Qutb: Min al-Mîlâd Ilal-Istish’hâd”, by Dr. Salâh ‘Abd al-Fattâh al-Khâlîdî, publication of “Dâr al-Qalam”; Damascus and “Ad-Dâr ash-Shâmiyyah”; Beirut, 2<sup>nd</sup> Edition, 1414 H., Pg. 432 - 433

*specific and general roles and that I would not be implicating them in anything, then the burden has been removed from my chest from narrating all of the details, while I will try to place them in chronological order as much as possible.*' <sup>214 215</sup>

And in the section entitled:

## 9. "The Trial of Sayyid Qutb and His Martyrdom"

...beneath the sub-heading "**Shams Badrân Kills Raf'at Bakr in the Presence of Sayyid, His Maternal Uncle,**" the author said:

"Raf'at Bakr Shâfi' was the son of Sayyid's sister Nafisah Qutb and he was from the first to be arrested along with his companion, 'Azmî Bakr in the case of the Ikhwân in the year 1965 G. And Sayyid used to love Raf'at with a great amount of love and he was the most beloved of his sister's children to his heart.'

"And Raf'at Bakr was martyred in the military prison, due to the severity of the torture, yet he did not confess against his maternal uncle, Sayyid, with anything that the guards wanted from falsehood and lies.'

"And we take the narration of the martyrdom of Raf'at as it was narrated by one of those who were personally present. And he is the engineer, Mustafâ Râghib who was accused in the case of Husayn Tawfiq.'

"Mustafâ Râghib said: 'I was called in order to face the martyr, Sayyid Qutb, and after they tortured me, they brought the martyr, Sayyid Qutb and escorted him into the room. Then behind him, a young man entered and the torture process began upon that young man. And his voice began to be raised and become loud. Then it began to die down bit-by-bit until it became silent, but I did not know what had happened. Then they called me and Shams Badrân met me at the door of the room and he appeared to be in a state of severe shock and looked pale. And for the first time – contrary to his norm – he sat me upon the couch and I saw the traces of the blood upon the floor of that room, and there was a carpet that had been rolled around whatever was inside it.'

"Shams Badrân said to me: 'What is the ruling of this one who was killed under torture?'

"I said: 'They have told you that I am a Mufti?'

"He said: 'What is he considered?'

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<sup>214</sup> "Limâthâ A'damûnî", Pg. 8-9

<sup>215</sup> "Sayyid Qutb: Min al-Mîlâd Ilal-Istish'hâd", by Dr. Salâh 'Abd al-Fattâh al-Khâlîdî, publication of "Dâr al-Qalam"; Damascus and "Ad-Dâr ash-Shâmiyyah"; Beirut, 2<sup>nd</sup> Edition, 1414 H., Pg. 426 - 427

“I said: ‘He has met his Lord, and our Lord sees his heart and no one knows the hearts except Allâh.’ And I knew that this young man was the son of the sister of the martyr, Sayyid Qutb who had been martyred in front of his maternal uncle, due to the torture.’<sup>216 217</sup>

And in the chapter entitled: **“Ahmad Râ’if Narrates From Sayyid,”** the author mentioned:

“After the conclusion of Sayyid’s trial, but before the verdict against him, Ahmad Râ’if met Sayyid in prison and he described that meeting, saying: ‘One time they took me along with some of my peers in order for us to bring the food from the kitchen. And along the way, an opportunity arose for me to speak with Sayyid Qutb.’

“From what I said to him was: ‘What are you awaiting?’

“So the man said to me, with a confident smile coming from a calm, tranquil heart: ‘I am waiting to go to my Lord.’ This was all that he was waiting for. As for that which he said in the trial, then by that he wanted to leave something for history.’<sup>218</sup>

“Sayyid was waiting to go to his Lord because he felt that he had fulfilled the obligation that was upon him and that he had not betrayed the trust nor had he given up the religion and the Da’wah. Rather, he conveyed his Da’wah until the last moment.’

“And Sayyid knew that this time the people wanted his head and his statement has been narrated from him: “I know that the government wants my head this time, but I am not regretful for that, nor am I sorry for my death. Rather, I am only happy for the death in the path of my Da’wah. And in the future, the historians will prove who was upon the truth; the Ikhwân or the governing system.’<sup>219</sup>

“He knew this because he was the one who said in his affidavit: *‘Verily, the time has come for a Muslim person to put forth his head as a price to openly declare the presence of an Islâmîc movement...’*<sup>220 221</sup>

### **“Ad-Dajawî Utters the Judgements of ‘Abd an-Nâsir”**

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<sup>216</sup> “Mathâbih al-Ikhwân”, by Rizq, Pg. 114 - 115

<sup>217</sup> “Sayyid Qutb: Min al-Mîlâd Ilal-Istish’hâd”, by Dr. Salâh ‘Abd al-Fattâh al-Khâlîdî, publication of “Dâr al-Qalam”; Damascus and “Ad-Dâr ash-Shâmiyyah”; Beirut, 2<sup>nd</sup> Edition, 1414 H., Pg. 441 - 442

<sup>218</sup> “Al-Bawwâbah as-Sawdâ’”, Pg. 223

<sup>219</sup> “Ash-Shahîd, Sayyid Qutb”, Pg. 56

<sup>220</sup> “Limâthâ A’damûnî”, Pg. 7

<sup>221</sup> “Sayyid Qutb: Min al-Mîlâd Ilal-Istish’hâd”, by Dr. Salâh ‘Abd al-Fattâh al-Khâlîdî, publication of “Dâr al-Qalam”; Damascus and “Ad-Dâr ash-Shâmiyyah”; Beirut, 2<sup>nd</sup> Edition, 1414 H., Pg. 461 - 462

“Four months after the trial of Sayyid Qutb and his brothers, on Sunday 21/8/1966 G., the General Officer Fu’âd ad-Dajawî issued the verdicts in the case of the Ikhwânî organization against the forty-three defendants. Rather, we say that Ad-Dajawî spoke the verdicts, which ‘Abd an-Nâsir issued upon Sayyid Qutb and his brothers. And if we want to be more precise, we say Ad-Dajawî spoke the verdicts, which the enemies of Islâm – from the Crusaders, the Zionists and the atheists – issued upon Sayyid Qutb and his brothers.’

“And the verdicts were harsh, tyrannical and cruel, as he did not declare any of them innocent. He ruled upon seven of them with execution and upon twenty-five of them with life in prison and upon eleven of them with ten to fifteen years in prison.’

“And those who were ruled upon with execution were the leaders of the organization; Sayyid Qutb, Muhammad Yûsuf Hawwâsh, ‘Abd al-Fattâh Ismâ’îl, Sabrî ‘Arfah, Ahmad ‘Abd al-Majîd, Majdî ‘Abd al-‘Azîz and ‘Alî ‘Ashmâwî.’<sup>222</sup>

“As for ‘Alî ‘Ashmâwî – the strange, suspicious individual – then he was released by the government after a short time and travel to America was made easy for him, where he lives. As for Ahmad, Majdî and Sabrî, then their sentence was reduced to life. And as for Sayyid, ‘Abd al-Fattah and Hawwâsh, then their sentences were implemented and they were executed.’

#### **“Ad-Dayrî Narrates Sayyid Being Told the Verdict of Execution”**

“When the court wanted to announce the verdicts against the Ikhwân, it placed them all inside the prisoner’s box and each of those who they wanted to tell them their specific verdict, they would bring him out of the box into a special room beside the box, then he would hear the verdict and then be returned to his brothers.’

“And the brother, Mamdûh ad-Dayrî – who was amongst those on trial narrated Sayyid hearing the verdict of execution, as he said: ‘And on the day when the verdicts were to be announced, they took us into the Civil Defence motorcade and they put us all in a box while in the same room there was an administrator, who would perform the act of recording the verdicts in the room, which was beside the room in which the box was.’

“They called Mr. Sayyid and they took him to the neighbouring room, where they announce the verdict upon him, then we saw that the administrator who recorded the verdicts was crying, so we knew that the verdict was execution.’

“And Mamdûh added: ‘And I have heard that when the martyr heard the verdict, he said: ‘All praise is due to Allâh.’<sup>223 224</sup>

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<sup>222</sup> “Al-Mawtâ Yatakallamûn”, Pg. 194 -195

<sup>223</sup> “Mathâbih al-Ikhwân”, Pg. 118

## 10. The Night of the Execution

### “Hamîdah Qutb Narrates the Offers on the Night of the Execution”

“Sayyid Qutb was given several offers in order to step down from his Da’wah and apologize for his work with Allâh and disavow himself from the new Ikhwânî organization. And it was requested from him to write a line or a sentence to the president, ‘Abd an-Nâsir, seeking mercy from him or apologizing to him so that he would be released from his prison while the verdict of execution would be suspended and the livelihood would be opened up for him so that he could take whatever he wanted from it, such as positions, centres, careers and wealth.’

“And these offers continued up until the last night of his life and the tyrants used his sister, the Mujâhidah, Hamîdah as a means to put pressure upon him so that he would comply with them.’

“And let us listen to Hamîdah narrating to us the offers on the night of execution:

“Hamzah al-Basyûnî – the warden of the military prison – called me to his office and showed me the verdict of execution and the approval of it. Then he said to me: ‘Indeed, the government is ready to reduce the sentence, if my (i.e. Hamîdah’s) brother responds to what they are seeking.’ And he said to me: ‘(Losing) your brother would be a loss for all of Egypt and not only to you. I cannot imagine that we might lose this individual in a few hours. We want to save him from execution in any manner and by any means. A small number of words, which he could say will save him from the verdict of execution and no one is able to affect or reach him other than you. You alone are responsible to convey this to him. I am responsible to convey this to him, but there is no one better than you to convey this matter to him (than you). A small number of words, which he could say, and this will all be over.’

“We want for him to say: ‘This movement had a tie to a specific authority,’ and after that the issue will be done with regards to you. As for him, then he will be released on a health pardon.’ I said to him: ‘But you know – just as ‘Abd an-Nâsir knows – that this movement does not have any ties to any authority from the authorities.’

“Hamzah al-Basyûnî said: ‘I know, and all of us know, that you are the only group in Egypt that works for the sake of the ‘Aqîdah. We know that you are the best people in the country but we want to save Sayyid Qutb from execution.’

“And he looked to Safwat ar-Rûbî and said: ‘O Safwat, take her to her brother.’ So I went to my brother and greeted him with Salâm and conveyed to him what they wanted from him. So he looked at me to see the effects of that upon my face and it was as if he was asking me: ‘Is it you who is requesting that, or them?’ And I was able to make him understand, through gestures,

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<sup>224</sup> “Sayyid Qutb: Min al-Mîlâd Ilal-Istish’hâd”, by Dr. Salâh ‘Abd al-Fattâh al-Khâlîdî, publication of “Dâr al-Qalam”; Damascus and “Ad-Dâr ash-Shâmiyyah”; Beirut, 2<sup>nd</sup> Edition, 1414 H., Pg. 466-467

that it was them. And here he looked at me and said: ‘By Allâh, if these words were correct I would have said them, and no power on the face of the Earth would have prevented me from saying it. But this isn’t what happened and I will never say a lie.’

“And Safwat asked him: ‘So that is your position then?’

“Sayyid answered him: ‘Yes.’

“So Safwat left us and said: ‘Generally, you can sit with each other for a while.’

“And I explained to my brother the discussion from the beginning and said to him: ‘Hamzah called me and showed me the execution (order) and requested from me that I give you this offer.’ He (i.e. Sayyid) asked me: ‘And would you be pleased with that (i.e. accepting the offer)?’ I said: ‘No.’ He said: ‘They do not have any ability to harm or benefit themselves. Verily, the lives are in the Hand of Allâh and they are not able to control my life, nor are they able to extend the lives nor shorten them. All of that is in the Hand of Allâh. And Allâh is encompassing over them.’<sup>225</sup>

“And this was the final meeting between the Mujâhidah, Hamîdah and her brother, the Shahîd.’  
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<sup>225</sup> “Ayyâm Min Hayâtî”, Pg. 183 - 184

<sup>226</sup> “Sayyid Qutb: Min al-Mîlâd Ilal-Istish’hâd”, by Dr. Salâh ‘Abd al-Fattâh al-Khâlîdî, publication of “Dâr al-Qalam”; Damascus and “Ad-Dâr ash-Shâmiyyah”; Beirut, 2<sup>nd</sup> Edition, 1414 H., Pg. 471-473

<sup>227</sup> And in his retelling of this specific incident, the Shahîd, Shaykh ‘Abd Allâh ‘Azzâm, رحمه الله, said: “And afterwards, the ruling of execution was issued, on the day of Sunday, Aug. 28, 1966 G. And before the implementation of the ruling of execution verdict signed by the destroyed Tâghût, ‘Abd al-Nâsir came: ‘The ruling of execution will be implemented upon each of (the following): Sayyid Qutb, Muhammad Yûsuf Hawwâsh, and ‘Abd al-Fattâh Ismâ’il.’ And with the letter was an indication of trying to persuade Sayyid Qutb to (issue an) apology, by which he would reduce the ruling of execution off of him. So Hamzah al-Basyûnî, the warden of the military prison, came to Hamîdah Qutb (i.e. the sister of Sayyid Qutb, رحمه الله) and showed her the verdict then he turned back saying, ‘We have one chance to save the professor, and it is by him apologizing and I promise to release him after six months.’ Hamîdah said, ‘So I came to my brother and mentioned that to him, so he said: ‘I will not apologize for working with Allâh.’ – Look to “‘Imlâq al-Fikr al-Islâmî ash-Shahîd Sayyid Qutb” by the Shahîd, Shaykh ‘Abd Allâh ‘Azzâm, رحمه الله) And according to another version he, رحمه الله, replied: “Verily the index finger, with which I testify in every prayer that there is nothing worthy of worship except Allâh, and that Muhammad is the Messenger of Allâh; it is not possible for it to write a line in which there is humiliation or a phrase in which there is a seeking of profit. So if I am justifiably imprisoned, then I am satisfied with the truth, and if I am falsely imprisoned, then I am bigger than to seek mercy from falsehood.” – Look to “Ash-Shahîdân: Hasan al-Bannâ wa Sayyid Qutb” by Salâh Shâdî, Pg. 57

## 11. “Sayyid’s Smile Due to His Happiness About His Martyrdom”

“On the night of the implementation of the execution verdict upon Sayyid and his two younger brothers, the three brothers were moved from the military prison to the ‘appeals’ prison in order for their execution to be performed.’

“And the television broadcast a picture of Sayyid and his two younger brothers at the time of their exiting the military prison, in order to board the vehicle to the appeals prison. (That image) aired on its evening news broadcast on the Sunday evening; 28/8/1966 G.’

“And we saw Sayyid Qutb – and we were following the television broadcast – and he came out while standing straight up, raising his head with a shining face and a cheerful smile. And he extended his hand to every soldier and guard in front of the military prison and greeted him with a handshake and bid farewell to him with a beaming smile.’

“Then we saw Sayyid Qutb after he had entered the military vehicle and that beaming smile continued to grace his face, and his hand was raised in order to bid farewell in a greeting towards those standing nearby from the soldiers and guards.’

“And when the vehicle started moving, Sayyid Qutb looked towards those who stood near the car window and the shining smile remained the way it was.’

“And a photograph was taken of this smile and spread in the newspapers and was spread in the books which discussed the Shahîd and in the magazine which spoke about him regarding the event of his martyrdom.’

“This charming smile means a lot and reveals a lot and indicates a lot. And Sayyid Qutb said a lot through that and he put in it all of what he wanted to convey to the future generations.’

“It was a smile of happiness and satisfaction; a smile of elation and tranquility; a smile of serenity and certainty; a smile of victory and success.’

“And it was as if Sayyid was not going to death but rather going to a wedding. And in reality he was going to a wedding in the gardens of Firdaws, if Allâh wills. And the poet was truthful in his words about this smile:

*“O Shahîd, whom Allâh raised through him,  
You shall remain in the hearts as an incisive,  
We have not forgotten what we were taught,*

*The struggle for truth over time,  
Sign for the riders; a symbol for sacrifice,  
By the smile of a believer in the face of death,’  
228 229*

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<sup>228</sup> “Limâthâ U’dima Sayyid Qutb Wa Ikhwânahu”, Pg. 3

And from what was presented in the detailed account of Dr. Salâh al-Khâlidî, along with the other sources, one can see numerous opportunities and situations in which the Shahîd, Sayyid Qutb, رحمه الله, could easily have taken the concession of compliance with what was demanded from him in terms of information, apologies and appeals for mercy. And there is no doubt that he would have been excused and would have every right to have taken those concessions, due to what he was facing in terms of compulsion up until, and including, his ultimate martyrdom.

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And may Allâh, the Most High, bless the Ummah with generation-after-generation of Sayyid Qutbs, with this level of perseverance, commitment, patience and sacrifice.

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<sup>229</sup> "Sayyid Qutb: Min al-Mîlâd Ilal-Istish'hâd", by Dr. Salâh 'Abd al-Fattâh al-Khâlidî, publication of "Dâr al-Qalam"; Damascus and "Ad-Dâr ash-Shâmiyyah"; Beirut, 2<sup>nd</sup> Edition, 1414 H., Pg. 476 - 477

<sup>230</sup> And more will be explained concerning these excuses and the criteria for the entitlement to compliance due to compulsion in an upcoming chapter, *In Shâ' Allâh*.

## Chapter 7: The Rulings of Compulsion

As we mentioned throughout the previous chapters, we have compiled a list of some of the rulings related to compulsion.<sup>231</sup> In order to discuss the juristic rulings on any subject we must begin by defining the terms related to that topic.

### 1. Definition of Ikrâh (Compulsion):

We have presented, in the first chapter, a few verses from the Book of Allâh wherein the term ‘compulsion’ (Ikrâh) has been used according to its Islâmic/legal definition.<sup>232</sup> Such examples would include:

﴿ وَلَا تُكْرَهُوا فَتَيَاتِكُمْ عَلَى الْبِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِّتَبْتَعُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهِنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ  
إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ ﴾

﴿ **And compel not your slave-girls to prostitution, if they desire chastity, in order that you may make a gain in the (perishable) goods of this worldly life. And whoever compels them (to prostitution), then after their compulsion, verily, Allâh is Oft-Forgiving, Most Merciful.** ﴾<sup>233</sup>

And it would likewise include the statement of Allâh, تعالى:

﴿ إِنَّا آمَنَّا بِرَبِّنَا لِيَغْفِرَ لَنَا خَطَايَانَا وَمَا أَكْرَهْتَنَا عَلَيْهِ مِنَ السِّحْرِ ﴾

﴿ **"Verily! We have believed in our Lord, that He may forgive us our faults, and the magic to which you did compel us.** ﴾<sup>234</sup>

Ibn Hajar said, "It (i.e. Ikrâh) is forcing someone else to commit that which they do not want to."<sup>235</sup>

<sup>231</sup> And this section is somewhat lengthy, due to the various issues related to compulsion and the numerous rulings therein. We have included several juristic discussions and some analysis and comparison in order to substantiate some of the conclusions presented. And some of the various quotations mentioned in this section were compiled by Dr. Muhammad Ibn ‘Abdillâh Ibn ‘Alî al-Wuhaybî in his book “Nawâqidh al-Îmân al-I’tiqâdiyyah wa Dhawâbit at-Takfîr ‘Ind as-Salaf”, Vol. 2/5-19

<sup>232</sup> And as it is known to the scholars of Islâmic jurisprudence (Fiqh), many words can have a broad linguistic definition as well as a somewhat more restricted definition within the Sharî’ah.

<sup>233</sup> An-Nûr, 33

<sup>234</sup> Tâ-Hâ, 73

<sup>235</sup> “Fat’h al-Bârî”, Vol. 12/390, publication of “Maktabat Dâr as-Salâm”; Riyadh and “Maktabat Dâr al-Fayhâ”; Damascus, 1<sup>st</sup> Edition, 1419 H.

And Ibn Hazm, رحمه الله, stated, “And compulsion is everything which is called compulsion linguistically, and which is known by the senses to be compulsion. Such as the threat of murder from someone whom he does not feel safe from (and about whom he assumes) that he will follow through with what he has threatened him with. And likewise the threat of beating or the threat of prison as well, and likewise the threat of the destruction of wealth or threatening a Muslim, other than him with murder, beating, imprisonment or destroying wealth, due to the statement of the Messenger of Allâh, صلى الله عليه وسلم, ‘The Muslim is the brother of the Muslim. He does not oppress him, nor does he surrender him.’”<sup>236</sup>

And Ash-Sharqâwî<sup>237</sup> stated, “(Compulsion is) resorting to performing an action through being overpowered.”<sup>238</sup>

‘Alâ’ ad-Dîn al-Bukhârî<sup>239</sup> defined compulsion as: “Holding another person upon a matter, which he refused to do, through his fear that the one who is committing it (i.e. the compulsion) is able to implement it (i.e. his threat). So the other one becomes fearful and his consent is removed, due to the implementation (of that compulsion).”<sup>240</sup>

Therefore the type of scenario one imagines while contemplating examples of compulsion are those wherein the Muslim captive is being forced with the threat of considerable and immediate physical or psychological torment as a consequence for failing to comply with the demands of his captors. And Allâh knows best.

## 2. Definition of Taqiyyah (Fear / Threat):

Taqiyyah linguistically means ‘fear’.<sup>241</sup> As for its Islâmîc/legal definition, Ibn Hajar, رحمه الله, said, “Taqiyyah is precaution in openly showing the beliefs and other than that, which resides in oneself, to others.”<sup>242</sup>

<sup>236</sup> “Al-Muhallâ bil-Âthâr”, Vol. 5/330

<sup>237</sup> He is ‘Abd Allâh Ibn Hijâzî Ibn Ibrâhîm ash-Sharqâwî al-Azharî. He was born 1150 H. in Egypt. He studied in Al-Azhar (University) and took over its leadership in 1208 H. He died in 1227 H. in Cairo. And he was the author of “Hâshiyatun ‘Alâ Sharh at-Tahrîr”, which is a book of Shâfi’î jurisprudence. [Look to “Al-A’lâm”, Vol. 4/78]

<sup>238</sup> “Hâshiyat ash-Sharqâwî ‘Alâ Tuhfat at-Tullâb”, Vol. 2/390

<sup>239</sup> He was: ‘Alâ’ ad-Dîn Muhammad Ibn Muhammad Ibn Muhammad al-Bukhârî, from the major Hanafî scholars. He was born 779 H. in Irân and raised in Bukhârâ. He traveled to India then took up residence in Egypt. His most famous Shaykh was As-Sa’d at-Taftâzânî. He was known for his condemnation of oppression and evil and from his writings is “Ar-Radd ‘Alâ Ibn al-‘Arabî”. He died in Damascus in 841 H. [“Shatharât ath-Thahab Fî Akhbâri Man Thahab”, Vol. 7/241-242 and “Al-A’lâm”, Vol. 7/46-47]

<sup>240</sup> “Kashf al-Asrâr”, Vol. 4/538

<sup>241</sup> Look to “Lisân al-‘Arab”, by Ibn Manthûr, Vol. 15/402-404

<sup>242</sup> “Fat’h al-Bârî”, Vol. 12/392, publication of “Maktabat Dâr as-Salâm”; Riyadh and “Maktabat Dâr al-Fayhâ”; Damascus, 1<sup>st</sup> Edition, 1418 H.

And it is what Allâh, تعالى, referred to when He mentioned:

﴿لَا يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ وَمَنْ يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ إِلَّا أَنْ تَتَّقُوا مِنْهُمْ تُقَاةً وَيُحَذِّرْكُمْ اللَّهُ نَفْسَهُ وَإِلَى اللَّهِ الْمَصِيرُ﴾

﴿ **Let not the believers take the disbelievers as Awliyâ (supporters, helpers, etc.) instead of the believers, and whoever does that will never be helped by Allâh in any way, except if you indeed fear a danger (Tuqâh) from them. And Allâh warns you against Himself (His Punishment), and to Allâh is the final return.** ﴾<sup>243</sup>

Defining Taqiyyah – and more importantly, differentiating it from Ikrâh (compulsion) – is rather difficult to do. This is because many jurists and scholars used these terms interchangeably and would even define one term by using the other. And they would often use the verse of compulsion (Ikrâh) as proof for the existence of the concession of Taqiyyah, and vice versa. And it is not unusual to see instances where jurists, scholars and historians would refer to an example of a Muslim captive being compelled upon something, and then to say: “And he complied with them out of Taqiyyah.”<sup>244</sup>

On the other hand, many scholars used the term ‘Taqiyyah’ specifically to refer to the concession where the Muslim is permitted to demonstrate limited support – without becoming a full ally – towards the disbelievers<sup>245</sup> who were dominant over him, in order protect himself from their harm.

<sup>243</sup> Âl ‘Imrân, 28

<sup>244</sup> As we narrated from Ath-Thahabî who referred to the compliance of Yahyâ Ibn Ma’în, رحمه الله, with the deputy of the Sultân, by saying: “And this is the truth and Yahyâ, رحمه الله, was from the Imâmâs of the Sunnah, but then he feared the tyranny of the state and he complied out of Taqiyyah.”

<sup>245</sup> And this is what was intended by ‘Abd Allâh Ibn ‘Abbâs, رضي الله عنهما, when he restricted the concession of ‘Taqiyyah’ to statements only, because the actions of allegiance towards the disbelievers, such as spying for them and fighting on their behalf are forms of complete allegiance, and were not permitted in the concession of this verse:

Ibn Abî Hâtim narrated from Ibn ‘Abbâs that he said, “Allâh, سبحانه, forbid the believers from acting gently with the disbelievers, and from taking them as advisers instead of believers, unless the disbelievers are dominant over them so they show kindness to them, while contradicting them in their religion. And that is His saying: ﴿...**except if you indeed fear a danger from them...**﴾ [“Tafsîr Ibn Abî Hâtim”, Vol. 2/628 (#3,375)]

And also from Ibn ‘Abbâs: ﴿...**except if you indeed fear a danger from them...**﴾ So the Taqiyyah is with the tongue. Whoever is carried upon speaking with something, which is disobedience to Allâh, so he speaks with it out of fear of the people, while his heart is at rest with faith, then that does not harm him. Verily, the Taqiyyah is only with the tongue.” [“Tafsîr Ibn Abî Hâtim”, Vol. 2/629 (#3,381)]

Therefore to these scholars, ‘Taqiyyah’ would be a type of concession with regards to that specific matter, even if they considered those circumstances to be a sub-category within the concessions of compulsion (Ikrâh).

For instance, Ibn Kathîr said in his Tafsîr of the aforementioned verse:

“And His, تعالى, ’s statement: ﴿...**except if you indeed fear a danger from them...**﴾ In other words, except he who fears their evil in some of the countries or the times then it is (allowed) for him to perform Taqiyyah in their regard outwardly and not inwardly and in his intention, as Al-Bukhârî said, ‘From Abud-Dardâ’ that he said, ‘Verily, we grin in the faces of people while our hearts curse them.’ And Ath-Thawrî said, ‘Ibn ‘Abbâs said, ‘The Taqiyyah is not with the actions. Verily the Taqiyyah is only with the tongue.’ And likewise Al-‘Awfî narrated it from Ibn ‘Abbâs, ‘Verily the Taqiyyah is only with the tongue.’ And similar to that was stated by Abul-‘Âliyah, Abush-Sha’thâ’, Adh-Dhahhâk and Ar-Rabî’ Ibn Anas. And what they stated is supported by the statement of Allâh, تعالى: ﴿ **Whoever disbelieves in Allâh after his belief - except one who was forced while his heart is at rest with the faith.**﴾ – the verse. And Al-Bukhârî said, ‘Al-Hasan said, ‘The Taqiyyah is until the Day of Resurrection.’”<sup>246</sup>

And Al-Baghawî said:

“And the meaning of the verse is that Allâh, تعالى, forbid the believers from having allegiance towards the disbelievers, excessive flattery (Mudâhanah), and taking them as confidants, unless the disbelievers are dominant and overpowering or if the believer is amongst a disbelieving people and fears them. (In that case) he flatters (Mudârâh) them with the tongue, while his heart is at rest with faith, defending himself without permitting (the) forbidden blood or (the) forbidden wealth or revealing to the disbelievers the vulnerabilities of the Muslims. And the Taqiyyah is not except with fear of killing, while having the correct intention. Allâh, تعالى, said: ﴿...**except him who is forced thereto and whose heart is at rest with Faith...**﴾”<sup>247</sup>

So here we see that Ibn Kathîr and Imâm al-Baghawî restricted the concession of Taqiyyah to the subject of Allegiance and Disavowal (‘Al-Walâ’ wa’l-Barâ’) upon the tongue specifically, but then supported its rulings by referring to the verse of Compulsion (Ikrâh), which is a broader category. And Allâh knows best.

As-Sâbûnî said, “**Tuqâh:** Taqiyyah and it is flattering (Mudârâh) a person out of fear of his evil.”

<sup>246</sup> “Tafsîr al-Qur’ân al-‘Athîm”, Vol. 1/476; publication of “Maktabat Dâr al-Fayhâ”; Damascus and “Maktabat Dâr as-Salâm”; Riyadh, 2<sup>nd</sup> Edition, 1418 H.

<sup>247</sup> “Ma’âlim at-Tanzîl”, Vol. 2/26

And then He went on to say: ﴿...**except if you indeed fear a danger from them...**﴾ In other words, unless you fear something threatening from them or you fear their harm and their evil. (If so), then display allegiance to them with the tongue and not the heart, because it is a type of flattering (Mudârâh) of the foolish ones, as it has been narrated: ‘Verily, we display joy in the faces of peoples while our hearts curse them.’<sup>248</sup>

Ibn al-Qayyim said, “And it is known that Tuqâh is not allegiance, but when Allâh forbid them from allegiance to the disbelievers, that necessitated enmity towards them and disavowal from them and openly declaring the enmity towards them in every condition, unless they (i.e. the Muslims) are afraid of their (i.e. the disbeliever’s) evil. So He permitted Taqiyyah for them, but Taqiyyah is not allegiance to them.”<sup>249</sup>

Shaykh ‘Abd al-Latîf Ibn ‘Abd ar-Rahmân Âl ash-Shaykh said, “And the issue of displaying enmity is different than the issue of the existence of enmity, as the first can be excused while there is fear and inability due to His, تعالیٰ, saying: ﴿...**except if you indeed fear a danger from them...**﴾ And the second is a must because it is included within ‘Disbelief in At-Tâghût’ and because there is a complete link between it and love for Allâh and His Messenger, which would not separate from the believer.”<sup>250</sup>

Therefore the type of scenario one imagines while contemplating examples of Taqiyyah are those wherein the Muslim is among his enemies because they have dominated the region where he dwells and he is not free to express his disavowal and open enmity towards them and their polytheism and disbelief. So in taking the concession under such circumstances, he shows them a pleasant demeanour and does not outwardly condemn their evil or might even speak words of mild support towards them, while hating their evil. And Allâh knows best.

### 3. Rukhsah (Concession / Facilitation)

#### a) Definition:

Linguistically, a ‘Rukhsah’ refers to something being soft to the touch, or something being low in price, or something being permitted after it had been forbidden.<sup>251</sup> However, in the Islâmic legal terminology, Al-Ghazâlî defined it as: “A phrase which indicates something, which the accountable one (Mukallaf) has been permitted to perform, due to an excuse or some inability, while the reason for the forbiddance remains.”<sup>252</sup>

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<sup>248</sup> “Safwat at-Tafâsîr”, Vol. 1/194-196

<sup>249</sup> “Badâ’i al-Fawâ’id”, Vol. 3/575

<sup>250</sup> “Ar-Rasâ’il al-Mufîdah”, Pg. 284

<sup>251</sup> Look to “Lisân al-‘Arab”, “Tâj al-‘Arûs”, and “Misbâh al-Munîr”, as summarized in “Al-Mawsû’ah al-Fiqhiyyah”, Vol. 22/151

<sup>252</sup> Look to “Al-Mustafâ”, Vol. 1/63, publication of “Muhammad Mustafâ”, 1356 H.

And Az-Zarkashî said, “And it is said that it is the ruling, which is confirmed contrary to the evidence, due to an excuse while it is forbidden with regards to the one who is not excused.” Until he said, “This is regarding the performing of actions, but with regards to abandoning (some obligatory action), it is made permitted for the accountable one (Mukallaf) to abandon it, while the obligation remains with regards to those who are not excused, as a means of easing restrictions and facilitating comfort.”<sup>253</sup>

In this way, the Rukhsah is a means of practically applying ‘Ease in Religion’ as was mentioned in His, تعالی, statement:

﴿يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ﴾

﴿ **Allâh intends for you ease, and He does not want to make things difficult for you.** ﴾<sup>254</sup>

And:

﴿يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ وَخُلِقَ الْإِنْسَانُ ضَعِيفًا﴾

﴿ **Allâh wishes to lighten (the burden) for you; and man was created weak.** ﴾<sup>255</sup>

And Abû Hurayrah, رضي الله عنه, narrated that the Prophet, صلى الله عليه وسلم, said: “Verily, the religion is ease, and no one makes it difficult except that it overpowers him.”<sup>256</sup>

And Jâbir Ibn ‘Abdillâh, رضي الله عنه, narrated that the Prophet, صلى الله عليه وسلم, said: “Verily, Allâh did not send me as a bringer of difficulty nor as an inflexible (person). Rather, He sent me as a teacher (and as) one to bring ease.”<sup>257</sup>

And ‘Abd Allâh Ibn ‘Umar, رضي الله عنهما, narrated that the Prophet, صلى الله عليه وسلم, said: “Verily, Allâh loves for His Rukhsahs to be performed, just as He hates for His disobediences to be performed.”<sup>258</sup>

And there are many other examples.

<sup>253</sup> “Al-Bahr al-Muhîr”, Vol. 1/262, publication of “Dâr al-Kutub al-‘Ilmiyyah”, Beirut, 1<sup>st</sup> Edition, 1421 H. with the verification of Muhammad Muhammad Tâmir

<sup>254</sup> Al-Baqarah, 185

<sup>255</sup> An-Nisâ’, 28

<sup>256</sup> Narrated by Al-Bukhârî, (#39)

<sup>257</sup> Narrated by Muslim, (#1,478)

<sup>258</sup> Narrated by Imâm Ahmad in his “Musnad”. It was declared “Sahîh” by Ibn Hibbân as mentioned in “Bulûgh al-Marâm”, (#122), Al-Munthirî in “At-Targhîb wat-Tarhîb”, Vol. 1/147, Ahmad Shâkir in his verification of “Musnad Ahmad”, Vol. 8/135 and 137, as well as in “‘Umdat at-Tafsîr”, 1/630, and by Al-Albânî in “Sahîh at-Targhîb wat-Tarhîb”, (#1,059), “Irwâ’ al-Ghalîl”, (#564) and elsewhere in his books.

## b) Categories and Classifications of Rukhsahs

Within the books of Usûl al-Fiqh (Principles of Jurisprudence) our scholars have differed over the classifications of the Rukhsahs. Some held all of them at the level of permissible, as a basic ruling<sup>259</sup> whereas others divided the Rukhsahs into different categories.

Those categories include:

### i) The Wâjib (Obligatory) Rukhsah

An example of this would be the obligation of eating the dead meat (Maytah) by the starving Muslim who will die without eating that meat. As Allâh, تعالیٰ, said:

﴿قُلْ لَا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُ رِجْسٌ أَوْ فِسْقًا أُهْلًا لِّغَيْرِ اللَّهِ بِهِ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ رَبَّكَ غَفُورٌ رَحِيمٌ﴾

﴿ Say: "I find not in that which has been inspired to me anything forbidden to be eaten by one who wishes to eat it, unless it be Maytatah (a dead animal) or blood poured forth (by slaughtering or the like), or the flesh of swine (pork, etc.) for that surely is impure, or impious (unlawful) meat (of an animal) which is slaughtered as a sacrifice for others than Allâh. **But whosoever is forced by necessity without wilful disobedience, nor transgressing due limits, (for him) certainly, your Lord is Oft-Forgiving, Most Merciful.**" ﴾<sup>260</sup>

And many of our scholars held that this particular type of Rukhsah, in such a circumstance, was not only permitted to take, but rather obligatory to take, due to the fact that abstaining from eating that meat would be a form of suicide by starvation, whereas Allâh, تعالیٰ, has said:

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ﴾  
 ﴿...and do not throw yourselves into destruction...﴾<sup>261</sup>

As Shaykh al-Islâm, Ibn Taymiyyah, رحمه الله, said: "Eating dead (meat) by the one who is in necessity is obligatory upon him according to the what is apparent from the schools of the Imâm and others, as Masrûq said, 'Whoever is in necessity of (eating) dead (meat), but does not eat it until he dies (from starvation), then he enters the fire.'"<sup>262</sup>

<sup>259</sup> As Imâm ash-Shâtibî mentioned in "Al-Muwâfaqât" saying: "The ruling of the Rukhsah is Ibâhah (Mubâh i.e. permissible/neutral) unrestrictedly, in so far as it is a Rukhsah." Look to Vol. 1/ 474

<sup>260</sup> Al-An'am, 145

<sup>261</sup> Al-Baqarah, 195

<sup>262</sup> "Majmû' al-Fatâwâ", Vol. 24/149, publication of "Dâr al-Wafâ'"; Al-Mansûrah, 3<sup>rd</sup> Edition, 1426 H.

And Imâm an-Nawawî, رحمه الله, said: “And like the one in necessity of eating the dead (meat) or other than that from the Najas (impure) things, it is necessary upon him to eat it according to the correct (opinion), which the majority have undoubtedly stated.”<sup>263</sup>

## ii) The Mandûb (Preferable) Rukhsah

An example of this would be shortening the prayers while travelling.

As Allâh, تعالى, said:

﴿وَإِذَا ضَرَبْتُمْ فِي الْأَرْضِ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَقْصُرُوا مِنَ الصَّلَاةِ إِنْ خِفْتُمْ أَنْ يَفْتِكُمُ الَّذِينَ كَفَرُوا إِنَّ  
الْكَافِرِينَ كَانُوا لَكُمْ عَدُوًّا مُّبِينًا﴾

﴿ **And when you (Muslims) travel in the land, there is no sin on you if you shorten your Salât (prayer) if you fear that the disbelievers may attack you, verily, the disbelievers are ever unto you open enemies.** ﴾<sup>264</sup>

And Ya'lâ Ibn Umayyah said: “I mentioned to `Umar Ibn al-Khattâb: ﴿...there is no sin on you if you shorten your Salât (prayer) if you fear that the disbelievers may attack you...﴾ ‘But the people are safe now.’ So he said: ‘You found strange what I (myself) found strange, so I asked the Messenger of Allâh, صلى الله عليه وسلم, about that, so he said: ‘It is a charity, which Allâh has bestowed upon you, so accept His charity.’<sup>265</sup>

And according the narration of `Â'ishah, رضي الله عنها, on the authority of `Urwah Ibn az-Zubayr, رضي الله عنه, that she said: “The Salât was obligated as two Ruk'ahs by two Ruk'ahs, while in residency and while travelling. But later the Salât of travelling was affirmed (as such), whereas the Salât of residency was increased.”<sup>266</sup>

In his explanation of the Hadîth, Imâm Nawawî, رحمه الله, said: “The scholars differed regarding the shortening (of the prayer) while traveling. As Ash-Shâfi'î, Mâlik Ibn Anas, and most of the scholars have said that it is allowed to (both) shorten as well as to complete (the full prayers), whereas shortening is better. And we have an opinion that completing (the full prayers) is

<sup>263</sup> “Al-Usûl wadh-Dhawâbit”, Pg. 37

<sup>264</sup> An-Nisâ', 101

<sup>265</sup> Narrated by Muslim (#686)

<sup>266</sup> Narrated by Al-Bukhârî (#3,935) and Muslim (#685) and this is his phrasing.

better, and an opinion that they are equal. But what is correct and most famous is that shortening is better.”<sup>267</sup>

And Shaykh al-Islâm, Ibn Taymiyyah, رحمه الله, said: “And the strongest of the opinions is the opinion of those who have said it (i.e. shortening the prayers) is Sunnah and that completing (the full prayers) is disliked.”<sup>268</sup>

### iii) The Mubâh [Permitted but not Preferred (i.e. Neutral)] Rukhsah

An example of this would be the prohibition of selling or trading fresh fruit for dried fruit, whereas a concession was legislated to allow the sale or trade of fruits based upon their estimated future value as a dried fruit.

And this was what was narrated in the Hadîth of Sahl Ibn Abî Hathmah, who said: “The Messenger of Allâh, صلى الله عليه وسلم, forbade the sale of fruits for dried dates, but made a Rukhsah for Al-‘Ariyyah<sup>269</sup> to be sold based upon its estimated value (when they become dried) and that its owners may eat them while ripe (i.e. not dried).”<sup>270</sup>

And no one would say that this particular form of transaction, which was legislated as a Rukhsah, would enter into the obligatory, or preferred type of transactions; only that it is permitted, but neither encouraged or discouraged, and therefore takes the ruling of Mubâh (i.e. neutral).

And similarly, paying one’s Zakât prior to its due date would be a form of Mubâh Rukhsah, as it was narrated in the Hadîth of ‘Alî Ibn Abî Tâlib, رضي الله عنه, that Al-‘Abbâs asked the Messenger of Allâh, صلى الله عليه وسلم, about paying his Sadaqah (Zakât) early, before the year had passed, so he gave him the Rukhsah for that.”<sup>271</sup>

Shams ad-Dîn Muhammad al-Barmâwî said: “And none of our companions said that it is recommended (meaning paying the Zakât early), rather they differed about its permissibility and the correct (opinion) is that it is (permissible).”<sup>272</sup>

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<sup>267</sup> “Al-Minhâj Sharh Sahîh Muslim Ibn Hajjâj”, Vol. 5/194

<sup>268</sup> “Majmû’ al-Fatâwa”, Vol. 24/9, publication of “Dâr al-Wafâ’”; Al-Mansûrah, 3<sup>rd</sup> Edition, 1426 H.

<sup>269</sup> **Al-‘Ariyyah**: A sale in which some trees in the garden are donated by the owner to the poor who can get fresh fruit off these trees in exchange for the dry ones for household consumption and not for further sale. It is also known as “Bay’ al-‘Arâyâ”.

<sup>270</sup> Narrated by Al-Bukhârî, (#2,191)

<sup>271</sup> Narrated by Ahmad, at-Tirmithî, Abû Dâwûd and others. It was declared “Sahîh” by Ibn Battâl in his Sharh of “Sahîh al-Bukhârî”, Vol. 3/502, Ahmad Shâkir in his verification of “Musnad Ahmad”, Vol. 2/141, and Al-Albânî declared it “Hasan” in “Sahîh at-Tirmithî”, (#678), “Sahîh Abî Dâwûd”, (#1,624) and elsewhere within his books.

<sup>272</sup> “Al-Fawâ'id as-Sunniyyah Sharh al-Alfiyyah”, Paper #40/A

iv) The Rukhsah, Which is Preferred Not to Take <sup>273</sup>

An example of this would be breaking the fast while travelling, as Allâh, تعالى, said:

﴿ أَيَّامًا مَّعْدُودَاتٍ فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ فَمَنْ تَطَوَّعَ خَيْرًا فَهُوَ خَيْرٌ لَهُ وَأَنْ تَصُومُوا خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ ﴾

﴿ [Observing Sawm (fasts)] for a fixed number of days, but if any of you is ill or on a journey, the same number (should be made up) from other days. And as for those who can fast with difficulty, (e.g. an old man, etc.), they have (a choice either to fast or) to feed a Miskîn (poor person) (for every day). But whoever does good of his own accord, it is better for him. And that you fast, it is better for you if only you know. ﴾ <sup>274</sup>

Also, from ‘Âsim who said: “Anas was asked about fasting while travelling, so he said: ‘Whoever breaks his fast, then it is a Rukhsah, and whoever (continues his) fast, then fasting is better.’” <sup>275</sup>

And from Ibn Sîrîn who said: “‘Uthmân Ibn Abil-‘Âs used to say the same about that as what Anas Ibn Mâlik used to say.” <sup>276</sup>

And another example of a Rukhsah, which exists but is better not to take, is the permissibility of complying with the compulsion of the captors attempting to compel the Muslim prisoner to perform acts or utter statements of Kufr. And this is illustrated in the example of Khubayb Ibn ‘Adî <sup>277</sup>, رضي الله عنه, who did not perform Taqiyyah after being captured by the polytheists in Makkah, up until he was killed.

<sup>273</sup> And some have included this within a category called “The Makrûh (Disliked) Rukhsah” whereas others have considered this as well as the Makrûh Rukhsah to be separate and distinct categories. [Look to “Ar-Rukhas ash-Shar’iyyah Wa Athbâtuhâ bil-Qiyâs”, by Dr. ‘Abd al-Karîm Ibn ‘Alî Ibn Muhammad an-Namlah] However, we have only used this one category to describe a Rukhsah, which is permitted, but encouraged not to take for those who are able to remain steadfast, due to the reward of being patient in such circumstances.

<sup>274</sup> Al-Baqarah, 184

<sup>275</sup> Narrated by Ibn Abî Shaybah in his “Musannaf”, Vol. 4/27 (#9,059), publication of “Maktabat ar-Rushd”; Riyadh, 1<sup>st</sup> Edition, 1425 H., At-Tahâwî in “Sharh Ma’ânî al-Âthâr”, Vol. 2/68 (#3,235, #3,236, #3,237), Al-Bayhaqî in “As-Sunan al-Kubrâ”, Vol. 4/245, (#7,959), publication of “Maktabat Dâr al-Bâz”; Makkah al-Mukarramah, 1414 H. with the Tahqîq of Muhammad ‘Abd al-Qârid ‘Atâ, and by Ibn Jarîr at-Tabarî in his Tafsîr, Vol. 3/267, (#2,874)

<sup>276</sup> Narrated by Ibn Abî Shaybah in “Al-Musannaf”, Vol. 4/27 (#9,066) publication of “Maktabat ar-Rushd”; Riyadh, 1<sup>st</sup> Edition, 1425 H. Al-Albânî indicated the authenticity of this narration as well as the previous one from Anas Ibn Mâlik, رضي الله عنهما, in “Silsilat al-Ahâdîth adh-Dha’îfah”, Vol. 2/336, (#932)

<sup>277</sup> He was Khubayb Ibn ‘Adî Ibn Mâlik Ibn ‘Amr al-Ansârî, رضي الله عنه, and he participated in Badr and was captured on the day of Ar-Rajî’ and the polytheists killed him in Makkah in the year 4 H. For the details of his life and death, look to “Al-Ist’âb Fî Ma’rifat al-As’hâb”, Pg. 209-210, “Al-Bidâyah wan-Nihâyah”, Vol. 5/498-516, publication of “Dâr Hajr”; Jîzah, 1<sup>st</sup> Edition, 1418 H. and “Al-Isâbah Fî Tamyîz as-Sahâbah”, Vol. 2/263-262

Abû Bakr al-Jassâs mentioned this while discussing the narration of ‘Ammâr Ibn Yâsir taking the Rukhsah when being tortured by Quraysh, when he said: “This is only in the sense of permissibility; not in the sense of obligation or recommendation. And our companions have said: ‘What is better is that he does not offer the Taqiyyah, nor display Kufr, until he is killed, even though doing other than that is permissible for him.’ And that is because when the people of Makkah wanted to kill Khubayb Ibn ‘Adî, he did not offer them the Taqiyyah up until he was killed. So he was better than ‘Ammâr in the eyes of the Prophet, صلى الله عليه وسلم, and the Muslims, due to him (i.e. ‘Ammâr) offering the Taqiyyah.”<sup>278</sup>

And due to the importance of this particular topic and its relevance to this book, we have included it as a rule, with its own evidences, ahead within this chapter.<sup>279</sup>

- **Summary of the Rukhsah**

In the context of the issue of compulsion, the Rukhsah refers to the concession of permissibility in complying with those who are compelling the Muslim to perform disobediences to Allâh, ع وجل. And the disobedience could take the form of mere prohibitions, or include innovations and even acts or statements of disbelief, depending upon the level of compulsion being applied to the Muslim captive.

And this is similar to what was narrated by Ibn Abî Shaybah from Al-Hasan al-Basrî who said: “Spies of Musaylamah<sup>280</sup> took two men from the Muslims and brought them to him, so he said to one of them, “Do you bear witness that Muhammad is the Messenger of Allâh?” He said, ‘Yes.’ He said, ‘Do you bear witness that I am the Messenger of Allâh?’ So he motioned to his ears and said, ‘I am deaf.’ So he ordered for him to be killed. And he said to the other one, ‘Do you bear witness that Muhammad is the Messenger of Allâh?’ He said, ‘Yes.’ He said, ‘Do you bear witness that I am the Messenger of Allâh?’ He said, ‘Yes.’ So he let him go, so he came to the Prophet, صلى الله عليه وسلم, and he said to him, ‘As for your companion, then he went forth upon his faith. And as for you, then you took the concession (Rukhsah).”<sup>281</sup>

#### 4. Definition of ‘Azîmah (Default Obligation)

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<sup>278</sup> “Ahkâm al-Qur’an”, Vol. 3/249

<sup>279</sup> **Rule: “Remaining Steadfast is Better Than Taking the Concession (Rukhsah), Even if that Leads to Death”**

<sup>280</sup> He was Musaylamah ‘The Liar’, who claimed Prophethood during the lifetime of the Messenger of Allâh, صلى الله عليه وسلم, and also after his death and was fought and defeated during the Khilâfah of Abû Bakr, رضي الله عنهما.

<sup>281</sup> Declared ‘Mursal’ by Ash-Shawkânî in “Fat’h al-Qadîr”, Vol. 3/199, and it was narrated by Abû Dâwûd in his “Marâsîl”, (#395) and Az-Zayla’î mentioned that one of its chains was ‘Mursal’ and one is ‘Mu’dhal’ in “Tahrîj al-Kashâf”, Vol. 2/247

The authors of “Al-Mawsû’ah al-Fiqhiyyah” mentioned: “Linguistically, the ‘Azîmah refers to striving and having ambition in some matter. And it is the root-word in: عزم على الشيء (‘He was intent upon the matter.’)”<sup>282</sup> And according to Islâmîc legal terminology, the ‘Azîmah is, as Al-Ghazâlî said:

“It is a phrase, which indicates what the slaves are held to, through the obligation of Allâh, تعالى.”<sup>283</sup>

And Az-Zarkashî said: ‘The ‘Azîmah in the Sharî’ah is a phrase, which indicates the default ruling, the cause for which is free from any opposing factors, such as the five prayers within the acts of worship, the legislation of sales and other than that from what people are held responsible for.”<sup>284</sup>

Therefore, the ‘Azîmah refers to the default ruling of obligation or prohibition for those actions, which the Sharî’ah has ordered or forbidden. And it is also a word, which refers to the more difficult path in cases where a Rukhsah exists. And in this context, the Rukhsah for the traveller would be to shorten his prayers and break his fast, whereas the ‘Azîmah would be for him to complete the full prayers and continue his fasting, while travelling.

The authors of “Al-Mawsû’ah al-Fiqhiyyah” said: “So the ‘Azîmah may be opposite to the Rukhsah based upon the view that the ‘Azîmah is the (default) ruling, which may become altered. Or it might not be opposite to the Rukhsah based upon the view that the ‘Azîmah is the (default) ruling which hasn’t initially been altered.”<sup>285 286</sup>

And in the context of the rulings upon compulsion, then the ‘Azîmah would be the non-compliance of that Muslim captive with the compulsion of his captors, even when the Rukhsah may exist for him to comply with their compulsion.

## 5. Definition of Asrâ (Captives)

It is important to clarify what qualifies a person to be considered a captive because we have been referring to the Muslim prisoners as ‘captives’. Not all captives are found within prisons and not all of the Muslims in the custody of the apostates, and their Crusading allies, are held in official detention facilities when undergoing interrogation. Therefore, it is important to have a broad understanding of what is included in the general phrase: “Captives”.

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<sup>282</sup> Vol. 30/91

<sup>283</sup> “Al-Mustasfâ”, Vol. 1/98, publication of “Al-Amîriyyah”, 1322 H.

<sup>284</sup> “Al-Bahr al-Muhîr”, Vol. 1/325, publication of “Wizârat al-Awqâf”, Kuwait, 1988

<sup>285</sup> Look to “Sharh al-Isnawî ‘Alâ Minhâj al-Wusûl”, Vol. 1/96 and “Fawâtih ar-Rahmûr Bi-Thayl al-Mustasfâ”, Vol. 1/116

<sup>286</sup> Vol. 30/92

The authors of “Al-Mawsû’ah al-Fiqhiyyah” stated:

“Al-Asrâ is the plural of *Asîr* (captive), and it can also be pluralized as *Usârâ* and *Asârâ*. And the captive, linguistically, is taken from ‘*Al-Isâr*’, which means ‘the binding’, because they used to tie them with binds. So everyone who is taken is called an ‘*Asîr*’, even if he is not tied up. And everyone who is detained with binds or prison is an ‘*Asîr*’. Mujâhid said in his Tafsîr of Allâh, سبحانه, ’s statement:

﴿وَيُطْعَمُونَ الطَّعَامَ عَلَىٰ حُبِّهِ مِسْكِينًا وَيَتِيمًا وَأَسِيرًا﴾

﴿“And they give food, in spite of their love for it (or for the love of Him), to *Miskîn* (poor), the orphan, and the captive.”﴾<sup>287</sup>

“The *Asîr* (captive) is the *Masjûn* (imprisoned one).”<sup>288</sup>

“And in the (Islâmîc) terminology, Al-Mâwârdî defined the *Asrâ* as being the combatant men from the disbelievers, in cases where the Muslims triumph over them, but they survive.<sup>289</sup> And it is a definition based upon the majority (of usage), due to it being specifically used for the *Asrâ* of the combatants during battle. (This is) because, by analyzing the usage of this phrase used by the jurists, it becomes clear that they use it for everyone from the combatants – and whomever takes their ruling – who are triumphed over and are taken during war, when it is finished – or without any actual war – as long as enmity is established and war is likely.’

“From that is the statement of Ibn Taymiyyah: ‘The Sharî’ah obligated fighting the disbelievers, but it did not obligate killing the one from them who is in (our) custody. Rather, if a man from them is taken captive, during battle or without battle – such as if his ship throws him to us, or he loses his way, or he is taken through a trick – then the Imâm does with him what is most beneficial.’ And in ‘Al-Mughnî’: ‘He (i.e. the captive) stays with whoever took him. And it is said he would become Fay’ (i.e. property seized without fighting taking place).’<sup>290</sup> And the jurists use the term ‘*Asîr*’ also for the one whom the Muslims triumph over from the combatants if they enter Dâr al-Islâm (i.e. the Islâmîc State) without (the covenant of) security,<sup>291</sup> and (also) upon those whom they triumph over from among the apostates when they fight us. Ibn Taymiyyah said, ‘Whoever from them is captured; the prescribed penalty is to be implemented upon him.’<sup>292</sup> Just as they use the word ‘*Asîr*’ upon the Muslim whom the enemy has triumphed over. Ibn Rushd says, ‘It is obligatory upon the Imâm to free the *Asrâ* of the Muslims

<sup>287</sup> Al-Insân, 8

<sup>288</sup> “Lisân al-‘Arab”, “As-Sihâh”, and “Al-Qâmûs”, Chapter of “ج”, sub-chapter of “ا”

<sup>289</sup> “Al-Ahkâm As-Sultâniyyah”, Pg. 131, 1<sup>st</sup> Edition, 1380 H.

<sup>290</sup> “As-Siyâsah ash-Shar’iyyah Fî Islâh ar-Râ’î war-Ra’iyyah”, Pg. 193 and “Al-Mughnî”, Vol. 10/441

<sup>291</sup> “Al-Badâ’i”, Vol. 7/109

<sup>292</sup> “As-Siyâsah ash-Shar’iyyah” by Ibn Taymiyyah, Pg. 92. And “Bidâyat Al-Mujtahid”, by Ibn Rushd, Vol. 2/458

(with money) from Bayt al-Mâl (i.e. the public treasury)...’ And he says, ‘And if the fortress has within it *Asârâ* (captives), from the Muslims and children from the Muslims...”<sup>293</sup>

And the authors continued:

- **“Terms which are linked:**

“*Ar-Rahînah* (the Hostage): It is the singular (form) of *Ar-Rahâ’in* (the Hostages), and that (includes) everything (human or not) that becomes restricted due to something (i.e. a debt or a commitment). And (in this way), the ‘*Asîr*’ (captive) and the ‘*Rahînah*’ (hostage) are both restricted, except that the *Asîr* necessitates being an actual person<sup>294</sup> and his being restricted is not necessarily in exchange for some contractual obligation (i.e. payment of ransom, withdrawal of troops, etc.).’

“*Al-Habs* (the Detention): Is the opposite of relinquishment and the ‘*Mahbûs*’ (the Detained) is the one who is prevented from moving around freely. So *Habs* (detention) is more general than *Asr* (captivity).’<sup>295</sup>

“*As-Sabî* and *As-Sibâ’*: Is captivity so *Sabî* is taking people as slaves and slave-girls,<sup>296</sup> and the jurists used the term *As-Sabî* for those of the women of the people of Harb (war) as well as their children whom the Muslims triumph over while alive. And they specify the term ‘*Asrâ*’ (captives), when it is used alongside the term ‘*As-Sabâyâ*’ (slaves), to refer to the combatant males, if the Muslims triumph over them but they survive.’<sup>297</sup>

Therefore, the term “captive” – as we have used it – refers to all Muslim prisoners, detainees, and hostages who have been held against their will by the enemies of Islâm. They might be in prisons/jails, detention centres, rehabilitation centres, internment camps or anywhere else, under the custody and authority of those who have restricted them from their freedom. And this restriction may refer to a prison cell, a locked exit, a fence, a pair of handcuffs or shackles, or any other form of restraining device or barrier.

- **The Sabî (Slave) is Not Necessarily the Same as the Asîr (Captive)**

Although slavery and captivity are similar in the sense that both have had their freedom removed, the slave is not exactly considered a “captive” or “prisoner”.

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<sup>293</sup> “At-Tâj wal-Iklîl li’Mukhtasar Khalîl” by Al-Mawâq and “Al-Muhathab”, Vol. 2/260 and “Bidâyat al-Mujtahid”, Vol. 1/385, 388

<sup>294</sup> The books of language, chapter of “ن”, sub-chapter of “ر”

<sup>295</sup> “Lisân Al-‘Arab”, “As-Sihâh” and “Al-Qâmûs”, chapter of “س”, sub-chapter of “ح”

<sup>296</sup> “Al-Lisân”, “As-Sihâh” and “Al-Qâmûs”, term ‘Sabî’

<sup>297</sup> “Al-Mawsû‘ah al-Fiqhiyyah”, Vol. 4/194-295

- **Istirqâq (Enslavement)**

“Definition: Enslavement, linguistically, is the entering into slavery. And slavery is the scenario in which a human is owned and enslaved. And the jurispudent (Fiqhî) usage does not differ from that.’

“Related phrases: ‘Asr’ (captive) and ‘Sabî’ (slave): Asr is being bound by fetters. And fetters are that which one is tied with. And the Asr could be used for the taking (i.e. the verb) itself. And Sabî is also the (state of) captivity, but ‘Sabî’ is most often use in the taking of women and offspring. And Asr and Sabî are generally a preceding stage towards enslavement. And enslavement may or may not follow it, as the combatant might be taken and then treated kindly (i.e. released) or ransomed or killed, while not being enslaved.”<sup>298</sup>

## 6. Rule: “The Compelled One is Excused”

The basic rule regarding compulsion is that if a Muslim is genuinely in a state of compulsion – and those conditions will follow – he is permitted to take for himself the concession (Rukhsah) and comply with his captors, as did ‘Ammâr Ibn Yâsir, رضي الله عنهما, and about whom, the verse was revealed:

﴿ مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَكِنْ مَنْ شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِّنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ ﴾

﴿ **“Whoever disbelieved in Allâh after his belief, except him who is forced thereto and whose heart is at rest with Faith but whoever opens their hearts to disbelief, on them is wrath from Allâh, and theirs will be a great torment.”** ﴾<sup>299</sup>

And the Messenger of Allâh, صلى الله عليه وسلم, said: “Taken off of my Ummah are mistakes, forgetfulness and that which they were compelled upon.”<sup>300</sup>

And he, صلى الله عليه وسلم, said: “Allâh took off of my Ummah mistakes, forgetfulness and that which they were compelled upon.”<sup>301</sup>

<sup>298</sup> “Al-Mawsû‘ah al-Fiqhiyyah”, Vol. 3/297

<sup>299</sup> An-Nahl, 106

<sup>300</sup> Narrated by Al-Bayhaqî from ‘Abd Allâh Ibn ‘Umar, in “As-Sunan al-Kubrâ”, (#11,236), publication of “Maktabat Al-Bâz”; Makkah al-Mukarramah, 1414 H.

<sup>301</sup> Narrated by Al-Bayhaqî from ‘Uqbah Ibn ‘Âmir, in “As-Sunan al-Kubrâ”, (#14,873), publication of “Maktabat Al-Bâz”; Makkah al-Mukarramah, 1414 H.

And he, صلى الله عليه وسلم, said: *“Verily, Allâh excused three (things) off of my Ummah: mistakes, forgetfulness and that which they were compelled upon.”* <sup>302</sup>

And he, صلى الله عليه وسلم, said: *“Verily, Allâh excused off of my Ummah, mistakes, forgetfulness and that which they were compelled upon.”* <sup>303</sup>

And he, صلى الله عليه وسلم, said: *“Verily, Allâh took off of my Ummah mistakes, forgetfulness and that which they were compelled upon.”* <sup>304</sup>

And this Hadîth has been narrated with a variety of narrators and phrasings; some of which are those mentioned here. And the grading of those narrations has ranged all the way from authentic on their own, down to the level of weak, to the point where they do not strengthen each other. <sup>305</sup> And Allâh knows best.

## **7. Rule: “Remaining Steadfast is Better Than Taking the Concession (Rukhsah), Even if that Leads to Death”**

And from the evidence for the correctness of this rule, is the Hadîth of Khabbâb Ibn al-Aratt, رضي الله عنه, who said:

*“We complained to the Messenger of Allâh, صلى الله عليه وسلم, when he was reclining on his cloak in the shade of the Ka’bah. We said to him: ‘Will you not ask for help for us? Will you not pray to Allâh for us?’ He said, ‘A man from the people before you would have a hole dug for him then be placed in it, then a saw would be brought, placed on his head, then it would be cut in two, yet that would not make him renounce his faith. And he would be scraped with iron combs (to drag) the flesh and nerves from his bones, yet that would not make him renounce his faith.”* <sup>306</sup>

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<sup>302</sup> Narrated by At-Tabarânî from Thawbân, in “Al-Mu’jam al-Kabîr”, (#1,430)

<sup>303</sup> Narrated by Ibn Mâjah from Abû Tharr, in “Sunan Ibn Mâjah” (#2,044)

<sup>304</sup> Narrated by Ibn Mâjah from Ibn ‘Abbâs, in “Sunan Ibn Mâjah”, (#2,045)

<sup>305</sup> Imâm Ahmad rejected it as mentioned in “Talkhîs al-Habîr”, Vol. 2/464 and Abû Hâtam ar-Râzî rejected it in his “Ilal”, Vol. 2/292 as did Ad-Dâraqutnî as mentioned in “Lisân al-Mîzân”, Vol. 4/212 and others. Those who accepted it included Al-Uqaylî as mentioned in “Tah’tîb at-Tah’tîb”, Vol. 9/461, Ibn Hazm in “Al-Muhallâ bil-Âthâr”, Vol. 5/334 and An-Nawawî in “Al-Majmû’ Sharh al-Muhat̄ab”, Vol. 6/309. And from what seems noteworthy is that the majority of those who rejected this Hadîth were from the earlier generations, while those who accepted it were from the later generations, and were basing this acceptance upon their collecting and reconciling the numerous chains and phrasings. For instance, Ash-Shawkânî mentioned that it (i.e. this Hadîth) is not to be classified lower than the level of ‘Hasan’, due to other than it. [Look to “Fat’h al-Qadîr”, Vol. 1/309] And Al-Albânî mentioned that it is authentic, due to all of its chains. [Look to “Mishkât al-Masâbîh”, (#6,248)].

<sup>306</sup> Narrated by Al-Bukhârî (#3,612)

And also the Hadîth of Abû ad-Dardâ', رضي الله عنه, who said: "My *Khalîl*, صلى الله عليه وسلم, advised me that you must never associate anything with Allâh, even if you are cut up and burnt." <sup>307</sup>

And Anas narrated that the Prophet, صلى الله عليه وسلم, said, "There are three (characteristics); whoever has them in him, he has found the sweetness of faith." And from them: "And whoever hates to return to disbelief after Allâh has rescued him from it, just as he hates to be thrown into the fire." <sup>308</sup>

Ibn Battâl <sup>309</sup> said, "They formed consensus upon whoever was compelled with disbelief (Kufr) but chooses death, that he is greater in rewards with Allâh than the one to chooses the concession." <sup>310</sup>

Ibn al-'Arabî said, "Verily, even if (showing) disbelief (Kufr) is allowed under compulsion, according to the scholars, the one who remains patient upon the trials and does not fall into tribulation until he is a killed, then he is a martyr (Shahîd). And there is no difference regarding that. And this was indicated by the narrations of the Sharî'ah – the mentioning of which would be lengthy." <sup>311</sup>

Ibn Kathîr said, "And what is better and more befitting is that the Muslim remains steadfast upon his religion, even if that leads to his death." <sup>312</sup>

## 8. The Conditions for Genuine Compulsion

The reason for a discussion on this aspect is that there are certainly some situations where a Muslim would not be considered compelled into an action or statement and by listing some of the conditions for the compulsion to be considered genuine, we can eliminate those circumstances where the person does not qualify for the concession of compulsion. For instance, if a person were to be threatened with being lashed with strips of soft, plush velvet, if

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<sup>307</sup> Narrated by Ibn Mâjah; however, defects were mentioned by Al-Munthirî in "At-Targhîb wat-Tarhîb", Vol. 3/251 & 261, Al-'Irâqî in "Tarh at-Tathrîb", Vol. 2/146 and Ibn Hajar in "Talkhîs al-Habîr", Vol. 2/718. Al-Albânî declared it 'Hasan', in "Sahîh Ibn Mâjâh" (#3,275) and Ibn Hajar mentioned that a similar phrasing is 'Hasan' due to its supporting narrations. [Look to "Al-Amâlî al-Mutlaqah", Pg. 73]

<sup>308</sup> Al-Bukhârî (#21) and Muslim (#43) with almost an identical phrasing.

<sup>309</sup> He is: Abul-Hasan 'Alî Ibn Khalaf Ibn 'Abd al-Malik Ibn Battâl al-Qurtubî. He has an explanation of "Sahîh al-Bukhârî", which is quoted often by Ibn Hajar in "Fat'h al-Bârî". He died in the year 449 H. [Look to "Al-A'lâm", Vol. 4/285 and "Shatharât ath-Thahab Fî Akhbârî Man Thahab", Vol. 3/283]

<sup>310</sup> "Fat'h al-Bârî", Vol. 12/396, publication of "Maktabat Dâr as-Salâm"; Riyadh and "Maktabat Dâr al-Fayhâ"; Damascus, 1<sup>st</sup> Edition, 1418 H. and look to "Al-Jâmi' li'Ahkâm al-Qur'ân", Vol. 10/167, publication of "Dâr al-Kitâb al-'Arabî"; Beirut, 1<sup>st</sup> Edition, 1418 H.

<sup>311</sup> "Ahkâm al-Qur'ân", Vol. 3/162

<sup>312</sup> "Tafsîr al-Qur'ân al-'Athîm", Vol. 2/776, publication of "Maktabat Dâr al-Fayhâ"; Damascus and "Maktabat Dâr as-Salâm"; Riyadh, 2<sup>nd</sup> Edition, 1418 H. and look to "Al-Mughnî", Vol. 8/146 and "Ahkâm al-Qur'ân", by Al-Jassâs, Vol. 3/249

he failed to comply with some demand, he would not even feel the slightest pain in such a situation, much less would he be entitled to take for himself the concession (Rukhsah) of compulsion.

As-Sarkhasî <sup>313</sup> said, “The length for imprisonment which is (considered) compulsion, is that (length) which causes clear anguish. And regarding beating which is (considered) compulsion, it is that which causes severe pain. And there is no (defined) limit, which could be surpassed or decreased from regarding that, because it is impossible to define an amount that is based (solely) upon opinion. Rather, it is based upon what the judge sees if it is presented to him. So whatever he sees as compulsion, he invalidates the testimony with it, because that (amount) differs based upon the various conditions (patience etc.) of the people. So the noble one whose status would be reduced by prison; the effects of imprisonment and being tied up for one day in his regard, is higher than the effects of prison for a month regarding someone else. So due to this (situation) he was unable to (endure) any of it. And we entrusted this to the opinion of the judge to base that upon the condition of the one who is tested with that.” <sup>314</sup>

Ibn Hajar said, “And the conditions of compulsion are four. The first is that the one performing it is able to implement what he is threatening, while the one being ordered is unable to repel that (threat), even by fleeing. The second is that, it is his strong assumption that if he refuses (to comply) then this (threat) will be implemented upon him. And the third is that what he (i.e. the compeller) threatened him with is immediate. So if he says, ‘If you do not do this, I will beat you tomorrow,’ he (i.e. the captive) is not considered a compelled one. And an exception from that is if he mentioned an amount of time, which is very near or if customarily he does not backtrack (from his stated intention). The fourth is that nothing is shown by the commanded one, that would indicate his voluntary compliance.” <sup>315</sup>

And he continued in his explanation of the description of what is being threatened: “And it is disagreed upon concerning what he is being threatened with, as they (i.e. the jurists) agreed upon death, amputation, severe beating and lengthy imprisonment, but they differed with regards to light beating and imprisonment for a day or two.” <sup>316</sup>

And he also said: “And it is differed upon concerning the limit of compulsion, as ‘Abd Ibn Humayd narrated with an authentic chain from ‘Umar that he said, ‘A man is not secure upon his self if he is imprisoned, tied up or tortured.’ And from the path of Shurayh likewise with an

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<sup>313</sup> He is: Abû Bakr Muhammad Ibn Ahmad Ibn Sahl as-Sarkhasî, from Sarkhas, in Khurâsân. He was from the top scholars of the Hanafî School and was known for his book “Al-Mabsût”, which is thirty volumes and which he dictated, while in prison. He is also the author of “Sharh as-Siyar al-Kabîr”, by Muhammad Ibn al-Hasan ash-Shaybânî. He died in the year 483 H. [Look to “Al-A’lâm”, Vol. 5/315]

<sup>314</sup> “Al-Mabsût”, Vol. 7/119

<sup>315</sup> “Fat’h al-Bârî”, Vol. 12/390, publication of “Maktabat Dâr as-Salâm”; Riyadh and “Maktabat Dâr al-Fayhâ”; Damascus, 1<sup>st</sup> Edition, 1418 H.

<sup>316</sup> “Fat’h al-Bârî”, Vol. 12/390, publication of “Maktabat Dâr as-Salâm”; Riyadh and “Maktabat Dâr al-Fayhâ”; Damascus, 1<sup>st</sup> Edition, 1418 H.

addition and its phrase is: ‘There are four, all of which are compulsion; prison, beating, threatening and being tied up.’ And from Ibn Mas’ûd who said, ‘There are no words which would repel two lashes off of me, except that I would speak them.’ And this is the opinion of the majority.”<sup>317</sup>

## 9. Compulsion Upon Disbelief

Obviously, compulsion can exist at a variety of different levels, the worst of which is to be compelled to utter statements or perform actions of disbelief. And this was what the verse of compulsion was revealed regarding, as Allâh, تعالى, said:

﴿ مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَكِنْ مَنْ شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِّنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ ﴾

﴿ ***“Whoever disbelieved in Allâh after his belief, except him who is forced thereto and whose heart is at rest with Faith but whoever opens their hearts to disbelief, on them is wrath from Allâh, and theirs will be a great torment.”*** ﴾<sup>318</sup>

And, as we narrated previously, this verse was revealed concerning the compulsion of ‘Ammâr Ibn Yâsir, رضي الله عنه:

Muhammad Ibn ‘Ammâr Ibn Yâsir narrated: “The polytheists took ‘Ammâr Ibn Yâsir and they did not leave him until he swore at the Prophet, صلى الله عليه وسلم, and mentioned their gods favourably, then they left him. Then when he came to the Messenger of Allâh, صلى الله عليه وسلم, he said to him, ‘What took place?’ He said, ‘Evil, O Messenger of Allâh, I was not left until I insulted you and mentioned their gods favourably.’ He said, ‘How did you find your heart?’ He said, ‘At rest with faith.’ He said, ‘Then if they repeat (what they did to you), then repeat (what you said).’”<sup>319</sup>

<sup>317</sup> “Fat’h al-Bârî”, Vol. 12/393, publication of “Maktabat Dâr as-Salâm”; Riyadh and “Maktabat Dâr al-Fayhâ”; Damascus, 1<sup>st</sup> Edition, 1418 H.

<sup>318</sup> An-Nahl, 106

<sup>319</sup> Narrated by Al-Hâkim, Vol. 2/357 who said, “It is an authentic Hadîth upon the conditions of the two Shaykhs (i.e. Al-Bukhârî and Muslim),” and Ath-Thahabî agreed. And it was narrated by Ibn Sa’d in “At-Tabaqât”, Vol. 3/249 and also by Al-Bayhaqî in “As-Sunan al-Kubrâ”, Vol. 8/208-209, publication of “Maktabat Dâr al-Bâz”; Makkah al-Mukarramah, 1414 H. with the Tahqîq of Muhammad ‘Abd al-Qâdir ‘Atâ, and by Abû Nu’aym in “Hilyat al-Awliyâ’ wa Tabaqât al-Asfiyâ’”, Vol. 1/140) as well as by others. Ibn Kathîr authenticated it in “Irshâd al-Faqîh”, Vol. 2/295 and other narrations exist with slightly different phrasings, which were mostly declared ‘Mursal’. As-Suyûtî attributed it to Ibn Abî Hâtim and Ibn Mardawayh, in “Ad-Durr al-Manthûr”, Vol. 9/120, and Ibn Hajar also attributed it to ‘Abd Ar-Razzâq and ‘Abd Ibn Humayd and he said about it, “It is ‘Mursal’ and its men are trustworthy,” and he mentioned another ‘Mursal’ path and said, “And these ‘Mursal’ narrations are strengthened by each other.”- “Fat’h al-Bârî”, Vol. 12/391, publication of “Maktabat Dâr as-Salâm”; Riyadh and “Maktabat Dâr al-Fayhâ”; Damascus, 1<sup>st</sup> Edition, 1418 H.

Ibn Hajar said, “And they agreed that regarding him (i.e. ‘Ammâr, رضي الله عنه) was revealed: **...except him who is forced thereto and whose heart is at rest...**”<sup>320</sup>

Abû Bakr al-Jassâs<sup>321</sup> said, “This is a basis for the permissibility of openly displaying the words of Kufr while in the state of compulsion. And the compulsion which permits that is when he fears the loss of himself or some of his limbs if he does not perform what he ordered him with. So it is permissible for him, in this state, to openly display the words of Kufr, and use ambiguities in its place, if he thinks of doing so. Then if he does not do so (i.e. use ambiguous phrases), while he thought to do so, then he is a disbeliever.”<sup>322</sup>

Ibn al-‘Arabî said, “When Allâh, تعالى, excused (actions and statements of) disbelief towards Him while under compulsion, while this (i.e. belief in Him) was the basis of the Sharî’ah, yet (Allâh) did not hold (anyone) accountable regarding that, the scholars held the branches of the Sharî’ah upon that (same standard). So if compulsion takes place in them (i.e. those branches, which are less than disbelief), then he is not held accountable regarding that, nor is any ruling based upon that.”<sup>323</sup>

Ibn Kathîr said, “So it is an exception from those who disbelieve with their tongue and comply with the polytheists with a statement out of compulsion, due to that which he received from beating and harm while his heart rejects what he is saying and he remains at rest with faith in Allâh and His Messenger.”<sup>324</sup>

Ibn al-Battâl said, following Ibn al-Munthir’s opinion, “They formed consensus upon that he who is compelled upon disbelief until he fears death for himself, so he (performs) disbelief while his heart is at rest with faith, that he is not judged upon with Kufr and his wife is not separated from him.”<sup>325</sup>

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<sup>320</sup> “Al-Isâbah Fî Tamyiz as-Sahâbah”, Vol. 4/575

<sup>321</sup> He is Ahmad Ibn ‘Alî ar-Râzî al-Hanafî. He was known for his asceticism (Zuhd) and worship. His most famous book is “Ahkâm al-Qur’ân”. He died in Baghdâd in the year 370 H. [Look to “Siyar A’lâm an-Nubalâ”, Vol. 16/340; publication of “Mu’assasat ar-Risâlah”, Beirut, 7<sup>th</sup> Edition, 1410 H.]

<sup>322</sup> “Ahkâm al-Qur’ân”, Vol. 3/249

<sup>323</sup> “Ahkâm al-Qur’ân”, Vol. 3/164

<sup>324</sup> “Tafsîr al-Qur’ân al-‘Athîm”, Vol. 2/775-776, publication of “Maktabat Dâr al-Fayhâ”; Damascus and “Maktabat Dâr as-Salâm”; Riyadh, 2<sup>nd</sup> Edition, 1418 H.

<sup>325</sup> “Fat’h al-Bârî”, Vol. 12/393, publication of “Maktabat Dâr as-Salâm”; Riyadh and “Maktabat Dâr al-Fayhâ”; Damascus, 1<sup>st</sup> Edition, 1418 H. and look to “Al-Jâmi’ li’Ahkâm al-Qur’ân”, Vol. 10/162, publication of “Dâr al-Kitâb al-‘Arabî”; Beirut, 1<sup>st</sup> Edition, 1418 H.

## 10. Does the Concession for Compulsion Apply to Both Statements & Actions?

This would seem to be a fair question, because the verse of compulsion, which was revealed regarding ‘Ammâr Ibn Yâsir, رضي الله عنه, was general in its phrasing, however it was revealed regarding an incident wherein a Muslim was specifically being compelled to utter insults towards the Prophet, صلى الله عليه وسلم, and to mention the gods of Quraysh favourably. So is there any difference between the two? The scholars have differed over this issue.

And Ibn Rajab examined the two opinions thoroughly as he said: “And if he is compelled to drink wine or other than that from the forbidden actions, then concerning its permissibility there are two opinions: The first of the two: That is allowed for him, using His, تعالى, ’s statement as evidence:

﴿ وَلَا تُكْرِهُوا فَتِيَاتِكُمْ عَلَى الْبِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِّتَبْتَعُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهِنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ  
إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ ﴾

﴿ **And compel not your slave-girls to prostitution, if they desire chastity, in order that you may make a gain in the (perishable) goods of this worldly life. And whoever compels them (to prostitution), then after their compulsion, verily, Allâh is Oft-Forgiving, Most Merciful.** ﴾<sup>326</sup>

“And this was revealed regarding ‘Abd Allâh Ibn Ubay Ibn Salûl. He had two slave girls and he used to compel them to perform fornication, and they would both resist that.’

“And this is the opinion of the majority, such as Ash-Shâfi’î and Abû Hanîfah, and it is the famous (opinion) from Ahmad. And similar to it was narrated from Al-Hasan, Mak’hûl and Masrûq. And from ‘Umar Ibn Al-Khattâb, may Allâh be pleased with him, is that which indicates it (i.e. this view).’

“And the people who took this opinion differed regarding the compulsion of a man (being forced) to perform fornication. (This is because) from them (i.e. the scholars) were those who stated that his compulsion to perform that would be invalid, yet there would be no sin upon him. And this is the opinion of Ash-Shâfi’î and Ibn ‘Aqîl from our companions. And from them (i.e. the scholars) were those who stated that his compulsion to perform that would be invalid and that the sin, as well as the prescribed penalty, would be held upon him. And this is the opinion of Abû Hanîfah, رحمه الله تعالى, and what was clearly stated from Ahmad, and it is (also) narrated from Al-Hasan.’

<sup>326</sup> An-Nûr, 33

“And the second opinion: That the (concession of) Tuqâh is in the statements and there is no Tuqâh in the actions, nor any compulsion upon them. That is narrated from Ibn ‘Abbâs, رضي الله عنهما, Abul-‘Âliyah, Abush-Sha’tâh, Ar-Rabî’ Ibn Anas, Adh-Dhahhâk, and it is a narration from Ahmad. And it is narrated from Sahnûn as well. And upon this (opinion), if he drank wine or stole out of compulsion, the prescribed penalty is implemented upon him.”<sup>327</sup>

#### a) The View of Those Who Make a Distinction

Al-Qurtubî said, “A group from the scholars took the opinion that the concession has only come regarding the statements; as for actions, then there is no concession in them. Like if they were compelled to prostrate to other than Allâh or to pray to other than the Qiblah or killing a Muslim, beating him or consuming his wealth, fornication, drinking wine, or consuming interest. This is narrated from Al-Hasan al-Basrî, and it was the opinion of Al-Awzâ’î and Sahnûn, from our scholars.” – until he said: “And a group said that compulsion in actions and statements are equal if he conceals faith. That was narrated from ‘Umar Ibn al-Khattâb and Mak’hûl and it was the opinion of Mâlik and a group from the people of ‘Iraq.”<sup>328</sup>

#### b) The View of Those Who Make No Distinction

It would appear that in general,<sup>329</sup> there are no differences between the two forms of compliance because if swearing at the Prophet, صلى الله عليه وسلم, while praising the idols of the polytheists were permitted from the point of uttering statements, then it would seem even more befitting that actions of disbelief, which are less than that would be included in the concession of compulsion. For example, it is known that swearing towards the Prophet, صلى الله عليه وسلم, is a greater offence on the scales of the Sharî’ah than abandoning the prayer, yet both result in apostasy.<sup>330</sup> The difference being that in the first case, it is a statement, whereas in the second, it is an action. Yet, that statement contains a more severe form of apostasy than the action of abandoning the prayer. Therefore if the concession is permitted in the more extreme forms of disbelief in the form of statements, then it seems the concession would also exist for what is less than that in the form of actions. And Allâh knows best.

And Ash-Shawkânî stated, “And Al-Hasan al-Basrî, Al-Awzâ’î, Ash-Shâfi’î and Sahnûn took the opinion that this concession that is mentioned in this verse has only come concerning statements. As for actions (according to them) then there is no concession. Like if he is

<sup>327</sup> “Jâmi’ al-‘Ulûm wal-Hikam”, Vol. 2/251-252

<sup>328</sup> “Al-Jâmi’ li’Ahkâm al-Qur’ân”, Vol. 10/162 – 163, publication of “Dâr al-Kitâb al-‘Arabî”; Beirut, 1<sup>st</sup> Edition, 1418 H.

<sup>329</sup> We say: ‘in general’ because there are some actions, which are not permitted even while in a state of compulsion and we will reach them in the next section, *In Shâ’ Allâh*.

<sup>330</sup> This, according to the view of the jurists who viewed abandoning the prayer, due to laziness (not out of rejection or denying its obligation) results in major disbelief – the type which removes one from the realm of Islâm.

compelled to prostrate to other than Allâh, but it (i.e. this opinion) is repelled by the outward meaning of the verse, as it is general concerning the one who is compelled, without any differentiation between statements and actions. And there is no evidence for those ones who restrict the verse to statements. And the specificity of the cause has no consideration with the generality of the phrasing, as has been confirmed in the science of Usûl.”<sup>331</sup>

But there is no difference of opinion amongst the jurists that there is no room for compulsion in the actions of the heart such as love and hate.<sup>332</sup> Therefore, if the heart is affected and the person slips into inward disbelief along with his compliance, then there is no concession and this person has left Islâm, just as the verse of compulsion confirms:

﴿وَلَكِنَّ مَن شَرَحَ بِالْكَفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِّنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ﴾

﴿...but whoever opens their hearts to disbelief, on them is wrath from Allâh, and theirs will be a great torment.﴾<sup>333</sup>

And from the evidence for the excuse of compulsion including actions is His, تعالى, 's statement:

﴿وَلَا تُكْرِهُوا فَتِيَاتِكُمْ عَلَى الْبِغَاءِ إِنِ أَرَدْنَ تَحَصُّنًا لِّتَبْتَغُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَن يُكْرِهِنَّ فَإِنَّ اللَّهَ مِن بَعْدِ  
إِكْرَاهِهِنَّ غَفُورٌ رَّحِيمٌ﴾

﴿And compel not your slave-girls to prostitution, if they desire chastity, in order that you may make a gain in the (perishable) goods of this worldly life. And whoever compels them (to prostitution), then after their compulsion, verily, Allâh is Oft-Forgiving, Most Merciful.﴾<sup>334</sup>

And in this noble verse, Allâh, عز وجل, specified the sin of fornication, which was forced upon the slave girls of ‘Abd Allâh Ibn Ubay – the chief of the hypocrites – and yet Allâh forgave that, due to the compulsion involved, despite the fact that it was an action.

Imâm ash-Shawkânî, رحمه الله, said, “And Allâh, سبحانه, placed a stipulation on this forbiddance with His statement: ﴿...if they desire chastity...﴾ because compulsion is not conceivable except when chastity is wished for.” Until he said, “And it is said that this condition was based upon the majority of situations because what is more likely is that compulsion would not be except where there is a wish for chastity. So it does not necessitate the permissibility of compulsion when there is no wish for chastity. And this point is the strongest of these points.”<sup>335</sup>

<sup>331</sup> “Fat’h al-Qadîr”, Vol. 3/197

<sup>332</sup> “Al-Ashbâh wan-Nathâ’ir”, by As-Suyûtî, Pg. 208

<sup>333</sup> An-Nahl, 106

<sup>334</sup> An-Nûr, 33

<sup>335</sup> “Fat’h al-Qadîr”, Vol. 4/29-30

And Imâm Ibn al-'Arabî, رحمه الله, said, "And this verse indicates the conceivability of compulsion in fornication, contrary to those who rejected that from our scholars. And they were Ibn al-Majishûn and others. And Allâh does not forbid something except that it is conceivable. And the accountability does not take place except regarding something that is possible. Due to that, we say there is no prescribed punishment upon him, because compulsion removes the ruling of accountability." Until he said, "His, تعالى, statement: ﴿...**then after their compulsion, verily, Allâh is Oft-Forgiving, Most Merciful.**﴾ This forgiveness is only for the compelled one, not for he who compelled her upon that; he who made the compelled and needy one (i.e. the slave girl) resort to that. And due to that 'Abd Allâh Ibn Mas'ûd used to read it: ﴿...**then after their compulsion, verily, Allâh is Oft-Forgiving, Most Merciful, to them (Feminine Form).**﴾ And the forgiveness is tied to the compelled one who is in need of it as a favour from Allâh."<sup>336</sup>

### **11. Does the Threat Itself Entitle the Muslim to the Concession for Compulsion?**

And this is a practical question, because technically a person who is threatened with beating, torture or other than that from the various forms of genuine compulsion, hasn't yet begun to experience what he was threatened with as the penalty for non-compliance. So can one take the concession for himself and comply with his captor if he isn't technically experiencing the compulsion yet?

And from what the jurists have stated, it seems that there is a general agreement that the concession for a threat of genuine compulsion is valid, even before the compulsion has begun, assuming certain conditions exist. This is because if the captive is unable take the concession for compulsion by complying based upon the threat, he would not be able to remove that threat from himself until after it has begun. And if the threat is death or a severe beating or other than that from the genuine forms of compulsion, there is a strong possibility that the beginning of that threat would lead to his death or permanent harm even before he would have the opportunity to take the concession and comply.

And Ibn Qudâmah, رحمه الله, said, "Because compulsion would not be (possible) except with a threat. Because that torment which took place in the past can no longer be repelled by (him doing) what he is (now) being compelled with, nor would he fear it taking place (at that point). And his performing that which he is being compelled with was only permitted for him in order to repel what he was being threatened with from future torment. And he is identical in both situations (i.e. when being threatened or being tormented)."

"And because whenever he (i.e. the compeller) threatens him (i.e. the captive) with death, and it is known that he will kill him, (then if we claim that) he is not permitted to perform the

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<sup>336</sup> "Ahkâm al-Qur'ân", Vol. 3/403-404

action, this would lead to him being killed and him throwing himself to destruction (i.e. suicide). And the fact that compulsion (i.e. physical torment) is considered a valid means to take the concession, doesn't prove anything (i.e. that nothing else is considered valid). Because (if this principle were true) if he were to divorce under these circumstances, his divorce would (legitimately) take place. Therefore, the one compelling would attain his goal and the harm would fall upon the one being compelled. And the validity of compulsion concerning the one who has been subjected to some form of torment, does not negate its validity regarding someone else.'

"And it has been narrated from 'Umar regarding the one who climbed down seeking honey that his wife stood upon the rope and said, 'Divorce me three times, otherwise I will cut it!' So he reminded her of Allâh and Islâm, but she said, 'You will do so or I shall do it!' So he divorced her three times, so he (i.e. 'Umar) returned her to him. – Narrated by Sa'îd with his chain, and this was a threat." <sup>337 338</sup>

And Al-Qâdhî Abû Ya'lâ, رحمه الله, differentiated between threats of killing and other than that, as he said, "So if the threat is with killing and that is from someone overpowering (him) who has that ability, then it must be said that it is compulsion. This is the only opinion (narrated from Ahmad). (This is) because, if the action takes place then it is impossible to remove it. And it is not like that if the threat is with beating, and imprisonment, because if the action takes place, it is possible to remove it." <sup>339</sup>

Imâm Mâlik, رحمه الله, said, "And the intimidating threat is compulsion, even if it does not take place, if the transgression of that transgressor is confirmed along with his following through with what he threatens (i.e. he is known to do what he threatens)." <sup>340</sup>

And Imâm Abû Bakr Ibn al-'Arabî, رحمه الله, said, "And the people differed regarding threats; is it compulsion or not? And the correct (view) is that it is compulsion, because the transgressor who is able (to carry out his threat), if he says to a man: 'If you do not perform such-and-such, I will kill you, beat you, take your wealth, or I will imprison you,' and he does not have anyone to protect him except Allâh, then it is (allowed) for him to proceed with that action and the sin falls off of him generally, except in killing (another Muslim)." <sup>341</sup>

Ibn Taymiyyah, رحمه الله, said, "I contemplated the school of legal thought (Math'hab), so I found that compulsion differs with the differing of that which is being compelled upon. So the valid

<sup>337</sup> "Al-Mughni", Vol. 10/352, publication of "Dâr 'Âlam al-Kutub"; Riyadh, 3<sup>rd</sup> Edition, 1417 H.

<sup>338</sup> And the origin of this narration is from Sa'îd Ibn Mansûr is in his "Sunan", Vol. 1/274-275 and Al-Bayhaqî in "As-Sunan al-Kubrâ", Vol. 7/357 – from the footnotes of "Al-Mughni", by 'Abd Allâh Ibn 'Abd al-Muhsin al-Turkî and 'Abd al-Fattah Muhammad al-Hilû.

<sup>339</sup> "Kitâb ar-Riwâyatayn wal-Wajhayn", Vol. 2/156

<sup>340</sup> "Al-Jâmi' li'Ahkâm al-Qur'ân", Vol. 10/169, publication of "Dâr al-Kitâb al-'Arabî"; Beirut, 1<sup>st</sup> Edition, 1418 H.

<sup>341</sup> "Ahkâm al-Qur'ân", Vol. 3/160

compulsion in (uttering) words of disbelief is not like the valid compulsion in (extorted) gifts and the likes of it. As Ahmad clearly stated in more than one place that the compulsion upon disbelief would not be except by torture from beating and binding, and words would not be (enough for) compulsion. And he clearly stated that if a woman gives her dowry to her husband in his home, then it is (allowed) for her to renege, based upon (the fact) that she would not have given it to him, except (due to the fact) that she fears that he will divorce her or will mistreat her. So he made the fear of divorce or mistreatment to be compulsion with regards to gifts, and his (i.e. Ahmad's) phrasing elsewhere was, 'because he compelled her'. And the likes of this (pressure) would not be (considered valid) compulsion upon disbelief, because if the prisoner fears that the disbelievers would prevent him from marrying, or would separate him and his wife, it would not be permitted for him to utter words of disbelief."<sup>342</sup>

## 12. What if the Threat or the Harm is Being Directed Towards Other Than the one Being Compelled?

And we see this to be a particularly relevant and topical question because often, the enemies of Allâh know that many of the scholars of Jihâd and the Mujâhidîn are very firm and are well-prepared to endure much of their types of physical and psychological torment, yet what *can* break them, is their protective instincts towards their loved ones and the preservation of their safety and honour.<sup>343</sup>

And the majority of the jurists agreed that when the torment is extended beyond the compelled one to his family members or loved ones, then he is likewise entitled to this concession, even if he is not personally being harmed.<sup>344</sup>

Ibn Qudâmah, رحمه الله, stated, "And if he is threatened with the torture of his child, then it has been said it is not compulsion, because the harm reaches someone else. And what is more befitting is that it would be compulsion, because according to him, that is greater than taking his wealth. And threatening with that (i.e. seizure of his wealth) is compulsion, then likewise is this (i.e. torture of his child)."<sup>345</sup>

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<sup>342</sup> "Al-Fatâwâ al-Kubrâ", Vol. 4/568-569

<sup>343</sup> And we will mention some of the methods used by the agents working for the apostate regimes in order to guarantee the compliance of those in their custody.

<sup>344</sup> And for a discussion on this, look to "Al-Ikrâh wa Atharuhu fit-Tasarrufât", Pg. 60-61 and "Al-Mabsût", by As-Sarkhasî, Vol. 24/143-144

<sup>345</sup> "Al-Mughnî", Vol. 10/353, publication of "Dâr 'Âlam al-Kutub"; Riyadh, 3<sup>rd</sup> Edition, 1417 H. And look to "Mughnî al-Muhtâj Ilâ Ma'rifat Alfâth Al-Minhâj", Vol. 3/290 and "Fat'h al-Bârî", Vol. 12/405-406, publication of "Maktabat Dâr as-Salâm"; Riyadh and "Maktabat Dâr al-Fayhâ"; Damascus, 1<sup>st</sup> Edition, 1418 H.

And Al-Mirdâwî, رحمه الله, said, “Beating his child and imprisoning him and the likes of that is compulsion for his father, according to the correct (opinion) from the Math’hab. And he (i.e. Ibn Al-Muflih) declared it correct in ‘Al-Furû’<sup>346</sup>, ‘Al-Qawâ’id al-Usûliyyah’,<sup>347</sup> and others.”<sup>348</sup>

And Ibn Hazm, رحمه الله, stated, “And compulsion is everything which is called compulsion linguistically, and which is known by the senses to be compulsion. Such as the threat of murder from someone whom he does not feel safe from (and about whom he assumes) that he will follow through with what he has threatened him with. And likewise the threat of beating or the threat of prison as well, and likewise the threat of the destruction of wealth or threatening a Muslim, other than him with murder, beating, imprisonment or destroying wealth, due to the statement of the Messenger of Allâh, صلى الله عليه وسلم, ‘The Muslim is the brother of the Muslim. He does not oppress him, nor does he surrender him.’”<sup>349</sup>

### 13. Does the Concession for Compulsion Exist if one is Compelled to Kill Another Muslim?

And the ruling in this matter rests upon the boundaries of the one’s own rights and responsibilities. A Muslim is responsible for himself and what he chooses regarding his own situation. And accordingly, if that Muslim experiences genuine compulsion, he is entitled to take the concession (Rukhsah) and comply with his compeller in both actions and statements. And regarding that, it is preferable in such a situation for him to remain steadfast, if possible, even if that results in his own death. And this is because this choice is his to make regarding his own life and those decisions he makes, which affect it. But if he is being compelled regarding the life of another Muslim, then he is not permitted to overstep the limitations of these boundaries and comply with his captors. And in this situation, if he is faced with the choice of killing another Muslim versus being killed himself, he must remain patient and accept his own death, because taking the life of another Muslim does not fall within the realm of the concession. Rather, to do so would be overstepping one’s own boundaries of personal accountability.

Ibn Rajab, رحمه الله, stated, “The scholars have formed consensus upon (the fact) that if he is compelled to kill a protected one (i.e. Muslim), it is not allowed for him to kill him. Because he would only kill him out of his own free will, to ransom himself from murder. This is a consensus from the scholars who are relied upon.”<sup>350</sup>

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<sup>346</sup> “Al-Furû’”, by Ibn al-Muflih al-Hanbalî

<sup>347</sup> “Al-Qawâ’id wal-Fawâ’id al-Usûliyyah wa mâ Yata’allaqu Bihâ min al-Ahkâm”, by ‘Alî Ibn ‘Abbâs al-Ba’lî al-Hanbalî

<sup>348</sup> “Al-Insâf” by Al-Mirdâwî, Vol. 8/441

<sup>349</sup> “Al-Muhallâ bil-Âthâr”, Vol. 5/330

<sup>350</sup> “Jâmi’ al-’Ulûm wal-Hikam”, Vol. 2/251

Al-Qurtubî, رحمه الله, stated, “The scholars have formed consensus upon (the fact) that if he is compelled to kill someone else, it is not allowed for him to go ahead with killing him, nor to violate his sanctity by lashing or anything else. And he must be patient upon the trials which have come upon him. And it is not allowed for him to ransom himself by someone else. And he must ask Allâh for wellbeing in this worldly life as well as the Hereafter.”<sup>351</sup>

- **And if the compelled one complies with his captor and kills a Muslim, what is upon him?**

Ibn Rajab, رحمه الله, stated, “Then if he kills him in this condition, then the majority are upon (the opinion) that they both share in the obligation of the *Qawad* (i.e. equal retribution); the compeller and the compelled, due to them both sharing in the murder. And it is the opinion of Mâlik, Ash-Shâfi’î in the famous (opinion) from him, and Ahmad. And it is (also) said: ‘It is obligatory (i.e. the penalty for murder) upon the compeller alone, because the compelled one has become like an instrument.’ And this is the opinion of Abû Hanîfah and one of the two opinions of Ash-Shâfi’î. And like the first (opinion) is narrated from Zufar.<sup>352</sup> And it is narrated from him that it is obligatory upon the compelled one due to his firsthand involvement, and he is not like an instrument, because he is sinful by agreement (of the scholars).”<sup>353</sup>

#### **14. Are the Prisons Themselves a Form of Genuine Compulsion?**

We have been referring to the compelled one as a ‘captive’ or being ‘under the power of his enemies’ throughout this book. And this is because if a Muslim were free just get up and leave the presence of those who are threatening him with those forms of genuine compulsion, he would obviously do so. But the question is: What is the ruling on captivity and prisons themselves, and does having one’s freedom taken away, itself, become a form of compulsion?

And most of the jurists and scholars who mentioned this topic have included prison within their examples, as we mentioned:

As-Sarkhasî, رحمه الله, said, “The limit for imprisonment which is compulsion, is that which clear anguish takes place from...” until he said, “So the noble one whose status would be reduced by prison; the effects of imprisonment and being tied up for one day in his regard, is higher than the effects of prison for a month regarding someone else.”<sup>354</sup>

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<sup>351</sup> “Al-Jâmi’ li’ Ahkâm al-Qur’ân”, Vol. 10/163, publication of “Dâr al-Kitâb al-‘Arabî”; Beirut, 1<sup>st</sup> Edition, 1418 H. and “Fat’h al-Bârî”, Vol. 12/390 and 392, publication of “Maktabat Dâr as-Salâm”; Riyadh and “Maktabat Dâr al-Fayhâ”; Damascus, 1<sup>st</sup> Edition, 1418 H.

<sup>352</sup> He was Abul-Huthayl Zufar Ibn al-Huthayl Ibn Qays Ibn Salam al-‘Anbarî. He was born in 110 H. in Asbahân. He was from the greatest students of Abû Hanîfah and he died in 158 H. in Al-Basrah. [Look to “Kitâb at-Tabaqât al-Kabîr”, Vol. 8/509-510]

<sup>353</sup> “Jâmi’ al-‘Ulûm wal-Hikam”, Vol. 2/251

<sup>354</sup> “Al-Mabsût”, Vol. 7/119

And Ibn Hajar, رحمه الله, said, “And it is differed concerning the limit of compulsion, as ‘Abd Ibn Humayd narrated with an authentic chain from ‘Umar that he said, ‘A man is not secure upon his self if he is imprisoned, tied up or tortured.’ And from the path of Shurayh likewise with an addition and its phrase is: ‘There are four, all of which are compulsion; prison, beating, threatening and being tied up.’”<sup>355</sup>

And Abû Bakr Ibn al-‘Arabî, رحمه الله, said, “...if he says to a man: ‘If you do not perform such-and-such, I will kill you, beat you, take your wealth, or I will imprison you,’ and he does not have anyone to protect him except Allâh, then it is (allowed) for him to proceed with that action...”<sup>356</sup>

And in a recent Fatwâ, Shaykh Hâmid Ibn ‘Abdillâh al-‘Alî, may Allâh preserve him, gave a similar verdict when he was asked:

### The Question:

Virtuous Shaykh, I asked a question but it appears that it did not reach (you), and it is: Is lengthy imprisonment considered from the compulsion of refuge, which would permit uttering Kufr in order for the accountable one to be freed from imprisonment? And what is the time limit of (imprisonment) and the opinions of the schools of thought, if possible? Our beloved Shaykh, we love you in (the name of) Allâh. And we trust in your knowledge, your understanding and your (commitment to) religion so we hope for a reply.

### The Answer:

All praise is due to Allâh, and may the blessings and peace be upon our Prophet Muhammad, and upon his family and companions. To proceed...

Al-Haqq (i.e. Allâh), سبحانه, said:

﴿ مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَمْ يَكُنْ مِّنْ شَرَحٍ بِالْكَفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِّنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ ﴾

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<sup>355</sup> “Fat’h al-Bâr”, Vol. 12/393, publication of “Maktabat Dâr as-Salâm”; Riyadh and “Maktabat Dâr al-Fayhâ”; Damascus, 1<sup>st</sup> Edition, 1418 H.

<sup>356</sup> “Ahkâm al-Qur’ân”, Vol. 3/160

﴿ **“Whoever disbelieved in Allâh after his belief, except him who is forced thereto and whose heart is at rest with Faith but whoever opens their hearts to disbelief, on them is wrath from Allâh, and theirs will be a great torment.”** ﴾<sup>357</sup>

And in the Hadîth: “Verily, Allâh, *تعالى*, excused for me, off of my Ummah, mistakes, forgetfulness and that which they were compelled upon.” (Narrated by Ahmad and Ibn Mâjah from Abû Tharr, *رضي الله عنه*.)<sup>358</sup>

And the answer to the questioner’s query: Yes, it (compulsion) includes it (i.e. prison). So imprisonment might be an extreme harm and the time limit for imprisonment which would be included in the ruling of compulsion, is the imprisonment that the accountable one cannot handle, and with which harm will reach him or those who he is responsible for. So it is allowed for him to say the word of disbelief, while his heart is at rest with faith.

And it is proven by the more befitting analogy (Qiyâs al-Awlâ) upon the beating mentioned in the Hadîth of ‘Ammâr, *رضي الله عنه*, and that which consensus was formed upon. And it is known that it is possible for imprisonment to be a worse harm upon the accountable one than beating, so if it is allowed to utter the words of disbelief through beating, while his heart is at rest with faith, then for it to be allowed through imprisonment, the harm of which would be equal to beating or (even) more, is more befitting and more deserving.

Al-Qurtubî said, in ‘At-Tafsîr’:

‘An-Nakh’î said, ‘Being tied up is compulsion and imprisonment is compulsion.’ And this is the opinion of Mâlik, except that he said: ‘And the intimidating threat is compulsion, even if it does not take place, if the transgression of that transgressor is confirmed along with his following through with what he threatens (i.e. he is known to do what he threatens).’ And according to Mâlik and his companions, there is no limitation to the beating and imprisonment, rather it is only that which brings pain from the beating. And imprisonment, which brings anguish upon the compelled one and compulsion by the Sultân and other than him, are compulsion according to Mâlik.’<sup>359</sup>

And Shaykh al-Islâm, Ibn Taymiyyah, *رحمه الله*, said: “But if the man is compelled upon that, in that if he did not do it, it would lead to his being beaten or imprisoned...” And this is clear, in that imprisonment was from that with which compulsion could take place, according to him. And Allâh knows best.”<sup>360</sup>

<sup>357</sup> **Trans. Note:** An-Nahl, 106

<sup>358</sup> **Trans. Note:** Narrated by Ahmad and Ibn Mâjah, (#2,044)

<sup>359</sup> **Trans. Note:** “Al-Jâmi’ li’Ahkâm al-Qur’ân”, Vol. 10/169, publication of “Dâr al-Kitâb al-‘Arabi”; Beirut, 1<sup>st</sup> Edition, 1418 H.

<sup>360</sup> Dated 24/05/2007; see: [http://www.h-alali.net/f\\_open.php?id=f4bac14e-5b42-102a-b164-0010dc91cf69](http://www.h-alali.net/f_open.php?id=f4bac14e-5b42-102a-b164-0010dc91cf69)

## Chapter 8: Changing and Retracting One's Former Views

In order to offer a critical analysis of the trend of certain imprisoned scholars and some of the leaders of Jihâd in our times, who have released recantations and retractions of their former views, it is necessary for us to broaden our discussion somewhat. And in order to comprehensively and objectively dissect this phenomenon, it is important to view the issue of changing and retracting one's views or positions – in a very general way – in order to categorize and qualify the different types of changes. And we have laid out these categories as follows:

- 1) The Legitimate Change from Falsehood to Truth
- 2) The Legitimate Change from Truth to Falsehood
- 3) The Illegitimate Change from Falsehood to Truth
- 4) The Illegitimate Change from Truth to Falsehood <sup>361</sup>

And it should be a reminder to the reader that change can result in either good or evil, and no one should feel safe about what their fate will be, as a result of those deeds and choices they make in this worldly life, as Ibn Mas'ûd, رضي الله عنه, narrated:

*“The Messenger of Allâh, صلى الله عليه وسلم, said, “As verily, one of you may do the deeds of the people of Paradise until there is nothing between him and it but a cubit, then the decree overtakes him so he does the deeds of the people of the Fire so enters the Fire. And verily, one of you may do the deeds of the people of the Fire until there is nothing between him and it but a cubit, then the decree overtakes him so he does the deeds of the people of Paradise, so enters it.”* <sup>362</sup>

### 1. The Legitimate Change from Falsehood to Truth

This type of changing and switching is what Allâh, عز وجل, described in his statement:

﴿ فَمَنْ يُرِدِ اللَّهُ أَنْ يَهْدِيَهُ يَشْرَحْ صَدْرَهُ لِلْإِسْلَامِ ﴾

﴿ *So whomsoever Allâh wills to guide, He opens his heart to Islâm...* ﴾ <sup>363</sup>

<sup>361</sup> And this terminology and enumeration of the various types of changing were simply those of the authors and it is not correct to limit or restrict this categorization to these four types only. And it is true that the categories might be fewer or greater depending on how one defines and explains these changes.

<sup>362</sup> Al-Bukhârî (#7,454), and Muslim (#2,643) with almost an identical phrasing.

<sup>363</sup> Al-An'âm, 125

And also what was narrated by Anas, رضي الله عنه: "A Jewish boy used to serve the Prophet, صلى الله عليه وسلم, then he became sick. So the Prophet, صلى الله عليه وسلم, came to him to visit him. So he sat at his head, then said to him, 'Submit (i.e. enter into Islâm).' So he looked at his father, and he was with him. So he said to him, 'Obey Abul-Qâsim, صلى الله عليه وسلم.' So he became Muslim. Then the Prophet, صلى الله عليه وسلم, came out saying, 'Praise be to Allâh Who has saved him from the Fire.'" <sup>364</sup>

And from this category were many from Quraysh, who initially took the Messenger of Allâh, صلى الله عليه وسلم, as an enemy, before finally embracing Islâm and becoming its strongest supporters. And included in this category are 'Umar Ibn al-Khattâb, Abû Sufyân, Khâlîd Ibn al-Walîd and 'Amr Ibn al-'Âs and many others, رضي الله عنهم.

And there is no doubt that just as the regular person, who has lived a life of falsehood including disbelief and polytheism, can change from falsehood to truth, likewise the Muslim can change his life from sinfulness to righteousness and from innovation to adherence to the Sunnah. And all of these are from the category of changing from falsehood to truth. And for this reason, the slave is judged according to what their final state was upon at the end of their life, and according to their level of repentance.

And the Messenger of Allâh, صلى الله عليه وسلم, said, "Verily, Allâh accepts the repentance of the slave as long as he has not gurgled (a death rattle)." <sup>365</sup>

And he, صلى الله عليه وسلم, said, "Verily, the slave will perform, in what the people see, the deeds of the people of Paradise, and verily he is from the people of the Fire. And he will perform, in what the people see, the deeds of the people of the Fire, while he is from the people of Paradise. And verily, the deeds are (based) upon their conclusions." <sup>366</sup>

And Ibn Hajar said in its explanation, "Ibn Battâl stated, 'By hiding the conclusion (i.e. the condition he will eventually die upon) of the (final) deeds from the slave, there is a comprehensive wisdom and generous planning, because if he (i.e. the person) knew, and he was from those who are saved, he would become satisfied and lazy. And if he were from those who are doomed, he would increase in arrogance. Therefore, that was hidden from him so that

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<sup>364</sup> Reported by Al-Bukhârî in his "Sahîh", (#1,356)

<sup>365</sup> Reported by Ahmad and At-Tirmithî, from 'Abd Allâh Ibn 'Umar, رضي الله عنهم. It was declared 'Sahîh' by Ibn al-Qattân in "Al-Wahm wal-Îhâm", Vol. 5/412, Muhammad Jâr Allâh as-Sa'dî in "An-Nawâfih al-'Atirah", 74, and Ahmad Shâkir in his verification of "Musnad Ahmad", Vol. 9/18. It was declared 'Hasan' by Al-'Ajlûnî in "Kashf al-Khifâ", Vol. 1/288 and Al-Albânî in "Sahîh at-Tirmithî", (#3,537) and other areas within his books.

<sup>366</sup> Narrated by Al-Bukhârî from Sahl Ibn Sa'd as-Sâ'idî (#6,493)

he would remain (in a state) between fear (i.e. of Allâh’s punishment) and hope (i.e. of His Mercy).”<sup>367</sup>

### a) The Scholar Changing His Creed From Falsehood to Truth

And even those believers who attain the status of ‘Âlim (scholar) and convey the Islâmîc teachings to the masses of the Ummah have historically changed their views and abandoned certain methodologies from the sects of innovation in favour of the Sunnah.

And from those scholars who were from this category were Abul-Hasan al-Ash’arî, رحمه الله, who initially belonged to the school of the Mu’tazilah and renounced that methodology in favour of the teachings of Ahl as-Sunnah.

Ibn Kathîr, رحمه الله, said, “And verily, al-Ash’arî was a Mu’tazilî before that, then he repented from it in Al-Basrah upon the pulpit, then he openly exposed the disgraces of the Mu’tazilîs and their filth.”<sup>368</sup>

And Taqiyyuddîn as-Subkî, رحمه الله, said about him, “It is said, he remained upon the views of the Mu’tazilîs for forty years until he became an Imâm for the Mu’tazilîs. Then when Allâh wanted him for the support of His religion, and He opened his chest to following the truth, he secluded himself away from the people, inside his house...”<sup>369</sup>

And likewise were the leaders of philosophy and theological rhetoric (‘Ilm al-Kalâm) who abandoned their adherence to those schools of thought and embraced the Sunnah, as it was mentioned by Ibn Abî al-‘Izz in his explanation of “Al-Aqîdah at-Tahâwiyyah”:

“As Ibn Rushd al-Hafîd, who was from the most knowledgeable people in the school of the thought of the Philosophers and their statements, said in his book ‘Tahâfut at-Tahâfut’: ‘And who is the one who said anything reliable in theology?’ And likewise Al-Âmidî, the best of the people in his era, stood confused in front of great issues. And likewise, al-Ghazâlî, رحمه الله; the end of his life came upon indecisiveness and confusion in the matters of theological rhetoric, so he turned away from those paths and came to the Hadîths of the Messenger, صلى الله عليه وسلم, and then he died while ‘(Sahîh) al-Bukhârî’ was upon his chest. And likewise, Abû ‘Abd Allâh, Muhammad Ibn ‘Umar ar-Râzî said (couplets of poetry) in his book, which he wrote regarding the categories of pleasures:

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<sup>367</sup> “Fat’h al-Bârî”, Vol. 11/401, publication of “Maktabat Dâr as-Salâm”; Riyadh and “Maktabat Dâr al-Fayhâ”; Damascus, 1<sup>st</sup> Edition, 1418 H.

<sup>368</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 7/581, publication of “Dâr al-Fikr”; Lebanon, 1425 -1426 H.

<sup>369</sup> “Tabaqât ash-Shâfi’iyyah al-Kubrâ”, Vol. 4/347

*The end of the insolence of the intellects are shackles,  
And our souls are in a loneliness from our bodies,  
And we did not benefit from our research throughout our lives,  
As how many have we seen from men and states,  
And how many mountains had their peaks conquered by*

*And the conclusion of the striving of the 'Âlamîn is misguidance,  
And the result of our life is harm and evil results,  
Except that we gathered in it, 'It is said...' and 'They said...'  
But they all perished quickly and vanished,  
Men, then they perished while the mountains are (still) mountains?*

‘I contemplated the methods of theological rhetoric and the methodologies of philosophy and I did not see that they cure any sick one nor quench (the thirst of) any thirsty one. And I saw that the best of the methods is the Method of the Qur’ân. Read regarding the confirmation: ﴿ **The Most Merciful is raised above His Throne.** ﴾<sup>370</sup> ﴿ **To Him ascend (all) the goodly words.** ﴾<sup>371</sup> And read regarding the negation: ﴿ **There is nothing like unto Him.** ﴾<sup>372</sup> ﴿ **And they will never encompass anything of His Knowledge.** ﴾<sup>373</sup> Then he said, ‘And whoever has experienced the likes of my experiences knows the likes of what I know.’<sup>374</sup>

And Imâm al-Haramayn, ‘Abd al-Malik al-Juwaynî<sup>375</sup> was also initially affected greatly by the schools of theological rhetoric, until he abandoned that path in favour of the Sunnah, as Ath-Thahabî said: “And the Jurist, Abû ‘Abd Allâh al-Hasan Ibn al-‘Abbâs ar-Rustumî mentioned, ‘Abul-Fat’h at-Tabarî, the Jurist, mentioned: ‘I entered upon Abul-Ma’âlî during his illness, so he said, ‘Bear witness upon me that I have turned back from every statement that contradicts the Sunnah and that I die upon that which the old people of Nîsâbûr (i.e. a city in Eastern Asia)<sup>376</sup> die upon.”<sup>377</sup>

## b) The Jurist Changing His Legal Views in Favour of What is Supported by the Texts

<sup>370</sup> Tâ-Hâ, 5

<sup>371</sup> Fâtir, 10

<sup>372</sup> Ash-Shûrâ, 11

<sup>373</sup> Tâ-Hâ, 110

<sup>374</sup> “Sharh al-‘Aqîdah at-Tahâwîyyah”, Vol. 1/243-244

<sup>375</sup> He was ‘Abd al-Malik Ibn ‘Abdillâh Ibn Yûsuf al-Juwaynî an-Nîsâbûrî and known as “Abul-Ma’âlî”. He was born in the year 419 H. and he died in the year 478 H. He narrated from his father and from Abû Sa’d an-Nasruwaynî Mansûr Ibn Râmîsh and others. His most famous books were “Nihâyat al-Matlab fil-Math’hab”, “Al-Irshâd Fî Usûl ad-Dîn”, and “Al-Burhân Fî Usûl al-Fiqh.” [Look to “Siyar A’lâm an-Nubalâ”, Vol. 18/468-477, publication of “Mu’assasat ar-Risâlah”, Beirut, 7<sup>th</sup> Edition, 1410 H.]

<sup>376</sup> A city in modern-day north eastern Iran, it is referred to as Nishapur, or Neyshâbûr.

<sup>377</sup> “Siyar A’lâm an-Nubalâ”, Vol. 18/474, publication of “Mu’assasat ar-Risâlah”; Beirut, 7<sup>th</sup> Edition, 1410 H. and also “Tabaqât as-Subkî”, Vol. 5/191

And this is a fundamental from the principles of Ahl as-Sunnah wal-Jamâ'ah and it traces itself all the way back to the first jurists, the companions of the Messenger of Allâh, صلى الله عليه وسلم, as it was narrated from Abul-'Awâm Ja'far Ibn Maymûn al-Basrî, in the 'Letter of Judging', which 'Umar sent to Abû Mûsâ al-Ash'arî, that he wrote:

"And a judgment, which you judge with today, should not prevent you – if you review your opinion, and are directed to your guidance in that – that you return to the truth in that (matter), as the truth is eternal; nothing nullifies it. And returning to the truth is better than continuing upon falsehood."<sup>378</sup>

And the historical examples of the jurists changing their former legal (Shar'î) opinions to be in compliance with what is supported by the texts of the Shar'ah are so common that the books of Islâmîc Jurisprudence are full of them. And from them was the final view of Abû Hanîfah, who used to prohibit others from wiping on the socks instead of washing the feet, as part of the ablution.

Al-Kâsânî said, "And it is narrated from Abû Hanîfah, that he returned to their (i.e. Abû Yûsuf and Muhammad) opinion at the end of his life, and that is because he wiped over his socks during his illness and then he said to those visiting him: 'I did what I used to prevent the people from doing.' So they used it as evidence for his turning back (to that opinion)."<sup>379</sup>

And Imâm Mâlik changed his view about washing between the toes, as Ahmad Ibn 'Abd ar-Rahmân, said:

"I once heard my uncle saying, 'I heard Mâlik being asked about rubbing (between) the toes of the feet while performing ablution (Wudhû'). So he said, 'It is not (obligatory) upon the people.' He said, 'So I left him until the people were less, then I said to him, 'We have a Sunnah regarding that.' So he said, 'And what is it?' I said, 'Al-Layth Ibn Sa'd, Ibn Lahî'ah and 'Amr Ibn al-Hârith narrated to us from Yazîd Ibn 'Amr al-Ma'âfirî from Abû 'Abd ar-Rahmân al-Habîl from Al-Mustawrid Ibn Shaddâd al-Qurashî who said, "I saw the Messenger of Allâh, صلى الله عليه وسلم, rubbing what was between his toes with his little finger.' So he (i.e.

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<sup>378</sup> Narrated by Al-Bayhaqî in his "Sunan", (#20,324), publication of "Maktabat Dâr al-Bâz"; Makkah al-Mukarramah, 1414 H. with the Tahqîq of Muhammad 'Abd al-Qâdir 'Atâ, and ad-Dâraqutnî in his "Sunan", Vol. 4/206. Despite the presence of 'Abd Allâh Ibn Abî Humayd in the chain of this narration, who was declared 'weak' by Az-Zayla'î, in "Nasb ar-Râyyah", Vol. 4/81, Ibn Taymiyyah mentioned in "Minhâj as-Sunnah", Vol. 6/71, that 'its chain of narration is confirmed. 'And Ibn al-Mulaqqin mentioned in "Al-Badr al-Munîr", Vol. 9/605, that 'it is a famous, well-known letter', and Ibn al-Qayyim mentioned in "I'lâm al-Muwaqqi'în", Vol. 1/94, that it is 'a magnificent letter, which the scholars met with acceptance.' And Ibn Kathîr mentioned in "Musnad al-Fârûq", Vol. 2/547, that it is 'a famous, well-known letter, which the judges must know and act upon.' And Ibn Hajar in "Talkhîs al-Habîr", Vol. 4/1,574, mentioned that 'it came from two paths, which strengthens the basis (i.e. authenticity) of the letter.'

<sup>379</sup> "Badâ'i as-Sanâ'i", Vol. 1/10

Mâlik) said, “Verily, this Hadîth is ‘Hasan’, and I have not heard of it until this hour.’ Then later, when I heard people ask Mâlik, he would order rubbing (between) the toes.”<sup>380</sup>

And likewise, when Imâm Ash-Shâfi’î left Baghdad and travelled to Egypt and he learned many of the Islâmîc texts, which were formerly unknown to him, he changed many of his former opinions. And his former books and opinions became known as “the old (opinion)” amongst the jurists of his school of thought, whereas these later opinions, which were based on his consideration of these new texts, came known as “the new (opinion)”. And it is said that his comprehensive book of jurisprudence, known as “Al-Umm”, was based on these final (new) opinions, which he took after travelling to Egypt. Imâm an-Nawawî narrated several of them in his book “Rawdhat at-Tâlibîn”. For instance:

“As for the individual (by himself) in the desert or in a town, then he should perform the Athân, according to the (Shâfi’î) school of thought and from what was clearly stated in the new (opinion), and it is said that he should not make Athân, in the old (opinion).”<sup>381</sup>

“It is hated to use the containers of gold and silver with a hatred of discouragement, according to the old (opinion) and a hatred of forbiddance, according to the new (opinion), and that is what is well-known.”<sup>382</sup>

And the opinion of Imâm Ahmad changed similarly when new texts reached him, as was the case concerning the amount of blood money paid to the families of Jews and Christians, as Ibn Qudâmah narrated:

“As Sâlih narrated from him that he (i.e. Imâm Ahmad) said, ‘I used to say that the blood money of the Jew and the Christian is 4000 and today I go to (i.e. take the opinion) half the blood money of the Muslim, (based on) the Hadîth of ‘Amr Ibn Shu’ayb and the Hadîth of ‘Uthmân, which was narrated by Az-Zuhrî from Sâlim from his father. And this is clear regarding (his) turning back from it (i.e. the old opinion).”<sup>383</sup>

And what is famous about the jurists and the leaders of the schools of legal thought is that they were from the most willing people to change their views in favour of the proof of the Islâmîc texts.

For example, Abû Hanîfah is reported to have said, “It is forbidden upon the one who does not know my evidence, to issue a verdict with my words, because we are human. We take an opinion one day and we turn back from it the next day.”<sup>384</sup>

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<sup>380</sup> Narrated by Ibn Abî Hâtim in “Al-Jarh wat-Ta’dîl” Vol. 1/32

<sup>381</sup> “Rawdhat at-Tâlibîn”, Vol. 1/195-196

<sup>382</sup> “Rawdhat at-Tâlibîn”, Vol. 1/44

<sup>383</sup> “Al-Mughnî”, Vol.12/51, publication of “Dâr ‘Âlam al-Kutub”; Riyadh, 3<sup>rd</sup> Edition, 1417 H.

<sup>384</sup> “I’lâm al-Muwaqqi’in”, Vol. 2/236

And Imâm Mâlik once said, “Verily, I am only a human. I can be mistaken or correct. So look at my opinion. Then everything that complies with the Book and the Sunnah, take it. And everything that does not comply with the Book and the Sunnah, abandon it.”<sup>385</sup>

And it has been narrated that Imâm ash-Shâfi’î said to Imâm Ahmad Ibn Hanbal, “O Abû ‘Abd Allâh, you are more knowledgeable than me regarding the Hadîth. So if the Hadîth is authentic then tell me so that I can go to it (i.e. as my opinion), be it a Shâmî (narration), or a Kûfî (narration) or a Basrî (narration).”<sup>386</sup>

And also that Imâm Ahmad said, “Do not blindly follow me, and do not blindly follow Mâlik nor Ath-Thawrî nor Al-‘Awzâ’î, and (instead) take from where they took.”<sup>387</sup>

## 2. The Legitimate Change from Truth to Falsehood

And this category takes place for those unfortunate ones who were guided formerly and yet die in a state of falsehood, either upon disbelief, transgression or innovation, after having been upon righteousness and truth. And when we refer to this type of change as “legitimate”, we are referring to the change which takes place willingly; in other words, while not in a state of compulsion. And this is the type of changing Allâh, تعالی, referred to in His statement:

﴿أُولَئِكَ الَّذِينَ اشْتَرُوا الضَّلَالََةَ بِالْهُدَىٰ فَمَا رَبِحَتْ تِجَارَتُهُمْ وَمَا كَانُوا مُهْتَدِينَ﴾

﴿ **These are they who have purchased error for guidance, so their commerce was profitless. And they were not guided.** ﴾<sup>388</sup>

And Ibn Kathîr said, “As-Suddî said in his Tafsîr, ‘From Abû Mâlik and from Abû Sâlih from Ibn ‘Abbâs, and from Murrah from Ibn Mas’ûd, and from people from the Companions: ﴿ **These are they who have purchased error for guidance...** ﴾ He said, ‘They took misguidance and abandoned guidance.’ And Ibn Is’hâq said, ‘From Muhammad Ibn Abî Muhammad, from ‘Ikrimah or from Sa’îd Ibn Jubayr, from Ibn ‘Abbâs, ﴿ **These are they who have purchased error for guidance...** ﴾ ‘In other words, ‘disbelief’ for ‘faith.’ And Mujâhid said, ‘They believed, then they disbelieved,’ And Qatâdah said, ‘They preferred deviation to guidance.’”<sup>389</sup>

And also from the verse of compulsion:

<sup>385</sup> “Jâmi’ Bayân al-‘Ilmî wa Fadhlîh”, Vol. 2/775

<sup>386</sup> “I’lâm al-Muwaqqi’în”, Vol. 2/261

<sup>387</sup> “I’lâm al-Muwaqqi’în”, Vol. 2/226

<sup>388</sup> Al-Baqarah, 16

<sup>389</sup> “Tafsîr al-Qur’ân al-‘Athîm”, Vol. 1/82, publication of “Maktabat Dâr al-Fayhâ”; Damascus and “Maktabat Dâr As-Salâm”; Riyadh, 2<sup>nd</sup> Edition, 1418 H.

﴿ وَلَكِنَّ مَن شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِّنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ ﴾

﴿ "...but whoever opens their hearts to disbelief, on them is wrath from Allâh, and theirs will be a great torment." ﴾<sup>390</sup>

And included in this category are the apostates who left Islâm and returned to disbelief during the lifetime of the Prophet, صلى الله عليه وسلم. As it was narrated from Ibn 'Abbâs, رضي الله عنهما, who said: "There was a man from the Ansâr who entered Islâm then apostated and joined Shirk (i.e. the polytheists), then he regretted (that). So he sent to his people: 'Ask the Messenger of Allâh, صلى الله عليه وسلم, for me: 'Is there any repentance for me?' So his people came to the Messenger of Allâh, صلى الله عليه وسلم, and said, 'Verily, so-and-so has regretted and he ordered us to ask you if there is any repentance for him.' So,

﴿ كَيْفَ يَهْدِي اللَّهُ قَوْمًا كَفَرُوا بَعْدَ إِيمَانِهِمْ ﴾

﴿How shall Allâh guide a people who disbelieved after their belief﴾

Until His statement:

﴿ غَفُورٌ رَّحِيمٌ ﴾

﴿ Oft-Forgiving, Most Merciful ﴾<sup>391</sup>

...was revealed. So it was sent to him then he (re-)entered Islâm."<sup>392</sup>

And Anas Ibn Mâlik, رضي الله عنه, narrated: "On the day of the Conquest, the Prophet entered Makkah, wearing a helmet on his head. Then when he took it off, a man came to him and said, "Ibn Khatal is clinging to the curtains of the Ka'bah." So he said, "Kill him."<sup>393</sup>

And Ibn Kathîr said about him: "Ibn Is'hâq said, 'And 'Abd Allâh Ibn Khatal was a man from Banî Taym Ibn Ghâlib.' I say: And it is said that his name was 'Abd al-'Uzza Ibn Khatal and it is possible that it was like that, but then when he entered Islâm, he was named 'Abd Allâh. And when he entered Islâm, the Messenger of Allâh, صلى الله عليه وسلم, sent him as a collector of charity and he sent a man from the Ansâr with him, who had with him a servant of his. Then he

<sup>390</sup> An-Nahl, 106

<sup>391</sup> Âl 'Imrân, 86-89

<sup>392</sup> Narrated by An-Nasâ'î and Ahmad. And it was declared 'Sahîh' by Ibn Daqîq al-Îd in "Al-Iqtirâh", Pg. 105, Ahmad Shâkir in "Umdat at-Tafsîr", Vol. 1/389 and his verification of "Musnad Ahmad", Vol. 4/48 and Al-Albânî in "Sahîh an-Nasâ'î" (#4,079)

<sup>393</sup> Narrated by Al-Bukhârî (#4,286)

became angry with him so he killed him and then he (i.e. Ibn Khatal) apostated as a polytheist. And he had two songstresses; Fartanah and her companion. So they used to sing insults against the Messenger of Allâh, صلى الله عليه وسلم, and the Muslims. So due to this, he declared his blood and the blood of his two songstresses permissible. So he was killed while he was hanging onto the curtains of the Ka’bah.”<sup>394</sup>

And the apostasy of those who left Islâm and were subsequently fought by Abû Bakr, رضي الله عنه, during his Khilâfah are included in this category, as are all those who leave Islâm and return to disbelief and polytheism, whether they acknowledge it or not. And similarly, those who leave the Sunnah and embrace the schools of innovation and choose to support the wrong-doers and abandon the methodology and way of believers are included in this category, as Allâh, تعالى, stated:

﴿ وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصَلِّهِ جَهَنَّمَ وَسَاءَتْ مَصِيرًا ﴾

﴿ **And whoever contradicts and opposes the Messenger after the right path has been shown clearly to him, and follows other than the believers' way. We shall keep him in the path he has chosen, and burn him in Hell – and what an evil destination.** ﴾<sup>395</sup>

#### a) The Scholar Changing His Position From a Person of Truth to a Person of Falsehood

And this type of changing can have the worst possible effects upon people who are accustomed to blindly following their scholars and who have no firm basis in knowledge to distinguish the truth from falsehood. And when those scholars – who are in a position of trust and have positions of stature and regard among the Muslims – switch and change their beliefs and actions and begin to willingly propagate disbelieving or innovative beliefs, the general masses of Muslims are ruined.

And this trend is not a new phenomenon within our Ummah, as it happened to some of the nations before ours. As Allâh, عز وجل, said:

﴿ وَأَنْتَلُ عَلَيْهِمْ نَبَأَ الَّذِي آتَيْنَاهُ آيَاتِنَا فَانْسَلَخَ مِنْهَا فَاتَّبَعَهُ الشَّيْطَانُ فَكَانَ مِنَ الْغَاوِينَ ﴾

﴿ **And recite to them the story of him to whom We gave Our Ayât (proofs, evidences, verses, lessons, signs, revelations, etc.), but he threw them away, so Shaytân (Satan) followed him up, so he became of those who went astray.** ﴾<sup>396</sup>

<sup>394</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 3/495, publication of “Dâr al-Fikr”, Lebanon, 1425 -1426 H.

<sup>395</sup> An-Nisâ’, 115

<sup>396</sup> Al-A’râf, 175

And it was narrated by the scholars of Tafsîr that this verse is concerning a scholar from the Children of Israel, named Bal'am, who changed from a righteous believing teacher and religious leader, to a rebel against the Messenger of Allâh, Mûsâ, عليه الصلاة والسلام.

Ibn Jarîr narrated that As-Suddî said: "Verily Allâh – when the 40 years had completed – meaning that which Allâh said concerning: ﴿**Verily, it is forbidden for you for forty years.**﴾ Allâh sent Yûsha' Ibn Nûn as a Prophet. So he called the Children of Israel and informed them that he was a Prophet and that Allâh had ordered him to fight the Jabbârîn (i.e. the giant Philistines), so they pledged allegiance to him and believed in him. And a man from the Children of Israel, named Bal'am went forth and he was a scholar who knew the hidden Greatest Name (of Allâh). So he disbelieved and went to the Jabbârîn and he said, 'Do not fear the Children of Israel because when you go out to fight them, I will supplicate against them with a supplication so that they will be destroyed. And he had amongst them whatever he wished for from this worldly life, except that that he was not able to have intercourse with women, due to their size.<sup>397</sup> So he used to have intercourse with a she-camel of his. And he was the one about whom Allâh said: ﴿**And recite to them the story of him to whom We gave Our Ayât (proofs, evidences, verses, lessons, signs, revelations, etc.), but he threw them away.**﴾ In other words, he attained sure-sightedness (of the Verses), then he threw them (i.e. Allâh's Ayât) away – until His saying: ﴿**But he clung heavily to the Earth.**﴾"<sup>398</sup>

And Ibn Jarîr narrated that Ibn 'Abbâs said: "When Mûsâ, عليه السلام, descended, meaning upon the Jabbârîn, along with those who were with him, his, meaning Bal'am's, paternal cousins and people came to him and said: 'Verily Mûsâ is a man of iron and he has with him numerous soldiers and if he is victorious over us he will destroy us. So supplicate to Allâh that He repels Mûsâ and those with him away from us.' He replied: 'If I supplicate to Allâh that he repels Mûsâ and those with him, my worldly life and hereafter will be gone.' So they did not leave him alone until he supplicated against them (i.e. Mûsâ and his followers) so Allâh removed him from what he was upon and that is what is referred to in His statement: ﴿**... but he threw them away, so Shaytân (Satan) followed him up, so he became of those who went astray.**﴾"<sup>399</sup>

### b) The Scholar Changing by Inclining Towards the Ruler

And we have included this category within this section only because generally, those religious young men who take an interest in studying the Islâmîc sciences, start out upon sincerity and enthusiasm towards their role as 'students of knowledge'. But some fall into the trap of Shaytân and begin to incline towards the leaders and rulers, and this affects their objectivity, specifically

<sup>397</sup> This is because the Jabbârîn were giants in size compared to the regular-sized people of the Children of Israel.

<sup>398</sup> "Jâmi' Al-Bayân Fî Ta'wîl Ây Al-Qur'ân", Vol. 13/257-258

<sup>399</sup> "Jâmi' al-Bayân Fî Ta'wîl Ây al-Qur'ân", Vol. 13/260

in matters related to the State and its policies. And this problem becomes an even greater disaster when this inclination reaches the point where he becomes the puppet and tool of the Kings and presidents and the scholar reduces himself to a mere employee of the ruler who issues verdicts along with praise and condemnation towards whatever his master wishes.<sup>400</sup>

And this category would include both those scholars who lived in the era wherein the rulers were Muslims – with allegiance to Islâm and ruling according to the Sharī'ah – as well those scholars who live in the eras where the rulers are apostates, with allegiance to their political and economic partners – with no allegiance to Islâm and have replaced the laws of the Sharī'ah with their own fabricated laws.

### i) The First Category: The Ruler is Clearly Muslim

As for the first category; where the ruler is Muslim and the scholar inclines towards him and his position becomes compromised, due to his conflict of interest, this is what the changing referred to in the Hadīth of Ibn 'Abbâs who said: "The Prophet, صلى الله عليه وسلم, said, 'Whoever lives in the desert becomes rough, and whoever follows game becomes heedless, and whoever follows the Sultân falls into trials.'"<sup>401</sup> And in a narration, "...and whoever comes to the gates of the Sultân falls into trials."<sup>402</sup> And in a third narration, "...and whoever comes to the Sultân falls into trials."<sup>403</sup>

And from Abû Hurayrah, رضي الله عنه, who said: "The Prophet, صلى الله عليه وسلم, said, "Whoever is in the desert becomes rough, and whoever follows game becomes heedless, and whoever approaches the gates of the Sultân falls into trials. And no slave increases in nearness to the Sultân except that he increases in farness from Allâh."<sup>404</sup>

From Abû Sa'îd al-Khudrî, رضي الله عنه, who said: "The Prophet, صلى الله عليه وسلم, said, "There will be leaders who will be covered by companies or entourages of people. They do wrong and lie, so whoever enters upon them and believes them in their lies or assists them in their wrong-doing,

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<sup>400</sup> And we are only referring to those scholars who began their careers with sincerity within this section. As for those fake, hypocrites who had no other interest in propagating the religion and supporting its principles and only entered into this field in order to support the policies of a disbelieving tyrant, then this example would be included in the next section; 'The Illegitimate Change from Falsehood to Truth'.

<sup>401</sup> Narrated by an-Nasâ'î, and declared 'Sahîh' by Al-Albânî in "Sahîh an-Nasâ'î", (#4,320).

<sup>402</sup> Narrated by At-Tirmithî and he declared it 'Hasan Sahîh Gharîb', in his "Jâmi'", (#2,256) and Al-Albânî declared it 'Sahîh' in "Sahîh at-Tirmithî", (#2,256) and "Sahîh al-Jâmi' as-Saghîr", (#6,124)

<sup>403</sup> Narrated by Abû Dâwûd and Ahmad and others with varying similar phrases. And the scholars of Hadīth differed regarding its grading. It was declared 'Sahîh' by al-Albânî in "Sahîh Abî Dâwûd", (#2,859), and "Sahîh al-Jâmi' as-Saghîr", (#6,296).

<sup>404</sup> Narrated by Ahmad and others with varying, similar phrases, and the scholars of Hadīth differed regarding its grading. It was declared 'Hasan' by Ibn al-Qattân in "Al-Wahm wal-Îhâm", Vol. 5/244, Ibn Hajar al-Haytamî al-Makkî declared one of its chains 'Sahîh', in "Az-Zawâjir", Vol. 2/119, and Al-Albânî declared it 'Hasan Sahîh', in "Sahîh at-Targhîb wat-Tarhîb" (#2,240).

*then he is not from me and I am not from him. And whoever does not enter upon them and believe them in their lies and assist them in their wrong-doing, then he is from me and I am from him.”*<sup>405</sup>

And Ka’b Ibn ‘Ujrah, رضي الله عنه, said: “The Messenger of Allâh, صلى الله عليه وسلم, came out to us and there were nine of us; five and four. One of the two numbers (i.e. groups) was from the Arabs and the other from the non-Arabs. So he said, ‘Listen. Have you heard that there will be leaders after me, so whoever enters upon them then believes them in their lies and assists them in their wrong-doing, then he is not from me and I am not from him, and he will not assemble with me at the Hawdh (i.e. pool in Jannah). And whoever does not enter upon them and does not assist them in their wrong-doing and does not believe them in their lies, then he is from me and I am from him. And he will assemble with me at the Hawdh.’”<sup>406</sup>

And the Salaf used to apply these narrations to their time, which was a period where the rulers of the Muslims were Khalîfahs and Sultâns, as opposed to apostates and hypocrites. And yet they were very strict on this issue, as Jalâl ad-Dîn as-Suyûtî listed several examples:<sup>407</sup>

- Sufyân ath-Thawrî said, “If they (i.e. the rulers) call you to read upon them: ‘*Qull Hu Allâhu Ahad*’ (i.e. Sûrat al-Ikhlâs), then do not go to them.”
- Maymûn Ibn Mahrân said that ‘Abd Allâh Ibn ‘Abd al-Malik Ibn Marwân came to Al-Madînah so he sent his concierge to Sa’îd Ibn al-Musayyib. So he said to him, ‘Respond to *Amîr al-Mu’minîn*.’ He said, ‘And what is his need?’ He said, ‘So that you may speak with him.’ So he said, ‘I am not from those who speak with him.’ So the courtier returned to him and informed him. He (i.e. the Sultân) said, ‘Leave him.’”<sup>408</sup>
- Al-Bukhârî said in his ‘Târîkh’, “I heard Adam Ibn Abî Iyâs saying, ‘I witnessed Hammâd Ibn Salamah and the Sultân had called him. So he said, ‘I would go to those ones? No, by Allâh, I would not do so.’”<sup>409</sup>
- Al-Khatîb narrated from Hammâd Ibn Salamah that one of the Khalîfahs sent a message to him, saying to him: “An issue has taken place, so come to us so that we can ask you.’ So he said to the messenger: ‘Say to him, ‘We met people who would not go to anyone,

<sup>405</sup> Narrated by Ahmad, Abû Ya’lâ and Ibn Hibbân in his ‘Sahîh’, with similar phrasings. Al-Albânî declared it ‘Sahîh’, due to other narrations besides it, in “Sahîh at-Targhîb wat-Tarhîb” (#2,246). A very similar phrasing was declared ‘Hasan’ by Ibn Hajar al-‘Asqalânî in “‘Al-Amâlî al-Mutlaqah”, pg. 218

<sup>406</sup> Narrated by At-Tirmithî, An-Nasâ’î and Al-Hâkim. It was declared ‘Sahîh Gharîb’ by At-Tirmithî. It was also declared ‘Sahîh’ by As-Shawkânî as mentioned in “Al-Fat’h Ar-Rabbânî”, Vol. 9/4671, Al-Albânî in “Sahîh at-Tirmithî” (#2,259) and Al-Wâdî’î in “As- Sahîh Al-Musnad Mimmâ Laysa Fis-Sahîhayn” (#1,098).

<sup>407</sup> From the book “Mâ Rawâhû al-Asâtîn Fî ‘Adam al-Majî’ ilas-Salâtîn”, Pg. 58 - 64

<sup>408</sup> Narrated by Abû Nu’aym in “Hilyat al-Awliyâ’”, Vol. 2/169

<sup>409</sup> From “Tahthîb al-Kamâl”, Vol. 1/327 with a slightly different phrasing.

due to what had reached them from the Hadîth. So if you have a matter, then write it upon a scroll. We will write its answer for you.”

- Ibn an-Najjâr narrated from Al-Hasan that he said, ‘If it would make you happy to stay safe and (you would like) for your religion to remain safe, then keep your hands away from the blood of the Muslims, keep your stomachs away from their wealth, keep your tongues away from their honour, do not sit with the people of innovations and do not go to the Kings, otherwise they would distort your religion upon you.”
- From Mâlik Ibn Anas, رحمه الله, that he said, “I met ten or so men from the successors of the companions (Tâbi’în), saying: ‘Do not go to them and do not order them,’ meaning the Sultân.”<sup>410</sup>
- ‘Abd Allâh Ibn Muhammad Ibn Ja’far narrated to us that Ibn Hassân narrated to them that Ahmad Ibn Abî al-Hawârî narrated to them saying: ‘I said to Abû Sulaymân, ‘You contradict the scholars (i.e. those scholars who work directly for the Sultân)!’ So he became angry and said, ‘Have you seen a scholar going to the gate of the Sultân and then taking their Dirhams?’<sup>411</sup>

## ii) The Second Category: The Ruler is Clearly a Disbeliever/Apostate

As for the second category; where the ruler is a clear apostate,<sup>412</sup> who rules according to secularism or any of the other methodologies of disbelief; then those scholars, who willingly

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<sup>410</sup> From “Ruwât Mâlik”

<sup>411</sup> Meaning those who were being referred to by Ahmad al-Hawârî as ‘scholars’ were not considered such by Abû Sulaymân, because they used to be paid by the Sultân.

<sup>412</sup> And it should be noted here that what is ‘clear’ with respect to apostasy, might vary from scholar to scholar, as they did not all agree upon which crimes were at the level of major disbelief (Kufr Akbar) nor did they all agree upon the conceivability of an ‘excuse of ignorance’ (Uthr bil-Jahl) for a particular ruler, regarding his confirmed actions of Kufr. Therefore, the example which follows – within this section – is not to be used unqualified to include every single scholar who refrained from the Takfîr of a particular apostate ruler or neglected to declare his enmity towards that regime. And where mistakes have been made by those who applied Ijtihâd regarding a particular ruler or regime, we hope these errors are corrected and we do not follow them in that. Consider the explanation of this matter by Shaykh ‘Alî al-Khudhayr – who is one known of his firmness in matters of Takfîr and the nullifications of faith – in a question and answer session entitled “The Verdict Regarding the One Who Defensively Argues on Behalf of the Tâghût”. He was asked:

**Question:** There is a certain individual who (verbally) defends the Tawâghît day and night, and the Hujjah (evidence) has been established upon him dozens of times – yet he makes excuses for the actions of the Tawâghît. So what is the ruling regarding such an individual?”

**Shaykh ‘Alî al-Khudhayr** (may Allâh hasten his release) **answered:** If these Tawâghît are disbelievers (in his eyes, meaning) that their disbelief has been established – and he views them as disbelievers – and then yet he defends them: Then he is a disbeliever just like them. As Allâh, تعالی, has said:

cozy up to them and become their employees are in an even worse position, as Allâh, عز وجل, said:

﴿ لَا تَجِدُ قَوْمًا يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ يُوَادُّونَ مَنْ حَادَّ اللَّهَ وَرَسُولَهُ ﴾

﴿ **You will not find any people who believe in Allâh and the Last Day, making friendship with those who oppose Allâh and His Messenger...** ﴾<sup>413</sup>

﴿ وَالَّذِينَ كَفَرُوا بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ ﴾

﴿ **“And those who disbelieve are allies to one another...”** ﴾ [Al-Anfâl, 73]

And because his action of defending them, is alliance with them. And Allâh has said:

﴿ وَكَذَلِكَ نُوَلِّي بَعْضَ الظَّالِمِينَ بَعْضًا بِمَا كَانُوا يَكْسِبُونَ ﴾

﴿ **“And thus We do make the Thâlimîn (polytheists and wrongdoers) Awliyâ’ (supporters and helpers) one to another, because of that which they used to earn.”** ﴾ [Al-An’âm, 129]

And He, تعالی, has also said:

﴿ وَإِنَّ الظَّالِمِينَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ وَاللَّهُ وَلِيُّ الْمُتَّقِينَ ﴾

﴿ **“And verily, the Thâlimîn (polytheists and wrongdoers) Awliyâ’ (supporters and helpers) one to another, but Allâh is the Walî (Helper, Protector) of the Muttaqîn.”** ﴾ [Al-Jâthiyah, 19]

But on the other hand, if he thinks that the rulers are upon Islâm, or reality of their situation is in doubt – then as long as you continue to give him your sincere advice and admonishment, then you have fulfilled your obligations.

But, if he thinks they are not upon disbelief, but he is aware of their oppression and betrayal, and yet argues in their defence – then for him is the statement of Allâh, تعالی:

﴿ وَلَا تُجَادِلْ عَنِ الَّذِينَ يَخْتَانُونَ أَنفُسَ ﴾

﴿ **“And argue not on behalf of those who deceive themselves.”** ﴾ [An-Nisâ, 107]

And:

﴿ وَلَا تَكُنْ لِلْخَائِبِينَ خَصِيمًا ﴾

﴿ **“So be not a pleader for the treacherous.”** ﴾ [An-Nisâ’, 105]

And:

﴿ رَبِّ بِمَا أَنْعَمْتَ عَلَيَّ فَلَنْ أَكُونَ ظَهِيرًا لِلْمُجْرِمِينَ ﴾

﴿ **“My Lord! For that with which You have favoured me, I will never more be a helper for the Mujrimîn!”** ﴾ [Al-Qasas, 17]

<sup>413</sup> Al-Mujâdilah, 22

And there were historical precedents for this category, which we mentioned in the earlier sub-chapter: **“The Fatwâ of Al-Qâdhî ‘Iyâdh Upon the Scholars of Banî ‘Ubayd”** and about which the Fatwâ was issued by Al-Qâdhî ‘Iyâdh against the scholars of Banî ‘Ubayd.

And what is clear from the Fatwâ of Al-Qâdhî ‘Iyâdh, is that his Takfîr towards Banî ‘Ubayd was for their changing and legislating in contradiction to the laws of the noble Sharî’ah, and not merely because of their hidden beliefs of disbelief and polytheism. As he said:

“So the condition of the apostates, due to that which they openly displayed from the contradiction of the Sharî’ah – so they are not inherited from, by consensus – and the condition of the Zanâdiqah from what they kept hidden from denial (of the Sharî’ah).”

And this understanding was upheld, years later, when Muhammad Ibn ‘Abd al-Wahhâb referred to this period, as he said:

“The story of Banî ‘Ubayd al-Qaddâh; as they emerged during the beginning of the third century, ‘Ubayd Allâh claimed that he was from the family of ‘Alî from the lineage of Fâtimah and he clothed himself with the clothing of obedience and Jihâd in the path of Allâh. So some people from the people of North Africa followed him and he and his children after him had a large state in North Africa. Then they took over Egypt and Ash-Shâm and they openly displayed the legislations of Islâm, and the establishment of the Friday and congregational prayers, and then appointed judges and Muftîs, but they openly displayed matters of Shirk and contradictions of the legislation. And that which indicated their hypocrisy became apparent from them, so the people of knowledge formed consensus that they were disbelievers and that their state was ‘Dâr Harb’ (State of Warfare) despite them openly displaying the symbols of Islâm and its legislations. And in Egypt, from the scholars and the worshippers, a large number of people along with the majority of the people of Egypt, did not enter along with them into what they innovated. And despite that, the scholars formed consensus upon what we mentioned (i.e. their Kufr) even some of the grand scholars who were known for righteousness said, ‘If I had ten arrows, I would shoot the Christian combatants with one and I would shoot nine towards Banî ‘Ubayd.’”<sup>414</sup>

And he said, “And it is also said that Banî ‘Ubayd al-Qaddâh, who controlled Morocco and Egypt during the time of Banî al-‘Abbâs; all of them testified that there is nothing worthy of worship except Allâh and that Muhammad is the Messenger of Allâh, and claimed Islâm and prayed the Friday and congregational prayers, but when they openly displayed contradictions to the Sharî’ah, in matters which were less than what we are presently in, the scholars formed consensus upon their disbelief and to fight them, and that their countries were countries of Harb and the Muslims battled them until they rescued what was in their hands from the countries of the Muslims.”<sup>415</sup>

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<sup>414</sup> “Ad-Durur as-Saniyyah”, Vol. 9/392-393

<sup>415</sup> “Kashf ash-Shubuhât fit-Tawhîd”, Pg. 40-41

And what is equally clear from the aforementioned Fatwâ of Al-Qâdhî 'Iyâdh, is that his Takfîr of those scholars who were employed by these clear apostates, and who worked for them, and supplicated for their blessings and assisted them in their pacification of the masses, was due to their allegiance to them, as he said:

"...regarding those who delivered the sermons for Banî 'Ubayd. And it was said to him: 'Verily, they are Sunnîs,' so he said, 'Do they not say: 'O Allâh, send blessings upon your slave, Al-Hâkim (i.e. the leader of Banî 'Ubayd whom they claimed Allâh had entered into him) and the inheritors of the Earth?' They answered, 'Yes.' He said, 'What if a speaker gave the sermon, and he praised Allâh and His Messenger and did so properly, then he said: 'Abû Jahl is in Paradise,' would he be a disbeliever?' They said, 'Yes.' He said, 'But Al-Hâkim is worse than Abû Jahl.'

### 3. The Illegitimate Change from Falsehood to Truth

And when we use the term 'illegitimate', we mean insincere and disingenuous. And this category is what Allâh, تعالى, referred to in His statement:

﴿ وَمِنَ النَّاسِ مَن يَقُولُ آمَنَّا بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَمَا هُمْ بِمُؤْمِنِينَ ﴾

﴿ **And of mankind, there are some who say: "We believe in Allâh and the Last Day" while in fact they believe not.** ﴾<sup>416</sup>

#### a) The Complete Hypocrisy

And this level is what nullifies the Faith (Îmân) and renders one an apostate. So the Hypocrites who outwardly demonstrate faith and obedience are hiding their disbelief and enmity towards Islâm and the Muslims. And they epitomize the most extreme example of this category. And due to the severity of this type of disbelief, they are promised that they will dwell in the lowest depths of the Hellfire, as Allâh, عز وجل, said:

﴿ إِنَّ الْمُنَافِقِينَ فِي الدَّرَكِ الْأَسْفَلِ مِنَ النَّارِ وَلَنْ تَجِدَ لَهُمْ نَصِيرًا ﴾

﴿ **Verily, the Hypocrites will be in the lowest depths (grade) of the Fire; and no helper will you find for them.** ﴾<sup>417</sup>

<sup>416</sup> Al-Baqarah, 8

<sup>417</sup> An-Nisâ', 145

And as this related to the scholars changing; if a student of knowledge started his career with this type of Hypocrisy, or even if this developed afterwards, it would be from the type that results in this threat of punishment, as Allâh, تعالى, said:

﴿ إِنَّ اللَّهَ جَامِعُ الْمُنَافِقِينَ وَالْكَافِرِينَ فِي جَهَنَّمَ جَمِيعًا ﴾  
 ﴿ Surely Allâh will collect the hypocrites and disbelievers all together in Hell. ﴾<sup>418</sup>

### b) The Partial Hypocrisy

And Hypocrisy (Nifâq) has branches and levels depending on its results and the severity of its effects. And what is less than disbelief has been referred to in the statement of the Messenger of Allâh, صلى الله عليه وسلم, who said:

*“Whoever dies without performing in battle and has not had the desire to do so, he dies on a branch of Hypocrisy (Nifâq).”*<sup>419</sup>

And this is what was intended in the statement of the Prophet, صلى الله عليه وسلم, who said: *“There are four (characteristics); whomever they are present in is a true Hypocrite, and whomever a characteristic from them is present in, a characteristic of hypocrisy is in him until he abandons it: when he speaks, he lies; when he makes a treaty, he betrays it; when he makes a promise, he breaks it; when he quarrels, he performs Fujûr.”*<sup>420</sup>

Imâm An-Nawawî, رحمه الله, stated, “And the scholars have formed consensus that whoever is truthful in his heart and his tongue, yet does these branches, he is not judged upon with disbelief nor is he a Hypocrite that will remain eternally in the Fire.” – until he said: “And his, صلى الله عليه وسلم, saying, ‘...he is a true Hypocrite...’; its meaning is a very strong resemblance to the Hypocrites, due to these characteristics.” – until he said: “And Al-Khattâbî, رحمه الله, mentioned another opinion, and its meaning is a warning to the Muslim who frequently performs these branches, which are feared that they would lead him to true Hypocrisy.”<sup>421</sup>

So if a scholar were to have some of these qualities, which result in less than the true Hypocrisy, then his description would be as Shaykh al-Islâm Ibn Taymiyyah said: “And what

<sup>418</sup> An-Nisâ’, 140

<sup>419</sup> Narrated by Muslim, (#1,910) on the authority of Abû Hurayrah, رضي الله عنه.

<sup>420</sup> Narrated by Muslim, (#58) on the authority of ‘Abd Allâh Ibn ‘Amr Ibn al-‘Âs, رضي الله عنه ما. Al-Mubârafûrî stated, “In other words, he leans away from the truth and says false things and lies. The linguists stated that the origin of Fujûr is leaning away from the objective. This was stated by An-Nawawî. And Al-Qârî stated, ‘In other words, he insults and hurls vile things.’” [“Tuhfat al-Ahwathî Bi-Sharh Jâmi’ at-Tirmithî”, Vol. 9/358]

<sup>421</sup> “Al-Minhâj Sharh Sahîh Muslim Ibn Hajjâj”, Vol. 2/40-41

could be meant by it, is Hypocrisy in the branches (i.e. not in the fundamentals), like his, صلى الله عليه وسلم's saying, *'The signs of a Hypocrite are three...'* and his saying: *'There are four (characteristics); whomever they are present in is a true Hypocrite...'*" <sup>422</sup>

### c) The Showing Off

And we have included this sub-category within this section because it describes the person who shows something, which will make him appear to be a sincere and devoted worshipper, while internally he is merely seeking the approval of the people who see his actions, while he is not truly or exclusively performing these actions for the sake of Allâh. And this category is more commonly known as minor Shirk (Ash-Shirk al-Asghar), due to the statement of the Messenger of Allâh, صلى الله عليه وسلم, who said:

*"Verily, the most terrifying thing which I fear for you is the minor Shirk.'* They said, 'O Messenger of Allâh, and what is the minor Shirk?' He said, *'It is showing off (Riyâ'). Allâh, تبارك وتعالى, will say on the day when the slaves are rewarded according to their deeds, 'Go to those whom you showed off to with your deeds in the worldly life and see if there is any reward with them (for you).'*" <sup>423</sup>

And from Abû Sa'îd Al-Khudrî, رضي الله عنه, who said, "The Messenger of Allâh, صلى الله عليه وسلم, came out upon us while we were discussing *Al-Masîh ad-Dajjâl* (the false Messiah), so he said, *"Should I not inform you of what is more terrifying to me in your regards than Al-Masîh Ad-Dajjâl?!"* He said, "We said, 'Of course.'" He said, *'The hidden Shirk. That a man stands and prays, so he beautifies his prayer due to what he sees from the stares of a man.'*" <sup>424</sup>

And Al-Bayhaqî narrated from Ya'lâ Ibn Shaddâd from his father who said, "In the time of the Prophet, صلى الله عليه وسلم, we used to consider showing off (Riyâ') to be minor Shirk." <sup>425</sup>

Therefore, if a scholar has only entered into the field of studying knowledge and taken his position as a way to gain a status among people, or as a means of attaining praise from them,

<sup>422</sup> "Majmû' al-Fatâwâ", Vol. 6/84, publication of "Maktabat al-'Ubaykân"; Riyadh, 1<sup>st</sup> Edition, 1418 H.

<sup>423</sup> Narrated by Ahmad from of Mahmûd Ibn Lubayd al-Ansârî, رضي الله عنه. Various chains/phrasings were declared 'Sahîh' by Ibn Muflih al-Hanbalî in "Al-Âdâb ash-Shar'iyyah", Vol. 3/293. Al-Albânî in "Sahîh at-Targhîb wat-Tarhîb", (#32), and Shu'ayb al-Arna'ût in his verification of "Musnad Ahmad", (#23,686). It was declared 'Jayyid (Good)' by Al-Munthirî in "At-Targhîb wat-Tarhîb", Vol. 1/52 and Al-Albânî in "Silsilat al-Ahâdîth as-Sahîhah", (#951) from of Mahmûd Ibn Lubayd al-Ansârî, رضي الله عنه.

<sup>424</sup> Narrated by Ibn Mâjah and Ahmad. It was declared 'Hasan' by Al-Albânî in 'Sahîh Ibn Mâjah', (#3,408), "Sahîh at-Targhîb wat-Tarhîb", (#30) and other areas within his books.

<sup>425</sup> "Shu'ab al-Îmân", (#6,843). It was declared 'Sahîh' by Al-Albânî in "Sahîh at-Targhîb wat-Tarhîb", (#35)

then this is what was narrated by Abû Hurayrah, رضي الله عنه, that the Messenger of Allâh, صلى الله عليه وسلم, informed me that:

*“When it is the Day of Resurrection, Allâh, تبارك وتعالى, will come down to the slaves to judge between them, and every nation will be kneeling. So the first He will call for is a man who collected the Qur’ân (i.e. learned it by heart), a man who fought in the Path of Allâh, and a man who had a lot of wealth. Then Allâh will say to the one who recited (i.e. the Qur’ân), ‘Did I not teach you that which I revealed to My Messenger?’ He will say, ‘Of course, O Lord.’ He will say, ‘What did you do with that which you were taught?’ He will say, ‘I used to stand up with it (in prayer) throughout the night and throughout the day.’ So Allâh will say to him, ‘You have lied,’ and the angels will say to him, ‘You have lied.’ And Allâh will say, ‘Rather you wanted it to be said that so-and-so is one who recites (the Qur’ân), and that was said.’ Until he, صلى الله عليه وسلم, said: “O Abû Hurayrah, these three are the first of the creation of Allâh whom the Fire will be kindled with on the Day of Resurrection.”<sup>426</sup>*

#### **d) The ‘Taqiyyah’ of the Shî’ah and Those Who Take Their Path**

This ‘Taqiyyah’ of theirs is nothing more than the Hypocrisy (Nifâq) mentioned in section (a). And the only reason to mention it separately is that it is not something widely practiced by the other groups of innovation and disbelief with the exception of the Bâtiniyyah. And their ‘Taqiyyah’ is not a concession – due to conditions of necessity – to the regular rule of disavowal, as it is with Ahl as-Sunnah. Rather, their ‘Taqiyyah’ is a praised form or worship, which is encouraged with or without any threat or any weakness. In fact, they view their deception and tricking the members of Ahl as-Sunnah into making it appear that our differences are very insignificant, to be a praiseworthy means of attaining reward and they will even willingly violate the tenants of their own faith in order to achieve this goal. For instance, their scholars have stated:

- As-Sadûq narrated from Abû ‘Abd Allâh, that he said: “There are none of you who prays the obligatory prayer in its time and then prays with them (i.e. Sunnî Muslims) while he is upon Wudhû’, except that Allâh writes down for him twenty-five levels encouraging him in that.”<sup>427</sup>
- It is narrated from As-Sâdiq that he entered upon Abul-‘Abbâs on the Day of Doubt (i.e. the day before Ramadhân) while he was eating, so he (i.e. Abul-‘Abbâs) said: ‘This is not from your days.’ So As-Sâdiq said, ‘My fasting is not except your fasting, and my breaking of fast is not except by your breaking of fast.’ So he (i.e. Abul-‘Abbâs) said, ‘Come nearer.’ So I came closer and ate, and by Allâh, I knew it (the day) was from

<sup>426</sup> Narrated by At-Tirmithî (#2,382), who called it ‘Hasan Gharîb’. It was declared ‘Sahîh’ by Al-Albânî in “Sahîh at-Tirmithî” (#2,382), and a similar phrasing was declared ‘Sahîh’ by Ath-Thahabî in “Siyar A’lâm an-Nubalâ”, Vol. 4/447, publication of “Mu’assasat ar-Risâlah”; Beirut, 1<sup>st</sup> Edition, 1404 H.

<sup>427</sup> “Bathlul-Majhûd”, Vol. 2/644 narrating from “Man Lâ Yah’dhuruhû al-Faqîh”, Vol. 1/266

Ramadhân.”<sup>428</sup>

- Al-Kalînî narrated from Hishâm al-Kindî al-Kathâb that he said, “I heard Abû ‘Abd Allâh saying: ‘Beware that you do anything with which they would shame us with. Pray in their tribes. Visit their sick and participate in their funerals. And Allâh is not worshipped with anything that is more beloved to Him than Al-Khaba’.” I said, “And what is Al-Khaba’?” He said, ‘Taqiyyah.”<sup>429</sup>

So the Muslim should be aware of this and remember these examples and texts from their own manuals when members of this filthy deviated group cozy up to the members of Ahl as-Sunnah and attempt to diminish and downplay the evident differences between our two religions.

#### 4. The Illegitimate Change from Truth to Falsehood

And by ‘illegitimate change from truth to falsehood’, we are referring to the outwardly apparent change of someone being a person of truth to a person of falsehood.

##### a) The Mujâhid Who Outwardly Sheds His Apparent Adherence to Islâm, in Order to Blend in With Those Whom he is Infiltrating, in Order to Fulfill his Mission

And there are a variety of examples to examine:

##### i) The Assassination of Ka’b Ibn al-Ashraf

And this is what took place when the companion, Muhammad Ibn Maslamah, رضي الله عنه, assassinated the enemy of Allâh, Ka’b Ibn al-Ashraf, as it was narrated by Jâbir, رضي الله عنه, who said:

“The Messenger of Allâh, صلى الله عليه وسلم, said: “*Who is for Ka’b Ibn al-Ashraf, as he has insulted Allâh and His Messenger?*” So Muhammad Ibn Maslamah said, ‘O Messenger of Allâh, would you like for me to kill him?’ He said, ‘Yes.’ He said, ‘Give me permission so that I may speak.’ He said, ‘*Speak.*’ So he came to him and spoke with him and mentioned what was between them and said, ‘Verily, this man wants charity from us and has placed hardship upon us. So when he heard him, he said, ‘And also, by Allâh, you will grow tired of him.’ He said, ‘Verily, we have followed him now, and we dislike to abandon him until we see to where his matter will end up.’

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<sup>428</sup> “Bathlul-Majhûd”, Vol. 2/645; narrating from “As-Sirât al-Mustaqîm Ilâ Mustahiqqî at-Taqdîm”, Vol. 3/73 [As-Sâdiq was Ja’far Ibn Muhammad Ibn ‘Alî Ibn al-Husayn Ibn ‘Alî Ibn Abî Tâlib, a Muslim of Ahl as-Sunnah from the descendants of ‘Alî, رضي الله عنه, which the Râfidhah take as their sixth Imâm. And of course this is a lie from the lies of the Shî’ah who fabricate and change historical narrations as it suits their objectives and supports their methodologies. For more details on his biography, look to “Siyar A’lâm an-Nubalâ’, Vol. 6/255-270, publication of “Mu’assasat ar-Risâlah”; Beirut, 2<sup>nd</sup> Edition, 1402 H.]

<sup>429</sup> “Bathlul-Majhûd”, Vol. 2/645, narrating from “Usûl al-Kaff”, Vol. 2/219

He said, 'And I want you to advance us a loan.' He said, 'Then what will you give me as collateral?' He said, 'What do you want?' He said, 'You will give me your women as collateral.' He said, 'You are the most handsome of the Arabs. Would we give you our women as collateral?' He said to him, 'You will give me your children as collateral.' He said, 'The son of one of us would be cursed, as it would be said, 'He was given as collateral for two loads of dates,' rather we shall pledge you our weapons.' He said, 'Then yes.' And he promised him that he would come to him with Al-Hârith, Abû 'Abs Ibn Jabr and 'Abbâd Ibn Bishr. He said, 'So they came to him and called upon him at night, so he met them.' Sufyân said, 'Others beside 'Amr said: 'His wife said to him, 'Verily, I hear a noise as if it is the noise of blood.' He said, 'This is only Muhammad Ibn Maslamah, his brother from breast-feeding, and Abû Nâ'ilah.' Verily, the generous one; if he is called to a stabbing at night should respond.' Muhammad said, 'Verily, if he arrives then I will reach out my hand to his head; then once I'm in control of him, then take (him).' He said, 'So when he arrived, he arrived while he was wrapped with a sash.' So they said, 'We find the smell of perfume coming from you.' He said, 'Yes. I have under me so-and-so (woman). She is the most scented woman of the Arabs.' He said, 'Do you permit me to smell it?' He said, 'Yes, then smell.' So he drew near and smelled and said, 'Do you permit me to smell it again?' He said, 'So he gained control of his head, then said, 'Take (him)!' He said, 'So they killed him.'<sup>430</sup>

- **Note: Showing or Speaking Clear Disbelief In Order To Achieve the Illusion of Disbelief**<sup>431</sup>

And the argument of those who permit the showing of disbelief in such a situation often refer to the story of the killing of Ka'b Ibn al-Ashraf as proof, with the following understanding from the commentary of the scholars upon the Hadîth, as follows:

Ibn Hajar said, in his commentary upon the Hadîth of Ka'b Ibn al-Ashraf: "And in the narration of Al-Wâqidî (Muhammad Ibn Maslamah said), "He asked us for charity, while we don't even find anything to eat." – until he said: "Verily, Ka'b said to Abû Nâ'ilah, 'Inform me what is in yourself. What do you want (to do) about his matter?' He (i.e. Muhammad Ibn Maslamah) said, 'To betray him and to abandon him.' He (i.e. Ka'b) said, 'You have made me happy.'"<sup>432</sup>

And also at the point in the story where the Prophet, *صلى الله عليه وسلم*, told Muhammad Ibn Maslamah: "*Speak (as you like)*," Ibn Hajar said: "It is as if he sought permission from him to perform something with which he could trick him. And from there, the author (i.e. Al-Bukhârî) entitled the chapter of it as 'Lying in Warfare'. And it became clear from the narration of this story by Ibn Sa'd, that they sought permission to complain about him and criticize his view." –

<sup>430</sup> Al-Bukhârî (4,037) and Muslim, (#1,801), and this is his phrasing.

<sup>431</sup> We have included this brief sub-topic within this example, due to how much of the discussion relates specifically to this Hadîth.

<sup>432</sup> "Fat'h al-Bârî", Vol. 7/422, publication of "Maktabat Dâr as-Salâm"; Riyadh and "Maktabat Dâr al-Fayhâ"; Damascus, 1<sup>st</sup> Edition, 1418 H.

until he said: “And in the ‘Mursal’ of ‘Ikrimah: ‘And give us permission to attack you, so that he will be at ease with us.’ He said, ‘Say whatever you will.”<sup>433</sup>

And Muhammad Ibn al-Hasan ash-Shaybânî paraphrased it as: “So give us permission for us to say (something negative), as it is a must for us to do so.’ In other words, ‘We will trick him by using ambiguous speech and to openly show an insult to you.”<sup>434</sup>

And in the narration of Mûsâ and Abû Is’hâq, which Ibn Kathîr mentioned, after Muhammad Ibn Maslamah, رضي الله عنه, committed to assassinating Ka’b:

“So Muhammad Ibn Maslamah went back and stayed there for three (days) abstaining from food and drink, except what would sustain him. So that was mentioned to the Messenger of Allâh, صلى الله عليه وسلم, so he called for him and said to him: ‘Why have you left food and drink?’ So he said, ‘O Messenger of Allâh, I said words to you that I do not know whether I will be able to fulfill them for you or not.’ He said: ‘Nothing is upon you except for your effort.’ He said, ‘O Messenger of Allâh, it is a must for us to say (something).’ He said, ‘Then say whatever you see (is necessary) as you are blameless in that.’<sup>435</sup>

And they use as evidence, the occasion when Nu’aym Ibn Mas’ûd entered Islâm, and then wanted to trick the polytheists and prevent them from attacking al-Madînah after the Battle of the Trench, as he said to the leaders of Quraysh:

“You know my love for you and my abandonment of Muhammad, and a matter has reached me, which I see that you have a right upon me to inform you, out of advice for you, so keep it quiet on my behalf.”<sup>436</sup>

And Abul-Hasan ash-Shaybânî said: “And if a Muslim enters into ‘Dâr al-Harb’, without a (contract of) security, then the polytheists seize him, then he says to them, ‘I am a man from you,’ or ‘I came wanting to fight the Muslims with you,’ then there is no harm for him to kill whomever he wants from them and to take what he wills from their wealth.” And then he used as evidence for this the story of Ka’b Ibn al-Ashraf and Khâlid Ibn Sufyân al-Hathalî (which will be narrated next).<sup>437</sup>

And likewise was the story of ‘Abd Allâh Ibn Unays who was sent by the Messenger of Allâh, صلى الله عليه وسلم, to kill Khâlid Ibn Sufyân al-Hathalî, as it was narrated that he kept his Islâm hidden:

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<sup>433</sup> “Fat’h al-Bârî”, Vol. 7/423, publication of “Maktabat Dâr as-Salâm”; Riyadh and “Maktabat Dâr al-Fayhâ”; Damascus, 1<sup>st</sup> Edition, 1418 H.

<sup>434</sup> “As-Siyar al-Kabîr”, Vol. 1/189

<sup>435</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 3/131, publication of “Dâr al-Fikr”; Lebanon, 1425 -1426 H.

<sup>436</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 3/263, publication of “Dâr al-Fikr”; Lebanon, 1425 -1426 H. and Ibn Kathîr attributed it to Al-Bayhaqî in “Ad-Dalâ’il”

<sup>437</sup> “As-Siyar al-Kabîr”, Vol. 1/185

“So I went towards him and I feared that there might be a struggle between him and I so I prayed while raising and lowering my head in bowing and prostrating. And when I reached him, he said: ‘Who is this man?’ I said, ‘A man who has heard of you and your gathering against this man (i.e. the Prophet, صلى الله عليه وسلم) so he came to you for that.’ He said, ‘Good. I am doing that.’ He said, ‘So I walked with him for a while until he had made it (i.e. assassination) possible for me. So I attacked him with the sword, until I killed him.”<sup>438</sup> And Ash-Shaybânî mentioned another narration without a chain of narration in which ‘Abd Allâh said, “I have come to support you, increase you (i.e. in numbers) and to be with you.”

## ii) Huthayfah Ibn al-Yamân, رضي الله عنه, 's Infiltration of Quraysh During the Battle of the Trench

And during the Battle of the Trench, the Messenger of Allâh, صلى الله عليه وسلم, dispatched Huthayfah Ibn al-Yamân, رضي الله عنه, to retrieve military intelligence from the camps of Quraysh, during a very cold and rainy night. And he did so by pretending to be one of their soldiers, as it was mentioned by Ibn Kathîr:

“Muhammad Ibn Ka’b al-Qurathî said, ‘A man from the people of Kûfah said to Huthayfah Ibn al-Yamân, ‘O Abû ‘Abd Allâh, did you see the Messenger of Allâh, صلى الله عليه وسلم, and accompany him?’ He said, ‘Yes, O nephew.’ He said, ‘So what did you used to do?’ He said, ‘By Allâh, we used to strive our hardest.’ He said, ‘By Allâh, if we had met him, we would not have let him walk on the ground. And we would have carried him upon our necks.’

“He said: ‘So Huthayfah said, ‘O nephew, by Allâh, I have seen us with the Messenger of Allâh, صلى الله عليه وسلم, at ‘The Trench’, and the Messenger of Allâh, صلى الله عليه وسلم, had prayed for a long period of the night, then he turned to us and said, ‘Who is a man who will go and see for us what the people have done, then return?’ So the Messenger of Allâh, صلى الله عليه وسلم, stipulated that he return. ‘I ask Allâh that he be my close companion in Paradise.’ But no man stood up, due to the extreme fear and the extreme hunger and cold. Then when no one stood up, he called me, so there was no escape from standing up when he called me. Then he said, ‘O Huthayfah, go and enter among the people then see what they are doing and do not start anything until you return to us.’ He said, ‘So I went and entered among the people and the wind and the soldiers of Allâh were doing to them what they were doing. They were not leaving any caldron, nor fire, nor building for them (i.e. everything was being destroyed.) So Abû Sufyân stood up and said, ‘O group of Quraysh, let each man look to the one sitting beside him.’ So

<sup>438</sup> Al-Haythamî mentioned it in “Majma’ az-Zawâ'id”, Vol. 6/203 and said, “Narrated by Ahmad and Abû Ya’lâ likewise, and in it (i.e. the chain of narration) there is a man who was unnamed, and he is the son of ‘Abd Allâh Ibn Unays, and the rest of its men are trustworthy.” And Al-Albânî mentioned that there is a weakness in the chain, “Irwâ’ al-Ghalîl” Vol. 3/48.

Huthayfah said, ‘So I grabbed the hand of the man who was at my side, then I said, ‘Who are you?!’ He said, ‘So-and-so, son of so-and-so.’ Then Abû Sufyân said, ‘O group of Quraysh, by Allâh you have ended up in a place where you cannot make a stand. The trotters and the hooves have died (i.e. the animals for slaughter and the riding animals.) And Banû Quraythah has abandoned us and what we feared from them has reached us concerning them. And we have been met with what you see from extreme winds, and no caldron will remain stable for us, nor will any fire remain lit for us, nor will any building remain erect for us. So travel away as I am traveling away!’ Then he stood up to his camel, but it was tied. So he sat upon it and hit it, and it reared up upon him three times. So he did not untie its reigns except while he was standing up. And had it not been for the covenant of the Messenger of Allâh, صلى الله عليه وسلم, with me, to not ‘start anything until you return to me’, I would have killed him with an arrow.’ Huthayfah said, ‘So I returned to the Messenger of Allâh, صلى الله عليه وسلم, while he was standing in prayer in a *Mirt Marâjil*<sup>439</sup> of one of his women. So when he saw me, he drew me near to his legs and he draped a part of the *Mirt* over me. Then he bowed and prostrated, while I was enveloped within it. Then when he made Taslîm, I informed him of the news. And (the tribe of) Ghatfân heard about what Quraysh had done, so they fled diligently, returning to their cities.”  
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### iii) Fayrûz ad-Daylamî, رضي الله عنه, Entering the Army of Al-Aswad al-‘Ansî

And similarly, when Fayrûz ad-Daylamî and his companions from the Sahâbah, رضي الله عنهم, infiltrated the military of Al-Aswad al-Ansî – who had claimed Prophethood – in order to assassinate him,<sup>441</sup> as Ibn Kathîr mentioned within his chapter entitled:

#### “The Emergence of Al-Aswad al-‘Ansî:

“And His name is ‘Abhalah Ibn Ka’b Ibn Ghawth from a city which is called Kahf Hanân. (He emerged) with seven hundred fighters. And he wrote to the workers of the Prophet, صلى الله عليه وسلم, ‘O you rebellious ones against us: Relinquish for us that which you have taken from our land and secure that which you gathered, as we are more deserving of it. And you are upon what you are upon (i.e. you will keep what you have attained).’ Then he rode and headed

<sup>439</sup> A ‘Mirt’ is a type of clothing which is worn as a waist wrap, and some say as a shirt, and is made either of wool, fur, linen or rayon. ‘Marâjil’ is a type of embroidery from Yemen.

<sup>440</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 3/265, publication of “Dâr al-Fikr”; Lebanon, 1425 -1426 H. And the story originated from the narration of Muslim (#1,788), from Yazîd Ibn Shurayk, رضي الله عنه

<sup>441</sup> And those who hold the view that it is permissible to speak or perform clear disbelief (Kufr) in order to infiltrate the ranks of a disbelieving tyrant to assassinate him, hold this story as evidence for this permissibility, due to some of the things said and done by Fayrûz and his companions, رضي الله عنهم, during the events of this story. And there appears a very strong resemblance between the details of this story and the details of the assassination of Anwar as-Sâdât, may Allâh curse him, by the Shahîd, the Mujâhid, Khâlid Islâmbûlî and those companions of his, may Allâh be merciful to them. And Allâh, عز وجل, knows best.

towards Najrân, so he took control of it ten nights after he emerged. Then he headed towards San'â'. So Shahr Ibn Bâthâm went out to (confront) him. Then they fought, but Al-Aswad defeated him and killed him. He then shattered his 'army of the children', <sup>442</sup> and he occupied the city of San'â' twenty-five nights after he emerged. Then Mu'âth Ibn Jabal fled from there, and he passed across Abû Mûsâ al-Ash'arî, so they both went to Hadhramawt. And the officials of the Messenger of Allâh, صلى الله عليه وسلم, came together at At-Tâhir, and 'Umar Ibn Harâm and Khâlid Ibn Sa'îd Ibn al-'Âs returned to al-Madînah. And Yemen, in its entirety, fell under the grip of Al-Aswad al-'Ansî. And his matter began to spread like the spread of a spark (i.e. in a flash). And his army was seven-hundred knights on the day that he met Shahr. And his leaders were Qays Ibn 'Abd Yaghûth, Mu'âwiyah Ibn Qays, Yazîd Ibn Muharram Ibn Hisn al-Hârithî, and Yazîd Ibn al-Afkal al-Azdî. And his reign spread dangerously and his rule was found to be harsh. And a group from the People of Yemen apostated (i.e. by testifying to the Prophethood of al-Aswad), and so the Muslims there interacted with him with Taqiyyah. And his Khalîfah over Math'haj was 'Amr Ibn Ma'diyakkrib. And he entrusted the order of the soldiers to Qays Ibn 'Abd Yaghûth and the order of the children <sup>443</sup> to Fayrûz ad-Daylamî and Dâthawayh and he married the wife of Shahr Ibn Bâthâm, and she was the daughter of the paternal uncle of Fayrûz ad-Daylamî. And her name was Zâth, and she was a beautiful, attractive woman, and along with that she was a believer in Allâh and His Messenger, Muhammad, صلى الله عليه وسلم, and from the righteous women." <sup>444</sup>

Until Ibn Kathîr mentioned:

"Qays said, 'So I entered upon his wife, Âzâth <sup>445</sup> and said, 'O daughter of my paternal uncle, you have known the trials of this man amongst your people. He killed your husband and spurred on killing amongst your people and he humiliated the women, so do you have any assistance (to offer) against him? She said, 'Upon what issue?' I said, 'Removing him.' She said, 'Or killing him?' I said, 'Or killing him.' She said, 'Yes, by Allâh. Allâh has not created any individual who is more hated to me than him, as he does not establish for me any right for (the sake of) Allâh, nor does he abstain from anything forbidden for Him. So if you become certain (that you will follow through) then inform me and tell me what there is in this matter.'" <sup>446</sup>

<sup>442</sup> Ibn al-Athîr said, "And the children of Persia are referred to as *Al-Abnâ'* (lit. 'The Children'), and they are those who Kisrâ sent with Sayf Ibn Thî Yazan when he sought assistance from him against al-Habashah. So he supported him and they took control of Yemen and they made it their resident state and they married from the Arabs, so their children were referred to as *Al-Abnâ'*. And this label became what they were known by, due to the fact that their mothers were from a different race than their fathers." [Look to "An-Nihâyah Fî Gharîb al-Hadîth wal-Athar", Vol. 1/17-18]

<sup>443</sup> 'The children' refers to the same children explained in the previous footnote.

<sup>444</sup> "Al-Bidâyah wan-Nihâyah", Vol. 5/10-11, publication of "Dâr al-Fikr"; Lebanon, 1425 -1426 H.

<sup>445</sup> The name first mentioned by Ibn Kathîr for this believing woman, was "Zâth", whereas in this passage, he referred to her as "Âzâth". This is the same in two separate and slightly different editions of "Al-Bidâyah wan-Nihâyah", so it is likely something attributed to his earliest manuscripts. And Allâh knows best.

<sup>446</sup> "Al-Bidâyah wan-Nihâyah", Vol. 5/12, publication of "Dâr al-Fikr"; Lebanon, 1425 -1426 H. [In two other manuscripts of "Al-Bidâyah wan-Nihâyah", the phrase mentioned was: "I will tell you what there is in this matter."]

Until Ibn Kathîr mentioned:

“Then Al-Aswad said, “Is what has reached me about you, true, O Fayrûz? I have decided to slaughter you and join you with these cattle,’ then he showed him his spear. So Fayrûz said to him, ‘You chose us to be your in-law, you chose us (to be in charge) over the children.’<sup>447</sup> So if you were not a Prophet, we would not have sold our share from you for anything. So how about when the matter of the Hereafter and this life has joined together for us with you. So do not accept the likes of that which reaches you about us, as I am at wherever you want.’ So he was satisfied with him and he ordered him to divide the meat of those cattle. So Fayrûz divided it amongst the people of San’â’, then he rushed to catch up with him.”<sup>448</sup>

Until Ibn Kathîr mentioned:

“So they agreed to refer back to the woman in his matter, so one of them entered upon her, and that was Fayrûz. So she said, ‘There is no house from the area except that the guards are surrounding it, except for this house, as its rear is towards such-and-such area along the path. So if night falls, then tunnel through it between the guards. And there will be nothing to obstruct you from killing him. And I will place a lamp and weapons inside the house.’ Then when he left from her, Al-Aswad met him and said to him, ‘Why have you entered upon my family?’ And he pushed his head. And Al-Aswad was harsh, so the woman screamed and pushed him away from him, and if it weren’t for that, he would have killed him. And she said, ‘The son of my uncle came to visit me.’ Then he said, ‘Be quiet, I am not paying attention to you. I have given him to you as a gift (i.e. I won’t kill him, as a gift to you).’ So he went out to his companions and said, ‘Quickly, quickly.’ And he informed them of the news so they became confused about what to do. Then the woman sent (a message) to them telling them: ‘Do not deviate from that which you have resolved.’ So Fayrûz ad-Daylamî entered upon her, seeking confirmation from her about the news, and they entered that house and hid blankets in it in order for it to make the tunnelling from the outside easier. Then he sat with her openly like a visitor. Then Al-Aswad entered and said, ‘And what is this?’ So she said, ‘Verily, he is my brother from breastfeeding and he is the son of my paternal uncle.’ So he (i.e. Al-Aswad) reprimanded him and sent him out, so he returned to his companions.”

“So when night fell they tunnelled into the house and entered it and they discovered a lamp there under a large bowl. So Fayrûz approached him while Al-Aswad was sleeping upon a bed of silk and he had sunken his head in his body. And he was intoxicated and snoring and the woman (i.e. his wife) was sitting with him. Then when Fayrûz stood up at the door, his (i.e. Al-Aswad’s) Shaytân sat him up and spoke upon his tongue, while he was sleeping and he was snoring, and said: ‘What is the matter between me and you, O Fayrûz?’ So he feared that if he turned back, he would perish and the woman would perish, so he rushed him and engaged him. And he was

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<sup>447</sup> ‘The children’ referred to here are those discussed in a previous footnote.

<sup>448</sup> “Al-Bidâyah wan-Nihâyah”, Vol. 5/12, publication of “Dâr al-Fikr”; Lebanon, 1425 -1426 H.

like a camel (in size), so he grabbed his head and pounded his neck, and placed his knees upon his back until he killed him. Then he stood up to go out to his companions to inform them and the woman took his tail (of his clothes) and said, 'Where are you leaving to, away from your duty?', because she assumed that it had not (completely) killed him. So he said, 'I am going out to inform them of his killing.' So they entered upon him to remove his head. So his Shaytân moved him so he shook and then they were unable to complete the job until two (of them) sat upon his back, while the woman held his hair and he began to yell out gibberish with his tongue, so the other one seized his neck. So he mooed with the most extreme mooing of a bull, which was ever heard. So the guards rushed to the quarters and said, 'What is this? What is this?'

"So the woman said, 'The Prophet is receiving revelation.', so they returned back. And Qays, Dâthawayh and Fayrûz sat and discussed how to inform their parties. So they agreed that if it reached morning, they would call out with their signals that they had between themselves and the Muslims. So when morning arrived, one of them – and that was Qays – stood upon the wall of the fortress and called out with their signal. So the Muslims and the disbelievers gathered around the fortress, so Qays – and it is said Wabr Ibn Yahnîs – called out the Athân: 'I bear witness that Muhammad is the Messenger of Allâh, and that 'Abhalah is a liar! Then he threw his head down to them.'" <sup>449</sup>

#### **b) The Muslim's Compliance with Genuine Compulsion, by Performing Sinfulness, Innovation or Disbelief**

And here we conclude the categories where we began; the people who are upon truth, falsely demonstrating their change to falsehood, due to compliance with compulsion and taking the concession (Rukhsah) for that. And included in this category are all those from the past and present who have experienced the genuine compulsion and complied with their captors and tormenters in what was demanded of them. And the examples of this sub-category have filled the previous pages, so review them for clarification.

And as it relates to the goal and objective of this book, this category includes those scholars, students of knowledge, callers and fighters who are in a state of captivity; either in prison or other than that, and are experiencing genuine forms of compulsion. They take for themselves the concession to comply with their captors' demands, who are typically government interrogation agents whose intention is to have those influential figures issue retractions or condemnations of particular operations, militant methodologies and concepts, or specific Jihâdî groups and their leaders. Therefore, this sub-category demonstrates an illegitimate change from truth to falsehood.

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<sup>449</sup> "Al-Bidâyah wan-Nihâyah", Vol. 5/13-14, publication of "Dâr al-Fikr"; Lebanon, 1425 -1426 H.

And in some cases, the scholar will remain steadfast and endure the forms of torment and will resist the compliance with that compulsion, as we saw from the likes of Imâm Ahmad and An-Nâbulusî etc.

## Chapter 9: The Modern Strategies of the Apostates and Disbelievers Regarding Their Muslim Captives

Although the basic policies of the apostates and disbelievers have not changed since their initial opposition to the calls of the Prophets and Messengers, certain modern strategies have emerged in their war against Islâm; strategies such as their distortion of Islâm itself as well as historical and present-day realities, which they spread through their media, or upon the tongues of their purchased scholars, thereby exploiting the naiveté of many sincere Muslims. In this chapter, we will compile some of these broader plots and reveal some of the tactics and objectives of those fighting their war against Islâm.<sup>450</sup> As the chapter progresses, the reader will see the emergence of a trend towards using their captives as tools to persuade the Muslim masses. In doing so, we hope to expose certain themes and how they relate to the imprisonment of our scholars and callers.<sup>451</sup>

Due to the numerous and overwhelming military failures by the coalition of apostates and crusaders in their war on Islâm, many analysts have conceded that they are unable to defeat their Islâmist foes by means of armed forces alone. This realization has paved their way towards a new philosophical approach; defeating the Muslims from within, which is really nothing new at all.

After all, the attempt to cause division, discord and confusion within the Muslim Ummah, in order to defeat the Muslims in a non-military campaign was attempted during the lifetime of the Messenger of Allâh, صلى الله عليه وسلم, when the Hypocrites built a Masjid for this sole purpose. And it was about this Masjid and this plan of the enemies of Allâh, which Allâh, تعالى, revealed:

﴿ وَالَّذِينَ اتَّخَذُوا مَسْجِدًا ضِرَارًا وَكُفْرًا وَتَفْرِيقًا بَيْنَ الْمُؤْمِنِينَ وَإِرْصَادًا لِّمَنْ حَارَبَ اللَّهَ وَرَسُولَهُ مِنْ قَبْلُ وَلَيَحْلِفْنَ إِنْ أَرَدْنَا إِلَّا الْحُسْنَىٰ وَاللَّهُ يَشْهَدُ إِنَّهُمْ لَكَاذِبُونَ ﴾

<sup>450</sup> Much of the source material referenced in this section comes from the so-called ‘counterterrorism’ manuals and research papers of Western think tanks and independent research firms who have been contracted by the US and UK governments; specifically the CIA and the MI5, to produce non-military strategies for their operatives to employ in their war against Islâm. Due to most of these manuals being available in the English language, there was no need to translate the excerpts quoted in this section and therefore we have reproduced them verbatim, along with their own terminology, prejudicial bias and editorial slant. Words such as ‘terrorists’, ‘extremists’ and ‘radicals’ fill these excerpts; however, the discerning reader will distinguish this and recognize the plots revealed therein. It is also very common that the authors of these manuals refer to all Mujâhidîn and Islâmist groups as ‘al-Qâ'idah’, even if most of these groups have their own names and independent organizational structures, so be aware of that.

<sup>451</sup> Much, if not all of what follows is patently obvious to most Muslims from a logical point of view, but it is interesting to see the evolution of the plots of the disbelievers and apostates and how they formulate their hypotheses and how that translates into what the Muslims read, see and hear.

﴿ **And as for those who put up a mosque by way of harming and disbelief, and to disunite the believers, and as an outpost for those who warred against Allâh and His Messenger aforetime, they will indeed swear that their intention is nothing but good. Allâh bears witness that they are certainly liars.** ﴾<sup>452</sup>

And Shaykh ‘Abd ar-Rahmân Ibn Nâsir as-Sa’dî, رحمه الله, said:

“People from the hypocrites from the people of Qubâ built a Masjid south of Masjid Qubâ seeking from it harm and division amongst the believers and were preparing it for those whom they were waiting for from the ones who wage war against Allâh and His Messenger. It would be a fortress for them when they needed it, so He, تعالى, clarified their disgrace and exposed their secret, as He said: ﴿**...put up a mosque by way of harming...**﴾ In other words, harm towards the believers and towards their Masjid in which they gathered. ﴿**...and disbelief...**﴾ In other words, their intent in doing that (was disbelief), whereas others intended faith. ﴿**...and to disunite the believers...**﴾ In other words, so that they would separate, divide and dispute. ﴿**...and as an outpost...**﴾ In other words, preparing ﴿**...for those who warred against Allâh and His Messenger aforetime...**﴾ In other words, assisting those who wage war against Allâh and His Messenger; those who had previously waged war and whose enmity had become intense. And that is such as Abû ‘Amr ar-Râhib, who was from the people of Al-Madînah, then when the Prophet, صلى الله عليه وسلم, came forth and emigrated to Al-Madînah, he disbelieved in him.”<sup>453</sup>

And Imâm ash-Shawkânî, رحمه الله, said:

“So Allâh, سبحانه, informed us that the motivation for them to build this Masjid was four matters: The first, harming other than them, and it was the bringing about of damage. The second, contempt towards the people of Islâm, because they wanted to strengthen the people of hypocrisy by building it. The third, division amongst the believers, because they wanted them not to attend Masjid Qubâ’, therefore the Muslim congregation would decrease, and in that there is a division of word and elimination of closeness, which is clear. The fourth, waiting for those who waged war against Allâh and His Messenger. In other words, preparing for those who waged war against Allâh and His Messenger.”<sup>454</sup>

And similarly, another attempt to fight Islâm internally, through non-military means, by causing division and disunity, was the creation of the Râfidhah Shî’ah, as Ibn Taymiyyah, said:

<sup>452</sup> At-Tawbah, 107 [And refer to the translated article by “At-Tibyân Publications” entitled: “Abandonment of Masâjid adh-Dhirâr”, by Shaykh Abû Qatâdah al-Filastînî, with the added commentary of Shaykh Abû Basîr at-Tartûsî (may Allâh preserve them both) for more details regarding this topic.]

<sup>453</sup> “Taysîr al-Karîm al-Mannân Fî Tafsîr Kalâm ar-Rahmân”, Pg. 309

<sup>454</sup> “Fat’h al-Qadîr al-Jâmi’ Bayna Fannay ar-Riwâyah wad-Dirâyah Min ‘Ilm at-Tafsîr”, Vol. 2/403

“So the first one who innovated the Rafdh (i.e. the Shī’ah methodology) was a Munāfiq Zindīq, who was called ‘Abd Allāh bin Saba’. And he wanted to corrupt the religion of the Muslims, by doing so, just as Paul – the author of the letters in the hands of the Christians – did. Because he innovated innovations for them by which he corrupted their religion, and he was a Jew but he openly displayed Christianity through hypocrisy, and intended to corrupt it. And likewise, Ibn Saba’ was a Jew, and (also) intended that, likewise. And he strove in the Fitnah, with the objective of corrupting the religion, but he was unable to do so.”<sup>455</sup>

So this old strategy has grown new clothing and we will analyze some of these details, *In Shā’ Allāh*.

## 1. “The War of Ideas”

Today this strategy of the disbelievers is to wage an ideological campaign to persuade the Muslim youth that they must renounce all armed resistance against their authority and their dominance.<sup>456</sup> And they understand that this goal is unlikely to succeed if applied externally. Therefore they seek to develop and propagate this concept within the Muslim communities themselves. For instance, in a chapter entitled “**Attack the Ideology**” the multiple contributing authors of “Beyond al-Qaeda” wrote:

“The war on terror at its most fundamental level goes to the war of ideas. The goal here is to delegitimize jihadist ideology and the use of terrorism and to deny extremists the high ground of Islamic politico-religious discourse, which has been adroitly exploited by al-Qaeda to further the appeal of its own radical and absolutist rhetoric. As we have outlined in another RAND study, prevailing in the war of ideas requires empowering moderate Muslims to counter the influence of the radicals.”

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<sup>455</sup> “Majmū’ al-Fatāwa”, Vol. 35/112, publication of “Dār al-Wafā’”; Al-Mansûrah, 3<sup>rd</sup> Edition, 1426 H.

<sup>456</sup> And how strange that the world’s most militarized nations, who have achieved nearly all of their nationalistic successes through the use of violence in warfare, military interventions and coups, have the arrogance to insist that their enemies apply the means of ‘non-violent resistance’! And our brother, Malcolm X (a.k.a. El-Hajj Malik el-Shabazz) pointed out this hypocrisy rather eloquently when he said:

“And from Washington, D.C., they exercise the same forms of brutal oppression against dark-skinned people in South and North Vietnam, or in the Congo, or in Cuba, or in any other place on this earth where they’re trying to exploit and oppress. This is a society whose government doesn’t hesitate to inflict the most brutal form of punishment and oppression upon dark-skinned people all over the world. To wit, right now what’s going on in and around Saigon and Hanoi and in the Congo and elsewhere. They are violent when their interests are at stake. But all of that violence that they display at the international level; when you and I want just a little bit of freedom, we’re supposed to be nonviolent. They’re violent! They’re violent in Korea, they’re violent in Germany, they’re violent in the South Pacific, they’re violent in Cuba, they’re violent wherever they go! But when it comes time for you and me to protect ourselves against lynchings, they tell us to be nonviolent.” [Excerpt from his speech at the **Ford Auditorium in Detroit, MI**, February 14<sup>th</sup>, 1965]

“Although ideology is inherently difficult to attack by outsiders, the ideological approach has weaknesses that are susceptible to exploitation. Some analysts note that the jihadist movement is sensitive to religious ideology to the point of vulnerability. Combatants are replaceable, but theologians are not. The death or recantation of several Saudi sheikhs who had provided religious justification for jihadist attacks may have weakened the movement ideologically. However, the al-Qaeda ideology has always had a pronounced Egyptian bent, so the influence of Saudi sheikhs might not have been central to al-Qaeda’s ideological struggle. In any event, if this assessment of the centrality of ideology is correct, then decapitation strategies should be expanded from operational leaders to ideologues. Not infrequently, these ideologues are asked to provide sanction for terrorist operations and are therefore a key part of the terrorist decision making process. Preventing al-Qaeda’s ideological mentors from continuing to provide theological justification for terrorism could expedite the movement’s ideological deterioration.”<sup>457</sup>

And in one report called “The Militant Ideology Atlas” Dr. William McCants writes:

“Jihadi propaganda—which is designed to reclaim this lost credibility—can be countered with the following messages:

- Jihadis want a totalitarian system of government in which no one is allowed to think for themselves. Not even the Saudi government is strict enough. Anyone who does not share their understanding of Islam will be declared an apostate and executed. If you want to know what a Jihadi state will look like, contemplate the Taliban—the only state in recent memory that Jihadis consider to have been legitimately Islamic.
- The Jihadi message is so weak and unappealing that they have to use violence to persuade people. They claim to be saving Islam, but they are giving it a bad reputation. They are hurting their own people and national resources.”<sup>458</sup>

So we can clearly see a theme revealed – even expressed outright – where their goal is to have the Muslims reject all forms of militant resistance, by means of influencing them from within their own ranks to reject this concept completely.

## 2. Applying Pressure Towards Islâmist Groups to ‘Reform’

Who better to dissuade the Muslims from engaging and supporting armed resistance than the Islâmist organizations who are revered by the youth?

And in a chapter entitled: “**Should Islamists Be Engaged?**”, the authors write:

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<sup>457</sup> “Beyond al-Qaeda – Part 1”, introduction page xxiv

<sup>458</sup> “The Militant Ideology Atlas” - Executive Report, November 2006, page 5-6

“The argument in favour of engaging Islamists has three attributes: first, that Islamists represent the only real mass-based alternative to authoritarian regimes in the Muslim world (and especially in the Arab world); second, that Islamist groups such as the Egyptian Muslim Brotherhood have evolved to support pluralistic democracy, women’s rights, etc. and third, that Islamists are more likely to be successful in dissuading potential terrorists from committing violence than are mainstream clerics.”<sup>459</sup>

And back to the ‘Atlas’, we see Dr. William McCants said something similar:

“Finally, a word about ‘moderate’ Muslims. The measure of moderation depends on what type of standard you use. If by ‘moderate’ one means the renouncement of violence in the achievement of political goals, then the majority of Salafis are moderate. But if by ‘moderate’ one means an acceptance of secularism, capitalism, democracy, gender equality, and a commitment to religious pluralism, then Salafis would be extremists on all counts. Then again, there are not many Muslim religious leaders in the Middle East that would qualify as moderates according to the second definition. Until there are, the international community should focus on alienating Jihadis from the broader Salafi Movement. While it may be distasteful to work with non-violent Salafi leaders, they are best positioned to delegitimize Jihadi violence and monitor the activities of the more militant elements of their movement.”<sup>460</sup>

This concept illustrates the next logical phrase in the plots of the disbelievers to dissuade the acceptance of militancy by the Muslims. And their focus is to do so within those Islâmist groups they identify are the most likely to produce armed resistance.

### **3. Persuading Militant Muslim Captives and their Scholars to Issue Statements and Verdicts Renouncing Violence**

The idea of using captive Muslim prisoners as tools towards thwarting the efforts of the Mujâhidîn isn’t new in a broad sense, because it was a widely used practice of the enemies of Allâh to bring out the Muslim prisoners and use them as human shields when facing the Mujâhidîn on the battlefield. However, in the context of ‘The War of Ideas’, this methodology has shifted into a more concept-oriented campaign. And the weapons have become less catapults, arrows and spears, and more microphones, newspapers and television interviews. And if the enemies can convince their captives to publicly renounce the Jihâd, this would be the equivalent of holding him as a human shield to protect them from the arrows of the Muslim armies.<sup>461</sup>

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<sup>459</sup> “Building Moderate Muslim Networks”, page 75

<sup>460</sup> “The Militant Ideology Atlas” - Executive Report, November 2006, page 11

<sup>461</sup> Rather, it is perceived by the enemy that a public recantation or retraction from an imprisoned high-profile Muslim militant or scholar would be even more valuable, towards their interests, than thousands of human shields.

For instance, the author of “Unconquerable Nation”, Brian Michael Jenkins said:

“We have concentrated on degrading the jihadists’ operational capabilities by eliminating jihadists, but not by impeding recruiting, inducing defections, or getting detainees to renounce jihad.”<sup>462</sup>

And in a chapter entitled: “**Get Detainees to Renounce Terrorism**”, he writes:

“Political warfare does not end with terrorist captivity. Lacking a strategy, we have competing views of what should be done with suspected terrorist detainees: interrogate them for operational intelligence, detain them for the duration of the war, bring them to trial before military tribunals or civilian courts, hand them over for imprisonment in their countries of origin. But turning detainees against violence should be considered as important as interrogation. Rehabilitation is more important than prosecution, especially if it can be used to discourage jihadist recruiting. Those in custody should be offered the opportunity to quit the jihad, to repent, to publicly recant. We should not let our own desires for revenge or our determination to see justice done get in the way. We must be pragmatic. We are not settling blood debts, we are waging a political war.”<sup>463</sup>

And later, he goes on to say: “Italy, a Catholic country, used an appropriate religious term to encourage Red Brigades prisoners to renounce terrorism and cooperate with authorities. Those who did so were called “repentants,” and their sentences were reduced accordingly.”<sup>464</sup> The mere fact that some repented dismayed those still at large, and the information the repentants provided was crucial in cracking the terrorists’ campaign.’

“Other innovative approaches are being pursued today by other countries. In Yemen, Islamic scholars challenged a group of defiant al Qaeda prisoners to a theological debate. ‘If you convince us that your ideas are justified by the Quran, then we will join you in the struggle,’ the scholars<sup>465</sup> told the terrorists. ‘But if we succeed in convincing you of our ideas, then you must agree to renounce violence.’ The scholars won the debate, and a number of the prisoners renounced violence, were released, and were given help in finding jobs. Some have since offered advice to Yemeni security services—indeed, a tip from one led to the death of al Qaeda’s top leader in the country.”<sup>466</sup>

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<sup>462</sup> “Unconquerable Nation”, Page 121

<sup>463</sup> “Unconquerable Nation”, Page 129

<sup>464</sup> And this tactic should sound familiar to many of those who have followed the ‘Retractions’ or ‘Tarāju’ât’ of the high-profile captives of the enemies of Allâh in recent years, as this is precisely what has taken place with many leaders of Islâmist groups or at least with those scholars who are thought to have influence over certain Jihâdî groups.

<sup>465</sup> And here we are reminded of the ‘scholars’ of Banû ‘Ubayd, and refuge is sought in Allâh!

<sup>466</sup> “Unconquerable Nation”, Page 130

And Brian Michael Jenkins continues: “Saudi Arabia has launched its own campaign by mobilizing some of its most militant clerics, including one whom Osama bin Laden tried to recruit as a spiritual guide of the jihad, to discourage recruitment and re-educate imprisoned jihadists. The program involves teams of clerics and psychiatrists who daily engage individual prisoners in intense religious discussions that can go on for hours at a time. It is almost a mirror of the intense indoctrination that jihadist recruits receive on their way in. If the conversion is considered successful, the individual is released and helped to find a job, or even a wife, but is also kept under close surveillance. At the same time, counsellors employed by the government infiltrate jihadist web sites and chat rooms to argue with al Qaeda sympathizers.”<sup>467</sup>

And he said: “With only 36 detainees, Singapore has developed a comprehensive strategy that could provide a model for the United States. In 2003, it approached Islamic religious teachers, asking them to assist in counselling the detainees. The effort grew into the **Religious Rehabilitation Group**. Unpaid volunteer religious teachers studied the jihadists’ literature, identified specific areas where it contradicted or misinterpreted the Quran, prepared a training manual, and recruited other Islamic teachers to participate in the effort.’

“The group has provided hundreds of counselling sessions to re-educate and rehabilitate the detainees. The teachers admit it is slow work. Some of the detainees remain obstinate; only a few have been released, and they are required to continue attending classes at the mosque. The program has been expanded into lectures at mosques aimed at insulating the community against the jihadists’ extremist interpretations.’

“A separate community program in Singapore, set up with government encouragement in 2002, provides support to the detainees’ families. The program will facilitate the reintegration of those detainees who are released. Being aware that their families are being helped is a source of comfort to them, and it creates a better environment for the counselling.’<sup>468</sup>

“Success in any of these programs may not be validly measured by the percentage of individuals who claim to have abandoned jihadism or the sincerity of that claim, which lies beyond our ability to assess. The same was true of Vietnam’s ralliers and Italy’s repentants. But public recantations, explanations of how people succumbed to jihadist recruiting, descriptions of recruiting techniques, invitations to come in with one’s honour intact—even a few of these can be used to undermine recruiting and create uncertainty in jihadist ranks.”<sup>469</sup>

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<sup>467</sup> “Unconquerable Nation”, Page 131

<sup>468</sup> Or rather, it lets the captive know that their family is under the threat of government harm if the detainee fails to show ‘progress’ during these counselling sessions. It is difficult to imagine that even the author of these words believed them while writing them. And one is reminded of the Mafioso methods of demanding ‘protection money’ from retail shops, which operated in districts controlled by organized crime syndicates. Shop owners would pay ‘protection money’ to the very thugs who would otherwise destroy those businesses if they failed to pay for their ‘protection’.

<sup>469</sup> “Unconquerable Nation”, Page 132

And while discussing the potential reaction to having American-held detainees issue recantations and retractions, he said: “Undoubtedly such personal accounts would be dismissed by many as propaganda, and their authors would be described as turncoats saving their own skins, especially if they were obliged to read prepared testimonials. But if they were allowed to express their own internal conflicts, their words could ring true to those on the same path. And the public debate would be shifted from terrorists versus government spokesmen to terrorists versus former terrorists.”<sup>470</sup>

#### 4. The Apostate Rulers Employing the Same Tactics

It’s difficult to say whether the West has exported these tactics to the so-called Muslim countries or if this was where they actually originated. What is clear, however, is that these same strategies exist there as well. And it certainly does not appear to be a new phenomenon, as we have established in the previous chapters that the governors over Muslims have long sought to use the influence of the scholars to pacify the Muslim masses into accepting official state policy on a number of issues. It just happens to be that in our time, the most pressing of these issues is the state of the Jihād and the Muslims’ resistance to the dominance of Kufr worldwide. And at the very least it is certain that along with the apostate regimes animosity towards the rule of Islām, the West also has a vested interest in seeing the militancy of the Muslim resistance come to an end.

In a chapter entitled “**Strengthen the Capabilities of Frontline States to Confront Local Jihadist Threats**”, the authors of “Beyond al-Qaeda” wrote:

“The United States could help friendly countries achieve their counterterrorism objectives by providing assistance to improve the technical capabilities of counterterrorism police and military units and intelligence services. Although the types of assistance provided would depend on the specific circumstances of individual countries, as a general principle this assistance should focus on data collection and analytical capabilities.’

“Since the terrorists justify their operations by branding the governments under attack as ‘apostate’ governments aligned with the United States, the United States has a political need to reduce its footprint in counterterrorism as much as possible. This can be done by encouraging cooperative regional arrangements. For instance, in the context of the Association of Southeast Asian Nations (ASEAN), regional countries have agreed to establish a region-wide intelligence network, have taken steps to block terrorist funds and tighten border controls, and have established a regional counterterrorism center in Kuala Lumpur. Similar cooperative arrangements should be encouraged in other parts of the world.”<sup>471</sup>

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<sup>470</sup> “Unconquerable Nation”, Page 132

<sup>471</sup> “Beyond al-Qaeda – Part 1”, Page 165

For instance, the Royal Embassy of Saudi Arabia Information Office included the following as one of its Nation's achievements in their effort to 'combat terrorism':

- "In May 2003, three clerics, Ali Fahd Al-Khudair, Ahmed Hamoud Mufreh Al-Khaledi and Nasir Ahmed Al-Fuhaid, were arrested after calling for support of the terrorists who carried out the Riyadh attacks. In November 2003, Ali Fahd Al-Khudair recanted his religious opinions on Saudi TV. <sup>472</sup> Shortly after, a second cleric, Nasir Ahmed Al-Fuhaid, recanted and withdrew his religious opinions describing them as a 'grave mistake'. On December 16, 2003, Ahmed Hamoud Mufreh Al-Khaledi became the third cleric to recant on national television." <sup>473</sup>

And in her commentary on the same efforts of the Saudi Arabian government, Professor Sherifa Zuhur writes:

"Saudi Arabian officials decried al-Qa'ida's actions in the United States, and have captured and killed operatives, arrested more than 600 suspects, forced key clerical figures to recant their radical views on television, recalled more than 1,400 imams who were counselled on their divergent opinions, and took a variety of measures to diminish the financial support of terrorist organizations." <sup>474</sup>

Therefore, regardless of where or when this strategy originated, the reality is that it is being applied collaboratively by both the apostate regimes and their crusader allies.

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<sup>472</sup> And these 'recantations' will be reviewed in an upcoming chapter, *In Shâ' Allâh*.

<sup>473</sup> "Initiatives and Actions Taken by the Kingdom of Saudi Arabia to Combat Terrorism", Page 7

<sup>474</sup> "Saudi Arabia: Islamic Threat, Political Reform, and the Global War on Terror", Page 13

## Chapter 10: What Takes Place to the Muslim Captives in the Modern Prisons?

This section is intended to demonstrate what some of our fellow Muslim captives are faced with while in the custody of the disbelieving enemies. Many are familiar with the so-called ‘isolated incidents’ of murder, torture, sexual abuse and humiliation inside prisons, such as ‘Abu Ghraib’, Bagram Airbase and Guantánamo Bay,<sup>475</sup> but many are unaware of how these various methods of torment are actually calculated ‘interrogation tools’, as part of their strategies against the Muslim Ummah itself.<sup>476</sup> And once the reader understands and has a true sense of the type of torment being faced by our most influential scholars, callers, and Mujâhidîn leaders – while in the custody of their enemies – one will be less confused about the phenomenon we are analyzing within this project. In fact, one may find it amazing that there are some of our contemporary scholars, who have never complied with the compulsion of their captors, despite their numerous attempts to make them do so!

The following categories illustrate the numerous methods used by the governmental interrogation agents and the prison officials who hold the Muslims captive in their dungeons. And although the reliance upon certain techniques may vary from place to place according to the circumstances, these are generally considered to be standard methodologies by both the apostate regimes and their Crusader allies in their war against Islâm.<sup>477</sup> Although very disturbing, and upsetting we recommend the Muslim read and become familiar with these categories of torment; both physical and psychological, as it is important to face such realities.

### 1. Extreme Isolation, Sensory and Sleep Deprivation

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<sup>475</sup> Dr. Burton J. Lee III, former personal physician to George Bush Sr. wrote: “The widespread reports of torture and ill-treatment – frequently based on military and government documents – defy the claim that this abusive behaviour is limited to a few non-commissioned officers at Abu Ghraib or isolated incidents at Guantanamo Bay.” – The Washington Post: “The Stain of Torture” (July 1<sup>st</sup>, 2005)

<sup>476</sup> And although some of the following details, personal accounts and reports are difficult to read, we ask the reader not to turn away from or skip this section; as such scenes are important to confront, in order to establish the depths to which those dogs and pigs will go in order to achieve their objectives in their war against Islâm. And it is important to keep in mind that these forms of torture, particularly the sexual humiliation and threats, are used upon the Muslim women captives as well as the men. And although the majority of Muslim captives being held in the prisons of the apostates and disbelievers are men, there are a number of our sisters also being tormented with many of the same methods of interrogation used upon the brothers. And may Allâh, *جبل وعلا*, free our brothers and sisters from their prisons and reward them enormously for their enduring patience and steadfastness.

<sup>477</sup> And it is a mistake to conclude, as some have done, that Western governments are generally less likely to apply some of the more extreme methods listed in this section, as it is a proven fact that those nations frequently deport their prisoners to nations who will do so, even if they are unable to do so themselves. This is a process known to the Americans and others as ‘Extraordinary Rendition’. And the one who intentionally makes an action possible is an accomplice to that act, according to the Sharî’ah and according to most other systems of law.

This method is one whereby a captive is cut off from all social contact and sensory stimulation (i.e. sight, sound, smell, touch and taste). The affect of long-term exposure to this technique can result in temporary or permanent psychological disorientation and an extreme mental regression, whereby the victim can lose control over his cognitive and perceptive faculties. Dr. Stuart Grassian, Psychiatrist at the University of Harvard, said:

“The restriction of environmental stimulation and social isolation associated with confinement in solitary are strikingly toxic to mental functioning, producing a stuporous condition associated with perceptual and cognitive impairment and affective disturbances. In more severe cases, inmates so confined have developed florid delirium - a confusional psychosis with intense agitation, fearfulness, and disorganization. But even those inmate who are more psychologically resilient inevitably suffer severe psychological pain as a result of such confinement, especially when the confinement is prolonged, and especially when the individual experiences this confinement as being the product of an arbitrary exercise of power and intimidation. Moreover, the harm caused by such confinement may result in prolonged or permanent psychiatric disability, including impairments which may seriously reduce the inmate's capacity to reintegrate into the broader community upon release from prison.”<sup>478</sup>

Our brother, ‘Abd Allâh al-Muhâjir (a.k.a. José Padilla), who was arrested in 2002 as an ‘illegal enemy combatant’, was subjected to some of these techniques, while in the custody of the CIA in a naval prison in South Carolina. In his discussion on some of the interrogation techniques used by the Americans, journalist George Monbiot writes:

“He (i.e. ‘Abd Allâh) had been kept in a blacked-out cell, unable to see or hear anything beyond it. Most importantly, he had had no human contact, except for being bounced off the walls from time to time by his interrogators. As a result, he appears to have lost his mind. I don't mean this metaphorically. I mean that his mind is no longer there.’

“The forensic psychiatrist who examined him says that he ‘does not appreciate the nature and consequences of the proceedings against him, is unable to render assistance to counsel, and has impairments in reasoning as the result of a mental illness, i.e., post-traumatic stress disorder, complicated by the neuropsychiatric effects of prolonged isolation.’ José Padilla appears to have been lobotomized: not medically, but socially.”<sup>479</sup>

As for sleep deprivation, the enemy interrogators use this method to disorient their captives by preventing their brains from recuperating from activity and stress. They will often keep a suspect awake for days using blinding light, pulsing forms of grating sounds played at deafening volumes, and other forms of extreme discomfort. Only after their captive has become completely disoriented will then begin their interrogations and questioning. Other forms of this technique involve allowing a captive to start to drift off to sleep and then waking him violently

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<sup>478</sup> “Psychiatric Effects of Solitary Confinement”, page 13

<sup>479</sup> “The Guardian”, page 27, December 12<sup>th</sup>, 2006

to shock his system, thereby draining his mental capacity further. Such forms of sleep deprivation can result in a captive losing his sense of identity and even experience hallucinations.

After attending numerous 'detainee integration sessions', members of the American Psychological Association determined that this practice constituted torture, according to their definition. This was one of the most common forms of torment used against the Muslim captives in "The Dark Prison", an unidentified location in Afghanistan used by the CIA to interrogate their prisoners. Human Rights Watch reports:

"M.Z., a detainee arrested in another country in 2002 (name and identifying details withheld at his attorney's request), said he was held at the 'prison of darkness' for about four weeks. He says he was sent to 'an underground place, very dark' where there was 'loud music' playing continuously. He said he was held in solitary confinement, where it was 'pitch black... no light.' M.Z. said that when he was interrogated he was taken to a room with a strobe light, and shackled to a ring on the floor. During the interrogations, he says, an interrogator threatened him with rape.'

"Benyam Mohammad, an Ethiopian-born Guantánamo detainee who grew up in Britain, said he was held at the "dark prison" in 2004 and described his experience to his attorney in English:

"It was pitch black no lights on in the rooms for most of the time.... They hung me up. I was allowed a few hours of sleep on the second day, then hung up again, this time for two days. My legs had swollen. My wrists and hands had gone numb.... There was loud music, [Eminem's] 'Slim Shady' and Dr. Dre for 20 days.... [Then] they changed the sounds to horrible ghost laughter and Halloween sounds. [At one point, I was] chained to the rails for a fortnight.... The CIA worked on people, including me, day and night.... Plenty lost their minds. I could hear people knocking their heads against the walls and the doors, screaming their heads off.'

"J.K., another detainee (name withheld at attorney's request), also alleged that he had been held in the dark, shackled to the wall and subjected to weeks of sleep deprivation and constant loud music and noise, as well as being beaten during interrogations. 'People were screaming in pain and crying all the time,' he told his attorney.'

"Abd al-Salam Ali al-Hila, a Yemeni whose arrest and transfer to Afghanistan was previously documented by Human Rights Watch Guantanamo: New "Reverse Rendition" Case, said he was kept at the 'dark prison' at various times in 2003. He told his lawyers he had been chained to the wall, kept in almost constant darkness, and subjected to sleep deprivation and constant noise."<sup>480</sup>

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<sup>480</sup> "U.S. Operated Secret 'Dark Prison' in Kabul", New York, December 19, 2005

## 2. Exposure to Extreme Temperatures and Forced and Repeated Forms of Discomfort

Here our discussion of the interrogations techniques moves into the area of the physical as opposed to the psychological, as the former category outlined. When one considers the sensation of cold, heat, exhaustion, weakness and pain resulting from these forms of techniques it can be difficult to comprehend what type of an affect they actually have on a captive. After all, who hasn't experienced feeling too cold or hot? Who hasn't felt tired, weak or sore?

The point here is that these techniques are applied in conjunction with several others and with such repetition and duration that the cumulative effect results in feelings of helplessness and despair designed to strip the captive of his dignity, and his mental capacity to cope with the surroundings he finds himself in. Imagine a drop of water falling on your forehead. It doesn't sound like something difficult to cope with initially. But then consider what thousands of repeated drops of water on one's forehead would feel like while one is strapped down, immobilized and forced to endure it relentlessly and repeatedly. This later example is known as "Chinese Water Torture", and it is considered to be a method, which results in severe mental anguish, panic and even insanity. These forms of torment are what the CIA refers to as "Stress and Duress".

Journalist Kenneth Roth said, while discussing the policies of the US regarding their Muslim prisoners:

"The Defence Department has adopted a 72-point 'matrix' of types of stress to which detainees can be subjected. These include stripping detainees naked, depriving them of sleep, subjecting them to bright lights or blaring noise, hooding them, exposing them to heat and cold, and binding them in uncomfortable positions. The more stressful techniques must be approved by senior commanders, but all are permitted. And nearly all are being used, according to testimony taken by Human Rights Watch from post-Sept. 11 detainees released from U.S. custody." <sup>481</sup>

And some of these "Stress and Duress" techniques were referred to by Amnesty International report on the case of our brother Mohamedou Ould Slahi who was in American custody in Guantánamo Bay prison:

"He has described his cell as built of steel from floor to ceiling with a very cold temperature setting on the air conditioner. According to the information released under the FOIA, another detainee has called this room the 'freezer'. Mohamedou Slahi recalled to his ARB in 2005 that 'I

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<sup>481</sup> "The Washington Post", May 13, 2004; page A29

could not bear sleeping on the metal because of my back and you never know how much pain I could take. I could end up dead or something.”<sup>482</sup>

The following is a report by our brother, Mohammed Nechla – a Bosnian Muslim arrested by the state police on the orders of the US, and taken interrogation in Guantánamo Bay:

“He was placed in a sitting position on the floor of the plane. If he slumped or fell, he was slammed back into the sitting position by soldiers. The flight lasted about six hours. When the plane landed, they were in a place that was extremely cold (-20 C). Mr. Nechla believes it was Turkey or Germany. Mr. Nechla heard barking and snarling dogs very close to him, but he could not see because of the goggles. He was terrified that the dogs would bite him or kill him; the soldiers taunted him in the bitter cold.’

“Before boarding a second plane, Mr. Nechla was given a new article of clothing, but he could not see what it looked like. His hands remained in pain, and the numbness in his arms grew. He was given no food. The plane trip lasted many hours. Immediately before the plane landed at Guantánamo, he was given an apple—the only food he received during his nearly two-day journey.’

“After the plane landed, he was dragged to a bus, still wearing the goggles, mask, and headphones. The soldiers dragged him by his biceps, gripping him tightly and painfully. The bus had no seats. Soldiers were screaming at him in English, ‘Don’t move!’ ‘Don’t talk!’ repeatedly. When the bus stopped, Mr. Nechla was pulled down the boarding stairs, again by the upper arms. There were several dogs barking very close to him, and he again feared he would be bitten and attacked. He was dragged to an area of gravel and placed in a painful position, with his legs placed straight out in front of him, shackled, and his wrists still shackled.’

“Soldiers were screaming insults at him and about his family. A soldier punched him around his head and shoulders. The sun pounded down on him and it was unbearably hot. He fainted. A soldier stepped forward, grabbed him, and shoved him back into the painful seated position. This occurred a few times. He was forced to sit in the intense heat for an extended period. He was having difficulty breathing through the mask and believed he was going to suffocate. He cried out for help. A soldier came and pulled the mask out and let it snap against his face. He began to cry. He had arrived at Guantánamo.”<sup>483</sup>

### **3. Starvation, Deprivation of Water, Medicine and Treatment**

It should be no surprise that this category would exist among the strategies of the enemies of Allâh regarding their Muslim captives and throughout the prisons and “detention facilities” of

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<sup>482</sup> “United States of America: Rendition – torture – trial?”, page 3

<sup>483</sup> “Report on Torture and Cruel, Inhuman, and Degrading Treatment of Prisoners at Guantánamo Bay, Cuba”, page 4-5

the apostates and the crusaders, there are malnourished Muslim prisoners, suffering the pains of hunger, thirst and lack of medical treatment – often from wounds they sustained while being interrogated.

Dr. Ben Saul, discussed some of these strategies used by the CIA, in a lecture compiled and released by the University of New South Wales, Faculty of Law:

“Lawyers in the U.S. Departments of Defence and Justice issued equally extraordinary legal opinions approving coercive methods supposedly not causing severe pain. These techniques are known by a range of euphemisms: ‘counter-resistance strategies’; ‘stress and duress’; ‘professional interrogation techniques’; ‘highly coercive interrogation’; ‘cruel, inhuman, and degrading’ and—my favorite—‘torture lite.’

“Some of these include sleep or light deprivation, continuous light or noise exposure, withholding food and water or medical treatment, prolonged solitary confinement, exposure to temperatures, forced standing in painful positions, hooding or blindfolding, shackling, and forced nudity.”<sup>484</sup>

And stories such as these are not restricted to any particular nation. The International Middle East Media Center reported:

“Maher Ata Dandan, 38, a detainee in Israel's Jelbou'a prison, died early Sunday morning of heart failure, after having been repeatedly denied treatment for anaemia. The Hamas party in Palestine immediately issued a statement calling Dandan's death a type of 'extrajudicial execution' by Israeli authorities. The statement also called the death a 'crime against humanity' carried out by the State of Israel.’

“The statement claimed that Israel deliberately neglects the health needs of the Palestinians being held in its detention facilities, many of whom are being held without charge. That claim has been reiterated by a number of human rights groups, including the International Committee of the Red Cross, who have expressed grave concern at the lack of medical treatment for Palestinian detainees.’

“Maher Dandan, from Balata refugee camp in the northern part of the West Bank, had served eight years of a 21-year sentence when he died Sunday morning. He had been diagnosed with anaemia, which developed into angina. Left untreated, despite repeated pleas by both the detainee and his family, it eventually resulted in the heart failure that killed the 38-year old man.’

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<sup>484</sup> “Torture Degrades Us All”, page 3

“Over 10,000 Palestinians are currently being held in Israeli detention facilities -- many of them are in dire need of medical care. Last week, one prisoner lost an eye in Israeli interrogation, and another lost several fingers from a gas bomb fired by prison guards.’

“The Palestinian Prisoners Society condemned the death of Dandan, and called for the release of Abdulrahim Jallad, a detainee suffering from cardiac disease and kidney stones, for which he has been denied treatment. The Prisoners Society stated that Jallad's condition is deteriorating, and added that he has not been charged with any crime.”<sup>485</sup>

#### **4. Physical Beatings and Various Forms of Physical Torture**

No doubt, this could be the largest of all the sub-categories in this chapter. When it comes to beatings and other forms of physical abuse, there are so many methods to list and this method of compelling a Muslim captive to confess, recant or comply with his captors, that we could not even come close to mentioning them all here.

And this is likely the category, which most Muslims will automatically think of when considering the compulsion within the prison and during interrogation sessions. However, it is important to bear in mind that this particular method (i.e. beating and other forms of physical torment) is rarely used on its own and would merely be one form of abuse added to some of those we have already discussed, along with some of those we have yet to get into.

Such methods include punching, kicking and striking the body with pipes, wood or other blunt objects, cutting and gouging the skin, breaking bones and dislocating joints, burning the skin and soft tissue with heated instruments and tools, etc. As for the severity of the torment involved within this category; the beatings can range from a single punch to repeated blows with an iron pipe, the cutting can range from small cuts to whole limbs being amputated or the body being impaled, and the burning can range from cigarette burns or firebrands to the use of boiling water and acids etc. Therefore, considering the potential severity and intensity in this category of physical abuse, it can reach the level of only slightly tolerable to the level of excruciating and completely intolerable forms of torture.

In his discussion of the state of Algerian ‘terror suspects’, journalist Robert Fisk said:

“And with documentary testimony that thousands - some say as many as 12,000 - men and women have been ‘disappeared’ by a government that claims to be fighting ‘international terrorism’, Algeria's military-backed government will find it hard ever again to win sympathy in the West. A police officer who was in charge of the Algiers’ city police armoury has described to *The Independent* how his colleagues killed prisoners in cold blood, how police torturers suffocated prisoners with acid-soaked rags after tearing out their nails and raping them with

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<sup>485</sup> “Palestinian Detainee Dies After Being Denied Medical Treatment”, IMEMC, June 11th, 2007

bottles. A 30-year old Algiers policewoman has told of how she watched prisoners - at the rate of 12 a day - tied half-naked to ladders in the Cavnac police station in Algiers while, screaming and pleading for mercy, salt water was pumped into their stomachs until they agreed, blindfolded, to sign confessions.'

"The same policewoman admitted to signing false death certificates to prove that dead prisoners had been 'found' decomposing in the forests south of Algiers. A 23-year old army conscript spoke of watching officers torture suspected 'Islamist' prisoners by boring holes in their legs - and in one case, stomach - with electric drills in a dungeon called the 'killing room'. And he claimed that he found a false beard amid the clothing of soldiers who had returned from a raid on a village where 28 civilians were later found beheaded; the soldier suspects that his comrades had dressed up as Muslim rebels to carry out the atrocity."

And he went on to say:

"Inspector Abdessalam, who was in charge of police ordnance at the Dar al-Baida police station near Algiers international airport, has described how he watched as suspected 'Islamists' were interrogated by torturers - some of whose names have been given to *The Independent*.'

"Sometimes .... prisoners were forced to drink acid or a cloth was tied to their mouths and acid poured over it,' he said. 'Prisoners were forced to stand next to tables with their testicles on the table and their testicles would be beaten .... A small number of prisoners gave information. Some preferred to be killed. Some died under water torture.' Similar testimony came from a female detective called Dalilah who watched two men die strapped to a ladder in the Cavnac police station when their stomachs burst after salt water was pumped into them."<sup>486</sup>

And while discussing the interrogation centres of Pakistan, Khubayb Sâhib said:

"At nine o'clock, the whole building starts to vibrate with the ear piercing screams. Yes! The process of interrogation has started. Some are hanged upside down, they scream, but in the midst of their screams the verses of the Holy Qur'ân can also be heard, some are tortured by releasing the electric current to the sensitive parts of their bodies, they yell, they scream, yet the word 'Allâh, Allâh' is on their lips. Some are forced to the ground while their legs are pulled apart by the torturers. On some naked bodies, incessant whipping is in progress. Someone's beard is pulled out from the skin. Some are trampled upon, in order to force them to drink alcohol."

And he continued:

"Among the favourite tortures of these animals are the mixing of urine and the excrement in the food of the victims, or putting the victim in the centre and forming a circle around him, then

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<sup>486</sup> "Algerian Torturers tell the Truth", by Robert Fisk, "The Independent", UK

punching and kicking him in turn, while taunting him by such words as, 'Well now why are you not talking about the Jihâd?' then the beating with the iron bars begins amidst this torture, the victim is forced to swear at his mother, to shout anti-Pakistan and anti-Jihâd slogans. A Mujâhid's, participation in the Jihâd is to protect mothers and to resurrect the Jihâd in the first place, therefore his compliance to these commands are met with defiant silence, thus the beating continues, the Mujâhid collapses to the ground, now the torturers are jumping on his wounded body, they are opening his mouth with brutal force and urinate in his mouth, or he is sexually abused. These acts of barbarism continue until the Mujâhid loses his consciousness lying in the pool of his own blood."<sup>487</sup>

And a Saudi prisoner who survived his interrogation at "Ar-Ruways Prison" in Jeddah, during the 1990's related the following account in which he was falsely arrested and interrogated for a bomb plot during that time:

"They started beating me savagely. No place in my body but must have received its share of beating and ache during the session. My clothes were all torn. All this and my hands still handcuffed. I was half-naked. Their appetite for torture was opened. Seeing the state I was in, now using whips and tools I have never seen in my life. Hours of beating later they were asking the same question again and again: 'Why did you bomb Riyadh?' I could do nothing but deny the charges. I did not do it. I was dizzy and eventually passed out for what they served me. Every time I passed out, they would throw water at me to wake me. I could no longer stand, I fell on the floor. Had it not been the case that they were bored and exhausted of torturing this soul they would have finished me that day. They ordered guards to take me to the cell. Two guards threw me there. I was like a dead corpse. I could no longer move.'

"They took me the next day again for interrogation. They asked me the same question again and again. Each time I denied, they whipped me. They improved their torture methods this time. I was tied by the arms to the back hanging from a metal bar like a feast's beast ready for roasting. The interrogation is now a special torture scene. They hit me with whips and sticks all over. Sometimes they did it all as one group. Sometimes they took turns. They were making Jihad in the way of Sultan and competing as to who will skin me first. It was all licit in their eyes. I could not stand to any of their plots. I was hanging in the air. My head was in suspension too. Earth was turning. My soul was about to come out seeking the help of its Creator against these beasts."<sup>488</sup>

And in a lengthy report on the Egyptian case of "The Victorious Sect", Human Rights Watch compiled a list of eyewitness accounts to the torment used by the Egyptian interrogators, which was used to compel confessions from their suspects:

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<sup>487</sup> From in his introduction to the book "Zâd al-Mujâhid", page 7-8

<sup>488</sup> "Torture in the Saudi Prisons: As Related by a Muslim Prisoner", The Movement for Islamic Reform in Arabia

“Mohamed Zare’i, an attorney and for many years director of the Cairo-based Human Rights Association for the Assistance to Prisoners (HRAAP), a human rights organization that engages in prison visits and reports on prison conditions and detention practices, explained the basic range of typical abuses in SSI facilities: Typical case, in the beginning, there’s a severe dose of beating. You might be suspended on a pole, put behind your knees and lifted up [hanging from the knees]. Or they might handcuff you from behind, and then lift up your arms behind you and hang you that way—that’s very bad, since it dislocated your shoulders, many people suffer permanent damage from that.’

“And then there are the electrical shocks: on your tongue, your nipples, your genitals. Or sometimes State Security will pinch your nipples really hard—we had one client, his nipple was actually torn off. The pinching of the nipples is very bad, since it bruises and cuts, and their nipples become so sensitive, you can’t even wear a shirt. Anything and everything is allowed...Anywhere State Security exists, there is torture like this.”<sup>489</sup>

And the report goes on to say:

“Said Shehata, an attorney for several detainees, saw approximately ten of them when they were brought to the SSI prosecutor’s office in July through September 2006, and he spoke with six during the proceedings. He told Human Rights Watch what learned about their treatment:

“I talked to many of them in the prosecutor’s office. All of them were mistreated, at Lazoghli. They were all mistreated at Lazoghli. The ones I talked to, they told me that State Security had handcuffed them behind their back, and lifted up the handcuffed arms behind. Some said they had cigarettes put out on their skin, in sensitive areas. Some were also subjected to electric shocks. For instance, some told us they were handcuffed to a metal bed, like a hospital bed, but without a mattress, and they’d prop them up [perpendicularly], and they’d run electrical current through the bed, shocking them.’

“Said Shehata described the case of Mohamed Nasr Ibrahim Awad :

[W]ithout me asking him questions, he starts telling me what happened: that they came to his house, he was arrested, blindfolded. They took him to State Security and he was brought for interrogation.’

“He was stripped naked. He was handcuffed all the time. And he was on that bed [without a mattress], and he was shocked [with electricity]. He showed me the bruises on his arms, and the burns on his back. The burns were on his upper back. I saw marks: small circles, black or dark marks. . . . He still had burns on his back, and he tried to show the prosecutor but the

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<sup>489</sup> Human Rights Watch interview with Mohamed Zare’i, Cairo, June 12, 2007. Zare’i added, ironically: “We probably have over 70 different forms of torture here in Egypt, including some that have been exported. In job skills, it’s the only area in which we have a comparative advantage over other countries.”

prosecutor wouldn't let him. He wanted to take off his shirt and show the prosecutor the burn marks on his skin, but the prosecutor refused. He asked two times, but the prosecutor refused.”<sup>490</sup>

## 5. Sexual Torture and Humiliation

Someone might wonder what goals could be attained by interrogation methods, which include sexual abuse, torture and humiliation. And although there is no doubt that such forms of torment include a significant degree of physical pain, there is an added element of degradation and depravity, which would not necessarily accompany traditional torture. And for the interrogators of the crusaders as well as the Zionists and apostates, that form of humiliation is intended to further strip the Muslim from his dignity and self-respect. A man who is beaten nearly to death can remain dignified, even while the blood pours from his wounds, but can the same be said for a man who is being raped or sodomized with an iron bar? <sup>491</sup>

In a “Times Magazine” article, journalist Amanda Ripley reports:

“How do the images out of Abu Ghraib prison fit into the canon of torture tactics? Soldiers claim they were told by military intelligence officers to ‘soften up’ the detainees for questioning. Certainly, putting hoods over prisoners’ heads and stripping them naked would conform to common, if primitive, interrogation-prep tactics. Ilan Kutz, an Israeli psychiatrist who has witnessed military training for interrogations, confirms that sexual humiliation is also a well-known tool. ‘The idea of interrogation is to break down the person so all his resistance is shot, and then he'll tell you anything,’ he says. ‘In the process, sexual humiliation is certainly not excluded, sadly. You are leading people to a precipice where suddenly they glimpse their powerlessness. Especially if it's against their religious rules—if you force a Jew to eat a pig or force a person to engage in sexual acts against his will, it is pretty effective in terms of grinding the person's resistance to the ground.” <sup>492</sup>

And there is compelling evidence that the abuses seen at Abu Ghraib prison by American soldiers are actually tactics used by the Israeli security services for years.

Robert Fisk argues:

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<sup>490</sup> “Anatomy of a State Security Case: The ‘Victorious Sect’ Arrests”, pages 13-14 and 33-34

<sup>491</sup> And as a warning to the reader, this section and the one following it contain perhaps the most graphic, disturbing and upsetting scenes narrated in this chapter. The enemies of Allâh often mix and blend their methods of torment with sexual humiliation, and mockery of the religion etc. And the shame is upon them, and not their noble Muslim captives, as will be their punishment and torment on the Day of Resurrection. And although Abû Jahl, the enemy of Allâh, mocked and taunted Sumayyah, the mother of ‘Ammâr, رضى الله عنهما, with words of Kufr; and despite him killing her by stabbing her in her privates with a spear, she is remembered as the most noble of women and she was the first *Shahîd* in Islâm and from the most respected and dignified Muslim captives in the entire history of Islâm!

<sup>492</sup> “The Rules of Interrogation”, Sunday, May 09, 2004

“The actual interrogators accused of encouraging US troops to abuse Iraqi prisoners at Abu Ghraib jail were working for at least one company with extensive military and commercial contacts with Israel. The head of an American company whose personnel are implicated in the Iraqi tortures, it now turns out, attended an ‘anti- terror’ training camp in Israel and, earlier this year, was presented with an award by Shaul Mofaz, the right- wing Israeli defence minister.’

“According to Dr J P London's company, CACI International, the visit of Dr London - sponsored by an Israeli lobby group and including US congressmen and other defence contractors - was ‘to promote opportunities for strategic partnerships and joint ventures between US and Israeli defence and homeland security agencies.’” <sup>493</sup>

And journalist, Erik Margolis, said:

“Many tortures perfected by the Cheka (Soviet secret police), notably beating, freezing, sensory disorientation, and sleep deprivation, are now routinely being used by US interrogators on Muslim suspects.’

“The Chekisti, however, did not usually inflict sexual humiliations. That technique, and hooding, were developed by Israeli psychologists to break resistance of Palestinian prisoners. Photos of sexual humiliation were used by Israeli security, and then by US interrogators at Abu Ghraib, to blackmail Muslim prisoners into becoming informers.” <sup>494</sup>

And although the shocking photos, first-hand and eyewitness reports from those horrific scenes of the Muslim captives in US ‘detention facilities’ <sup>495</sup> such as Abu Ghraib and Guantánamo Bay etc. might leave a reader with the impression that these abuses are more of a CIA tactic, the well-known sexual abuses of Muslim captives in the apostate prisons are even more common. Furthermore, these tactics are accompanied with demands to confess to their guilt for whatever they are being charged with, and by doing so there is an even greater link of this strategy to compulsion, because there is a stronger implication that the torment will stop when a confession is issued.

For instance, Human Rights Watch reports that in Uzbekistan:

“Religious detainees are savagely and routinely tortured to produce self-incriminating statements, which are routinely used in court and are frequently the most coherent ‘evidence’ against them. Judges also ignore or contradict the attempts of detainees to recant these statements or denounce their torturers. For example:

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<sup>493</sup> “The Things Bush Didn't Mention in His Speech”, May 26, 2004, “The Independent”, UK

<sup>494</sup> “Torture USA”, December 6<sup>th</sup>, 2004

<sup>495</sup> And this is their term, whereas most of humanity would call them ‘dungeons’ and ‘cages’.

'Prior to the July and August 2000 trial of seventeen men on charges of 'Wahhabism,' the defendants were held by police and tortured over several months. Gafurjon Toirov testified in court that he was tortured for more than two months, that officers had beaten him on the bottoms of his feet and that the white clothes he had been wearing-he had just returned from a pilgrimage to Mecca-were covered with blood. While beating defendant Azgam Astankulov, police allegedly concentrated their blows on the young man's already injured kidneys, due to which, according to one source, Astankulov agreed to sign a confession. Gairat Sabirov was allegedly burned with cigarettes and subsequently raped in custody; investigators also allegedly threatened to rape his wife if he refused to give a self-incriminating statement."

And the same report went on to say:

"Police investigators and prisoners working with them commit and threaten to commit acts of sexual violence, including rape and severe beatings to the genital area; this is practiced against both male and female detainees and is believed to be used to terrorize and humiliate as well as to inflict physical harm. As reported by Human Rights Watch in our December 2000 report on torture in Uzbekistan, several persons interviewed had witnessed a torture method known as 'sitting on a bottle' – the forcible insertion of a glass bottle into the victim's rectum; many of the former detainees interviewed had heard of this method or been threatened with it, and described it with particular anxiety. Several defendants convicted in September 2000 on charges of religious extremism described being raped: Ma'rufkhoja Umarov stated that 'they stripped me naked and raped me several times. Then they sat me on the bottle, as a result of which I received several injuries.' Five of his co-defendants also stated in court that they had been raped during interrogation."<sup>496</sup>

While describing the scenes of sexual humiliation and torture in Pakistani interrogation centres, Khubaub Sahib said:

"Most of the victim's clothes are removed and are blind naked. Their penises are forced into their colleague's mouths while the torturers mock them with 'Now, why don't your colleagues help you?' or 'Well now, have you found your independence?'"<sup>497</sup>

And Dr. Michael Peel relates the following from Algerian interrogation centres:

"Both of the women described being sexually assaulted by their male guards, and one told of being raped repeatedly. Of the 66 men who had been detained by the authorities, 30 (45%) had been sexually assaulted, and two others described the humiliation of being kept naked in their cells and taunted by policemen. Sixteen men told of being given electric shocks to their penis, or having it pulled or hit with sticks. Eight of them described having their penis put into a heavy desk drawer that was then slammed shut on it. Seventeen of the men described having objects

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<sup>496</sup> "Memorandum to the U.S. Government Regarding Religious Persecution in Uzbekistan", August 10, 2001

<sup>497</sup> From in his introduction to the book "Zâd al-Mujâhid", page 7

pushed through their anus. Eleven of them told of being made to 'sit on a bottle'. In this, the neck of a soft drink bottle or a wine bottle is pushed through the anus, and the man was made to put his weight onto the bottle, forcing his anus open and the bottle into his rectum. One man told of fighting the policemen off when they tried to push the bottle through his anus, sustaining a fractured clavicle in the ensuing fracas. Four of the men had been anally raped by the guards, and one had been forced to have oral sex as well." <sup>498</sup>

- **A Point About Incidents of Sexual Humiliation and Torture Frequently Going Unreported**

The reason this particular tactic is so effective is the same reason it is widely used by the Crusaders, the Zionists and the apostate regimes; the Muslim rarely reports it. Due to the shame and humiliation of these horrible scenes of degradation and depravity, the noble Muslim believer feels such a sense of dishonour at even the thoughts of some of those filthy actions, which are either committed against him or he is forced to commit. And therefore – as one might expect – he or she would rather not report it. But it is certainly a reality and these things are perpetrated against our Muslim captives in the dungeons of the apostate security forces, just as often – if not more – than they are committed in places like Abu Ghraib, Guantánamo Bay or Bagram airbase. <sup>499</sup>

In a chapter entitled "Sexual Transgression", our brother Muslim al-Yûsuf <sup>500</sup> said:

"This type of torture is considered from the most vile and despicable types of torture as the reproductive organs become instruments of torment, domination and humiliation. And with the threats of rape; their goal is to prove to the victim the complete power of the tormentor over him and to make any attempt to resist (appear) futile. Then following through with the rape, in reality; its goal is to completely eliminate the dignity from the victim, which demonstrates to him that the price of resisting is more humiliating to his honour than surrendering. And since the reproductive appendages are like other than them from the limbs that are considered very important to the health of the body and the mind of the individual, then they are subject to this type of torture in order to put an end to his desire / ambition and the sexual ability of the

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<sup>498</sup> "Failure To Protect – Survivors of Torture From Algeria", May 1999

<sup>499</sup> For instance, brother Jumah al-Dossari, said: "Some of the detainees were raped either in Afghanistan or in Cuba by investigators and soldiers. These brothers refuse to have these incidents published with their names next to them. To give an example and without mentioning the name of the person this happened to, because he told me that he does not want his name published, a Saudi Arabian brother in prison in Mazar-E-Sharif was raped by twenty soldiers at one time, both Americans and General Dostum's soldiers. There are many other stories about such incidents in Bagram, Kandahar and Cuba." – from Amnesty International's: "Days of adverse hardship in US detention camps - testimony of Guantánamo detainee Jumah al-Dossari", page 8

<sup>500</sup> Muslim al-Yûsuf is a lawyer in Syria who represents many Muslim defendants accused as being militants and he is the author of many Islâmic books on a variety of topics. From them are: "The State of the Rightly Guided Khilâfah and Foreign Relations", "The Shar'ah-Based Bequeathment; its Rules; its Pillars and its Conditions", and "The Shar'ah-Based Lawyer and his Conditions"

victim so that the feeling of impossibility of performing sex in a normal way ever becomes ingrained in him.’

“One of the victims told me: ‘They brought a small box which was made of drawers. And they placed my penis in it and slammed it hard. So I screamed due to the severe pain and then I passed out...’

“And many types of sexual violence can be used in order to put a complete end to the victim, in order to destroy his sexual desire by means of gang rape.’

“One of the victims said: ‘They transgressed against me with the most vile of actions and it was the homosexuality, as they were four who performed this despicable action...’

“Keep in mind that the majority of the victims of sexual transgression do not speak about their bad experiences, which could leave the issue of the spreading of the likes of these methods wide open. And the destruction of the sexual desire is not performed only by means of sodomy, which the victim suffers through, but it is performed by means of aggressive sodomy, which one victim does to another out of being forced. And the vilest of these examples is when the brother is forced to perform sodomy with his brother or his sister or his daughter. And refuge is sought with Allâh, تعالی. And this has taken place in reality in many of the prisons with all regret.’

“One of the victims said: ‘Two children were brought and I was ordered to sodomize them. I refused so I was beaten with a beating the likes of which cannot be described and I was threatened that what I refused to perform with the two children would be done to me...’

“Just as the torture through sodomy is performed by means of animals (dogs, donkeys, spiders) etc.’

“One of the victims said: “They placed a dog on my back after they had taken off my clothes...’

“And there is a third type from the types of torture through sodomy, which is performed by means of broken instruments.’

“One of the victims said, ‘They brought two broken glasses; one was small and the other was large and they told me to choose one of them. So I asked them why and then they beat me severely until I chose the small one and they did to me what they did...It is impossible for me to say more than this. I am no longer able to sit...”<sup>501</sup>

## 6. Mocking and Taunting the Religious Values

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<sup>501</sup> “Turuq wa Asâlib Ta’thîb al-Mujâhidîn Fî Sujûn al-Kâfirîn”, pages 10 - 12

Although the firsthand accounts of prisoners in US and British custody deliberately disrespecting and desecrating copies of the Qur'ân during Muslim interrogations is well-known,<sup>502</sup> questions may surface in the minds of the readers as to what goal would hope to be accomplished by those doing so. The answer is simple. Shaytân and his Crusader, Zionist and apostate allies hate Islâm and they hate Îmân. They understand that the Îmân of the Muslim is where his strength lies and that it is his sustenance to remain steadfast and patient with their various methods of physical and psychological torture. Therefore, their goal in attacking the religious values of the Muslim is to separate him from his Îmân so that he will have no means of resistance.

Also, blending acts and statements of horribly disbelieving offences against Allâh and His Book and His Messenger, along with similar statements of sexually offensive and filthy actions are a tactic they use to attack one's ability to maintain their Îmân.

In a chapter entitled "Sex, God, and Dehumanization", author Kristian Williams, writes:

"Erik Saar, a former Army translator at Guantanamo, witnessed these tactics in use and wrote about them in his memoir, *Inside the Wire*. Saar quotes one interrogator, 'Brooke', explaining their use:

*'When [Fareek] returns to the cell in the middle of the night, ...he usually spends a great deal of time praying. ...I believe the problem here is that it's too easy for him to regain strength when he returns to his cell. ...We've gotta find a way to break that, and I'm thinking that humiliation may be the way to go. I just need to make him feel that he absolutely must cooperate with me and has no other options. I think we should make him feel so f\*cking dirty that he can't go back to his cell and spend the night praying. We have to put up a barrier between him and his God.'*

"Toward this end, and based on the advice of a Muslim colleague, Brooke resolved to deploy cultural taboos relating to sexual desire, contact with women, and menstruation. While Saar translated, Brooke unbuttoned her blouse and asked, 'What's the matter, Fareek? Don't you like women?' and 'Do you like these big American tits, Fareek? ...I can see that you are starting to get hard. How do you think Allah feels about that?' The interrogator proceeded to rub her

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<sup>502</sup> For instance, "The Washington Post" reported: "The U.S. military released new details yesterday about five confirmed cases of U.S. personnel mishandling the Koran at the prison in Guantanamo Bay, Cuba, acknowledging that soldiers and interrogators kicked the Muslim holy book, got copies wet, stood on a Koran during an interrogation and inadvertently sprayed urine on another copy.'

"Brig. Gen. Jay W. Hood, commander of Joint Task Force Guantanamo, who completed the three-week inquiry this week into alleged mishandling of the Koran, confirmed five cases of intentional or unintentional mishandling of the holy book, which appear to be unrelated, from among 19 alleged incidents since the detention facility opened in January 2002. His investigation also found 15 incidents of detainees desecrating Korans." – Washington Post, Saturday, June 4, 2005; Page A01

breasts against the prisoner's back, and then to paint his face with (simulated) menstrual blood. All the while, she continued with her questions, 'Who told you to learn to fly, Fareek? ...Who sent you to flight school?'<sup>503</sup>

And in a similar firsthand report, written by Jumah al-Dossari (who was also detained at the same prison) to his lawyer, states:

"Then the investigator signalled to a soldier who a pair of scissors in his hand to cut off all my clothes. The soldiers cut off all my clothes, removed them and threw them in a corner of the room. The investigator then started taking off her clothes – the soldier with the camera was filming everything. When she was in her underwear, she stood on top of me. She took off her underpants, she was wearing a sanitary towel, and drops of her menstrual blood fell on me and then she assaulted me. I tried to fight her off but the soldiers held me down with the chains forcefully and ruthlessly so that they almost cut my hands. I spat at her on her face; she put her hand on her dirty menstrual blood that had fallen on my body and wiped it on my chest.'

"This shameless woman was wearing a cross on a chain. The cross had a figure of a crucified man on it. She raised the cross and kissed it, and then she looked at me and said that this cross was a present for you Muslims. She stained her hands with her menstrual blood and wiped my face and beard with it. Then she got up, cleaned herself, put her clothes back on and left the room...then the soldiers took my hands and tied them to my feet on the ground. All the soldiers left once they had taken my clothes from the corner of the room and left me in this state – tied up, naked and smeared with menstrual blood..."

And he said:

"I later learned that I was not alone in suffering this humiliation; many of the detainees had been assaulted in a similar way or even worse, as happened to one detainee from Saudi Arabia, from Makkah Al-Mukaramah, called Fahd Omar Abdul Majid Al-Sharif. When they found out that his family were descendants of the Prophet Muhammad, صلى الله عليه وسلم, he was assaulted by a female investigator in the same way that I was, except that the investigator that attacked him was not menstruating. The same scene was repeated with several detainees as well as some of the detainees being assaulted sexually by soldiers and investigators in the investigation rooms. If they found out that the detainee they were investigating was an imam of a mosque or a preacher, as was my case, they would insult them more."<sup>504</sup>

And when the Muslim captives began a hunger strike as a protest to their conditions and the extreme abuse, they were force fed with nasal tubes jammed up their noses and down their throats, resulting in sinus bleeding. Yousuf al-Shehri, said:

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<sup>503</sup> "American Methods: Torture And the Logic of Domination," Pages 61-62

<sup>504</sup> "Days of adverse hardship in US detention camps - Testimony of Guantánamo detainee Jumah al-Dossari", Pg. 7

“When they vomited up blood, the soldiers mocked and cursed them, and taunted them with statements like ‘look what your religion has brought you.’”<sup>505</sup>

## 7. Threats to the Prisoner and His Loved Ones

Often, the Muslim prisoner is threatened with even more torment than what he has already faced while in their custody, as a means of pressuring him to comply with what is being demanded from him. This includes the threat of even more painful methods of torture, more degrading sexual humiliation than he has already experienced, and even death. Now imagine what it might be like to be a prisoner who has resisted the compulsion of his captors for hours and hours. And knowing that the captors are capable of performing what they have threatened against you, and that they have already imprisoned, tortured, and degraded you, would anyone even doubt that they could and would carry out those added threats against them?

And these threats are not merely limited to the Muslim who has been captured. A former detainee who was held in various interrogation facilities told Human Rights Watch:

“I heard one interrogator threatening to rape a detainee, and I heard him threatening to rape the wife of the detainee.”<sup>506</sup>

Knowing the Muslim’s protective instincts towards his family and loved ones, it is not surprising that they would seek to use this as a tool to persuade the believer to comply with what has been asked from him.

And our brother, Jack Thomas, a Muslim convert from Australia, experienced this type of coercion when he was interrogated by the Pakistani intelligence:

“The closed court testimony of convicted terrorism suspect Jack Thomas has been released and in it he alleged he was threatened with torture and electrocution which left him with no choice but to speak to the Australian Federal Police (AFP) on the record. His lawyers will contest the 2003 interview's admissibility and conviction in the Court of Appeal later this month. Thomas's testimony explains why he agreed to the interview without legal representation, by detailing the atmosphere of his previous six interrogations.’

“He says a Pakistani officer threatened to execute him, saying ‘we'll strip you, pour water over you and electrocute you if you don't tell the truth.’ An American officer he believed was from the CIA threatened to send agents to rape his wife saying, ‘she must be lonely by now.’ He says an American official asked him to act as a spy in Al Qaeda safe houses and when he refused,

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<sup>505</sup> From his eyewitness testimony in a civil action against the US; “Majid Abdulla al-Joudi et al., Petitioners / Plaintiffs v. George W. Bush et al., Respondents / Defendants.” Civil Action No. 05-0301 (GK)

<sup>506</sup> “Anatomy of a State Security Case: The ‘Victorious Sect’ Arrests”, Page 38

threatened to torture him and to send agents to rape his wife. Thomas's testimony states: 'When there's a superpower on one side of a little table and you're with handcuffs behind your back, you have no choice but to cooperate.'<sup>507</sup>

And in 2005, Jumah al-Dossari reported the following:

"During investigations, I was threatened with rape, attacks on my family in Saudi Arabia, my daughter being kidnapped, and my murder – assassination – by their spies in the Middle East if I went back to Saudi Arabia. I was threatened with being deported to America, to American prisons. There are American prisoners waiting for people like me."<sup>508</sup>

And it is important to note that, in many cases, these forms of intimidation are not empty threats, as real, rape and torture of the family members of Muslim suspects does occur often, especially in the lands of the apostate regimes, while the Muslim suspect is helpless to prevent that.

Under the heading of "Methods of Psychological Torture", within the chapter called "The Seventeenth Lesson: Interrogation and Investigation", the author wrote:

"Further, let no one think that the aforementioned techniques are fabrications of our imagination, or that we copied them from spy stories. On the contrary, these are factual incidents in the prisons of Egypt, Syria, Jordan, Saudi Arabia, and all other Arab countries. Those who follow daily events and read the newspapers and journals would be amazed to learn that:

"...security personnel totally undressed veiled women in public. The security personnel arrested a brother's mother, a brother's sister, and a brother's wife and raped them.'

"...the wife of brother Saffout Abdul Ghani - may Allah have him released - had a miscarriage when the government's dogs (i.e. cronies) beat and tortured her in front of her husband.'

"...the security personnel captured brother Hassan Al-Gharbawilas mother, who is older than 60 years, and hanged her by her feet [upside down]. The security personnel shaved the head of the wife of a brother who participated in the murder of Rif'at Al-Kahjoub [Egypt's former parliament speaker].'

"The stories are numerous and there is intense torture while Muslims are in deep sleep.'

"O young men waging a holy war for the sake of Allah, there is still hope in you. Your country awaits you, your brothers await you, your wives wait you, the Muslim hostages await you."<sup>509</sup>

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<sup>507</sup> "Thomas says torture threat made him talk", ABC News Online, Tuesday, July 4, 2006

<sup>508</sup> "Days of adverse hardship in US detention camps - Testimony of Guantánamo detainee Jumah al-Dossari", Pg. 6

<sup>509</sup> From the translated Military Series: "Declaration of Jihâd Against the Country's Tyrants", page 133

## 8. Psychological Manipulation

This tactic, by the enemies of Allâh, is an extension of the previous section, because it involves a kind of threat and is used as a means of distorting the reality of their captive's condition, by terrorizing them, lying to and deceiving them, and mentally disorienting them by means of psychological tricks. It includes things like showing the Muslim fake or real burial sites, and telling him that this is the destination of those prisoners who refuse to cooperate with the interrogations. Similarly, it includes things like showing the Muslim captive bloody knives and saws and then telling him that these are the tools and implements that were used on the previous Muslim captives who refused to cooperate with the security or intelligence services.

And the dogs and pigs would not hesitate to tell a Muslim captive that his wife was arrested and raped and his daughters will face the same fate if he refuses to comply with their demands. These types of psychological torture are favoured by numerous security and intelligence agencies; in both the countries of the apostate regimes as well as by Western intelligence operatives, because they leaves no physical marks upon the body of the Muslim captive and in many cases it can result in faster cooperation than by actually torturing the Muslim captive, assuming he believes those threats and lies are genuine.<sup>510</sup> And it should be stated that although the physical scars from burns, cuts and beatings may heal over time, what a man is left with are the psychological scars, which remain for years after experiencing this type of psychological torture and manipulation.

"... (2) exposure to physical forms of torture is more likely to be associated with PTSD (post-traumatic stress disorder) and depression than stressors that do not involve severe physical pain. Because substantial evidence during the past 30 years suggests that unpredictability and uncontrollability of stressors play a role in the development of anxiety and fear, we also tested the hypothesis that perceived distress and uncontrollability of the torture stressors, rather than mere exposure to them, would be associated with a greater likelihood of PTSD and depression..."<sup>511</sup>

And these methods are frequently used as a means of causing mental pain and psychological terror to the Muslim prisoner, prior to actually torturing him or demanding some kind of compliance from him; the logic being that if a suspect has been convinced that he will be tortured or killed (or worse) for failing to comply, he is more likely to cease any resistance during his interrogation. In some cases, guns, bloody axes, electrical leads, hammers are left in plain view of a Muslim captive in order to imply the threat (real or not) that these are will be the instruments of his interrogation. Even snarling, barking attack dogs are used, as has been widely witnessed in the world media from the images of tortured Muslim detainees in Abu

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<sup>510</sup> And for this reason we included the category of threats within the previous chapter: "The Rulings of Compulsion."

<sup>511</sup> "Torture vs. Other Cruel, Inhuman, and Degrading Treatment", page 278

Ghraib. For instance, in an essay entitled: “Break Them Down: Systematic Use of Psychological Torture by US Forces,”<sup>512</sup> Physicians for Human Rights, wrote:

“Aside from the use of dogs, mock executions and death threats were prevalent in Afghanistan and Iraq. A detainee in Kandahar, Afghanistan says that in 2002, a 9mm pistol was held to his temple.<sup>513</sup> A Criminal Investigation Command report describes a compact disc that contains digital images of American soldiers conducting mock executions on Afghan detainees beginning in early December 2003 at Fire Base Tycze, Dah Rah Wood, Afghanistan.’<sup>514</sup>

“The most frequent use of threats of death or injury occurred in Iraq. Evidence suggests that the earliest use of mock executions from Iraq occurred in April 2003. A soldier stationed in Samarra, Iraq reported that beginning on April 15, 2003 he had ‘observed staged executions’ of several detainees using M16 rifles and 9mm pistols.<sup>515</sup> There are reports of US personnel holding guns to detainees’ heads in Karbala and Taji, Iraq in the summer of 2003.<sup>516</sup> An ICRC report describes the use of death threats at Umm Qasr and Camp Bucca, Iraq. The report states, ‘Persons deprived of their liberty undergoing interrogation . . . were allegedly subjected to frequent cursing, insults and threats, both physical and verbal, such as having rifles aimed at them in a general way or directly against the temple, the back of the head, or the stomach, and threatened with transfer to Guantanamo, death or indefinite internment.’<sup>517</sup> Threats were extended to family members, particularly the wives and daughters, of detainees.”<sup>518</sup>

And likewise the following incidents were reported by the Los Angeles Times:

- “On July 13, 2003, Martin drove the blindfolded Iraqi, a suspect in a roadside bombing against American troops two days earlier, into the desert near Ramadi, according to military documents and Army officials. Martin handed him a shovel and told him to dig his own grave, soldiers under his command testified during an investigation. A sergeant said he fired a round over the Iraqi's head on the captain's orders.”

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<sup>512</sup> The following excerpts contain the footnotes found in the original essay referring to their sources; pages 7-8

<sup>513</sup> Tipton Three statement; Paragraph 14

<sup>514</sup> US Army Criminal Investigation Command, Department of the Army. Memorandum for: See Distribution. Subject: CID Report of Investigation—Final (C)/SSI-0133-2004-CID452-63629-5C1A/5M3A/5X3/5Y2D2/5C2B. August 25, 2004.

<sup>515</sup> Sworn Statement of [redacted]. SGT/AD, 170th MP Det CID. July 18, 2003. In: US Army Criminal Investigation Command, Department of the Army. Memorandum for See Distribution. Subject: CID Report of Investigation—Final (C)—0139-03-CID469-60206-5Y2E2/5Y2P9/9G1. October 13, 2004.

<sup>516</sup> USMC Alleged Detainee Abuse Cases Since 11 Sep 01. Spreadsheet documenting alleged detainee abuse cases as of June 16, 2004. Accessed April 26, 2005; US Army Criminal Investigation Command, Department of the Army. Memorandum for: See Distribution. Subject: CID Report of Investigation—Final—0152-03-CID469-60212-5C1A/5C2/5T1. February 6, 2004.

<sup>517</sup> ICRC February 2004 report; Paragraph 31.

<sup>518</sup> *Id.* Paragraph 34

- “Two days later, the platoon came across a father and his sons loading metal onto a truck at the ammunition factory. After detaining the Iraqis, a soldier recounted, the sergeant asked the father, “Which one do you want to die?” — referring to the man’s sons. Several soldiers said they recalled the sergeant taking one of the sons around the corner of a building and firing a shot. ‘I yelled to him but he either ignored me or didn't hear me and proceeded with the boy around the building. We heard a single shot,’ one sworn statement read.”<sup>519</sup>

Along with these kinds of mock executions, other methods such as the practice of “Waterboarding” are prevalent. This is a technique whereby the Muslim is forced into a horizontal position on a board or table, his head is lowered and his feet are raised while water is repeatedly poured into his mouth and nose. Because his chest is at a higher level than his mouth, his gag reflex expels the water from his lungs – preventing actual drowning – while at the same time, causing the sensation of asphyxiation and inducing the same panic experienced by a genuine drowning victim.

Journalist, Jane Mayer noted:

“Dr. Allen Keller, the director of the Bellevue/N.Y.U. Program for Survivors of Torture, told me that he had treated a number of people who had been subjected to such forms of near-asphyxiation, and he argued that it was indeed torture. Some victims were still traumatized years later, he said. One patient couldn’t take showers, and panicked when it rained. ‘The fear of being killed is a terrifying experience,’ he said.”<sup>520</sup>

## 9. “Rehabilitation / Re-education”

And lastly from the categories of threats faced by the Muslim captive in the custody of the apostate or Crusading enemy is a newer trend in fighting Islâm; and that is to ‘rehabilitate’ the Muslim to have him renounce all forms of Islâmic militancy and resistance to their political and military dominance.<sup>521</sup>

And this goes back to the concept that has developed in some analytical schools of thought regarding the current state of ‘The War on Terror’, as it reflects a kind of presumption (or hope, rather) that Islâmic resistance is akin to a phenomenon like juvenile delinquency, which results from some kind of mass hysteria or fanaticism. And in hoping to ‘rehabilitate’ the Muslims from whatever religious, social or political ‘abnormalities’, which caused their adhering to Jihâd for Allâh’s religion, they seek to treat a mental problem in the same way a psychiatrist might treat a phobia or a compulsive disorder.

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<sup>519</sup> *The Los Angeles Times*, published Wednesday, May 18, 2005 from documents released to the American Civil Liberties Union under the “Freedom of Information Act”

<sup>520</sup> “Outsourcing Torture: The Secret History of America’s ‘Extraordinary Rendition’ Program”, published by *The New Yorker*, Feb. 14<sup>th</sup>, 2005

<sup>521</sup> And we briefly touched upon this within the section: “The War of Ideas” from the previous chapter.

This type of strategy might not be thought of as a ‘threat’ to the reader in the same way the previous sections are, however the ‘rehabilitation’ process being forced upon many Muslim brothers is nothing less than complete brainwashing, which is justified particularly by the apostate regimes as a remedy to ‘Islâmic extremism’ and a ‘reintegration into mainstream society’. The ‘religious re-education’ programs in Saudi Arabia, for instance, obligate the prisoner to sit through hours and hours of government-approved religious indoctrination.<sup>522</sup>

In the Saudi Arabian Ministry of the Information & Studies Center publication called “The Daily Report”, part of a Canadian Broadcast Corporation documentary was transcribed, detailing the ‘reintegration program’ of the Muslim prisoners detained in Guantanamo, Iraq and Afghanistan:

‘If there are Saudi nationals about to be released from U.S. detention, the government sends a jumbo jet to Cuba with psychologists and medical staff on board to help with the transfer home.’

‘A government film crew documents the ritual in detail: Dazed looking prisoners now unshackled and dressed in clean white uniforms are welcomed on board and their treatment begins on the flight itself. Upon landing, these men are reunited with family members and then sent to prison where they are interrogated and usually charged, often with having left the country illegally. Then they are generally sentenced to a short prison term where the psychological and religious counselling, which began on board the flight home, continues.’

‘During their imprisonment, these men are given exams to write to try to gauge their state of mind and if they show promise at this they are eligible to attend a government-run rehabilitation centre north of Riyadh, where they are segregated — those from Guantánamo Bay, for example, are treated separately from those who were captured more recently in Iraq or Afghanistan.’<sup>523</sup>

And referring to the same documentary, the Canadian Broadcast Corporation transcribed the following report from journalist, Nancy Durham:

### ***Religion and Loyalty***

‘Religious education is a crucial element of rehab. I attended class at the centre and listened as the lively religious instructor, Sheikh Ahmed Al-Jelani, explained to his class the fine points of jihad. Rule No. 1 in waging jihad, he said, is that participants must have the leader’s permission.’

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<sup>522</sup> Laughably, the proponents of such programs argue that these classes are not brainwashing: “These prisoners were indoctrinated by the Jihâdîs in the first place, so we are merely deprogramming them.”

<sup>523</sup> “The Daily Report”, Wednesday, 13, February, 2008 - 6 Safar, 1429; Titles No. 887

“Leader?” I asked my interpreter.

“He answered, ‘The King’ and then chuckled, ‘like your Queen!’ The next most important precondition is the parents' permission.’

“At age 36, Mohammed Al-Sharef is one of the most senior detainees in the program. I asked why he went to Iraq.’

“Just to kill American, to get them outside Iraq,’ he told me casually, as if he were describing plans for the weekend.’

“Nevertheless, he seemed to have a deep sense of shame for having disobeyed the King and his family and sinned against Islam.’

“Al-Sharef still wants to see Americans out of Iraq ‘but in the right way’ he said, explaining that his government has a relationship with the American and European people ‘and I must respect that,’ clearly learning the government line.’

“If Al-Sharef is sincere in his new belief that jihad is not for him, and if he can stick with it on the outside then he'll be a rehab success. This rehab, at heart, is about teaching loyalty to the Kingdom and it is just one of several approaches to tackling terrorism inside Saudi Arabia.’

“The most hard-core terrorists are not eligible for this relaxed rehab course but they too will be invited to attend religious education inside their maximum-security prison even when there is no hope of ever getting out.’

“I was given a tour of a new ‘more than maximum security’ prison at Al Haer, 50 kilometres south of Riyadh, a facility so new that there weren't yet any occupants for the 1,200 places. I saw the lecture room where I was told religious counselling will take place.”

### ***Misled, Curable?***

“The Saudi understanding of junior Jihadis as being naive and easily-led has won widespread support for this government's approach to terrorism as something that can be ‘cured.’

“According to the authorities, these ex-Jihadis lacked proper religious training and instead were influenced by corrupt versions of Islam available on the internet and in propaganda books and films. It is this poor understanding of Islam, combined with the daily bombardment of bloody images of war in neighbouring Iraq, which made them easy prey for the al-Qaeda philosophy and recruiters.’

“Abdulrahman Al-Hadlaq, adviser to the Minister of the Interior, told me he’s fighting an ideological ‘war of ideas’<sup>524</sup> and the only way to confront ideology is with alternative ideology. As a result, he said, the government is trying to engage with terrorists and would-be terrorists, at every level: in schools, in mosques and even inside maximum-security prisons.’

“Rehab is clearly high on the Saudi agenda. Al-Hadlaq said the government also conducts media awareness campaigns ‘to prevent our guys from this evil ideology’ and his number one target is what he calls the Jihadi ‘playground:’ the internet. In 1998 there were 15 Jihadi websites, he said, adding that today there are 5,000.’

“American authorities claim 40 per cent of the foreign fighters who went to Iraq to join the insurgency over the past year are from Saudi Arabia.’

### ***Critical Success, Rewards at End***

“Al-Hadlaq boasts an 80 per cent success rate with rehab, a statistic that is impossible to verify. It does seem clear that the government is taking the problem seriously, more seriously than it did after it emerged that 15 of the 19 hijackers on 9/11 were Saudis. It wasn't until after home grown Jihadis began bombing government and foreign installations inside the Kingdom in 2003 that the rehab program was launched.’

“An American scholar, Dr. Christopher Boucek, politics lecturer at Princeton University, has been closely studying the Saudi program for the past two years.’

“Initially a sceptic, he’s very impressed by what he's seen in Saudi Arabia and told me that rehab, Saudi style, is fast becoming the model for countries around the world trying to tackle terrorism.’

“The key,’ he said, ‘is [that] participants haven't been involved in violence inside the Kingdom. Typically they're young and they've been radicalized through the internet, television images and books. They've been corrupted through all this junk.’

“Boucek has watched as participants have been turned around, ‘some can take hours, some months and months.’ One of the reasons for the program's success, he said, ‘is the way it engages with families.’

“Indeed, it does reach out to parents and siblings enlisting support for graduates of the program. Every effort is made to find a wife for the ex-Jihadi. Financial incentives, too, are used to help resettle offenders. Graduates might receive a new car and help in finding a home.’

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<sup>524</sup> Interestingly, this government stooge even referred to the same term coined by the CIA counterterrorism advisors, along with the wholesale agenda behind it.

### **Campaign Expands**

“Saudi security forces are busy rounding up suspected terrorists. While I was in Riyadh, the Saudis announced the arrest of 208 plotting extremists. And since my return to the U.K. I have been receiving text message updates on further arrests.’

“Of course, the crackdown produces yet more candidates for rehab. Similar rehabilitation programs are now underway in Egypt, Singapore and even the Americans are trying a new soft approach at Camp Cropper in Iraq.’

“In Singapore, the Religious Rehabilitation Group has been working for the past three years counselling imprisoned members of the extremist group, Jemah Islamiyah, trying to "correct the offender's misinterpretation of religious concepts.”<sup>525</sup>

It is true that it’s impossible to tell what the Muslim captive hides within his heart, while speaking out of Taqiyyah, under these kinds of circumstances. But what is clear is that this type of reprogramming is being performed on our brothers in order to strip them from their love and adherence to the cause of Jihād in the Path of Allāh. And it is known that brainwashing in the way this program uses it, forces the Muslim captive to repeatedly listen to lies, distortions, of government approved, so-called ‘scholars’, defining Jihād and issues like ‘allegiance and disavowal’, in terms that are acceptable to their government employers. And these Muslim captives are forced to hear this over-and-over for hours and days on end.

- **A Point About Brainwashing and its Effects Upon the Muslim Captive**

Brainwashing is also known as ‘thought reform’ or ‘mind control’ by many academics. The oft-repeated and relentless indoctrination of specific propaganda points can potentially permeate the mind of a so-called ‘free thinking’ man, who is not a captive, to the point where he can be persuaded that these ideas developed organically from his own power of reason and are correct, even if they radically contradict his formerly held values. And if this is true with non-captives, imagine how much more possible it becomes when a prisoner is forced to undergo “reintegration” classes for hours on end, day-after-day, with no alternative viewpoints being interjected into those sessions. Therefore, Muslim prisoners, detainees and hostages are particularly vulnerable to such techniques, especially during or after periods of physical and psychological torture.

In fact, Dr. Kathleen Taylor wrote:

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<sup>525</sup> “Can Therapy ‘Cure’ Terrorism? – Saudi Arabia Uses Creative Approach to Reform Junior Jihadis”, by Nancy Durham, Jan. 14, 2008

“Many of these relied heavily on methods of compulsion such as torture, which might be brutally physical or more subtly psychological. From this rich heritage of coercion come many of the techniques associated with brainwashing; indeed, the line between brainwashing and psychological torture may be so fine as not to be worth drawing.”<sup>526</sup>

Interestingly, when American soldiers were captured by Korean and Chinese troops during the Korean War, they were subjected to many of these same brainwashing techniques. They were repeatedly told over and over that they had been waging germ warfare in Korea – something they were innocent of – until they eventually signed confessions to those charges. The prisoners continued being indoctrinated using various Communist propaganda, until they eventually defected to that ideology. Later, when released, the American POWs refused to return to the United States, insisting they preferred to remain with their Communist comrades in Korea.<sup>527</sup>

And in analyzing the Chinese Communist’s “re-education” of political prisoners, Dr. Robert Jay Lifton wrote:

And this is precisely the kind of systematic rationale which the Communists – through their ideology – supply. A prisoner’s inconsistencies and evildoings are related to historical forces, political happenings, and economic trends. Thus, his acceptance of his negative identity and the learning of Communist doctrine became inseparable, one completely dependent upon the other. The realignment of affirmation and negation within one’s identity requires an endless repetition, a continuous application of self to the doctrine – and indeed, this is the essence of re-education. The prisoner must, like a man under special psychological treatment, analyze the causes of his deficiencies, work through his resistances (or ‘thought problems’) until he thinks and feels in terms of the doctrinal truths to which all life is reduced.”<sup>528</sup>

Therefore, it cannot be assumed with absolute certainty that all of our brothers who undergo such “treatment”, and who appear to be complying with their “re-education” of Islâm, are doing so out of Taqiyyah. And the possibility does exist that some of the brainwashing and thought control techniques employed by the enemies of Allâh could succeed in psychologically stripping the Muslim from his religion in this way. And by doing so, it is possible that they could fundamentally rewrite his understanding of Islâm’s definitions of Jihâd; its rulings, obligations and prohibitions, so that his understanding does eventually comply with the policies of the governing apostates and Crusaders. Therefore, this final category is a genuine threat faced by the Muslim captives in the modern prisons and it should not be disregarded. And it is perhaps the most dangerous one of all because it aims to attack his understanding of the religion itself, which was revealed for his guidance. And we ask Allâh for His protection and assistance.

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<sup>526</sup> “Brainwashing: The Science of Thought Control”, page 8

<sup>527</sup> Look to “The Korean War: An Encyclopaedia”, by Stanley Sandler, page 19

<sup>528</sup> “Thought Reform and the Psychology of Totalism”, page 78

## Chapter 11: Rulings Upon the Retractions from Behind Bars

Because most of the rulings related to compulsion have been discussed broadly in a previous chapter, we will only be covering the specific scenario of scholars, leaders and callers – who are in the custody of their enemies from the apostates and the disbelievers – issuing retractions while they are being held as captives.

What should the response of the Muslims be to those “retractions” made by scholars who are behind bars? <sup>529</sup> Knowing that the goals and objectives of the disbelievers and apostates includes having their “high-profile” captives issue retractions of any previously issued resistance towards their policies, <sup>530</sup> and knowing the means and methods employed against their Muslim captives, in order to ensure their compliance with those demands, <sup>531</sup> what are the Sharī’ah-oriented guidelines for accepting or rejecting the different types of Islāmīc knowledge coming from behind bars?

In order to comprehensively discuss these guidelines, some basic and fundamental introductory points must be addressed, and questions answered. Form them are:

### 1. Can News / Information be Accepted From a Muslim While in Captivity?

Concerning whether or not basic news / information can generally be accepted from a Muslim while he is in captivity, we have from the story of Prophet Yûsuf, عليه الصلاة والسلام, the conveyance of truthful information from inside the prison, as it was requested by the Muslim prisoner to do so:

﴿وَقَالَ لِلَّذِي ظَنَّ أَنَّهُ نَاجٍ مِّنْهُمَا اذْكُرْنِي عِنْدَ رَبِّكَ فَأَنَسَاهُ الشَّيْطَانُ ذِكْرَ رَبِّهِ فَلَبِثَ فِي السِّجْنِ بِضْعَ سِنِينَ﴾  
﴿ **And he said to the one whom he knew to be saved: “Mention me to your lord (i.e. your king, so as to get me out of the prison).” But Shaytân (Satan) made him forget to mention it to his Lord. So [Yûsuf (Joseph)] stayed in prison a few (more) years.** ﴾ <sup>532</sup>

Until Allâh, عز وجل, mentioned:

<sup>529</sup> And it is important to qualify what is meant by ‘retractions’ in the chapter title. By this term, we are referring to those essays, letters, Fatâwâ, interviews (televised, printed or recorded), which show a backtracking for the one who is under their power.

<sup>530</sup> As illustrated in Chapter 9

<sup>531</sup> As illustrated in Chapter 10

<sup>532</sup> Yûsuf, 42

﴿ وَقَالَ الَّذِي نَجَا مِنْهُمَا وَادَّكَرَ بَعْدَ أُمَّةٍ أَنَا أُنَبِّئُكُمْ بِتَأْوِيلِهِ فَأَرْسِلُونِ يُوسُفُ أَيُّهَا الصِّدِّيقُ... ﴾

﴿Then the man who was released (one of the two who were in prison), now at length remembered and said: "I will tell you it's interpretation, so send me forth. O Yûsuf (Joseph), the man of truth!"﴾<sup>533</sup>

Therefore, it would not be correct to disregard all the news / information that come from the Muslim prisoner, because that information can obviously be correct and valid, as it was in the case of Prophet Yûsuf, عليه الصلاة والسلام. So yes, in general, news / information can be accepted from behind bars, as long as their conditions are fulfilled and the restrictions regarding its acceptance is not violated.<sup>534</sup>

- **Point of Benefit Regarding the Basic Condition Regarding the Acceptance of News / Information**

And this is, of course, dependent upon the conditions stipulated by Allâh, concerning the acceptance of any news. As Allâh, تعالى, said:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَن تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصْحَبُوا عَلَىٰ مَا فَعَلْتُمْ نَادِمِينَ ﴾  
 ﴿O you who believe! If a Fâsiq (rebellious, evil person) comes to you with a news, verify it, lest you harm people in ignorance, and afterwards you become regretful to what you have done.﴾<sup>535</sup>

Ibn Kathîr, رحمه الله, said, "He, تعالى, orders (us) to confirm the news from a Fâsiq, so precaution is taken regarding that (news). This is so that judgment would not be implemented based upon his statement while he is lying or mistaken in that issue. Therefore, the one who judges, based upon his claim, would have followed his example. And Allâh has forbidden following the path of the mischief-makers. And due to this, a group of the scholars refused to accept the narration of the one whose condition is unknown, due to the possibility of his Fisq (i.e. evil-doing) in that same issue. But others accepted it because we were only ordered to confirm regarding the news of a Fâsiq, but as for this one (i.e. the one whose condition is unknown); his Fisq has not been confirmed, because his condition is unknown."<sup>536</sup>

<sup>533</sup> Yûsuf, 45-46

<sup>534</sup> As for the preventative factors from accepting information from behind bars, it will be discussed in the next section, *In Shâ' Allâh*.

<sup>535</sup> Al-Hujurât, 6

<sup>536</sup> "Tafsîr al-Qur'ân al-'Athîm", Vol. 13/144-145, publication of "Mu'assasat Qurtubah"; Jîzah, and "Maktabat Awlâd ash-Shaykh Lit-Turâth"; Jîzah, 1<sup>st</sup> Edition, 1421 H.

Al-Qurtubî, رحمه الله, said, “In this verse there is evidence for the acceptance of news from one individual (alone), as long as he is trustworthy, because He only ordered confirmation of it (i.e. the news) when the narration is news from a Fâsiq. So whoever’s Fisq is confirmed, then his statement regarding news is invalid according to Ijmâ’ (consensus), because news is an entrustment, and Fisq is an outward factor which nullifies it.”<sup>537</sup>

As Allâh, تعالی, said:

﴿ وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَئِكَ هُمُ الْفَاسِقُونَ ﴾

﴿ *And those who accuse chaste women, and produce not four witnesses, flog them with eighty stripes, and reject their testimony forever, and they indeed are the Fâsiqûn (liars, rebellious, disobedient to Allâh).* ﴾<sup>538</sup>

And an excellent clue as to the validity of the news being conveyed from behind bars is this:

Who is spreading this news? Is it the believers who are distributing these communiqués, interviews and essays in the state-owned media, or is it the apostate and disbelieving regimes whose interests are being served by that “news”? And it seems that if only this simplest of rules were applied by the Muslim masses, then the abilities of the apostates and the disbelievers to deceive them would be severely hampered. And Allâh knows best.

## 2. Can Islâmic Knowledge and Religious Verdicts (Fatâwa) Be Accepted From the Imprisoned Scholar?

The complexity of this question requires some discerning points to be laid out. Not all information is at the same level in terms of its conditions for acceptance, just like not all Islâmic knowledge (which includes ‘retractions’ and Fatâwa etc.) is at the same level, when it comes to being issued by an imprisoned scholar.

Firstly, when it comes to accepting Islâmic knowledge from imprisoned scholars who are sending this knowledge out from behind bars, then the general rule is that it is accepted so long as there is nothing to indicate that this information has been coerced or that it has been tainted by some conflict of interest on the part of that scholar who has been taken captive. And we see that the Ummah has generally acted upon this criterion when it comes to accepting or rejecting the Islâmic knowledge coming from behind bars by the imprisoned scholars.

<sup>537</sup> “Al-Jâmi’ Fî Ahkâm al-Qur’ân”, Vol. 19/369, publication of “Mu’assasat ar-Risâlah”; Beirut, 1<sup>st</sup> Edition, 1427 H.

<sup>538</sup> An-Nûr, 4

**a) Islâmic Knowledge and Religious Verdicts (Fatâwa), Which Do Not Appear to Have Been Coerced, and Which Fulfill the Remaining Conditions For Acceptance**

And seeking guidance from the Book of Allâh, again we turn to the story of Prophet Yûsuf, عليه الصلاة والسلام, who made Da'wah, conveyed Islâmic knowledge to his fellow prisoners and even to the King in whose jail Yûsuf, عليه الصلاة والسلام, was being held captive, as he said:

﴿ يَا صَاحِبِي السَّجْنِ أَرَبَابٌ مُتَفَرِّقُونَ خَيْرٌ أَمْ اللَّهُ الْوَاحِدُ الْقَهَّارُ ﴾

﴿**"O two companions of the prison! Are many different lords (gods) better or Allâh, the One, the Irresistible?"**﴾

And he said:

﴿ مَا تَعْبُدُونَ مِن دُونِهِ إِلَّا أَسْمَاءُ سَمَّيْتُمُوهَا أَنْتُمْ وَآبَاؤُكُمْ مَا أَنْزَلَ اللَّهُ بِهَا مِن سُلْطَانٍ إِنِ الْحُكْمُ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ ﴾

﴿**"You do not worship besides Him but only names which you have named (forged), you and your fathers, for which Allâh has sent down no authority. The command (or the judgement) is for none but Allâh. He has commanded that you worship none but Him (i.e. His Monotheism), that is the (true) straight religion, but most men know not."**﴾<sup>539</sup>

And Ibn Jarîr At-Tabarî narrated that Mujâhid said: "The King whom Yûsuf was with entered Islâm."<sup>540</sup> And Al-Baghawî said, "Mujâhid and others said, 'Yûsuf, upon whom be peace, did not stop calling the King to Islâm while being kind to him, until he and many of the people entered Islâm."<sup>541</sup>

And throughout our history, there have been instances where valuable Islâmic essays, Fatâwa and even entire books have been produced by scholars were in the custody of their captors, yet these writings were not automatically rejected by the Ummah on the basis that they were produced by an imprisoned scholar, due to the fact that they did not appear to be a result of any compulsion.

From this category we find the example of Imâm as-Sarkhasî, رحمه الله, who was from the prominent Hanafî jurists living in Khurâsân in the 5<sup>th</sup> century H.<sup>542</sup> When he was arrested and imprisoned for advising the Khân, he was in the middle of his canonical dissertation, later to be

<sup>539</sup> Yûsuf, 39-40

<sup>540</sup> "Jâmi' Al-Bayân Fî Ta'wîl Ây Al-Qur'ân", Vol. 16/152

<sup>541</sup> "Ma'âlim at-Tanzîl", Vol. 4/252

<sup>542</sup> See footnote #313

known as “Al-Mabsût”. While he was in his prison, this book was completed by the students and scribes of Imâm as-Sarkhasî, who would gather near the large pit, which acted like a holding cell, so that he could dictate to them the narrative of his remaining chapters, which they would compile for him – thus completing the book.

In his introduction to “Usûl as-Sarkhasî”, Abûl-Wafâ’ al-Afghânî said:

“And he (i.e. Imâm as-Sarkhasî) wrote the book ‘Al-Mabsût’, concerning jurisprudence in fourteen volumes, by dictation without referring to any book, nor reviewing any commentary. Rather, he was imprisoned in a pit, due to a word which he (used to) advise with. And he used to dictate to the students from within the pit, while they remained at the top of the pit writing down what he would dictate to them.”<sup>543</sup>

And he quoted Qâsim Ibn Qutlûbughâ saying, “‘And I saw a book of his in the principles of jurisprudence, which were two large volumes,’ and it is this book, ‘And he wrote the explanation of ‘As-Siyar al-Kabîr’ in two large volumes, both of which he dictated while he was in the pit. Then when he reached the ‘Chapter of Stipulations’, relief came and he was released. Then he came out, at the end of his life, to (the city of) Fergana.<sup>544</sup> And then the Amîr, Hasan, lodged him within his home. So the students came to him and then he completed the dictation in the foyer of the (home of the) Amîr.”<sup>545</sup>

And due to the fact that his juristic discussions contained nothing to indicate that he was coerced into writing them, they were received by his contemporaries as genuine and accepted by the major Hanafî students of knowledge, and his book “Al-Mabsût” is still studied and benefited from today.

Also from this category is Shaykh al-Islâm, Ibn Taymiyyah, رحمه الله, who wrote numerous essays and letters from behind bars both in Egypt and Damascus where he was imprisoned. And due to the Shaykh passing away in prison, almost all of the material collected from him in the last years of his life came from behind bars. And Muhammad Ibn Ahmad Ibn ‘Abd al-Hâdî al-Maqdisî said in his chapter:

**“The Death of the Shaykh, رحمه الله, in the Citadel and What he Wrote Therein Prior to His Death”:**

“Then, verily, the Shaykh, رحمه الله تعالى, remained residing in the citadel for two years, three months and (some-odd) days, until he passed away unto the Mercy of Allâh and His pleasure. And he did not cease, during this time, remaining busy with worship, recitation, writing books

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<sup>543</sup> “Usûl as-Sarkhasî”, Vol. 1/5

<sup>544</sup> A city in modern-day Eastern Uzbekistan

<sup>545</sup> “Usûl as-Sarkhasî”, Vol. 1/6

and refuting the opposition. And he wrote a large quantity regarding the Tafsîr of the Great Qur'ân, which includes magnificent treasures, clear-cut gems and fine meanings. And he clarified in that, many areas which confused a group from the scholars of the people of Tafsîr. And he wrote numerous volumes about the issue for which he was imprisoned. From them is a book in refutation of Ibn al-Akhnâ'î, the judge of the Mâlikiyyah in Egypt, which is known as 'Al-Akhnâ'iyyah'. And from them is a large, full book in refutation of some of the Shâfi'î judges and many things along these lines as well."<sup>546</sup>

Yet none of these vastly beneficial writings of Shaykh al-Islâm, which came during the final years of his life while he was imprisoned in Egypt, were ever rejected as being illegitimate or subjected to doubts concerning their authenticity or reflecting the true opinions of Ibn Taymiyyah, despite them coming from behind bars. And the reason is that they did not contain any type of reversal of the Shaykh's former opinions towards his captors or about the matters for which he was imprisoned.

And similarly, when Sayyid Qutb, رحمه الله, spent years inside the Turrah prison, it is reported that he spent that time revising and completing his commentary on the Book of Allâh called "Fî Thilâl al-Qur'ân".

Dr. Salâh 'Abd al-Fattâh al-Khâlidî said: "Sayyid was put on trial and then he was sentenced to fifteen years in prison. During the first part of his imprisonment, no new volumes were released from 'Al-Thilâl' due to the extraordinary torture, which was inflicted upon him. But when he settled within the prison of Turrah, his torment let up and he was admitted to the Turrah prison hospital, due to his numerous illnesses. He focussed upon completing 'Ath-Thilâl' from there. And Allâh made writing for Sayyid, while in prison, as well as the publishing of 'Ath-Thilâl' by the publisher easy, despite the fact that the policy of the prison forbade writing within it, and the prisoners were not allowed to own the implements of writing and they would punish whichever (prisoners) are found with them in their possession." Until he said: "And Sayyid completed 'Ath-Thilâl' in prison at the end of the (nineteen) fifties."<sup>547</sup>

And from our contemporary scholars, in this time, is Shaykh Abû Muhammad al-Maqdisî, may Allâh preserve him, who has written extensively in the form of books, essays, refutations and commentaries while in the custody of the apostate rulers of Jordan.<sup>548</sup>

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<sup>546</sup> "Al-'Uqûd ad-Durriyyah min Manâqib Shaykh al-Islâm Ahmad Ibn Taymiyyah", Pg. 377

<sup>547</sup> "Sayyid Qutb: Min al-Mîlâd Ilal-Istish'hâd", Pg. 546

<sup>548</sup> It was our intent to include a detailed account of Shaykh Abû Muhammad al-Maqdisî's writings from the two main detention centres (i.e. Suwâqah Prison and Qafqafâ Prison) where he has been incarcerated for years. In fact, we even hoped to write an entire chapter on the Shaykh, may Allâh preserve him, similar to our chapter detailing the trials and imprisonment of Sayyid Qutb, رحمه الله. However, a detailed biography of the Shaykh and his writings, which were compiled while in custody, have not been available to us. And during the time when this particular project was being compiled, the Shaykh has been released, re-arrested and re-released again. And he remains, at this time, in a state of freedom. And we ask Allâh for his continued freedom and for a huge reward in this life and in the hereafter, due to his steadfastness and patience.

In the introduction to his book of questions and answers entitled: “Husn Ar-Rifâqah Fî Ajwibat Su’âlât Suwâqah”, the Shaykh writes:

“In the Name of Allâh, the Most Compassionate, the Beneficent...’

“All praise is due to Allâh, the Lord of the worlds and may the Blessings and Peace be upon the Seal of the Prophets and the Messengers and upon his family and his companions altogether. And to proceed...’

“A letter from some of the monotheist brothers in Jordan was addressed to me while I was in the prison of Suwâqah, which included various questions to which they sought answers from me. And that was at the end of the month of Shawwâl of the year 1416 H. And this is its text verbatim...”<sup>549</sup>

And it is a fact that the Shaykh has written numerous Fatâwa, books and essays while in the custody of the Jordanian apostates, yet none of his students or his contemporaries from our present-day scholars have ever rejected those writings from him on the basis that they were written while he was in prison.

And in all of the aforementioned examples, the contemporary scholars in their times, the students of knowledge, and generally the entire Muslim Ummah hasn’t hesitated to accept this Islâmîc knowledge, which was issued from behind bars by those imprisoned scholars, because there was no indication that this knowledge had been corrupted, influenced or coerced by the captors who had them in their custody. And from what we see in common from all those mentioned in this category is that they neither changed their positions towards those who had imprisoned them, nor did they issue any ‘retractions’ regarding those policies they were arrested for. And based upon this lack of apparent coercion, the Ummah hasn’t hesitated to accept the knowledge they issued from behind bars.

**b) Islâmîc Knowledge and Religious Verdicts (Fatâwa) Where There is a Strong Probability that Coercion Has Been Applied to a Scholar in Order to Elicit that Material**

From this category would be those scholars who were imprisoned along with the Imâm of the Sunnah, Ahmad Ibn Hanbal, رحمه الله, during the Mihnah – but who were unable to endure the compulsion and threats they were subjected to. And these included some of the most eminent scholars of the Sunnah, such as Yahyâ Ibn Ma’în, رحمه الله, and others.<sup>550</sup> Yet, when they complied with the demands of the Sultân and issued statements approving that the Qur’ân was the

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<sup>549</sup> “Husn Ar-Rifâqah Fî Ajwibat Su’âlât Suwâqah”, Pg. 2

<sup>550</sup> Review Chapter 4

‘Creation of Allâh’, no one accepted this from them and no one considered this to be their genuine view; either during their time or subsequently.

And Ath-Thahabî narrated that Sa’îd Ibn ‘Amr al-Bartha’î said: “I heard Al-Hâfith, Abû Zur’ah ar-Râzî say, ‘Ahmad Ibn Hanbal did not used to see (permit) writing down (narrations) from Abû Nâsir at-Tammâr nor from Yahyâ Ibn Ma’în nor from anyone who was tested and complied (during the Mihnah).’ I (i.e. Ath-Thahabî) say: ‘This is a strict issue (i.e. from Imâm Ahmad) and there is no sin upon anyone who responded during the Mihnah. Furthermore, not upon anyone who is compelled upon clear Kufr – acting upon the verse. And this is the truth and Yahyâ, رحمه الله was from the Imâm of the Sunnah, but then he feared the tyranny of the state and he responded out of Taqiyyah (fear).”<sup>551</sup>

And similarly during one of Shaykh al-Islâm, Ibn Taymiyyah’s trials, which included the promise of execution if he did not comply with his captors and issue statements endorsing the creed of the Ash’arîs in Egypt, the Shaykh complied with this compulsion and issued the statement he was forced to make, yet no one accepted these statements to legitimately reflect the views of Shaykh al-Islâm or that he had retracted any of his former views, as Ibn ‘Abd al-Hâdî narrated from Ath-Thahabî:

“So the Shaykh and his two brothers were stood up and imprisoned in the pit of the citadel of the mountain. And lengthy (interrogation) sessions took place. And a letter from the Sultân was written to Ash-Shâm, which insulted him (i.e. Ibn Taymiyyah). So it was read out in the main Mosque and the people were hurt by that. Then he remained (imprisoned) for a year and a half and was released. And he wrote phrases for them, which they suggested to him and he was threatened and promised execution, if he did not write it. And (upon his release) he remained teaching the knowledge in Egypt and the people remained around him.”<sup>552</sup>

And without doubt, one of the indications that coercion has taken place in cases like this, are those examples where this Islâmîc knowledge and Fatâwa only surfaces after that scholar has been arrested and when this new material, coming from behind bars, demonstrates a turn-around regarding the policies of those who have imprisoned him along with ‘retractions’ of the previously held views by that scholar. And an even greater indication – almost to the point where it is a certainty – are those cases where the scholar has been imprisoned by the authorities who he is opposed to, and then he ‘changes’ his stance towards them or appears to suddenly endorse and approve of them or their policies.<sup>553</sup> And this is precisely what took place with those scholars who were arrested along with Imâm Ahmad and who subsequently complied with the demands of the Sultân during the Mihnah. Yet, no one accepted those

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<sup>551</sup> “Siyar A’lâm an-Nubalâ’”, Vol. 11/86, publication of “Mu’assasat ar-Risâlah”; Beirut, 7<sup>th</sup> Edition, 1410 H.

<sup>552</sup> “Al-‘Uqûd ad-Durriyyah Min Manâqib Shaykh al-Islâm Ahmad Ibn Taymiyyah”, Pg. 213

<sup>553</sup> And some contemporary examples of these types of ‘changes’ and ‘retractions’ will be presented in the next chapter, *In Shâ’ Allâh*.

‘retractions’ of those scholars, due to what was obvious in their taking the concession (Rukhsah) in the matters of compulsion.

And similarly when the present-day ‘retractions’ are seen from our imprisoned scholars who were formerly known for their strong stances against the apostate governments and the resistance of the Jihâdî groups towards them, then likewise these are to be dismissed as illegitimate on the basis of the almost certain compulsion, which produced them in the first place. And examples of these will be discussed in the next chapter, *In Shâ’ Allâh*.

### **3. What Are Some of the Preventative Factors From Accepting Islâmic Knowledge, Fatâwa and ‘Retractions’ From Behind Bars?**

This is a relevant question because when it comes to compulsion and coercion of a Muslim scholar behind bars, no one besides those holding him captive can confirm with certainty that those Fatâwa or ‘retractions’ are genuine or not. And even though we hold the prisons to be a form of compulsion in-and-of-themselves,<sup>554</sup> often there is no way to be certain if the scholar sending out this Islâmic knowledge and Fatâwa etc. has done so in compliance with that compulsion. Because, if that conveyed knowledge is in compliance with compulsion, it is obviously to be rejected, whereas if the conveyed knowledge of that scholar remains genuine, while he has refused to comply with the compulsion he is being subjected to, then it is accepted and treated as valid. And in differentiating between the two scenarios, there are some other preventative factors, which are relevant to discuss.

#### **a) A Strong Probability That Coercion and Compulsion Produced What Came From the Imprisoned Scholar**

And we have discussed this in the previous section, so it is the first preventative factor from accepting Islâmic knowledge – whether they are in the form of essays, interviews, Fatâwa or ‘retractions’. And it is from the most obvious and basic reasons to invalidate and not to accept that Islâmic knowledge, and to reject it as disingenuous. And from the clearest indications of this probability is the scholar changing his position regarding his captors or their policies after his arrest and only *after* he has been in their custody.

And from our modern Jihâdî strategists and scholars came a warning and an instruction in the event that he is captured and subjected to the prisons of the apostates and disbelievers. As Abû Mus’ab as-Sûrî<sup>555</sup> – may Allâh free him – said:

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<sup>554</sup> Refer to Chapter 5: The Rulings of Compulsion – specifically the sub-chapter: **12. Are the Prisons a Form of Genuine Compulsion?**

<sup>555</sup> **Abû Mus’ab as-Sûrî:** And he is Mustafâ Ibn ‘Abd al-Qâdir ar-Rifâ’î and his family name today is “Sit Maryam”, referencing the family’s grandmother, Maryam. He was born in the city of Halab, Syria in 1378 H. He was a chemical engineer by trade and went onto specialize in explosive engineering. He was connected to the Islâmic resistance in Syrian under the authority of Shaykh Marwân Hadîd, رحمه الله. The Shaykh devoted himself to reviving

“And if Allâh decrees imprisonment for me – and I ask Him to be pardoned (from that) – just as He decreed it for many of the best of our Mujâhid brothers, then I call attention to (the obligation that) striving to free the Muslim prisoners is a trust upon the necks of all of the Muslims; especially those Mujâhidîn from amongst them. And I call attention to the fact that the prisoner is a person who lacks free will and that there is no Sharî’ah-based consideration to his statements and what he is compelled to do. And if that does take place, and something comes from me – may Allâh not decree so – which contradicts what I have written in this book of mine from calling to Jihâd against the enemies of Allâh, or any stance or address which contradicts what we have believed in and called to from the truth, then turn away from it and throw it against the wall. And this is the Sharî’ah ruling regarding what comes from the Muslim prisoners under the pressure of the enemies of Allâh.”<sup>556</sup>

### **b) The Scholar Being Far Removed From the Knowledge of the Current State of the Muslims**

This is another preventative factor, which relates to the scholars issuing Fatâwa from behind bars, because having accurate knowledge about the current state of affairs is a prerequisite for the validity of the Fatwâ in all circumstances; not only for those scholars who are imprisoned. And several of our scholars have listed having accurate knowledge of the current state of affairs as well as knowledge of the people themselves, as a condition for the validity of any Fatwâ.

Ibn Al-Qayyim, رحمه الله, said: “And as for his (i.e. Imâm Ahmad’s) saying, ‘*The Fifth (Condition) is Knowledge of the People*,’ This is a great fundamental, which both the one who issues the Fatwâ and the judge, require. (This is) because if he does not comprehend that – or does not comprehend the ordering and the forbidding – and then he implements one upon the other (i.e. knowledge of the Sharî’ah without knowledge of the people, or vice versa), the only thing that happens is that corruption increases and becomes larger than what gets rectified. So if he does not have (a strong) comprehension in the issue, but he has knowledge of the people, then the oppressor will appear to him like the victim, and vice versa. And the truthful person will take on the appearance of the liar, and vice versa (to the point where) the plotting, deceiving and trickery will encompass him. And then the Zindîq will appear to be a Siddîq (i.e. genuine one) to him and the liar will appear to be the truthful one. And every liar wears false clothing; underneath which are sins, lies and immorality. And he, due to his ignorance of the people and their conditions, their customs and their traditions, will be unable to differentiate this one from

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the Jihâdî operations in Bilâd ash-Shâm, which led him to Afghanistan when he met ‘Abd Allâh ‘Azzâm in Peshawar, Pakistan, who recruited him to join the Arab Mujâhidîn, due to his experience. He was an original member of Al-Qâ’idah from its inception. The Shaykh was very influenced by the writings of Shaykh al-Islâm, Ibn Taymiyyah, Ibn al-Qayyim, Sayyid Qutb and ‘Abd Allâh ‘Azzâm. He is a specialist in urban guerrilla warfare, special operations and strategic and security-oriented subjects. [Summarizing from “Khutût ‘Arîdhah Fî Hayât ash-Shaykh Abî Mus’ab as-Sûrî Wa Masîratihî al-Jihâdiyyah”

<sup>556</sup> “Da’wat al-Muqâwamah al-Islâmiyyah al-‘Âlamiyyah”, Pg. 1,603

that one. Instead, he must be knowledgeable in recognizing the plots of the people, their deceptions, their trickery, their customs and their traditions. This is because the Fatwâ changes, due to the changing of the era, the place, the customs and the conditions. And all of that is from the Religion of Allâh, as its clarification has passed, and with Allâh is the Granting of Success.”<sup>557</sup>

And Ibn As-Salâh, رحمه الله, said: “It is not allowed for him to issue Fatâwa regarding the oaths and the testimonies and the likes of that from what relates to the terminology unless he is from the people from the country which is speaking or if he is at their level in experience concerning the intent of their speech and the usage of it. Because if he is not like that, then his mistakes will be numerous towards them in that regard, which we have seen from experience. And Allâh knows best.”<sup>558</sup>

Therefore, due to the ability for those captors to feed altered, biased or fabricated news to their prisoner, regarding the current state of affairs in the Ummah – while he is in their custody – the scholar becomes susceptible to this risk. Therefore, if his letters, essays, interviews and communiqués demonstrate a lack of his comprehending the accurate current state of affairs of the Ummah, or even those Muslims he is referring to specifically, then this likewise becomes a preventative factor in accepting his Fatâwa etc. And it was for precisely this reason why the jurists rejected the appointment of the imprisoned Khalîfah, who selects his successor after being captured by the enemy.

Within his chapter entitled:

**“As For the Lack of Free Will, Then it is Two Types: Prevention and Subjugation”**, Al-Mâwardî, رحمه الله, said:

“And as for subjugation then it is when he becomes imprisoned in the hands of a subjugating enemy (and) he is unable to free himself from them. So that prevents the contracting of the leadership to him (i.e. nullifies his leadership), due to his inability to examine the issues of the Muslims. And (that is) the same whether the enemy is a polytheist or a Muslim rebel. Therefore, it is (allowed, when this happens) for the Ummah to chose someone other than him, from those who are qualified. But if he was taken prisoner after the leadership was contracted to him, then it is upon all of the Ummah to rescue him, due to what the leadership obligates from supporting him. And he (remains) upon his leadership as long as there is hope that he will be freed (and) expected to be released; either through fighting or ransom. But if hopelessness occurs in his matter, then the condition of those who imprisoned him (could only be one of two situations; either) they are polytheists or Muslim rebels. So if he is imprisoned by the polytheists then he leaves his (position of) leadership, due to the hopelessness of him being

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<sup>557</sup> “I’lâm Al-Muwaqqi’în”, Vol. 4/223-224

<sup>558</sup> “Adab Al-Muftî wal-Mustaftî”, Pg. 115

freed. And the people of decision go onto the Pledge of Allegiance (Al-Bay'ah) to other than him upon that leadership. But if he had bequeathed the leadership, while he was imprisoned, then what he bequeathed is (to be) examined. So if it was after the hopelessness of his freedom, then what he bequeathed becomes invalid, because it was bequeathed after he left the (position of) leadership. So what he bequeathed is not valid. And if he bequeathed before the hopelessness of his being freed, during the time when he it was hoped that he would be freed, then what he bequeathed is valid, due to his remaining upon his leadership. Therefore, the leadership of the inheritor of his contract (i.e. whomever he bequeaths the leadership to) becomes affirmed by the hopelessness of his being freed, due to the removal of his leadership.”  
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And likewise, Abû Ya'lâ al-Farrâ', رحمه الله, said:

“Then if he is taken prisoner after the leadership has been contracted to him, it is (obligatory) upon the Ummah to rescue him due to what that leadership obligates from supporting him. And he remains upon his leadership as long as it is hoped that he would be freed, and it is expected that he will be released; either through battle or ransom. But if hopelessness takes place in his situation, it is to be examined who took him prisoner. If they are from the polytheists, then he leaves his (position of) leadership and the people of decision go onto a Pledge of Allegiance to other than him. But if he bequeaths the leadership while imprisoned, it is to be reviewed. So if it was after hopelessness regarding his being freed, his bequeathing becomes invalid, because he bequeathed (the leadership) after he was no longer the leader. But if it was before hope was lost regarding his being released, then his bequeathment is valid, due to him still being the leader. And the leadership becomes settled with the one whom he bequeathed to at the point where hope becomes lost for him to be freed, due to his no longer being the leader.”<sup>560</sup>

### **c) The Overwhelming Conflict of Interest or Strong Potential of Desire Influencing the Material Being Issued From Behind Bars**

This includes those forms of temptations and allurements, which are setup by the captors of the imprisoned scholar and also what the Shaytân creates for him in his own mind, while he contemplates his misery. And it would be a mistake to assume that a scholar is never susceptible to the whisperings of the Shaytân, or those from his own soul, or the desire to please his captors somehow, even if they are not actually applying any additional compulsion towards him besides the captivity itself.

And in terms of sending out Islâmic knowledge from behind bars and the imprisoned scholar issuing Fatâwa etc., this potential mostly creeps into topics and circumstances where there are

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<sup>559</sup> “Al-Ahkâm as-Sultâniyyah wal-Wilâyât ad-Dîniyyah”, Pg. 27-28, publication of “Maktabat Dâr Ibn Qutaybah”; Kuwait, 1<sup>st</sup> Edition, 1409 H.

<sup>560</sup> “Al-Ahkâm as-Sultâniyyah”, Pg. 22

no clear-cut or definitive solutions or answers and where the scholar is at the mercy of his deductive reasoning (i.e. Ijtihâd).

Shaykh al-Islâm, Ibn Taymiyyah, رحمه الله, mentioned, while discussing the three types of Ijtihâd; one based on complete sincerity, the second based completely upon desire and a third type, which is comprised with elements of both:

“And there is another category – and it includes the majority of the people – which is that he has a desire wherein some doubt exists. So desire and doubt combine together and due to this, it has come in the Mursal Hadîth from the Prophet, صلى الله عليه وسلم, who said, ‘*Verily, Allâh loves the penetrative sight when doubts emerge, and He loves the complete intellect when desire is born.*’<sup>561</sup> So the pure deductive reasoner (i.e. Mujtahid) is forgiven and rewarded, while the person of pure desire is deserving of punishment. As for the Mujtahid who performs Ijtihâd, which is comprised of (both) doubt and desire, then he has committed an evil, and they are at (different) levels in that (evil) based upon what is greater and based upon the good deeds, which erase (the evil deeds). And the majority of the later ones, from those attributed to jurisprudence or Sufism, face trials in this (matter).”<sup>562</sup>

#### 4. Can a Scholar Legitimately Change his Views While in Captivity?

Of course it is not outside the realm of possibility that a scholar could legitimately change his legal opinions, while he is in the custody of his enemies. And it would be a far exaggeration to suggest that any change of opinion, which took place when a scholar is behind bars is automatically rejected. And this is what we say in general – even about the changes of opinion from the scholars who are behind bars.

However, when it comes to issues where a huge potential exists for compulsion to influence a scholar to write or declare something verbally, then such changes in matters related to his captors or their policies are to be greeted with serious doubt. And when it comes to any doubtful change, which appears to contradict a confirmed condition, the Muslims are to apply the following rule:

- **The Rule: “The Confirmed Condition Overrules the Doubtful Change”**

In the Sharīʿah, we have the confirmed condition, which is a state or situation that has been affirmed as genuine and correct – and we have the doubtful change, which is a suggested alteration or modification to that state, which is unproven and remains doubtful.

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<sup>561</sup> This Hadîth was narrated by Abû Nuʿaym in “Hilyat al-Awliyâ”, from ‘Imrân Ibn Husayn. It was declared Mursal by Ibn Taymiyyah, as mentioned above, and elsewhere in his books, as well as by Ibn al-Qayyim in “Ighâthat al-Lahfân”, Vol. 2/242, and elsewhere in his books.

<sup>562</sup> “Majmû’ al-Fatâwa”, Vol. 29/27, publication of “Dâr al-Wafâ’”, 3<sup>rd</sup> Edition; Al-Mansûrah, 1426 H.

For instance, when water is affirmed as pure, we do not immediately accept that this water has become impure until there is evidence to prove it as genuine. Similarly, when a Muslim knows that he is in a state of ritual purity, he does not consider himself to have left that state until clear evidence has been established to demonstrate that he is no longer in that state. This is a fundamental rule of jurisprudence and it is likewise applicable to the scholar who dwells behind bars.

‘Abd ar-Rahmân Ibn Abî Bakr As-Suyûtî, رحمه الله, said, “The second rule: Certainty is not removed by doubt. And its evidence is his, صلى الله عليه وسلم, statement, *‘If any of you perceives something from his stomach, which confuses him (making him question) if something came out of him or not, then he must not leave the Masjid until he hears a sound of discovers an odour.’* – Narrated by Muslim, from the Hadîth of Abû Hurayrah.” – until he, رحمه الله, said: “Know that this rule enters into all of the topics of jurisprudence and the issues, which result from it reach three quarters of the jurisprudence or more. And if I were to list them here, the explanation would be lengthy, but I will mention a fair amount of them. So I say: Numerous rules fall under this rule. From them is their (i.e. the jurists) statement, ‘The basic rule is: What has been (confirmed), remains as it was.’ And from the examples of that: ‘Whoever is certain of purity (Tahârah) and doubtful about the ritual impurity (Hadath), then he is pure, or he is certain of ritual impurity and doubtful of purity (Tahârah), then he is impure.’”<sup>563</sup>

And in his chapter entitled: **“The Mentioning of the Contradiction Between the Asl (Origin) and the Apparent”**

An-Nawawî said: “A group our later Khurasânî companions mentioned that every issue in which the basic rule contradicts what is apparent, or two basic rules (contradict each other), then there are two opinions regarding it. And from those who mentioned this rule are Al-Qâdhî, Husayn and his two companions; the author of ‘At-Tatimmah’ and Al-Qâdhî, Abû Sa’d al-Harawî, in his book ‘Al-Ishrâf ‘Ala Ghawâmidh al-Hukumât’. And this broad statement, which they mentioned, is not (to be taken) according to its face value, and they did not intend the reality of its face value, as we have issues where the assumption is acted upon without any difference of opinion, such as with the testimony of two just people, as it indicates the strong assumption (of the correctness of what is apparent). And it is to be acted upon, according to the consensus, and the basis of the absence of responsibility is not considered and the issue of the urine of an animal and the likes of it. And issues where the basic rule is acted upon without any difference of opinion, such as the one who assumes that he performed a divorce, or a ritual impurity or emancipation or if he prayed four (Rak’ahs) not three. Then in this (situation), the basic rule is acted upon without any difference of opinion. And that is the remaining upon Tahârah and the absence of divorce, emancipation and the fourth Ruk’ah and the likes of that. And what is correct regarding the rule is what the Shaykh, Abû ‘Amr Ibn as-Salâh explained, as he said, ‘If

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<sup>563</sup> “Al-Ashbâh wan-Nathâ’ir” Pg. 50-51

two basic rules or a basic rule and what is apparent contradict (one another), it is obligatory to look to what is more correct, just as when two evidences contradict each other. Then if he is unsure regarding the stronger opinion, then they become a case of two (valid) opinions. And if the evidence of what is apparent is stronger, then it is used to judge with, such as when a just one informs (someone) about an impurity (Najâsah) or like the urine of a doe. And if the evidence of the basic rule is stronger, then it is used to judge with, without any difference of opinion. These are the words of Abû 'Amr."<sup>564</sup>

And this is the same juristic principle we apply to any scholar who has been captured by his enemies and appears later endorsing them or their policies. And this is the principle when it comes to a scholar's affirmed support of those who are opposed to those enemies but later appears to switch his opinion only after being captured by those enemies.

That scholar's original position is his **"Confirmed Condition"** whereas that later apparent switch is the **"Doubtful Change"** and is therefore disregarded.

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<sup>564</sup> "Al-Majmû' Sharh al-Muhathab", Vol. 1/206, publication of "Dâr al-Fikr"

## Chapter 12: Recent Retractions from Behind Bars (Part 1)

In this chapter, we will offer some of the commentary and analysis of the scholars and major students of knowledge on the recent examples of this phenomenon we are discussing. And we have listed three of the most commonly referred to, and celebrated ‘retractions’ by the apostate and crusading governments as examples of ‘successes’ in their war against Islâm.

### 1. Al-Jamâ’ah al-Islâmiyyah in Egypt

#### a) The History

After the Ikhwân al-Muslimîn group began renouncing armed struggle against the Egyptian government in the late 1970s – early 1980s, several militant Egyptian Muslims formed new organized groups in order to establish Islâmic rule, rejecting the Ikhwân’s new direction of participating in the Egyptian Parliaments as opposition parties. Of these groups, by far the largest was Al-Jamâ’ah al-Islâmiyyah, which began as a collection of religiously-committed student groups, who opposed the secularism of Egypt, and eventually dedicated themselves to the overthrow of the Egyptian regime and the establishment of an Islâmic state in Egypt.

In 1981, Al-Jamâ’ah al-Islâmiyyah was accused as a co-conspirator alongside Jamâ’at al-Jihâd <sup>565</sup> in the assassination of president Anwar as-Sâdât. This operation was succeeded by a series of attacks on government, police and military targets between the 1980s-1990s and included some high-profile attacks on foreign tourists. <sup>566</sup> During this period, Shaykh ‘Umar ‘Abd ar-Rahmân was a leading member and he was largely considered its leader in the form of religious guidance and methodology.

Shaykh ‘Umar ‘Abd ar-Rahmân was born in 3/5/1938, in the city of Al-Jamâliyyah in the governate of Daqhaliyyah within a poor family. He lost his eyesight at the age of 10 months to childhood diabetes. He completed the Azhar high school curriculum in 1960, after five years of study. In 1965, he joined the faculty of Usûl ad-Dîn in Cairo, and graduated that program ‘in excellence’ with honours. At that point he was assigned as Imâm of a Mosque in the governate of Fayûm. The Shaykh earned his Masters degree in 1967, by writing his Master’s Thesis on the subject of the Sacred Months. In 1968 he was appointed Dean of the Faculty but he retained his

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<sup>565</sup> **Jamâ’at al-Jihâd:** Another armed Egyptian Islâmic group who led a military campaign against the Egyptian government in the 80’s – 90’s and eventually formed an alliance with Al-Qâ’idah when Shaykh Ayman ath-Thawâhirî pledged his allegiance to Shaykh ‘Usâmah bin Lâdin, may Allâh preserve them. One of the former leading members of this group, Shaykh ‘Abd al-Qâdir Ibn ‘Abd al-Azîz (a.k.a. Sayyid Imâm ash-Sharîf), may Allâh free him, will be mentioned shortly within this chapter, and therefore we felt it relevant to mention this connection here.

<sup>566</sup> The most famous of which was the attack at Hatshepsut’s Temple (a.k.a “Luxor Massacre”), which was attributed to Al-Jamâ’ah al-Islâmiyyah, but took place while most of the leading members were in prison.

position as Khatîb, delivering Friday Khutbahs voluntarily in the Mosque of Fayûm, until he began to speak out against the state from the Minbar at which point the intelligence agencies started to interview him after his Khutbahs. Therefore, the Shaykh began to refer to the President as “Pharaoh” in his speeches so that it was obvious to the audience who he was speaking about.

The Shaykh said: “And that was in the era of ‘Abd an-Nâsir, and if I discussed anything in the Khutbah, from the matters of Pharaoh, then everyone present understood that who was meant by that was ‘Abd an-Nâsir.”

In 1969, he was called for a meeting with the board of directors wherein the Secretary General of Al-Azhar University suspended his income for three months. Then afterwards, he was to receive half of his salary for a year or two, and at that point he would either be reinstated to his position or be terminated. In 1969, the suspension was lifted but the Shaykh was demoted from being the Dean to merely being a staff member of Al-Azhar, after being stripped of any responsibilities.

The Shaykh said: “(This was) until I was arrested on October 13<sup>th</sup>, 1970 at which point ‘Abd an-Nâsir had fallen into destruction (i.e. died) in September of the year 1970. And I stood upon the Minbar and declared that it was not allowed to pray upon him. And we (even) prevented the people from praying upon him. And following that, I was arrested (and placed) in the prison of the Citadel for eight months, the majority of which I spent in cell #24. It was beloved to me and whenever they wanted to move me from it to some other cell, I requested to be returned to it and I was released from the Citadel on the 10<sup>th</sup> of June, in the year 1971.”

The Shaykh was then reassigned to (the city of) Al-Munyâ where his activities were severely restricted because the Faculty of the new college were collaborating with the intelligence agencies there. And after numerous attempts to prevent the Shaykh from defending his thesis,<sup>567</sup> he succeeded in defending it in front of the Faculty and was awarded his Doctorate degree with honours on 3/13/1973. But the intelligence agencies managed to prevent him from working for the University up until the summer of 1973, when a number of Faculty Members intervened on his behalf and he was employed in the Faculty where he was appointed until 1977. Then the Shaykh was sent to Saudi Arabia to teach in the Woman’s Faculty in Riyâdh until 1980.

The Shaykh travelled back to Egypt in September, 1981 at which point a warrant was issued for his arrest due to the accusation that he was the Amîr of (the group) ‘Tanthîm al-Jihâd’ during the assassination of Anwar as-Sâdât. He was arrested the following month and was tried on

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<sup>567</sup> It is the practice of academic bodies to challenge or critique the thesis of a prospective doctoral candidate whereby that body will award the doctorate and final grade upon the successful rebuttal and defence of that thesis by its author.

those charges in front of the Military Court and the Supreme State Security Court. The Shaykh was acquitted in both cases, and was released on October 2<sup>nd</sup>, 1984.<sup>568</sup>

## b) The Methodology

In an interview with “Al-Mujtama” Magazine in 1409 H. Shaykh ‘Umar ‘Abd ar-Rahmân laid out the goals of Al-Jamâ’ah al-Islâmiyyah; specifically with respect to their fundamental ideology regarding the use of armed resistance as a means of Commanding the Good and Forbidding the Evil.

**Q:** “In the opinion of Shaykh ‘Umar, what do you see as the priorities in working for Islâm?”

**A:** “I do not see now, anything but the obligation of calling to Allâh and ordering the good and forbidding the evil, then clear clarification to the people that what they are in – in some areas – falls under the domain of a ruler who usurps the right of Allâh, تعالٰى, as a Sharî’ah other than the Sharî’ah of Allâh, سبحانه, is implemented. And he transgresses against the people in many ways and forms.’

‘And in this way, the matter cannot be far removed from the Da’wah to Allâh and making the people understand His right regarding His religion and the obligation of ordering the good and forbidding the evil and that we clarify to the people that this is something good so it must be followed, and this is something evil so it must be avoided. And it is not possible for it to be anything besides this.”

**Q:** “Does this understanding include what some have committed in the form of violent operations?”

**A:** “The violence, which you describe – I cannot agree with you in labelling it as such.’

‘I say: The violence is that which some of the regimes have committed and which has manifested itself in a variety of ways and forms, some of which are raiding the homes and violating the security of people.’

‘And the response to this (question) is that I label it as self-defence and it is the right, which has been legislated in Islâm. So if the Muslim defends his home, his family and his honour in accordance to his religion, then they label that as ‘terrorism’. No, the matter is not like that.’

‘Some of those operations, which you referred to, fall within the realm of forbidding the evil, which is taking place. That is because when the evil spreads to dangerous levels and mischief

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<sup>568</sup> Summarized from “Kalimatu Haqq: Murâfa’at ash-Shaykh ‘Umar ‘Abd ar-Rahmân Fî Qadhiyyat al-Jihâd”, Pg. 4 – 7

becomes apparent, while the Da'wah is ongoing, then the supporters and helpers of that mischief – who in some stages are manifested as the authority and his army – will clash. So then if the people of evil become arrogant due to being backed by this strength, then it is a necessity upon the people of truth to display some sort of harshness, while forbidding the evil, so that the criminal, disobedient one will take heed and so that he will remain far removed from this evil.'

'And if the government had not protected this evil then it would not have been able to remain and be ongoing. And the Da'wah to Allâh would have affected them. So due to this, the government takes the burden of the sin of this evil.'

**Q:** "The ordering of the good and the forbidding of the evil – as it is well-known – has its three stages; objecting to it with the heart, the tongue and the hand. In your opinion, what do you see as the priorities within these three states?"

**A:** "We begin with the Da'wah to Allâh and making the people understand the matters of their religion and clarifying its rulings within commands and forbiddances and clarifying the obligations and prohibitions. Then if the people turn back (from evil), then that is good. But if not, then the forbidding of the evil takes its stages. Firstly, clarifying with gentleness and calmness, then clarifying through prompting and reminders, then afterwards comes the use of harshness in clarifying along with forbidding and admonitions. And then finally, the use of the hand."

**Q:** "And is it allowed for every individual to implement the three stages whenever he wishes and at any time he wants?"

**A:** "This matter would be under the domain of the Jamâ'ah and not the domain of an individual."

**Q:** "Which Jamâ'ah do you mean? Is it the Jamâ'ah of the Muslims, or what?"

**A:** "It is **Al-Jamâ'ah al-Islâmiyyah** which places Islâm in control and educates the young men upon that. And it has a clear and confirmed presence."

**Q:** "These are general characteristics, which could refer to many people."

**A:** "Anyone who is upon the correct 'Aqîdah in Islâm and upon a good understanding of its fundamentals in their entirety, and who does not remove or abandon any of them, then he calls to Islâm in its entirety and anyone who is upon that, then he is establishing the religion of Allâh.'

‘And likewise, it is the right of every Jamâ’ah to implement the ordering of the good and the forbidding of the evil in its three stages.’

**Q:** “Some are of the opinion that the ways and types of ordering the good and forbidding the evil are divided across three groups. With the hand – and that is specific to the state and the authority. And with the tongue – and that is specific to the scholars and jurists. And with the heart – and that is specific to the general public. So what is your opinion regarding that?”

**A:** “These are words that would come from a musician. And this is a division, which has no basis. Who came with this division and what is the evidence for it?”

‘The Messenger addressed everyone and everyone is addressed through the Hadîth, and no one was specified with some type of reform to the exclusion of others. And all of the order is addressed to the Ummah in its entirety.’

**Q:** “The story of the struggle between the Islâmic groups and the regimes is a repeated and painful story. Do you see that this struggle has any end, and at until when (would it continue)?”

**A:** “Until when? As long as there is truth and falsehood and throughout time the struggle between truth and falsehood will be present.’

‘And a question like this seeks to stop this struggle.’

‘This struggle was present ever since Âdam came to the Earth and ever since his two sons disputed. This struggle came and will continue until Allâh inherits the Earth and those who are upon it. And trying to stop it is in contradiction to the Sunnah of Allâh, and this struggle will remain no matter how much the methodologies change and the means differ.’

**Q:** “Democracy, for instance, gets involved in this area and that is through discussions and debates.”

**A:** “Do not get me started on another topic. Because the struggle is taking place and the movements, which are struck – that should not be a cause for them to be aborted, because the struggle and that which it brings about from negative results against those movements should never be considered in that way. That is a stage of purification and a stage of building foundations of sacrifice and sincerity.’

‘And in my understanding, no Islâmic work could ever be completely aborted whether the work continues or stops, because every stage has its benefits and effects, which everyone feels. For example, who would say that the execution of Sayyid Qutb led to the movement being aborted? Had Sayyid remained alive, none of the people would have known him except for a few. But when he was harmed for the sake of Allâh, he entered into the history of the Muslim

Ummah from its widest of gates and his ideas and books were spread. Verily, the martyrdom of Husayn was a thousand times greater than his remaining alive.”

**Q:** “Is the martyrdom an end or a means?”

**A:** “I do not know this differentiation, because as long as Islâm has sought them from us, then it is a matter which is obligatory upon us to strive towards, whether we label it as an ‘end’ or a ‘means’. There is no doubt that the raising of the word of Allâh is the ‘end’ and the Jihâd is a ‘means’ towards that.”

**Q:** “But if the Word of Allâh can be raised through one ‘means’ or another?”

**A:** “No, no...that will never take place except through Jihâd as the Qur’ân specified. And due to that, I do not consider any Islâmic movement being struck as a cause for it to be aborted. Rather, it is a victory and something good.’

‘Verily, the people of falsehood lose tens and hundreds in support of their falsehood, so should it not be loved to the people of truth for them to continue in defending the truth, even if sacrifices fall from them? Why do we not consider these sacrifices to be a bridge for the victory of the truth? Verily, we are lacking (patience). And it should be that our efforts and numbers should multiply and let there be sacrifices and those killed from amongst us. I know a Communist who was imprisoned, due to his Communism thirteen times and he faced his imprisonment with an open heart, despite the fact that he was defending a false ‘Aqîdah. So why don’t the people of truth defend their truth, even if they are imprisoned and killed?’

‘Verily, the Da’wah to the truth requires tolls and hardships. And this is the path of the Messenger, عليه الصلاة والسلام, and the Messengers before him who were killed in the path of their calls. **﴿Is it that whenever there came to you a Messenger with what you yourselves desired not, you grew arrogant? Some, you disbelieved and some, you killed.﴾**”

**Q:** “Some of them are of the opinion that His, تعالى, statement, narrating from the tongue of Âdam: **﴿If you do stretch your hand against me to kill me, I shall never stretch my hand against you to kill you.﴾** They believe that it is a fundamental way of conducting oneself in Da’wah and working for Islâm.”

**A:** “We are not held accountable based upon the son of Âdam did, because we have a legislation, which Muhammad, صلى الله عليه وسلم, came with. And secondly, we know for certain in our legislation, that whoever is killed in defence of his wealth, then he is a Shahîd, and whoever is killed in defence of his honour, then he is a Shahîd, and whoever is killed in defence of his family, then he is a Shahîd. And Islâm has legislated defending one’s self, one’s wealth and

one's honour and has considered the defender to be a Shahîd if he is killed. ﴿**The recompense for an evil is an evil like thereof.**﴾ So if the person defends his religion, then this is from the religion. And if he excuses then that is from Ihsân, but it is not appropriate for this to be an unrestricted rule.”

**Q:** “How do you view taking part in politics or reform through using the available political avenues?”

**A:** “If you mean taking part in the representative councils, then I believe that this is a method which leaves behind many harms. Just as it leaves the general public in confusion and misguidance, as the people would say: ‘Those who take part in the councils of the people, do so because their participation in these councils is an evidence for the Sharî’ah legitimacy of the government and that it fulfills its duties.’ And this would push the general public to be confused and doubtful, because after that, they would take part in the councils which produce fabricated laws. And this mix-up would result in a great hardship amongst the people.’

‘As for the claim that they are able to propagating Islâm from this ‘pulpit’ then we say that this claim is miniscule compared to the evils, which pass in front of them while they are unable to manoeuvre as is obligatory. Here we have an important authority from a council of those councils who announced that the state interacting with other (states) by means of usury is from the Maslahah Mursalah! <sup>569</sup> Then he ended the session and did not listen to any other opinion in that. And that is recorded and appears in the newspapers and it is as if that authority had more understanding than all of the people of the religion and their supporters. And in this (example) there is a failure, which has not been equalled.’

‘Then the oath, which those ones swear upon respecting Socialism – how do you explain that? Then leave me to say that it is not possible for the Sharî’ah to emerge from a place which was setup for fabricated laws. When the Masjid adh-Dhirâr <sup>570</sup> was established, the Qur’ân rejected

<sup>569</sup> “Al-Maslahah al-Mursalah” also known as “Al-Istislâh”, “Al-Isdidlâl al-Mursal”, “Al-Munâsib al-Mursal” or “Al-Qiyâs al-Mursal”, is a term used by some of the scholars referring to a benefit, which has neither been negated or affirmed with any specific text from the Sharî’ah. Imâm al-Ghazâlî defined it under his usage of Al-Istislâh, saying: “(It is) that which has not been proven invalid, nor recognized, in the (Islâmic) law by any specific text.” – Look to “Al-Mustafâ Min ‘Ilm al-Usûl”, Vol. 1/216-217, publication of “Dâr Ihyâ’ at-Turâth al-‘Arabî” and “Mu’assasat at-Târikh al-‘Arabî”; Beirut, 1<sup>st</sup> Edition

<sup>570</sup> Referring to the Masjid that was established in the 9<sup>th</sup> year of Al-Hijrah, which the hypocrites of Al-Madînah built as a base for them to plot against the Prophet, صلى الله عليه وسلم, and the Muslims. And it was this Masjid about which Allâh revealed the verses:

﴿وَالَّذِينَ اتَّخَذُوا مَسْجِدًا ضِرَارًا وَكُفْرًا وَتَفْرِيقًا بَيْنَ الْمُؤْمِنِينَ وَإِرْصَادًا لِمَنْ حَارَبَ اللَّهَ وَرَسُولَهُ مِنْ قَبْلُ وَلَيَحْلُقَنَّ لَهُمْ لُكَاذِبُونَ. لَا تَقُمْ فِيهِ...﴾

﴿**And as for those who put up a mosque by way of harming and disbelief, and to disunite the believers, and as an outpost for those who warred against Allâh and His Messenger aforetime, they will indeed swear that their**

(the idea) that Al-Mustafâ (i.e. the Prophet) stand in it. Rather it remained adamant upon it being torched, because it was established upon a precipice of a pit.’

‘And the final point, is that the presence of the Islâmists within those councils, while tens of fabricated laws emerge while they are present, is a clear insult upon the forehead of the Islâmic opposition. Because, had it not been for that, then the regime could not have boasted that it was democratic. The Islâmists in some countries have given legitimacy to those regimes and this is a great tribulation.”<sup>571</sup>

### c) The Arrests and the Trials of Prison

However, during the mid-1990’s, massive round-ups and arrests took place as part of the government’s “anti-terrorism” campaign. Several of the group’s leadership and senior members were arrested and held in Egyptian prisons and were subjected to the various torture and interrogation techniques referred to in Chapter 10. These methods were a combination of physical, psychological and spiritual torment coupled with an intense ‘re-education’ campaign, which sought to bring about a wholesale change in ideology. Subsequently, a truce between Al-Jamâ’ah al-Islâmiyyah and the Egyptian government was declared by the group in 1997, while the majority of its leadership were in the custody of the Egyptian security forces.

“The Egyptian government eventually sought an alternative with the result that the Gamaa Islamia [*sic*] announced in 1997 that it is unconditionally renouncing and immediately halting all acts of violence against the state. It is to cease all of its attempts in overthrowing the government and will dedicate itself to peaceful coexistence with its former arch enemies. While the belief that Gamaa’s leadership merely surrendered to the government’s demands as a result of severe pressure was widespread, the fact is that the cease-fire was not declared spontaneously. On the contrary, it came about as a result of multiple factors, one of them being the approach Egyptian security and justice officials developed as part of the nation’s counter-terrorism strategy nowadays being applied in Saudi Arabia and Yemen: ideological transformation. Islamic scholars, who offered their services to the government, entered into religious and political debates with the imprisoned Gamaa Islamia members in order to persuade them to give up on violence. What torture and harsh prison sentences often failed to achieve, dialogue and debate managed to accomplish.”<sup>572</sup>

### d) The Retractions

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***intention is nothing but good. Allâh bears witness that they are certainly liars. Never stand you therein...*** ﴿ (At-Tawbah, 107 - 108) For a detailed discussion on the rulings related to the Masâjid adh-Dhirâr in our time, please see At-Tibyân’s: “The Abandonment of Masâjid adh-Dhirâr”, by Shaykh Abû Qatâdah al-Filastînî (may Allâh free him) with footnotes and commentary by Shaykh Abû Basîr at-Tartûsî (may Allâh preserve him).

<sup>571</sup> “Al-Mujtama’”, no. 913, Tuesday, Ramadhân 13<sup>th</sup>, 1409 H.

<sup>572</sup> “Change through Debate – Egypt’s Counterterrorism Strategy towards the Gamaa Islamia”, Pg. 3, [Prepared for delivery at the Sixth Pan-European Conference on International Relations, Turin 12 – 15 September, 2007]

Then in 2002, the group conducted a series of newspaper interviews and released booklets, while behind bars, outlining their 'revised' opinions related to combat operations against the government and stated that this was an erroneous methodology and had led to nothing more than internal conflicts, violence and resentment towards Islâm itself.

Subsequently in 2003, many of the group's leaders were released from prison and they continued to propagate and stand behind their new outlook.

For instance, Karam Zuhdî – the present leader of Jamâ'ah al-Islâmiyyah's Shûrah Council – said during a three-session interview with "Al-Musawwir" magazine:

"I am addressing those who understand that it is absolutely invalid to rebel against the state. Because we have reviewed this matter from the Sharî'ah and the Fiqh (jurisprudence) and the texts and we found it to be a mistake. As for the operational point-of-view, then we see this (truce) as a means of addressing those who remain unconvinced by this Sharî'ah point-of-view, which we have reviewed.'

"For example, we have reviewed the issue of armed rebellion against the state and we found that there are several matters, which prevent and forbid this rebellion. So whoever understands this from the Sharî'ah, then I say to him: 'These are the conditions.' As for those who remain unconvinced, then there is another manner by which to convince them.'

"So I do not completely rely upon the Sharî'ah-based point-of-view in my arguments, because I am also addressing individuals who are not convinced by this Sharî'ah-based point-of-view. Due to that, I explain to them that from the operational point-of-view, they are incapable of forming a rebellion. And in this manner, the issue of not rebelling against the state became clear to me."  
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And in an interview conducted by journalist, 'Abd al-Latîf al-Manâwî, Karam Zuhdî was asked:

**Q:** "Aren't the dramatic changes in the positions, which were held by Al-Jamâ'ah al-Islâmiyyah towards the state, the society and the other religious groups – from fighting to a cessation of hostilities – in need of evidence in order to prove the validity of its (new) position, especially when it is not easy to readily accept that?"

**A:** "Imâm ash-Shâfi'î wrote: 'The old (opinion)...' and then when he came to Egypt, he wrote: 'The new (opinion)...' and likewise, Imâm Ahmad Ibn Hanbal and a number of scholars did this as well, because our religion is not frozen. And the conditions of the era affect it. And if we

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<sup>573</sup> Look to the three-session interview conducted by journalist, Mukrim Muhammad Ahmad, published in "Al-Musawwir" Magazine, Editions #4,054, #4,055 & #4,056

looked to the state of our country at the time when the first Fatwâ was announced, then we return and announce a second Fatwâ, which declares that the police, and the army are not a Resisting Group (Mumtani'ah).<sup>574</sup> Therefore, this is a progression, which confirms our brave methods and our sincerity and our intentions for the Face of Allâh (i.e. Islâm). Announcing a mistake and turning back from it and replacing it with the correct position; this alone is an evidence for the truthfulness of our (new) direction. Just like it is not possible to describe the matter as a 'dramatic change', because the change came based upon lengthy Sharî'ah-based research. And perhaps the cause of this progressive viewpoint was due to maturity and carefully researching the current state of affairs. And of course, we know that the majority of the Messengers whom Allâh sent to humanity were over the age of forty."

And later, the journalist asked:

**Q:** "Do you consider that the killing of As-Sâdât came within a 'Fighting of Fitnah',<sup>575</sup> which you spoke of?"

**A:** "Yes, it was a 'Fighting of Fitnah' and it was a mistaken Ijtihâd."

**Q:** "If time could be turned back for the Jamâ'ah, would you reject the killing of As-Sâdât?"

**A:** "Yes, and I would have become actively involved in order to prevent his being killed."

**Q:** "Let me use the analogies, which you have used before. Do you consider everyone who dies within a 'Fighting of Fitnah' to be a Shahîd?"

**A:** "Yes."

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<sup>574</sup> **At-Tâ'ifah al-Mumtani'ah:** Any group which forcefully resists the implementation of the laws of Allâh – either in performing the prohibitions or neglecting the obligations – and is fought as a whole in accordance with their resistance. Shaykh al-Islâm, may Allâh be merciful to him, said: "Any group which attributes itself to Islâm but resists some of its outward, well-known laws, then it is obligatory to perform Jihâd against them, according to the agreement of the Muslims, until the religion is all for Allâh. As Abû Bakr as-Siddîq, may Allâh be pleased with him, and the rest of the companions, may Allâh be pleased with them, fought those who resisted paying the Zakât. So it is confirmed with the Book and the Sunnah and the consensus of the Ummah that whoever goes out from the Sharî'ah of Islâm is to be fought, even if he utters the two testimonies (Ash-Shahâdatayn). So any group, which resists some of the obligatory prayers, the fasting or the Hajj or from abiding by the forbiddance of the blood, wealth, wine and gambling, or from marrying the women who you are not permitted to marry, or from abiding by the Jihâd against the disbelievers or from implementing the Jizyah upon the People of the Book, and other than that from the obligations of the religion and its forbiddances, which no one has any excuse in rejecting or abandoning them – the likes of which he who did reject its obligation would disbelieve (by doing so) – then the group which resists is to be fought because of that, even if it accepts it (as obligatory or prohibited). And this is from that which I do not know of any difference amongst the scholars." – Look to "Majmû' al-Fatâwâ", Vol. 28/274-275, publication of "Dâr al-Wafâ"; Al-Mansûrah, 3<sup>rd</sup> Edition, 1426 H.

<sup>575</sup> An expression referring to times in which tribulations and conflicts create confusion and obscures the correct path from false paths. Some of our scholars of the past have referred to such conflicts as a "Fighting of Fitnah".

**Q:** “Do you consider As-Sâdât to be a Shahîd?”

**A:** “Yes, As-Sâdât is a Shahîd and I hope that Allâh will cover him with His mercy. And I consider everyone who died in this fighting to be a Shahîd.”<sup>576</sup>

And ‘Abd al-Latîf al-Manâwî added to his article, the following reference:

“Similarly, during his interview with ‘Ash-Sharq al-Awsat’, he issued a Fatwâ that the army, the police, and the civil forces within the state do not take the ruling of At-Tâ’ifah al-Mumtani’ah, which the Jamâ’ah used to obligate fighting against. Rather, he went even further than that within the interview and said that the international challenges which the ruler presently faces has excused him from not implementing some of the rulings of the Sharî’ah.”<sup>577</sup>

### e) The Response

In response to this series of retractions and reversals in methodology by Al-Jamâ’ah al-Islâmiyyah, numerous knowledge-based refutations were produced by our leading Jihâdî scholars and some of our major students of knowledge.<sup>578</sup> Some of the responses towards the group’s retractions were initially lenient while the majority of the leadership of Al-Jamâ’ah al-

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<sup>576</sup> “Ash-Sharq al-Awsat”, no. #8,996, Wednesday, 17<sup>th</sup> of Jumâdâ al-Ûlâ, 1424 H.

<sup>577</sup> “Ash-Sharq al-Awsat”, no. #8,995, Tuesday, 16<sup>th</sup> of Jumâdâ al-Ûlâ, 1424 H.

<sup>578</sup> Some of the booklets which were released during this period were:

- i) “Ra’yul-Jamâ’ah al-Islâmiyyah al-Muqâtilah Hawl Mubâdarat Waqf al-‘Amal al-Musallah Fî Misr” (“The Opinion of Al-Jamâ’ah al-Islâmiyyah al-Muqâtilah Regarding the Initiative to Stop Armed Action in Egypt”), by Shaykh ‘Umar ar-Râshid, official spokesman of al-Jamâ’ah al-Islâmiyyah al-Muqâtilah al-Lîbiyyah
- ii) “Mubâdarat al-Jamâ’ah al-Islâmiyyah: l’tirâfun Bil-Khata’ Am Inhiyâr?” (“The Initiative of Al-Jamâ’ah al-Islâmiyyah: An Admission of Errors or a Downfall?”), by Shaykh Abû Basîr at-Tartûsî
- iii) “Al-Jamâ’ah al-Islâmiyyah wal-Murâja’ât: Ilâ Ayn?” (“Al-Jamâ’ah al-Islâmiyyah and the Revisions: To Where?”), by Shaykh Muhammad Mustafâ al-Muqri’
- iv) “Nidâ’un Ilâ Qiyâdât al-Jamâ’ah al-Islâmiyyah Fî Misr” (“A Call to the Leaders of Al-Jamâ’ah al-Islâmiyyah in Egypt”), by Shaykh Muhammad Khalîl al-Hakâymah
- v) “Bayn an-Nass wal-Maslahah: ‘Awdun Ilâ al-Bada’” (“Between the Text and the Benefits: Returning Back to the Start”) and “Murâja’ât Hawl al-Murâja’ât” (“Revisions Regarding the Revisions”), by Shaykh ‘Abd al-Âkhir Hammâd al-Ghunaymî
- VI) “Al-Manhaj ath-Thawrî wal-Manhaj al-Islâhî: Yatakâmalân Am Yatasâdamân?” (“The Methodology of the Coup and the Methodology of the Rectification: Do They Complete One Another, or Do They Oppose One Another?”), by Shaykh Rifâ’î Ahmad Tâhâ

Islâmiyyah were still imprisoned, because it was assumed that most likely this was a result of the physical torture they were experiencing inside.

However, when it became clear that most of the leadership who were eventually freed from prison continued to propagate these views and cooperate with the initiatives of the government's security agencies, several scathing refutations and rebukes were issued by our major Jihâdî scholars and students of knowledge.

And some of these will come in the next section, *In Shâ' Allâh*.

And with the majority of the group maintaining their stance, even after their release from prison, those members who had a desire to adhere to the original agenda of the group subsequently disassociated themselves from Al-Jamâ'ah al-Islâmiyyah and went on to lend their support to Al-Qâ'idah.<sup>579</sup>

One such leading member who did so, Shaykh Muhammad al-Hakâymah, رحمه الله,<sup>580</sup> who was interviewed in 1427 H. by As-Sahâb Organization for Media Productions, about the retractions of Al-Jamâ'ah al-Islâmiyyah:

**Q:** "In the midst of the trials and tribulations, which Al-Jamâ'ah al-Islâmiyyah in Egypt has gone through in recent years, retractions have come from some of the symbolic heads of the Jamâ'ah, so we hope from you with your characteristic as a leading member of this Jamâ'ah, to clarify to us the magnitude of these concessions and retractions, which some of the historical leaders have put forth."

**A:** "All praise is due to Allâh, the Lord of the Worlds and may the Blessings and Peace be upon the Master of the Messengers and upon his family and companions collectively.'

'I'd like to extend my gratitude to the brothers working within the Sahâb Organization for Media Publications. And I ask Allâh, بتورك وتعالى, to grant us and them success in what He loves and is pleased with.'

'With regards to your question, then I am sorry to say that the magnitude of the retractions, which some of the leaders of the Jamâ'ah have put forward are very great when compared to some of the concessions which other groups throughout history have put forward; even throughout the (entire) history of the Islâmic movements.'

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<sup>579</sup> "Some leaders of Egypt's Gamaa Islamiyya [*sic*] have joined Al-Qaeda, the terror organization's deputy head, Ayman al-Zawahiri [*sic*], said in a video aired on Al-Jazeera television over the weekend. In reaction, a former official of the Gamaa said on Sunday that even if some members of the Islamist group had joined Al-Qaeda it was unlikely that most would." – Lebanon's "The Daily Star", Monday, August 07, 2006

<sup>580</sup> The Shaykh embraced his martyrdom in 2008 as a result of a US drone attack in Northern Pakistan.

‘Because these retractions have become a model example, which anyone who wants to condemn or hold back the young Mujâhid men in our Islâmîc world.’

‘And if we were to follow the stages and levels of the concessions and retractions, which have taken place from those brothers who are retracting, we see that in the beginning the matter was a form of truce to cease fighting and then the stance evolved into addresses and announcements in which the brothers announced that they would never return to the Jihâd in the path of Allâh ever again. Then after that, they laid down fundamentals for these retractions in Sharî’ah-based research projects, in which they contradicted the fundamental ideology and methodology of the Jamâ’ah. Then after that, the senior brothers announced repeated addresses in which they claimed that each of the operations from the operations from the Mujâhidîn were not permitted in the Sharî’ah. Then they evolved these addresses into Sharî’ah-based research projects, to the point where the matter ended up upon the opinion that it is not allowed to fight the Jews and the Christians in any area of the world in our current era! And there is no strength and power, except in Allâh.”<sup>581</sup>

**Q:** “Do these retractions have to do with Sharî’ah-based and methodological fundamentals or are they merely differences in Fiqh, wherein differences of opinion are possible?”

**A:** “The new ideology, which was spoken about in the books of the brothers who are retracting, is a new ideology for a new Jamâ’ah other than Al-Jamâ’ah al-Islâmiyyah, which we have known for twenty-five years.’

‘Because Al-Jamâ’ah al-Islâmiyyah has research projects which specified its ideological methodology and specified its Sharî’ah-based fundamentals, which were based upon this ideology. And these research projects were approved by the virtuous Dr. ‘Umar ‘Abd ar-Rahmân, may Allâh free him, and we presented these research projects to some of the council of senior scholars in Makkah al-Mukarramah in 1988 and they approved them. We presented them in the form of Masters and Doctoral Dissertations, then those scholars approved them and they gave them legitimacy.’

‘So it is incorrect for those brothers to come now and change this methodology and its confirmed fundamentals, which were agreed upon by the Jamâ’ah.’

‘Then, this new ideology – I believe that even up until this moment, it has never been presented to all of the leaders of the Jamâ’ah, as many of them are absent from these research projects or they have not been given the opportunity to offer their opinions regarding them.’

**Q:** “What is your stance towards these retractions as one of the leaders?”

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<sup>581</sup> The phrase: “*Wa Lâ Halwa Wâ Lâ Quwwâtâ illâ billâh* (And there is no strength and no power, except in Allâh)”, here is an expression of exasperation, intended by the Shaykh to punctuate how silly a concept this conclusion of the Jamâ’ah is.

**A:** “If the Jamâ’ah is trying to resolve the problem and this difference of opinion in order to reach a solution which would be agreed upon, whereby the truce with the government would be accepted in order for its sons to be freed from the prisons of the American agents in Egypt, then through the help of Allâh, عز وجل, we would never accept to turn back from the Jihâd in the path of Allâh, nor from our basic fundamentals, through which we aim to establish an Islâmic Khilâfah upon the methodology of the Prophethood, even for the amount of a fingernail!’

‘And we stress (the importance of) the Jihâd against the Tawâghît and the agents and the great criminals within the Crusader-Zionist war, and that it is not possible for Al-Jamâ’ah al-Islâmiyyah to ever accept apologizing for the heroic actions, by which Allâh made them noble, such as the killing of the agents of the Jews, Anwar as-Sâdât and the rest of its sources of pride in the Jihâd in the path of Allâh.’

‘And whoever wants to apologize for that, then let him apologize, but (let him do so) far away from the name of Al-Jamâ’ah al-Islâmiyyah, and let him not speak on its behalf in any way.”

**Q:** “Are there any of the historical leaders of the Jamâ’ah who have objected to these retractions?”

**A:** “Yes, many of the founding leaders of the Jamâ’ah have objected, even many of the brothers who remain steadfast upon the methodology of the Jamâ’ah have agreed to openly oppose these retractions.’

‘As the leader of Al-Jamâ’ah al-Islâmiyyah, Dr. ‘Umar ‘Abd ar-Rahmân has removed his support for the initiative. And the original founder of the Jamâ’ah, the engineer, Salâh Hâshim wrote to us (outlining) his objections to these retractions, and that there must be some solution, then he was arrested.’

‘And the virtuous Shaykh, ‘Abd al-Âkhir Hammâd said that there are Sharî’ah-based errors which those brothers fell into in their research projects. (He said this in) a number of essays spread on the internet site ‘Al-Mahrûsah’.’

‘And the imprisoned Shaykh Rifâ’î Tâhâ, may Allâh remove his trials, recorded his objection to the initiative from the first moment.’

‘As for the Mujâhid Shaykh, Muhammad al-Islâmbûlî, then he released an address in which he condemned the announcements in the newspapers by the leaders who were retracting, and he released an address in the newspaper ‘Ash-Sharq al-Awsat’ on July 4<sup>th</sup>, 2002.’

‘And I have with me some of the paragraphs from this address, which I’ll read to you. The address says:

'It is not within the rights of the brothers who are imprisoned – with my extreme regard for their status – to take the likes of these important decisions within the history of the Jamâ'ah, from ideological retractions without taking council from their brothers on the outside and without an approval of the Dr. 'Umar 'Abd ar-Rahmân. And based upon this, I say – and I am certain – that the announcements, which the leaders in prison have released, express (the opinion of) the one saying them (only) and they do not express (the opinion of) the Jamâ'ah, because they (only) represent a part of the leadership."

## **2. The Shaykhs 'Alî al-Khudhayr, Nâsir al-Fahd and Ahmad al-Khâlid in the Arabian Peninsula**

### **a) The History**

All three of the Shaykhs, 'Alî al-Khudhayr, Nâsir al-Fahd and Ahmad al-Khâlidî – may Allâh free them – were educated in the classical Islâmîc sciences within the land of the Two Holy Sanctuaries (i.e. the Kingdom of Saudi Arabia) and rose to prominence there as teachers and major scholars.

Shaykh 'Alî al-Khudhayr was born in 1374 H. in Riyâdh and began his Islâmîc studies in secondary school. He graduated from the Faculty of Usûl ad-Dîn in the University of Imâm Muhammad Ibn Saud in Al-Qasîm in 1403 H. and started teaching in the areas of Fiqh and the terminology of Hadîth 1405 H. The Shaykh studied under numerous teachers until he became a leading student of Imâm Hamûd Ibn 'Uqlâ' ash-Shu'aybî, رحمه الله. He continued studying under the tutelage of his teacher up until Imâm Hamûd's death in 2002. The Shaykh has written numerous books and essays, many of which were in support of the global Jihâd, and was particularly supportive of Al-Qâ'idah and the Tâlibân after the events of September 11<sup>th</sup>, 2001.

Shaykh Nâsir al-Fahd was born in 1388 H. in Riyâdh. He graduated from the Faculty of Sharî'ah in the University of Imâm Muhammad Ibn Saud in Riyâdh in 1412 H. He was employed as the Dean of the Faculty of Usûl ad-Dîn in the area of 'Aqîdah and the contemporary schools of thought. In 1995, the Shaykh was arrested along with several other outspoken scholars following a government round-up of militant Shaykhs in their response to the bombing of an American Military compound in Riyâdh, in November of that same year. The Shaykh remained imprisoned until 1998 when he was eventually released after spending more than three years behind bars.<sup>582</sup> This was the Shaykh's first taste of the prisons and the experiences therein at the hands of the Saudi regime.

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<sup>582</sup> "He was teaching Islamic law in Imam University in Riyadh until his imprisonment by the authorities in the years 1995-1998, following the bombings of the American barracks in Riyadh by an extremist Islamist group linked to Qa'idat al-Jihad in November 1995." – Global Research in International Affairs (GLORIA) Center (THE PROJECT FOR THE RESEARCH OF ISLAMIST MOVEMENTS (PRISM) PRISM SPECIAL DISPATCHES, Volume 1 (2003), Number 1 (May 2003)

Shaykh Ahmad al-Khâlidî was born in 1389 H. and was raised in Kuwait. In 1413 H. he emigrated from Kuwait to Madînah and eventually settled in the city of Al-Ahsâ' in 1421 H. The Shaykh studied under numerous teachers and excelled in many of the Islâmîc sciences until becoming a student and contemporary of Shaykh 'Alî al-Khudhayr. Shaykh Alî said about him: "The Shaykh Ahmad Ibn Hamûd al-Khâlidî is from the most virtuous Shaykhs. And I know him through interacting with him and companionship. And Allâh has bestowed upon him sure-sightedness and understanding in the science of Tawhîd and 'Aqîdah and other various sciences. And I was always eager with regard to his journals and his debates due to the understanding and knowledge that I would discover in them. And I have greatly benefitted from him. And likewise, I used to present my books to him to review and make notes upon, prior to their distribution. And that is a virtue from Allâh, which He bestows upon whomever He wills, and Allâh is the owner of great virtue. And from that which he excelled in – may Allâh grant him success – is the sorting through the fundamentals and referring the unique aspects of knowledge back to those fundamentals. And this is from the etiquette of approaching knowledge by the correct ways. And likewise, I noticed from his placing value upon the evidence of the Book and the Sunnah, and the statements of the Sahâbah and the Salaf and not drifting away from them, and not having blameworthy (traits of) blind-following in matters of Fiqh. And I encourage my Muslim brothers to read his books and to learn and study with him."<sup>583</sup>

## b) The Methodology

After the events of September 11<sup>th</sup>, 2001, and the US-led invasion of Afghanistan which resulted in the apparent defeat of the Tâlibân, the obvious and firm allegiance of the Saudi state with its American partners in their 'War on Terror' became too much for many religiously committed young men in the Kingdom to ignore. And with the March 20<sup>th</sup>, 2003 US-led invasion of Iraq, this growing resentment and contempt towards the Saudi regime – the staunch US allies, began boiling over. During this period, our Shaykhs – 'Alî al-Khudhayr, Nâsir al-Fahd and Ahmad al-Khâlidî, may Allâh free them – were easily the most outspoken scholars within the Kingdom in clarifying the apostasy of this regime and condoning attacks against it as well as the disbelieving American influences within the state.

Among the books and essays, which emerged from our three Shaykhs during this period were:

- i) "At-Tibyân Fî Kufri Man A'ân al-Amrîkân" ("The Exposition Regarding the Disbelief of Those Who Assist the Americans"), by Shaykh Nâsir al-Fahd
- ii) "Hukm Qitâl as-Salîbîyîn Tahta Râyât at-Tâghût Saddâm" ("The Ruling of Fighting the Crusaders Beneath the Banner of the Tâghût, Saddâm"), by Shaykh 'Alî al-Khudhayr
- iii) "Risâlatun Ilâ Amîr al-Mu'minîn Wa Man Yarâhu Min al-Mujâhidîn" ("A Letter to the Chief of the Believers, and Those Who Consider Him Such, From the Mujâhidîn"), by Shaykh Ahmad al-Khâlidî

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<sup>583</sup> Summarized from "Nabthatun 'An al-Mashâyikh 'Alî al-Khudhayr – Nâsir al-Fahd – Ahmad al-Khalidî"

- iv) “Wantaqalat al-Ma’rakah Ilâ Ardih al-‘Irâq” (“And the Battle Moves to the Land of Iraq”), by Shaykh Ahmad al-Khâlîdî
- v) “Hukm Istikhdam Aslihat ad-Damâr ash-Shâmil Dhid al-Kuffâr” (“The Ruling of Using Weapons of Mass Destruction Against the Disbelievers”), by Shaykh Nâsir al-Fahd

And in a brief Fatwâ which was entitled “**The Message to the Security Agent**”, and signed by all three of the Shaykhs, they clarified the permissibility of fighting the state intelligence agents, as they said:

“In the Name of Allâh, the Beneficent, the Most Merciful...’

“All praise is due to Allâh, the Lord of all the Worlds. And may the Blessings and peace be upon the most noble of the Prophets and Messengers. To proceed...’

“The one who pays attention to the worldwide Crusader assault, which the powers of Kufr throughout the world are leading against Islâm and its people, can see that they have called upon all of their powers against the Mujâhidîn in the path of Allâh; those who fight so that the word of Allâh will be raised. They have begun to pursue them in all of the countries of the world. They kill a group of them and they imprison another (group) and they try through any means to put an end to them.’

“And verily the one who looks to our state of affairs today in the land of the peninsula; the peninsula of Islâm, the country of the Two Noble Sanctuaries and the residence of the Prophet, صلى الله عليه وسلم, and his companions, will notice that the general intelligence has taken part in this worldwide Crusader assault with every strength, as it has amassed its men to pursue the Mujâhidîn in order to restrict them and to spy upon them. And it has arrested many of them and is still pursuing others. And the Jihâd in the path of Allâh and fighting the international powers of Kufr, or supporting the Mujâhidîn and their activities, or collecting money for them had become a crime, due to which the Muslim can be pursued and imprisoned, despite the fact that they have not (even) fought against the Crusaders and the disbelievers except out of responding to the command of Allâh, glory be to Him, and following Al-Mustafâ, may the blessings of Allâh and His peace be upon him, and (out of following) his companions, may Allâh be pleased with them, after him, and those who fought the disbelievers and the polytheists.’

“And those Mujâhidîn have been oppressed and it is from their rights to defend themselves against those who transgress against them. And for what crime should he be pursued, imprisoned and have the people of his home be terrorized?’

“And is the Jihâd in the path of Allâh, or supporting the Mujâhidîn – which is from the most obligatory obligations and from the greatest (means) of drawing one near (to Allâh), especially when the assault of the Crusaders has become so harsh against the Muslims – (now considered) a crime?’

“And the evidences of the Sharî’ah have indicated the permissibility of the Muslim defending against those who transgress against him wrongfully.’

“As it has come in Sahîh Muslim from Abû Hurayrah, رضي الله عنه, who said: ‘A man came to the Messenger of Allâh, صلى الله عليه وسلم, and said, ‘O Messenger of Allâh, what do you see if a man comes and wants to seize my wealth?’ He said: *‘Do not give him your wealth.’* He said: ‘What do you see if he fights me?’ He said: *‘Fight him.’* He said: ‘What do you see if he kills me?’ He said: *‘Then you are a martyr.’* He said: ‘What do you see if I kill him?’ He said: *‘He is in the fire.’*’

“So if this is regarding wealth, then what do you think if it were due to his life or repelling a Fitnah off of him with regards to his religion and his family?’

“And from Sa’îd Ibn Zayd, رضي الله عنه, from the Prophet, صلى الله عليه وسلم, who said: *“Whoever is killed in defence of his wealth, then he is a martyr. And whoever is killed in defence of his family, or in defence of his blood or in defence of his religion, then he is a martyr.”* – Narrated by Ahmad and the people of the Sunan. And At-Tirmithî said, ‘It is Hasan Sahîh.’

“And in Sahîh Muslim, also from ‘Anbasah Ibn Abî Sufyân – and he was the governor of Mu’âwiyah, رضي الله عنه, over At-Tâ’if – when he wanted to seize some land of ‘Abd Allâh Ibn ‘Amr Ibn al-Âs, رضي الله عنه, he prepared himself to fight him and he ordered his servants to take their weapons, and said: ‘Verily, I heard the Messenger, صلى الله عليه وسلم, saying: *‘Whoever is killed in defence of his wealth, then he is a martyr.’* – And Al-Bukhârî narrated the Marfû’ (i.e. completed chain) part of it.’

“And Ibn Hazm, رحمه الله, narrated this Hadîth in ‘Al-Muhallâ’ (11/98) from the path of ‘Abd ar-Razzâq from Mu’ammâr from Ayyûb from Abû Qulâbah who said: ‘Mu’âwiyah Ibn Abî Sufyân sent one of his employees to seize ‘Al-Waht’.<sup>584</sup> So that (news) reached ‘Abd Allâh Ibn ‘Amr Ibn al-Âs, so he, his servants and his workers put on their weapons. And he said: ‘Verily, I heard the Messenger of Allâh, صلى الله عليه وسلم, saying: *‘Whoever is killed in defence of his wealth, while oppressed, then he is a martyr.’*’

“Until he said: ‘Abû Muhammad, رحمه الله – meaning Ibn Hazm – said: ‘So this was ‘Abd Allâh Ibn ‘Amr Ibn al-Âs, the exemplary companion, while in the presence of the remaining Sahâbah, wanting to fight ‘Anbasah Ibn Abî Sufyân, the employee of his brother, Mu’âwiyah, the Amîr al-Mu’minîn, when he ordered him to seize ‘Al-Waht’. And ‘Abd Allâh Ibn ‘Amr saw that taking it was obligatory and Mu’âwiyah, رضي الله عنه, would not have taken it due to clear oppression, but

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<sup>584</sup> ‘Al-Waht’ is a flat lowland used for growing specific trees and crops. It is said that it was land owned by ‘Amr Ibn al-Âs near at-Tâ’if and it is also said that it was an area of at-Tâ’if.

he wanted that due to a matter which he interpreted (was justified) without doubt. And ‘Abd Allâh Ibn ‘Amr saw that this was not justified, so he wore the weapons in order to fight and there was no one from the Sahâbah – may Allâh be pleased with them – who objected to that.’

“And here we want to clarify the ruling of this allegiance to the international Crusader assault against the Mujâhidîn, as a clarification to the Ummah, an exoneration of any blame and as an advice to the rational ones from the intelligence agents. (We do so) in hopes that they will repent to Allâh and abandon this work of theirs before a soul will say: ﴿ *Alas, my grief that I was undutiful to Allâh.* ﴾ So we say:

“Verily, pursuing the Mujâhidîn in the path of Allâh, due to their Jihâd or their support of the Jihâd, tracking them, arresting them and the likes of that is from the greatest types of support for the Crusaders against them. And whoever supports the Crusaders against the Mujâhidîn with any type of support, whether it is through writing declarations against them, spying upon them, informing upon them, tracking them, arresting them, interrogating them and the likes of that – then he is a disbeliever, apostate from the religion of Allâh, even if he prays, pays the Zakât, fasts, says the two Shahâdahs and claims that he is Muslim.’

“And is there any greater help for the disbelievers in their Crusader assault than this (type of) help? And is there any greater service for the Tâghût of this era; America, than this service?”

“Because America was not able to curtail the Jihâd in the path of Allâh, to arrest some of the Mujâhidîn, to gather information about them, to besiege many of them, to cut off the donations from them, and freeze the wealth of many of the people of goodness, except due to the likes of what those ones are committing?”

“And the evidences that this matter is disbelief and apostasy from the religion of Allâh are very many, and the statements of the people of knowledge in the approval of this issue are Mutawâtir (i.e. often-narrated), and here are some of them:

“Ibn Hazm, رحمه الله, said in ‘Al-Muhallâ’ (11/138): ‘It is correct that His, تعالى, statement: ﴿ *And if any amongst you takes them as Awliyâ’, then surely he is one of them* ﴾ is only upon its outward appearance in that he is a disbeliever from the general group of the disbelievers. And this is a truth about which no two Muslims differ upon.’

“And the Shaykh, Muhammad Ibn ‘Abd al-Wahhâb, رحمه الله, said in ‘Nawâqidh al-Islâm’ (‘Ad-Durur’, 10/92): ‘**The Eighth Nullification:** Supporting the Polytheists and Helping Them Against the Muslims. And the evidence is His, تعالى, statement: ﴿ *And if any amongst you takes them as Awliyâ’, then surely he is one of them. Verily, Allâh guides not those people who are the Thâlimûn.* ﴾ (Al-Mâ’idah, 51)

“And he, رحمه الله, also said (‘Ad-Durur’, 10/8): ‘And know that the evidence for Takfir for the righteous Muslim – if he associates with Allâh or becomes (allied) with the polytheists against the Muwâhhidîn (i.e. those upon Tawhîd), even if he did not associate – are more than can be counted from the words of Allâh, the words of His Messenger and the words of all of the people of knowledge.’

“And the Shaykh Sulaymân Ibn ‘Abdillâh Ibn Ash-Shaykh Muhammad Ibn ‘Abd al-Wahhâb, رحمه الله, said in the beginning of the book ‘Ad-Dalâ’il’ (‘Ad-Durur’, 8/121): ‘Know, may Allâh be merciful to you, that if the person shows compliance to the polytheists upon their religion, out of fear from them, politeness, or flattery in order to repel their evil, then he is a disbeliever like them – even if he hates their religion and despises them and loves Islâm and the Muslims. This is (even) if nothing took place from him except that. So how about if he was in a state of fortification <sup>585</sup> and he entered into their obedience and displayed compliance upon their false religion, helped them with support and wealth, formed allegiance with them and cut off the allegiance between himself and the Muslims and became from the soldiers of the domes <sup>586</sup> and Shirk and its people after he was from the soldiers of sincerity, Tawhîd and its people? Then no Muslim would doubt that this one is a disbeliever from the harshest people in enmity towards Allâh and His Messenger, صلى الله عليه وسلم, and no one is an exception to that except for the compelled one. And he is the one whom the polytheists overpower and then they say to him: ‘Disbelieve or do such-and-such, otherwise we will do such-and-such and kill you,’ then they take him and torture him until he complies with them. So it is allowed for him to comply with the tongue, while the heart is tranquil with faith. And the scholars have formed consensus upon whoever speaks disbelief jokingly, then he has disbelieved. So how about the one who displays disbelief out of fear and aspirations of this worldly life? And I will mention some of the evidences for that through the help of Allâh and His support.’ Then he mentioned twenty-one evidences.’

“And the Shaykh, ‘Abd ar-Rahmân Ibn Hasan Âl ash-Shaykh said (‘Al-Mawrid al-‘Athb az-Zilâl, from within ‘Al-Qawl al-Fasl an-Nafîs’, Pg. 237-238): ‘So from their greatest – meaning the nullifications of Tawhîd – are three matters.’ Then he said: **The Third Matter:** Allegiance to the polytheist and inclining towards him, supporting and helping him with the hand, the tongue or the wealth, as He, تعالى, said: ﴿ **So never be a supporter of the disbelievers.** ﴾ (Al-Qasas, from verse 86) And He said: ﴿ **It is only as regards those who fought against you on account of religion, and have driven you out of your homes, and helped to drive you out, that Allâh forbids you to befriend them. And whosoever will befriend them, then such are the Thâlimûn.** ﴾ (Al-Mumtahinah, 9) And this is an address from Allâh, تعالى, to the believers from this Ummah. So look, O listener, where you fall with regards to this address and the rulings of these verses.’

<sup>585</sup> Meaning that he is in the Islâmic State where he is protected from the disbelievers and their coercion.

<sup>586</sup> Referring to the dome-shaped monuments over graves, which were worshipped.

“And he also said (‘Ad-Durur’, 8/190): ‘And Allâh, تعالی, has obligated disavowal from Shirk and the polytheists, disbelief in them and enmity towards them and hating them and waging Jihâd against them. ﴿ **But those who did wrong changed the word from that which had been told to them for another...** ﴾ (Al-Baqarah, from verse 59) Yet, they formed allegiances with them, helped them, supported them and sought their help against the believers. And they hated them and insulted them because of that (i.e. the believers’ faith). And all of these matters nullify Islâm, as the Book and the Sunnah have indicated in (numerous) places. And the scholars, may Allâh be merciful to them, mentioned that in the books of Tafsîr, Fiqh and elsewhere. And according to those ones and their likes (i.e. those who formed allegiance with the disbelievers), they remain upon the religion which they were originally upon (i.e. Islâm), and never left it. And this is not something strange, as the Noble Qur’ân clarified that this condition is the way of their type, as it is in His, تعالی, statement: ﴿ **A group He has guided, and a group deserved to be in error; (because) surely they took the Shayâtin (devils) as Awliyâ’ instead of Allâh, and consider that they are guided.** ﴾ (Al-A’râf, 30)’

“And the Shaykh ‘Abd al-Latîf Ibn ‘Abd ar-Rahmân Ibn Hasan Âl ash-Shaykh (d. 1293 H.) said (‘Ad-Durur’, 8/324-326): ‘And that which came in the Qur’ân from the forbiddance and the extreme harshness regarding forming allegiances with them and being their allies is an evidence that the fundamental of fundamentals has no integrity nor any stability except through severing ties with the enemies of Allâh, waging war and Jihâd against them, and disavowal from them, and drawing nearer to Allâh through anger towards them and insulting them. And He, تعالی, when He made the ties of allegiance between the believers and informed (them) that the disbelievers are allies of one another, He said: ﴿ **If you (Muslims of the whole world collectively) do not do so (i.e. become allies), there will be Fitnah and oppression on earth, and a great mischief and corruption.** ﴾ (Al-Anfâl, from verse 73) And is the Fitnah anything other than Shirk? And the great corruption is the unravelling the ties of Tawhîd and Islâm and the severing of that which the Qur’ân perfected from the rulings and the organization.’ Then he mentioned some of the verses, which forbid taking the disbelievers as allies. Then he said: ‘So the one who is sincere to himself should contemplate these Noble Verses and should look for what the scholars of Tafsîr and the people of knowledge have said in their interpretation. And he should look at what has taken place from most of the people today. So it would become clear (to him) – if he is granted success and direction – that it deals with those who have abandoned Jihâd against them, remained silent about their faults and offered peace to them. So how about those who have assisted them or dragged them to the countries of the people of Islâm or praised them or declared them to be more just than the people of Islâm and chose their states as well as living with them and their allegiance and loves for them to be dominant? Verily, this is clear apostasy by agreement. He, تعالی, said: ﴿ **And whosoever disbelieves in Faith, then fruitless is his work, and in the Hereafter he will be among the losers.** ﴾ (Al-Mâ’idah, from verse 5)’

“And the Shaykh Hamad Ibn ‘Atîq, رحمه الله, said in ‘Ad-Difâ’ an-Ahl as-Sunnah wal-‘Ittibâ’ (Pg. 31): ‘Verily, helping the polytheists and pointing out to them the vulnerabilities of the Muslims, defending them with the tongue, or being pleased with that which they are upon; all of these are causes for disbelief. So whoever these come from – without the aforementioned compulsion – then he is an apostate, even if along with that he hates the disbelievers and loves the Muslims.’

“And he also said in ‘Sabîl an-Najât wal-Fikâk’ (Pg. 89): ‘Know that demonstrating compliance with the polytheists has three (possible) states.’ Then he said: **The Second Point:** That he complies with them outwardly while inwardly he resists, while he is not under their authority. Rather, all that made him do so was either aspire towards authority or wealth, or being excessively concerned for the nation or family, or fear about what will happen in the future. So in this condition, he would be an apostate and he would not be benefitted for his inner hatred of them.’

“And the Shaykh, ‘Abd Allâh Ibn ‘Abd al-Latîf Âl ash-Shaykh was asked, as it is in ‘Ad-Durur as-Saniyyah’, (8/422) about the difference between forming lesser allegiance with the disbelievers (Muwâlât) and forming a major allegiance (Tawallî).<sup>587</sup> So he answered: ‘Tawallî is disbelief, which removes one from the religion, such as defending them, assisting them financially, physically and ideological support. And the Muwâlât is a major sin, from the major sins, such as filling an inkwell, sharpening a pencil or smiling at them if a whip is raised up against them.’

“And he also said, regarding helping the polytheists against the Muslims (10/429): ‘And whoever persuades them and helps them against the Muslims with any form of support, then this is clear apostasy.’

“And Shaykh ‘Abd al-‘Azîz Ibn Bâz, رحمه الله, said in his Fatâwâ (1/274): ‘And the scholars of Islâm have formed consensus regarding that anyone who supports the disbelievers against the Muslims or assists them with any form of assistance, then he is a disbeliever like them, as Allâh, سبحانه, said: ﴿ **O you who believe! Take not the Jews and the Christians as Awliyâ’, they are but Awliyâ’ to one another. And if any amongst you takes them as Awliyâ’, then surely he is one of them. Verily, Allâh guides not those people who are the Thâlimûn.** ﴾ (Al-Mâ’idah, 51)’

“And the jurist of Al-Maghrib, Abul-Hasan ‘Alî Ibn ‘Abd as-Salâm at-Tasûlî al-Mâlikî, (d. 1311 H.) was asked, as it was mentioned in ‘Ajwibat at-Tasûlî ‘alâ Masâ’il al-Amîr ‘Abd al-Qâdir al-Jazâ’irî’ (Pg. 210), about some of the Algerian tribes which refused to respond to the call of Jihâd, and they used to inform the French about some of the matters of the Muslims, and they possibly

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<sup>587</sup> **Tawallî:** For the majority of scholars who divided allegiance into major and minor forms, the major form is generally referred to as Tawallî, while the minor forms were referred to as Muwâlât. This differentiation is especially prevalent in the writings of the Imâms of the Najdî Da’wah. For some examples, look to “Ad-Dalâ’il Fî Hukm Muwâlât Ahl al-Ishrâk”, pages 112-119, published in English by “At-Tibyân Publications”.

fought alongside the French Christians against the people of Islâm. He answered: ‘That which the aforementioned people have been described with obligates fighting them, just like the disbelievers who they ally themselves with. And whoever forms allegiance with the disbelievers, then he is from them. He, تعالیٰ, has said: ﴿ **O you who believe! Take not the Jews and the Christians as Awliyâ’, they are but Awliyâ’ to one another. And if any amongst you takes them as Awliyâ’, then surely he is one of them.** ﴾ But if they had not inclined towards the disbelievers, nor eager in their regard, nor informed them about the matters of the Muslims, nor displayed anything from that, rather if all that came from them was resistance to the call (of Jihâd), then they would (only) be fought with the (type of) fighting against the rebels.’<sup>588</sup>

“And Shaykh Ahmad Shâkir said in a lengthy Fatwâ of his (‘Kalimatu Haqq’, Pg. 126-137) beneath the title: ‘Bayân Ilâ al-Ummah al-Misriyyah Khâssah, wa Ilâ al-Umam al-‘Arabiyyah wal-Islâmiyyah ‘Âmmah’, regarding the ruling upon cooperating with the English or the French during their transgression against the Muslims:

“And regarding cooperation with the British, be it any type of cooperation, whether minute or great, then it is an extreme apostasy and obvious Kufr. No excuse is accepted for it, nor any false interpretation, nor does idiotic nationalism, infringing politics, nor hypocritical flattery save one from this ruling, whether this occurs amongst individuals, governments, or leaders. All of them are equal in Kufr and apostasy, except the one who was ignorant and mistaken then realized his matter, repented and followed the path of the believers. Those ones; hopefully Allâh will accept their repentance, if they are whole-heartedly sincere to Allâh, not for political reasons, nor for the (sake of the) people.’ Until he said:

“So let every Muslim know, wherever they are in the world, that if he cooperates with Islâm's enemies, the Muslims' enslavers – the British and French, their allies and likes, in any form of cooperation, or makes peace with them so that he does not wage war against them as much as capable, never mind supporting them by statement or action against his brothers in faith – if he does any of what was mentioned, and then performs the prayer, his prayer is void! Or if he purifies himself by Wudhû’ or Ghusl or Tayammum, then his purification is void! Or if he fasts an obligatory fast or voluntary one, his fast is void! Or performs Hajj, his Hajj is void, or gives obligatory Zakât or voluntary charity, his Zakât and charity is void and rejected! Or worships his Lord in any form of worship, then his worship is void and rejected! He has no reward in any of those actions; rather he has (only) blame and sin... So let every Muslim and Muslimah know, that those who fight against their religion and support their enemies, whoever marries one of them, then the marriage is void from the beginning! It cannot be legitimized, and none of the results of marriage comes into effect such as lineage, inheritance, etc. And whoever was married, his marriage is also void. And whoever repents amongst them, returning to his Lord and religion, waging war against his enemy, supporting his nation, then the woman whom he

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<sup>588</sup> Meaning they would still have been fought for their refusal to comply with the order to take part in the Jihâd, but not as apostates, rather only as rebellious Muslims who collectively refused to fulfill their obligation.

married during his apostasy and the woman who was married to him when he apostated are not wives to him, and are not under his authority! If he wants them back, it is necessary to renew the marriage by making a new, correct, legal (Shar'î) marriage contract, as is elementary (and) obvious.' – Until the end of what he said. And it is a lengthy, valuable Fatwâ.'

"So look at yourself, O slave of Allâh, and do not be fooled by the life of this world. Because, by Allâh, the rank and the wages will not benefit you when you stand in front of the Lord of the Worlds. And from the people of the most losing transaction is the one who sold his Hereafter for the worldly-life of someone else. And nothing will accompany you to your grave except for your deeds.'

"And, by Allâh, if the Arab man loses his religion, then chivalry and Arabism would make him refuse to be led by the Crusaders against those of his (own) race. And he would refuse to transgress against the secure ones and terrorize their families. And it was said to Abû Jahl – and he was the Pharaoh of this Ummah – 'Why don't you attack Muhammad in the middle of the night?' – in other words, you ambush him in his home, and this is what is called a 'raid' – so he replied: 'Verily, I hate that the Arabs would say that I have terrorized the daughters of Muhammad.'

"Do you accept that Abû Jahl would be more chivalrous and masculine than you?"

"We ask Allâh, سبحانه, to guide the Muslims who have gone astray and to rectify their conditions, to give support to the Mujâhidîn in His path, and to keep their feet steadfast, just as we ask Him, سبحانه, to humiliate the disbelievers and their helpers and to show us, regarding them, the wonders of His power. And may Allâh send blessings and peace upon our Prophet, Muhammad and upon his family and his companions collectively.'

Signed by:

'Alî Ibn Khudhayr al-Khudhayr

Nâsir Ibn Hamad al-Fahd

Ahmad Ibn Hamûd al-Khâlidî

During the period when our three Shaykhs were most active in issuing their Fatâwa and communiqués, kidnappings and executions of American agents and collaborators took place within the Kingdom, as well as armed skirmishes with the Saudi security agents. This gave way to large-scale Martyrdom operations against Saudi and American installations and even firefights, in the streets of Riyadh, and other major cities, between the Mujâhidîn and the Saudi military.

During one of these battles, our Shaykh, the Shahîd, Yûsuf al-'Uyâyri, رحمه الله – another outspoken Jihâdî scholar from the Kingdom – embraced his martyrdom.<sup>589</sup>

This growing armed Islâmîc resistance within the Kingdom led to the formation of Al-Qâ'idah in the Arabian Peninsula, as the Kingdom began developing its own domestic insurgency.

On May 12<sup>th</sup> of 2003, a large-scale martyrdom operation was carried out against a residential compound in Riyâdh housing American, British and European foreign workers.<sup>590</sup> The response of the Saudi regime to this growing threat was to arrest the outspoken scholars who were openly preaching in favour of this uprising. During this period, the Shaykhs, 'Alî al-Khudhayr, Nâsir al-Fahd and Ahmad al-Khâlîdî went into hiding to avoid being arrested.

### c) The Arrests and the Trials of Prison

Then in May, 2003 during a raid on a villa in Al-Madînah and brief skirmish with Saudi security forces, the Shaykhs were arrested along with nine other brothers. It was initially reported that some or all of the Shaykhs had been killed during the arrest. This turned out to be untrue.<sup>591</sup>

What took place to our Shaykhs while in the custody of the Saudi Security officials remains uncertain, but there is no doubt that they were subjected to many of the techniques discussed in Chapter 9. However, it is known that physical beatings and various other forms of torture are commonplace within Saudi prisons – even for petty criminals – so what would one expect the state to do with prisoners who challenge its very legitimacy and were accused of calling for the Muslim masses of that country to resist them and their security forces for their crimes against Islâm and their apostasy?<sup>592</sup> And Allâh knows best.

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<sup>589</sup> "Al-Riyâdh Newspaper" reported that on Saturday, 30/3/1424, ten kilometres North East of the city of Turbah on the Hâ'il Lînah road, Shaykh Yûsuf al-'Uyâyri along with our brother, 'Abd Allâh ash-Shabrimî were spotted in a Toyota SUV by the state security forces during a routine patrol. When stopped, the driver and passenger fled, and during a brief car chase, the occupants of the SUV tossed a grenade at the security agents, killing two and wounding two others. When the security agents returned fire, Shaykh Yûsuf al-'Uyâyri, was martyred and brother 'Abd Allâh was captured and arrested. (Look to Monday, the 2<sup>nd</sup> of Rabî ath-Thani, 1424 H. No. 12,764)

<sup>590</sup> Look to "**Shock And Fear In Riyadh: Residents Pick Up The Pieces After Saudi Bombings**" by Bootie Cosgrove-Mather, CBS news, RIYADH, Saudi Arabia, May 14, 2003

<sup>591</sup> "Prince Naif announces arrest of 11 terrorist suspects" – SAMIRAD, Tabuk, Saudi Arabia, May 28<sup>th</sup>, 2003

<sup>592</sup> "Beatings and other forms of ill-treatment in Saudi prisons are far more common than the single incident captured in the video. In November, several prisoners at al-Ha'ir prison told Human Rights Watch that guards regularly beat them as punishment for perceived transgressions. One prisoner told Human Rights Watch: 'I got into a fight. The guards came and beat us all. They made us lie down and beat us; they broke sticks on our backs.'"

"Guards often beat prisoners collectively, regardless of who was responsible for the perceived transgression, prisoners said. "Last month, a prisoner had an argument with a guard," another prisoner told Human Rights Watch. "The guard brought everyone from the wing outside and beat them."

#### d) The Retractions

And then nothing was heard from the Shaykhs until weeks later when the three Shaykhs appeared on Saudi-state television being interviewed by ‘Â’idh al-Qarnî.<sup>593</sup> The first interview was with Shaykh Alî al-Khudhayr and aired on Monday, the 22<sup>nd</sup> of Ramadhân, 1424 H. corresponding to Monday, November 17<sup>th</sup>, 2003 G. This broadcast was followed by the interview with Shaykh Nâsir al-Fahd on Saturday, the 27<sup>th</sup> of Ramadhân, 1424 H. corresponding to November 22<sup>nd</sup>, 2003. And finally Shaykh Ahmad al-Khâlidi’s interview was seen on Saturday the 19<sup>th</sup> of Shawwâl 1424 H. corresponding to Saturday, December 13<sup>th</sup> 2003 G. All three interviews took place in the form of questions and answers, scripted to showcase the Shaykhs’ supposed recantation of their previously-held opinions and a retraction of their prior support for the resistance against the state security forces.

For instance, in the interview<sup>594</sup> with:

- **Shaykh ‘Alî al-Khudhayr**

**Q:** “O Shaykh, you have a Fatwâ regarding repelling the attacker, and from it is fighting him and confronting and resisting the security forces. What do you see regarding this Fatwâ?”

**A:** “Of course, this Fatwâ, the mistake (of it) has been made clear. It has been made clear that this Fatwâ was mistaken.”

**Q:** “Meaning, a mistake?”

**A:** “Yes, a mistake.”

**Q:** “You have retracted it?”

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“Several other prisoners said guards had suspended them above the ground for prolonged periods. ‘If a prisoner complains about anything he is beaten,’ said a third prisoner. ‘They also hang us by handcuffs with our feet suspended, or take our blankets.” – Human Rights Watch: “Saudi Arabia: New Video Confirms Torture in Prison” (April 26, 2007)

<sup>593</sup> The irony of a man like ‘Â’idh al-Qarnî conducting these interviews is not lost on those of us who observed the ‘Sahwah al-Islâmiyyah’ (The Islâmic Awakening) within Saudi Arabia in the 1990s. Al-Qarnî along with other Islâmic Reform scholars who criticised the then-Saudi regime were likewise imprisoned by the state during that period, only to emerge later resembling nothing of their former selves. So seeing the Saudi state use a broken and passive former-‘radical’ to conduct an interrogation-style interview of the new generation of their imprisoned scholars, is as sad as it is ironic.

<sup>594</sup> Bear in mind that these excerpts are transcriptions from verbal interviews, so the flow and coherence of each sentence might be somewhat staggered and interrupted, due these statements being in the form of transcribed dialogue as opposed to being written.

**A:** “I have retracted it. And perhaps this can be the message while the brothers are listening to it; a clear message of retracting this Fatwâ. And Ibn al-Munthir <sup>595</sup> has said that it is like a consensus amongst Ahl as-Sunnah Wal-Jamâ’ah that if the Sultân requests a person or wants a person, that he may not resist. So this is not included in the Hadîth: “Whoever is killed in defence of his wealth” <sup>596</sup> because the Sultân is an exception, as Ibn al-Munthir said.” <sup>597</sup>

**Q:** “You have seen an essay by Muhammad al-Maqdisî in the book “Askar as-Sultân”. <sup>598</sup> What is your opinion regarding this essay?”

**A:** “I have seen an essay of his, which were actually a number of essays and a number of notebooks. And the young men have been greatly affected by them. And this notebook and essay, he wrote it on the premise that the members of the military or the army and all of those who are attributed to the security (forces), then he is included or it is said that his ruling is the (same) ruling of the ruler, so they are Tughât like him. And there is no doubt that this is a mistake and a generalization, and they do not have evidence in this issue, because the basis of protection remains and the basis of Islâm remains. So what we believe is that this Fatwâ is a mistake and the young men should not read it, because it leads to mistaken ways of looking at things which are not from the methodology of Ahl as-Sunnah Wal-Jamâ’ah.”

**Q:** “Meaning, I understand from you, O Shaykh, that the military and the security forces in general are Muslims, (and) it is forbidden to fight them, and you retract the previous Fatwâ which was that of repelling the attacker?”

**A:** “It is forbidden to fight them, without doubt.”

- **Shaykh Nâsir Ibn Hamad al-Fahd**

And likewise, in the interview with Shaykh Nâsir al-Fahd:

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<sup>595</sup> This was mentioned by As-San’ânî in “Subul as-Salâm”, Vol. 7/84-83, publication of “Dâr Ibn al-Jawzî”; Saudi Arabia, 2<sup>nd</sup> Edition, 1421 H. with the Tahqîq of Muhammad Subhî Hasan Hallâq. It was also mentioned by Ash-Shawkânî in “Nayl al-Awtâr”, Vol. 5/367 and al-Mubârakfûrî in “Tuhfat al-Ahwathî Bi-Sharh Jâmi’ at-Tirmithî”, Vol. 4/680

<sup>596</sup> Referring to the Hadîth of ‘Abd Allâh Ibn ‘Amr Ibn al-‘Âs, رضي الله عنهما, who said: “I heard the Messenger of Allâh, صلى الله عليه وسلم, saying: ‘Whoever is killed in defence of his wealth, then he is a martyr.’” Narrated by Al-Bukhârî in his “Sahîh”, (#2,480) and Muslim in his “Sahîh”, (#141)

<sup>597</sup> For a detailed explanation as to why the statement of Ibn al-Munthir is not applicable or accepted in this situation, look to the articles by Shaykh ‘Abd Allâh Ibn Nâsir ar-Rashîd in “Sawt al-Jihâd” magazine, Issue #5/Pg. 30-31, Issue #6/Pg. 32-33, and Issue #9/Pg. 30-32

<sup>598</sup> The book being referred to is not “Askar as-Sultân”, rather it is either the book “Kashf Shubuhât al-Mujâdilîn ‘An ‘Asâkir ash-Shirki Wa Ansâr al-Qawânîn” or the set of essays entitled “Hiwârun Bayna ‘Asâkir at-Tawhîd Wa ‘Asâkir ash-Shirki wat-Tandîf”. And the author is not Muhammad al-Maqdisî, rather it is Shaykh Abû Muhammad ‘Âsim Ibn Muhammad Ibn Tâhir al-Maqdisî. So not only did the questioner not know the correct name of the book, he did not even know the author’s correct name.

**Q:** “Now, O Shaykh, while you are in your absolute (free) will and conviction regarding these words, do you regret any statements which you said in the past or Fatâwâ which came from you?”

**A:** “Yes, yes. There are, meaning, many Fatâwâ and declarations, in which there was, in which there was, meaning, unrestrained zeal and in them there was over-generalization. And in them there were matters, meaning, we ourselves made mistakes and there were matters in them which the people made mistakes regarding our understanding. Because to begin with, we over-generalized and spoke about matters, and in reality we did not know...meaning, that the conditions would reach to what they reached to. But, all praise is due to Allâh, the matters... Allâh, سبحانه وتعالى, consolidates the matters for wisdoms which we may know and we may not know. And from the benefits is that it clarified for us these mistakes. Due to that, I consider myself to have retracted many of the Fatâwâ and matters which you have mentioned previously.”

**Q:** “O Shaykh: The soldier, with us, the military person, the security member is a Muslim?”

**A:** “Yes.”

**Q:** “Nothing removes him from Islâm except a (matter of) Kufr.”

**A:** “Yes.”

**Q:** “So some of the people who perform these actions say that this is from the category of repelling the attacker.”

**A:** “Yes.”

**Q:** “In other words, if he attacks us and we attack him. Repelling the attacker... He is used as a shield, he is killed... What is the ruling of this, and what is your opinion regarding this statement?”

**A:** “Of course, the soldier is Muslim as long as he is from the Muslims and he testifies to *Lâ Ilâha Illâ Allâh*. And as it is in the authentic Hadîth, from Anas Ibn Mâlik, رضي الله عنه, that the Messenger, صلى الله عليه وسلم, said: “Whoever prays our prayer, faces our Qiblah and eats our slaughter, then that is the Muslim.”<sup>599</sup> So as long as he is like that, then he is a Muslim. As for killing him with the argument of repelling the attacker and the likes, then Ibn al-Munthir, رحمه الله, mentioned that the scholars are like they have formed consensus that the Sultân is an

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<sup>599</sup> This Hadîth was narrated by al-Bukhârî in his “Sahîh”, (#391)

exception in the category of repelling the attacker. Meaning that even if the Sultân attacks against him, he is given an exception and he is not repelled. Yes.”

- **Shaykh Ahmad Ibn Hamûd al-Khâlidi**

And similarly, in the interview with Shaykh Ahmad al-Khâlidi:

**Q:** “You know about the interview with Shaykh al-Khudhayr and Shaykh al-Fahd, and you have retractions on this topic. But before this I will hear from you what you have benefitted through this experience which you have gone through; the experience of being mistaken then being guided to what is correct.”

**A:** “In the Name of Allâh the Most Beneficent, the Most Merciful. All praise is due to Allâh, and He is Sufficient, and may the Peace be upon His slaves whom He chose. To proceed:

“There is no doubt that the human is a design which is prone to mistakes and a place for lapses to emerge from, except he whom Allâh, عز وجل, shows Mercy to. Because the human has been composed of two materials: the material of oppression and (the material of) ignorance, except he whom Allâh, سبحانه وتعالى, shows Mercy to. And as the Prophet, صلى الله عليه وسلم, said: “*All of the Children of Âdam make mistakes. And the best of those who make mistakes are those who repent.*”<sup>600</sup> And there is no doubt that it has become clear from some of the Fatâwâ which were issued, especially the Fatwâ of ‘Repelling the Attacker’, that the mistake, the lapse and being away from the true nature (of the current state of affairs) and reality. And it was in a fractional matter, but it was widened. And it became clear to us through this experience and, that this Ijtihâd was mistaken and it did not comply with what was correct from every point. Then, the benefit which you mentioned, and it was the basis for the question, there is no doubt that if the person sits with himself and takes account of himself; he comes to know with certain knowledge what he did before and what he put forth before. And this is what Allâh, عز وجل, ordered for the individual to look at what his hands have put forth then account himself. So the time of prison was a time of accounting; self-reflection, and also the events that followed which descended suddenly upon the Muslims. These made the person review himself and examine his condition and the reality of his situation, his fundamentals and his Hereafter. So it became clear to us through this experience that there is a mistake and a lapse which were committed. We ask Allâh to excuse us and (we ask Him) for well-being. And we ask Allâh to keep us and the rest of the Muslims away from evil trials; what is apparent from them and what is hidden. So from

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<sup>600</sup> This Hadîth was narrated by at-Tirmithî, Ibn Mâjah, Ahmad, ad-Dârimî and a number of others. The scholars have differed regarding its authenticity. Some have labelled it as high “Sahîh”, such as al-Hâkim, in “Al-Mustadrak ‘Alas-Sahîhayn”, (#7,698) and Ibn al-Qattân in “Al-Wahm wal-îhâm”, Vol. 5/414. Some declared it “Hasan”, such as Muhammad Ibn Ahmad Ibn Jâr Allâh as-Sa’dî in “An-Nawâfih al-‘Atirah”, #255 and al-Albânî in “Sahîh at-Tirmithî”, (#2,499) Some have even declared as low as Munkar, such as Imâm Ahmad, as mentioned in “Al-Muntakhab Min al-‘Ilal lil-Khallâl”, Pg. 92, and Abû Ahmad al-Hâkim al-Kabîr, in “Al-Asâmi wal-Kunâ”, Vol. 4/81

this, we benefited (by realizing) that the person should not perform something until he looks at the good and the evil that are in it, also the sincere advisor. Or he should seek advice from the virtuous Shaykhs and the senior scholars so that he does not fall into the likes of this (mistake).”

**Q:** “Very good. Now, O Shaykh, the issue of repelling of the attacker. You have a Fatwâ regarding it. And it includes, for example, the security person and the military (person) in general?”

**A:** “Yes. It was kind of general, and it also digressed to include the intelligence agents.”

**Q:** “And as a way of reminder, meaning, now you see that his blood is protected and that he is a Muslim?”

**A:** “There is no doubt about this. Even we, from before, but I said that this was a fractional matter, which is the repelling of the attacker. It is a matter which is frequently dealt with in the books of Fiqh...”

**Q:** “And you retract it?”

**A:** “...but we retract this fractional matter, which is the repelling of the attacker, and by whom was meant the intelligence agents or, or others.”

**Q:** “Do you have any previous book, essay or Fatwâ which you retract?”

**A:** “Yes. We mentioned the Fatwâ, and it is the repelling of the attacker which I mentioned not long ago. And there is no doubt that we retracted this in the beginning days, but it was not possible for us to write (about it) due to the conditions of the area.”

### **e) The Response**

These particular ‘retractions’ were seen by almost every single scholar, senior student of knowledge and even political analyst, as completely disingenuous. In fact even non-Muslim commentators referred to these broadcast interviews as being ‘forced’ and ‘coerced’, due to the obvious implications of these apparent 180° turn-arounds in the Shaykh’s stated positions.  
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<sup>601</sup> “Saudi Arabian officials decried al-Qa’ida’s actions in the United States, and have captured and killed operatives, arrested more than 600 suspects, forced key clerical figures to recant their radical views on television, recalled more than 1,400 imams who were counselled on their divergent opinions, and took a variety of measures to diminish the financial support of terrorist organizations.” – “Saudi Arabia: Islamic Threat, Political Reform, and the Global War on Terror”, Pg. 19

And in an article from “Sawt al-Jihâd” Magazine, entitled: “**Who Is The One Retracting?**”, Shaykh Yahyâ Ibn Zâyd Âl Zâyd wrote:

“All praise is due to Allâh, the Lord of all the worlds. And may the blessings and peace be upon the most noble of the Prophets and the Messengers, our Prophet Muhammad and upon his family and companions all together. To proceed...”

“I read a transcribed text of the confessions, which the media outlets of Salûl<sup>602</sup> broadcast days ago from some of our imprisoned brothers, may Allâh release them. And which the media drummed out and trumpeted. And since, by broadcasting it, it will achieve a media victory and it does not know that he is only fooling the people with it and proving the extent of weakness to which this Tâghûtî government has reached and gives a very clear indication that these media (exhaling) breaths are merely the last, which will be breathed in the chest of this small state, by the permission of Allâh.”

“Allâh has blinded Âl Salûl from (the fact) that their American masters made their media voices hoarse and inflated their throats and it is trying, with what it was given from stupidity to extinguish the light of Allâh with their mouths ﴿ **And Allah refuses except to complete His light, even though the disbelievers hate it.** ﴾ This along with what they were given from deep-rooted experience in the Satanic media and knowledge of whisperings (of evil), which increased over the decades. Yet despite that, they were like the Munbatt (i.e. one who gets cut off from completing his journey); he does not pass over any land nor does he leave his riding animal intact.”<sup>603</sup>

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<sup>602</sup> The term “Salûl” in place of “Sa’ûd” here is a mocking reference to the Chief of the Hypocrites, ‘Abd Allâh Ibn Ubay as-Salûl. And it is common to see some of our Jihâdî scholars and leading students of knowledge referring to “Âl Sa’ûd” (“The House of Sa’ûd” i.e. the Saudi Royal Family) as “Âl Salûl” in many of their essays and contemporary commentaries. And this is not unlike the renaming of Abul-Hakam (i.e. “The Father of Wisdom”) as he was called by the Makkan Arabs – who called him such because of his intelligence – with the name Abû Jahl (i.e. “The Father of Ignorance”), which was given to him by the Prophet, صلى الله عليه وسلم, who called him such because of his Kufr.

<sup>603</sup> Meaning that if a person pushes through his journey without stopping to rest and not taking into account the long term consequences of that, he will eventually impair his animal from going any further, so despite the initial gains of going faster, he eventually ends up with nothing. [Look to “An-Nihâyah Fî Gharîb al-Hadîth wal-Athar”, Vol. 1/92] And this is a reference to the Hadîth of Jâbir Ibn ‘Abdillâh, رضي الله عنه, that the Messenger of Allâh, صلى الله عليه وسلم, said: “*Verily, this religion is strong, so gently go deep into it. And do not make the worship of your Lord hated to you, as the Munbatt does not complete any travel, nor keep his riding animal intact.*” Narrated by Al-Bayhaqî in “As-Sunan al-Kubrâ”, Vol. 3/18, Al-Bazzâr in his “Musnad”, (#74) and others. It is also narrated with lengthier narrations. All of the narrations of this Hadîth have been declared weak. [Look to “Silsilat al-Ahâdîth adh-Dha’îfah”, (#2,480).]

“So how severe is the stupidity of this small state when it attempted, by means of its gullible media, to achieve what the former ones were unable to – those who passed before them, in attempting and failing?”

“I was fighting back laughter while I was reading these recantations, by which Âl Salûl attempted to convince the people of their truthfulness and their transparency, etc. They, the ones who attained with the lying and deceit and deception that (level), which Iblîs himself did not attain.”

“Even though the people are not in need, and to Allâh is the praise, for anyone to convince them of the falsehood of that alleged truthfulness...”

“So it is obviously clear in those recantations, and the likes of them, from two points:

**“The First:**

“The fact that they (i.e. the recantations) are never confirmed, except by recordings, and it is impossible that it would be confirmed plainly in full-view of the people. And this is so that the spin of this staged script, which the government wants to force upon the imprisoned brothers, may Allâh free them, to put forth (remains in their control) so that no result or expression would be seen upon their faces that could expose the months of torture and torment, which they experienced in the prisons prior to their appearance in the media outlets.”

**“The Second:**

“The fact that the brothers who appeared (in these broadcasts) from the prisoners, are under the control of the Tâghûtî establishment. And this destroys any consideration of any words or any actions, which may take place from them during their imprisonment. And this is from that which the intelligent ones from the human race have formed consensus upon. And I do not think that it is hidden to anyone; the level to which the lowness and degeneration, which the prisons of this small state (would sink to), to the point where it surpassed many of its miniscule types (i.e. other insignificant sates like it) throughout the corners of the world. This is from one point.”

“And from another point, Âl Sulûl tries, through these recantations, to affirm that they have revealed dangerous and important intelligence and that they are in control of the matter, etc. And they, and all praise is due to Allâh, do not exceed their power which Allâh put them in, ﴿**Verily, they are like cattle. Rather, they are even more astray from the path...**﴾ and failures and misguidance will remain stuck to them, by the permission of Allâh, just as their shadows are.”

“Âl Sulûl has focused upon points in the recantations with which they try to demean the Mujâhidîn and distort their image.”

“And they, in general, are not except for:

- i) “Issues that are neither blameworthy, nor praiseworthy. But they (i.e. the media) could not find an insult (towards the Mujâhidîn) nor an opportunity for distortion, so they mentioned it (i.e. these alleged criticisms) and exaggerated the importance of their value and added to them whatever the incident required from fabricated commentary, flavours and colours.”
- ii) “Or (on the other hand) it could be a clear lie, which they fabricated. And this is their habit, which they inherited Tâghût-to-Tâghût.”

“And both of the (above) issues are evidence for their bankruptcy, because if they had anything in their quivers besides this arrow, they would have shot it and they will not conceal anything that they have the ability to do. So as long as this is all they have, then they have nothing. And to Allâh is the praise.”<sup>604</sup>

### **3. Shaykh ‘Abd al-Qâdir Ibn ‘Abd al-‘Azîz (a.k.a. Sayyid Imâm ‘Abd al-‘Azîz ash-Sharîf)**

The subject of Shaykh ‘Abd al-Qâdir – may Allâh free him – is one example where the ambiguity of his present condition makes it very difficult to offer clear analysis.

#### **a) The History**

The Shaykh, Sayyid Imâm ‘Abd al-‘Azîz Ash-Sharîf was born in August of 1950, in the city of Banî Suwayf, in southern Egypt. He sought knowledge and memorized the Book of Allâh when he was a child, and began writing in his youth. He graduated from the Faculty of Medicine in Cairo, in 1974 G. with excellent grades and top honours, and went on to work as a vice-chairman in the Surgical Branch in the College of Ophthalmology.

In addition to his medical career, the Shaykh was once a leading member of Jamâ’at al-Jihâd,<sup>605</sup>

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<sup>604</sup> “Sawt al-Jihâd Magazine”, Pg. 23-24, Issue #26, Sha’bân, 1425 H.

<sup>605</sup> According to some, he was initially their leader with Shaykh Ayman al-Thawâhirî as his second-in-command. For instance, Dr. Hânî as-Sibâ’î said:

“And Dr. Ayman was amongst those who travelled to Afghanistan. Some individuals had travelled there ahead of him who had fled prior to 1981, such as Dr. Sayyid Imâm, who was known as ‘Abd al-Qâdir Ibn ‘Abd al-‘Azîz, the author of the book ‘Talab al-‘Ilm ash-Sharîf’. And the engineer, Muhammad, the close friend of Dr. Ayman had originally fled, yet his name was mentioned in the case of ‘Tanthîm al-Jihâd’, but if he were present, he would have

an Egyptian militant group who – like Jamâ'ah al-Islâmiyyah – was dedicated to the formation of an Islâmic state in Egypt and the overthrow its criminal, apostate regimes of the late 1980s and 1990s. He was accused of conspiring in the assassination of plot to kill Anwar as-Sâdât in the year 1981, but he was able to escape from Egypt to Pakistan. He became the director of the Kuwaiti Al-Hilâl Hospital in Peshawar, Pakistan and married a Palestinian woman, from whom he had four sons and one daughter. He then married a Yemeni woman from the city of Ebb, from whom he has one daughter.

He fled from Pakistan when the Pakistani government began arresting the well-known Arabs in Peshawar in the year 1993, and he headed for Sudan and stayed there until settling in Yemen at the end of the War of Independence. He worked in the hospital of the General Revolution in the city of Ebb, south of the capital Sanâ - as a volunteer without salary; and later he worked in the special Dâr Ash-Shifâ' Hospital. And he remained in Yemen until being kidnapped in 2001 and rendered back to Egypt where, in April 1999, he had been sentenced *in absentia* by an Egyptian court to life imprisonment in the case of “Those Who Returned From Albania” – a land which he never visited.<sup>606</sup>

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been found innocent (anyway). After Saudi, Dr. Ayman travelled to Afghanistan and worked there in the hospitals along the border in Peshawar, due to his specialty as a surgeon. And while there, he interacted and met with others within the hospitals in which he worked, whether it was in the hospitals of the Kuwaiti Red Crescent in Pakistan, or the field hospitals within Afghanistan.'

“That allowed for him to meet people, some of whom were well-known and others who were unknown. They met and said that it is a must to revive the ‘Tanthîm’ again, and the best thing to do would be the benefit from the war in Afghanistan. Because how could the likes of this war take place while we do not benefit from it, especially considering the fact that the ideology of Jamâ'at al-Jihâd was one of overthrowing (a government)? And he believed that it was a must for the planning to be long-term.’

“The first thing that they did was to gather their ranks and select an Amîr. And that was Dr. Sayyid Imâm. From those present were Dr. Ayman ath-Thawâhirî, ‘Abd al-‘Azîz al-Jamal, Ahmad Salâmah Mabrûk, and it is also said that Muhammad ‘Abd ar-Rahîm ash-Sharqâwî was (also) present. And he was an engineer who hid in the (same) shed where ‘Isâm al-Qamarî was, when he escaped prison. He travelled to Afghanistan, but left Jamâ'at al-Jihâd after some disagreements in 1989-1990 and remained on his own. But he was arrested despite the fact that he was married to a Pakistani woman and held Pakistani citizenship, and was sent (back) to Egypt.’

“And Dr. Sayyid Imâm was selected as the Amîr and they gave him the designate (name) of ‘Abd al-Qâdir Ibn ‘Abd al-‘Azîz. And it is also possible that the reason was that they did not want the people to know the real Amîr, based upon what took place in the Abbasid state when the people gave Bay’ah to a person based on the fact that he was from Ahl al-Bayt (i.e. the lineage of the Prophet): Âl ar-Ridhâ; yet it was not known (specifically) who he was. And the Amîr himself, Sayyid Imâm, wanted the work to be secret. So what was well-known at that time was that it was Dr. Ayman. And the people used to go to him and give him Bay’ah under the assumption that he was the Amîr. Many went to him and gave Bay’ah while not knowing that he wasn’t the Amîr. They assumed that he was the Amîr because his name became well-known because of the trials. His along with our brother, the officer, Ahmad al-Qurayfânî, as they both knew the English language very well and would speak to the media outlets regarding the issue of (Jamâ'at) al-Jihâd and its position regarding the peace between Egypt and Israel. So that became well-known from both of them.” [“Qissat Jamâ'at al-Jihâd”, Pg. 14-15]

<sup>606</sup> More details of the Shaykh’s arrest will be mentioned shortly, in an upcoming section, *In Shâ' Allâh*.

As a scholar, he is primarily known for two particular books, which were generally very influential upon the modern Jihâdî movements, including senior members of who later became Al-Qâ'idah. The first of them was "Al-'Umdah Fî I'dâd Al-'Uddah Lil Jihâd Fî Sabîlillâhi Ta'âla", which was published in 1988.

This particular book dealt very comprehensively with such topics as "Sincerity and Seeking (Allâh's) Reward", the "Ruling Upon the Military Training for the Muslims", "Leadership", the "Obligations Upon the Leader", and the "Obligations Upon the Members",<sup>607</sup> and it quickly gained a very respected status among the Mujâhidîn – both as groups and as individual members. And due to its range of topics and the focus presented in the book, several Jihâdî groups used it as a manual for their military training camps. And it is truly an excellent book for its many outstanding points and explanations.<sup>608</sup>

His second book, "Al-Jâmi Fî Talab al-'Ilm ash-Sharîf", published in 1993, was larger than "Al-'Umdah" and concentrated more on the methodology for seeking knowledge and the sources and areas to focus upon, at the various academic levels, for the students of Islâmîc knowledge. In laying out the fundamental guidelines for seeking knowledge, the Shaykh – may Allâh free him – delved into numerous important contemporary issues, most of which centred around (or were peripheral to) certain Jihâd-oriented topics.

These included issues such as ruling by other than the Sharî'ah, the rulings upon the governments, military and police who works for such governments, matters related to Takfîr, both collectively and individually, and included refutations of scholars – both past and present – and certain contemporary groups and movements.

This book is the source of some controversies.

Firstly, when this book was originally published<sup>609</sup> it marked the latter stages of the Shaykh's falling out with Jamâ'at al-Jihâd. In his introduction to "Al-Jâmi'", the Shaykh – may Allâh free him – accuses Jamâ'at al-Jihâd of numerous lies, fabrications and even their wholesale theft and redistribution of his manuscript of "Al-Jâmi'" under the name "Al-Hâdî ilâ Sabîl ar-Rashâd Fî Ma'âlim al-Jihâdi wal-I'tiqâd". This introduction contains somewhat troubling accusations and traces of obvious resentment and mistrust of Jamâ'at al-Jihâd by the author, and there are

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<sup>607</sup> As summarized by the Shaykh, himself on Pg. 6 of his Introduction to "Al-'Umdah"

<sup>608</sup> And we from At-Tibyân Publications have translated and published some of its chapters into the English language, due to what we saw from the beneficial points therein.

<sup>609</sup> We've used the word "published" here because the book was printed in a limited and informal 2-volume set and distributed among many of leading Jihâdî groups in the 1990s, although it was never officially printed by a major publication company. And subsequently a second edition of the book was produced in Thil-Hijjah, 1415 H., which reached an even broader base of readers. Those who have seen this edition will recognize it by its blue cover and large typeface. Since that time, most of the editions of "Al-Jâmi'" have been duplicated copies and print-outs of the 2<sup>nd</sup> Edition manuscript.

some insights into a clear and growing rift between him and the subsequent leadership of that group.<sup>610</sup>

Secondly, there are chapters within “Al-Jâmi’”, where the Shaykh expressed opinions and took certain positions about topics, which were largely refuted by other leading Jihâdî scholars. We should point out that this is not altogether uncommon in-and-of-itself, and it is not unusual to find scholars, who specialize in the same fields of study, disagreeing with one another regarding specific issues. However, those who are familiar with the Shaykh’s writing style will almost universally acknowledge that he is a very persuasive writer, using firm and definitive language, which seems to compel the beginning-level students of knowledge to adopt those opinions taken by the author. In fact, his persuasive writing style coupled with the fact that he gained such a wide audience with the Jihâdî youth, due to his excellent book “Al-‘Umdah”, led other leading Jihâdî scholars to offer some critiques, corrections and even refutations against some of the Shaykh’s claims and opinions in “Al-Jâmi’”, especially when some of those matters lead to a kind of extremism, which some of them based upon the Shaykh’s writings.

For instance, Shaykh Abû Yahyâ al-Lîbî – may Allâh preserve him – wrote a lengthy essay refuting the Shaykh’s claim in the consensus (Ijmâ’) upon the specific, individual Takfîr (Takfîr Mu’ayan) of each-and-every soldier, policemen or security agent of an apostate regime.<sup>611</sup> In addition to this claimed consensus, Shaykh ‘Abd al-Qâdir – may Allâh free him – referred to this consensus as “Ijmâ’ Qat’î”, which is a level of consensus that whoever disbelieves in this ruling would himself, disbelieve.<sup>612</sup>

And in his introduction to this essay, the Shaykh, Abû Yahyâ al-Lîbî – may Allâh preserve him – said:

“And likewise we were forced to comment on this evidence – the claim of the Qat’î Ijmâ’ – specifically, in addition to the errors and overstatements is what we saw and experienced (first-hand) from the negative effects, which they produced amongst the young men. And that goes back to the pattern of absolute and categorical phrases, which he worded it with, and it is a (writing) style that was repeated often throughout the book. (This is from) that which led to its being taken advantage of by extremists – groups and individuals – to the point that it became a canopy beneath which they would gather, and a refuge and a support with which they would

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<sup>610</sup> So much so, that the Shaykh – may Allâh free him – completely disassociates himself from them, much less being one of their founding or leading members. Look to “Al-Jâmi’ Fî Talab al-‘Ilm ash-Sharîf”, Vol. 1/8-13

<sup>611</sup> Whereas many other leading Jihâdî scholars consider them to belong to a Tâ’ifah al-Mumtani’ah (a collective group resisting the Shar’ah), which are to be treated according to the Islâmic ruling upon that group, but not necessarily as specific individual apostates. And although this distinction is an important one, and the issue itself deserves detailed discussions and evidence to be evaluated, this is not then place to digress into that particular topic.

<sup>612</sup> Essentially making this claimed consensus to be equal to the Ijmâ’ regarding the obligation of the five daily prayers, for example.

strengthen their base, and by which they would fortify their falsehood and lies. And they would slander (others) and spread their misguided ideologies and deviant schools of thought.’

“This, while we have certain knowledge that the author never wanted that, nor did he intend it, nor does he (himself) agree with them or support them in their broad, unrestricted, and reckless (statements). And I’m sorry to say that the issue of this evidence (i.e. the usage of the claimed consensus) influenced some of the good people and trickled down to them such that they began to consider this matter – the ruling upon the supporters of the apostate rulers (i.e. policemen, soldiers etc.) – to be from those which allegiance and disavowal were based upon and that there was no room to put forth any alternate opinion regarding that. And it became (in their minds) one of the clear and unambiguous issues, by which the Murji’<sup>613</sup> was pointed out from the others. And he would begin to wave the evidence of the supposed Qat’î ljmâ’ in the face of anyone who contradicted him in this ruling.’

“But if we argue with the Shaykh, ‘Abd al-Qâdir Ibn ‘Abd al-‘Azîz in this issue, then that does not mean at all that our argument should be considered one of criticism or detraction of him or his aforementioned book. Rather, the first and most fundamental goal is to clarify the truth which has become clear to us, and that is based upon advising him along with the general population of the Muslims.”<sup>614</sup>

## b) The Methodology

Yet, despite these controversies, the Shaykh’s writings were generally very well received among the Jihâdî scholars in our time and one cannot ignore the benefits from these books overall. And due to the numerous benefits of these detailed works by the Shaykh, some of our contemporary scholars wrote brief introductions and approving phrases about the Shaykh and his material.

### i) Shaykh Abû Muhammad al-Maqdisî

The Shaykh, may Allâh preserve him, was asked:

**Question:** “What is your opinion about the great book ‘Al-Jâmi’”, by Shaykh ‘Abd al-Qâdir Ibn ‘Abd al-‘Azîz, and does he really have extremism in some areas? Of course this question would be valid if you had read it – I mean the book. And may Allâh reward you with goodness?”

**So the Shaykh Answered:** “With regards to the book ‘Al-Jâmi’”, then I have read its second volume and I had some notes upon it, which I collected in an essay called ‘An-Nukat al-Lawâmi’ Fî Malhûthât al-Jâmi’”. And the book ‘Al-Jâmi’” is generally a good book on methodology, which

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<sup>613</sup> **Murji’î:** An individual from the Murji’ah sect; those who separated actions from îmân and held that a Muslim does not leave Islâm through any action.

<sup>614</sup> “Natharât Fil-ljmâ’ al-Qat’î”, Pg. 3-4

we advise to be read and relied upon in seeking knowledge, while taking note of the points that we mentioned. And we know the author personally and he is a virtuous brother, whom we pay all love and respect to. And we do not believe that he is from the extremists in Takfîr, but every steed has his missteps and in this book of his, there were some missteps, which we made notes of.”<sup>615</sup>

**ii) Shaykh Ayman al-Thawâhirî**

In his introduction to the section mentioning the contemporary scholars who have benefited, supported or participated alongside the Mujâhidîn, the Shaykh – may Allâh preserve him – referred to Shaykh ‘Abd al-Qâdir saying:

“The Shaykh, ‘Abd al-Qâdir Ibn ‘Abd al-‘Azîz, may Allâh free him. And he had good releases before his condition changed. And from his releases, was the book ‘Al-‘Umdah’, and it is a book, which is generally beneficial and the Mujâhidîn benefited from it. And he (also) has his book ‘Al-Jâmi’’, and in it there were beneficial, useful research topics, but there were mistakes in it, some of which I pointed out in the notes upon the methodology of the ‘Wathîqah’, and perfection is for Allâh alone.”<sup>616</sup>

**iii) Abû Mus’ab as-Sûrî**

And when discussing the stages of the Jihâdî phenomenon and the influences upon it, the Shaykh mentioned some of the publications of Jamâ’at al-Jihâd, and specifically the writings of Shaykh ‘Abd al-Qâdir, saying:

“And the Egyptian Jamâ’at al-Jihâd published a number of important research projects and it culminated that with the great book ‘Al-Umdah Fî l’dâd al-‘Uddah’, by its Shaykh, ‘Abd al-Qâdir Ibn ‘Abd al-Azîz, may Allâh free him. And perhaps this book was from the most important book of the Afghan Arabs. And it filled a great developmental void within the Arab military camps at that time. And it remained one of the most important books of the Jihâdî movement.”<sup>617</sup>

After the events of September 11<sup>th</sup>, 2001 the Shaykh – who by that time had almost completely disappeared as an influential figure among the Jihâdî groups, and who had moved to Yemen and disassociated himself from any group – wrote a small treatise entitled “Hâthâ Bayânun lin-Nâs: Al-Irhâb Min al-Islâm Wa Man Ankara Thâlika Faqad Kafar” (“This is an Address to the People: Terrorism is From Islâm and Whoever Denies That has Disbelieved”).

**c) The Arrests and the Trials of Prison**

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<sup>615</sup> From his online website: <http://tawhed.ws/r?i=vc3rrmia>

<sup>616</sup> “At-Tabri’ah”, 2/3/42

<sup>617</sup> “Da’wat al-Muqâwamah al-Islâmiyyah al-‘Âlamiyyah”, Pg. 718

In October of 2001, the Shaykh was kidnapped away from his family by the Yemeni Security Forces and secretly held in Sanâ, without charges, without access to a lawyer and without trial, for three years until eventually being rendered to the Egyptian government's custody, in February of 2004. He has been in their custody since that time.<sup>618</sup>

#### d) The Retractions

Then in November of 2007, excerpts from a book called "Wathîqat Tarshîd al-'Amal al-Jihâdî Fî Misr wal-Âlam" which was attributed to the Shaykh, began surfacing in certain state-owned and state-sympathetic Egyptian newspapers.<sup>619</sup> These newspaper articles alleged that the Shaykh had written this book behind bars as a "guidance" towards the Mujâhidîn.

This essay is essentially a combination of:

- Criticisms towards Mujâhidîn groups and certain Jihâdî operations in Egypt and worldwide; particularly those attributed to Al-Qâ'idah,
- An absolution of its (alleged) author in what he wrote previously and how he did not intend these writings to be understood by those Jihâdî groups who used them and relied upon them in their operations,
- Clarification on what the author's true views on the state of Jihâd,
- A lengthy and detailed explanation on why the Muslims are too weak to engage in military Jihâd against their enemies and a plea to give up this effort.

However, unlike the former examples of Jamâ'ah al-Islâmiyyah or our three Shaykhs from the Arabian Peninsula, the author (or authors) of the "Wathîqah" document claims that it is neither a retraction, nor a recantation of his former views; rather the author(s) claim that these views are – and always were – the views of the Shaykh, including the period when both aforementioned influential books were written. And based upon this fact, it is slightly more difficult to classify this to be a retraction when the author(s) claim that the Shaykh never believed any differently than what has come from him recently. Therefore, the reader would be justified to ask the following question:

- **Point: How Are These Considered to be Retractions?**

The contradictions between the writings of the Shaykh in "Al-'Umdah" and "Al-Jâmi'" on the one hand, and what has been attributed to him in "Al-Wathîqah" or "At-Tarshîd" document on the other hand, do not take the form of direct recantations of specific previously issued

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<sup>618</sup> Look to "Ghost: Sayyid Imam Abd al-Aziz al-Sharif" by our brothers at "Caged Prisoners" and "Trade-Off: The Rendition to Egypt of Sayyid Imam al-Sharif, 'Issam Shu'aib, Khalifa Bidaiwi al-Sayyid al-Badawi, Ali' Abd al-Rahim, 'Uthman al-Samman, and 'Abd al-'Aziz Musa Dawud al-Gamal", by Human Rights Watch, May 9<sup>th</sup>, 2005

<sup>619</sup> Look to "Al-Jarîdah" Newspaper, Issues no. 145 - 159, starting on Sunday, November 18<sup>th</sup>, 2007 and concluding on Tuesday, December 4<sup>th</sup>, 2007

statements or previously held opinions. So you will not find statements in “Al-Wathîqah” where the Shaykh says: “I used to say such-and-such, but now I reject this and instead I say such-and-such.” Instead, the inconsistencies between the original writings and those which have been attributed to him, are far more subtle and they mostly manifest themselves in the contradictory application of principles and fundamental concepts and the rulings derived from them.

In Shâ’ Allâh, we will demonstrate this with the following single example:

- **The Issue of “Ability” (Al-Qudrah)**

The most prominent theme found within Shaykh ‘Abd al-Qâdir’s book “Al-‘Umdah Fî l’-dâd al-‘Uddah” is the importance and obligatory nature of performing Jihâd and the steps towards achieving that objective. In addressing this issue, the Shaykh delved into the subject of “Ability” (Al-Qudrah), which is from the prerequisites for the obligation of performing any obligatory act in Islâm.<sup>620</sup> In addressing this topic, the Shaykh refuted numerous doubts and misconceptions surrounding the excuses of those who say: “We are weak as an Ummah, and therefore unable to confront our enemy, and so Jihâd is not obligatory upon us.” He wrote:

“And here, the following question should present itself to all of us: How can it be possible for us to fulfill the obligation of Jihâd, while we are in this state of weakness and division, with a (total) lack of strategy? And the answer is His, تعالی, statement: ﴿ **And obey Allâh and His Messenger, and do not dispute (with one another) lest you lose courage and your strength depart, and be patient.** ﴾ [Al-Anfâl, 46] And His, تعالی, statement: ﴿ **And make ready against them all you can of power.** ﴾ [Al-Anfâl, 60] And Ibn Taymiyyah, رحمه الله, said: ‘...just as it is obligatory to prepare for Jihâd by preparing strength and steeds of war, in the time where it (the obligation of Jihâd) has fallen, due to inability, as whatever the obligation cannot be fulfilled without, is (itself) obligatory.’ [“Majmû’ al-Fatâwâ”, Vol. 28/259] So the answer to the earlier question is that the fulfillment of the obligation of Jihâd would take place through preparation. That is the preparation which Allâh, تعالی, made a criterion between the believer and the hypocrite in His, تعالی, statement: ﴿ **And if they had intended to march out, certainly, they would have made some preparation for it, but Allâh was averse to their being sent forth, so He made them lag behind, and it was said (to them), ‘Sit you among those who sit (at home).’** ﴾ [At-Tawbah, 46] And this obligatory preparation is the point of this essay; the essay ‘Al-‘Umdah Fî l’-dâd al-‘Uddah.”<sup>621</sup>

<sup>620</sup> Similar to how reaching the age of maturity is a prerequisite for an individual to be held accountable regarding the performance of those obligatory duties.

<sup>621</sup> “Al-‘Umdah Fî l’-dâd Al-‘Uddah Lil Jihâd Fî Sabîllillâhi Ta’âla”, Pg. 4-5

And even while addressing an individual who is legitimately excused from the obligation of participating in Jihâd, due to inability or other than that, the Shaykh emphasized the obligation of him inciting and encouraging his brothers to participate, saying:

“The one who is unable to perform Jihâd, then it is upon him to incite others, due to His, تعالى, statement: ﴿ **Then fight in the Cause of Allâh, you are not tasked (held responsible) except for yourself, and incite the believers.** ﴾ [An-Nisâ, 84] And due to His, تعالى, statement: ﴿ **O Prophet! Urge the believers to fight.** ﴾ [Al-Anfâl, 65] And this (encouragement) is obligatory upon the one who is able and the one who is unable, and it is upon every Muslim to incite his brothers to fight the polytheists. And in this time of ours, we are in the most need to act upon these verses. And in this there is a great reward, as the Messenger of Allâh, صلى الله عليه وسلم, has said: ‘Whoever points out something good (to someone else), then he has a like reward of the one who does it.’ [Narrated by Muslim from Abû Mas’ûd al-Badrî] <sup>622</sup>

And the Shaykh dedicated an entire sub-section of a chapter to the issue of “Ability” (Al-Qudrah) in this book entitled: “**And Nothing Prevents the Muslims From Jihâd Except For Inability. And the Preparation Becomes Obligatory at That Point.**” And in that section, the Shaykh emphasizes the obligatory participation in Al-Jihâd and points out how the preparation and physical and military training would be an obligation upon individuals and groups if they are unable to participate, so that they will remove the inability from themselves in order to fulfill their obligation. <sup>623</sup> And this sub-section was included in our translation of the Shaykh’s chapter of “Al-‘Umdah” entitled: “The Fundamental Concepts for Al-Jihâd”, for those who wish to read it in English. <sup>624</sup>

Now compare these principles and fundamental concepts regarding the issue of “Ability” (Al-Qudrah) with what was attributed to the Shaykh in “Al-Wathîqah”:

“As for ‘ability’, in other words ‘capability’, then it is the basis for being held accountable with regards to the legal (Shar’î) obligations, after having a sound mind and knowledge. So the one who has a sound mind, and the knowledge of the legal (Shar’î) ruling is not obligated unless he is capable and able, due to His, تعالى, statement: ﴿ **And Hajj to the House (Ka’bah) is a duty that mankind owes to Allâh, those who are able.** ﴾ [Âl ‘Imrân, 97] So not everyone who knows of the obligation of Hajj is obligated to perform it except for the one who is able. And likewise, the rest of the religious obligations, from which is Al-Jihâd. And from the general evidences for that is His, تعالى, statement: ﴿ **Allâh burdens not a person beyond his ability.** ﴾ [Al-Baqarah, 286] And the statement of the Prophet, صلى الله عليه وسلم, in the Sahîh: ‘Whatever I forbid you from, then

<sup>622</sup> “Al-‘Umdah Fî l’-dâd Al-‘Uddah Lil Jihâd Fî Sabîlillâhi Ta’âla”, Pg. 39

<sup>623</sup> “Al-‘Umdah Fî l’-dâd Al-‘Uddah Lil Jihâd Fî Sabîlillâhi Ta’âla”, Pg. 305 - 307

<sup>624</sup> “The Fundamental Concepts for Al-Jihâd”, Pg. 66 – 75, published by “At-Tibyân Publications”, 1425 H.

*abstain from it. And whatever I order you with, then perform from it what you are able.'* [Agreed upon] So if the Muslim is unable, then the obligation falls off of him." <sup>625</sup>

And he said:

"And in the matter of Jihâd, which is the topic of this 'Wathîqah', then it is like other than it from the matters of the religion; ability to perform it is from the conditions of its obligation, except that ability in Jihâd is not restricted to the Muslim himself with regards to physical and financial ability. Rather, it goes beyond that to the reality of the conditions which surround it from those who support it and those who oppose it. And due to this, Allâh, سبحانه, praised the Mujâhidûn in His Path just as He praised the people of the cave when they secluded themselves away from their people. Likewise, Allâh praised the believer from the people of Pharaoh, when he concealed his faith. Yet despite the fact that all three of those ones had faced the same situation – and it was the mobilizing of those who opposed the religion – the reactions with which they faced this reality differed. So this one performed Jihâd, and this (other) one secluded himself, and this (other) one hid with his religion. And despite that, all of them were praiseworthy because each of them acted upon what was obligatory upon him in the Law (Shara') at his time, his place and the limits of his ability. And likewise, it is obligatory upon every Muslim to become knowledgeable in his religion in order for him to choose the legal (Shar'î) obligation, which is most suitable for his situation." <sup>626</sup>

And so both the older writings of the Shaykh and those which have recently been attributed to him are consistent in classifying "Ability" (Al-Qudrah) as a prerequisite for the obligation of performing Jihâd. But notice the way in which this principle is used and how the conclusions differ vastly between the earlier writings of the Shaykh and those found in the "Tarshîd" document. In the former writings, this prerequisite is used to emphasize the importance of attaining strength and training if inability exists, whereas in the most recent writings which have been attributed to him, this principle was used over-and-over as a reason to abandon the participation in Jihâd, due to this inability, with no alternative steps whatsoever being pointed out in order to remove it. And beyond this, there is no emphasis whatsoever in encouraging others to perform Jihâd either collectively or individually. And this is where the contradiction can be seen between those original writings and those attributed to the Shaykh in "Al-Wathîqah". And this was pointed out in the commentary of Shaykh Abû Yahyâ al-Lîbî, may Allâh preserve him, who said:

"So the removal of sin from the one who is unable is not unrestricted, especially in the issue of Jihâd, because this inability could be the result of negligence, shortcomings and taking things too lightly. So at that point, the sin of what he was unable to perform would not fall off of him. Likewise, the 'Wathîqah' did not point out any alternative which is to be turned to when

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<sup>625</sup> From "The Third Lesson" from within "Tarshîd al-'Amal al-Jihâdî"

<sup>626</sup> From "The Third Lesson" from within "Tarshîd al-'Amal al-Jihâdî" under the subsection of "Ability In Jihâd Is Not Restricted to the Individual Muslim's Physical State"

inability to fulfil the obligation of Jihâd exists. And it (i.e. the document) passed over that intentionally, and that (alternative obligation) is the preparation with which the inability would be removed. So what is correct is that it must be said: ‘And the sin falls off of him regarding what he was unable to do, so long as he is striving to remove it and eliminate it, or if that was not the result of negligence or being inattentive (to his duty).’<sup>627</sup>

And similarly Shaykh ‘Ayman al-Thawâhirî, may Allâh preserve him, said:

“And here remains a point of notice, which is extremely important and it is that the author was negligent regarding an important ruling while in a state of inability. And that is the obligation of preparation. Ibn Taymiyyah, رحمه الله, says: ‘Just as it is obligatory to prepare for Jihâd by preparing strength and steeds of war, in the time where it (the obligation of Jihâd) has fallen, due to inability, as whatever the obligation cannot be fulfilled without is obligatory.’ [“As-Siyâsah ash-Shar’iyyah”, Vol. 1/20-21] And Ibn Kathîr, رحمه الله, says: ‘Then He, تعالى, ordered the preparation of instruments of war to fight them according to (their) capability, possibility and ability, as He said: ﴿ **And make ready against them all you can...** ﴾ in other words: ‘...whatever you are able...’ ﴿ **...of power, including steeds of war.** ﴾ Imâm Ahmad said: ‘Hârûn Ibn Ma’rûf narrated to us (that) Ibn Wahb narrated to us (that) ‘Amr Ibn al-Hârith informed me from Abû ‘Alî Thumâmah Ibn Shufayy, that he heard ‘Uqbah Ibn ‘Amr saying: ‘I heard the Messenger of Allâh, صلى الله عليه وسلم, saying, while he was upon the Minbar: ﴿ **And make ready against them all you can of power...** ﴾ ‘Verily, the strength is (target) shooting. Verily, the strength is (target) shooting.’ [“Tafsîr Ibn Kathîr”, Vol. 4/80] So why did the author not call the Muslims to prepare for fighting if they have an inability regarding that? And (wouldn’t) the preparation (include) training, compiling (the necessary) information, collecting money, inciting the Muslims, and organizing them and calling to Jihâd? Why didn’t the author mention in a single letter about that in his ‘Wathîqah’ of ‘Tarshîd’? Isn’t this an established legal (Shar’î) ruling in the Book and the Sunnah?”<sup>628</sup>

And even when the subject of a single individual performing Jihâd by himself, was addressed in his earlier writings, the Shaykh listed the evidences for the permissibility of doing so, despite the collective “inability” of the Ummah to confront their enemies. He wrote in “Al-‘Umdah”:

“As for the (Islâmic) legislative side, then we say that there was no condition for the obligation of rebelling against the ruler, other than the ability (to do so) from the numbers and the preparation. And this also is left up to the people of military expertise to determine the necessary level. But whoever risks himself and goes out to the Jihâd by himself, then that is permissible for him and he is rewarded, by the permission of Allâh, تعالى, unless he is part of a Mujâhid group (Tâ’ifah). In this case, he must not go out, except with the permission of the

<sup>627</sup> “At-Tabdîd Li-Abâtîl Wathîqat at-Tarshîd: Al-Qism al-Awwal”, Pg. 45

<sup>628</sup> “At-Tabri’ah”, Pg. 2/4/27-28

leader. As for the evidence upon that permissibility upon him going out alone, then it is the statement of Allâh, تعالیٰ: ﴿**Then fight in the Cause of Allâh, you are not tasked (held responsible) except for yourself, and incite the believers.**﴾ And Ibn Hazm said: ‘And the people of the disbelief (Kufr) are to be fought against, alongside every sinful one from the leaders, or non-sinful one. And alongside the victor and the veteran, just as the battle is fought alongside the Imâm and the individual fights them alone as well, if he is able.’

“I say: And the Jihâd against those Tawâghît is individually obligatory (Fardh ‘Ayn), therefore it is for the individual to do it alone if he wishes, especially if he has an opportunity against one of them, and (even though) if it is not obligatory upon him to confront a great quantity of the disbelievers. Rather, it is permitted for him to flee depending upon the numbers. Then if he stands firm and has an intention for the martyrdom (Shahâdah), then that is permitted for him and it is good: ﴿**And of mankind is he who would sell himself, seeking the pleasure of Allâh.**﴾

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Now compare that with what was attributed to him in “Al-Wathîqah”. After discussing the “Ability” and the rules for when an obligation is removed where inability exists, the author(s) of the “Wathîqah” or “Tarshîd” wrote:

“And based upon what has passed in this section, we see the impermissibility of changing the evils by the hand (i.e. forcefully) except for the authority while in the jurisdiction of his authority, such as the father regarding the people of his home, or in order to rescue a Muslim from a dangerous situation which is unavoidable, just as we see the impermissibility of confronting the ruling authorities in the countries of the Muslims in order to implement the Sharî’ah in the name of Jihâd. So change with the hand and confrontation; neither are from the feasible legal (Shar’î) options, so they are not obligatory rather all that is obligatory is Da’wah in kindness.”<sup>630</sup>

And Shaykh Abû Yahyâ al-Lîbî, may Allâh preserve him, commented upon this apparent contradiction between what was attributed to the Shaykh in the “Tarshîd” as what came from him in “Al-‘Umdah”, as he said:

“If we concede that the Ummah is in a state of inability, weakness and lack of capability and that the confrontation with the ruling authorities in the countries of the Muslims and changing the evil by the hand are not from the feasible legal (Shar’î) options, such that they are not obligatory upon it (i.e. the Ummah), then why did the Murshid move directly to the obligation of Da’wah in kindness while being unaware – or intentionally unaware – of the legal (Shar’î) obligation, which is the alternative to Jihâd when inability exists? And that is the preparation of

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<sup>629</sup> “Al-‘Umdah Fî l’-dâd Al-‘Uddah Lil Jihâd Fî Sabîlillâhi Ta’âla”, Pg. 324 or for English, look to “The Fundamental Concepts for Al-Jihâd”, Pg. 115 – 117, published by “At-Tibyân Publications”, 1425 H.

<sup>630</sup> From the “Third Lesson”, subsection: “The Options Facing Those Who Are Oppressed”

strength for that and striving to attain the capability. And is the legal (Shar’î) obligation and the ceasing of it being a legal (Shar’î) option, when the Jihâd falls due to inability, to move to Da’wah in kindness? And is the Da’wah in kindness what will remove the inability and weakness and by which the ability and capability will be attained? The answer is what the Shaykh ‘Abd al-Qâdir himself said: “If the Muslims complete the material preparation according to what they are able: ﴿ **And make ready against them all you can...** ﴾ according to what they assume would be sufficient, then it is obligatory to begin the Jihâd and it is not to be delayed in order to complete the faith-based preparation. And what this means, is that when there is an inability to perform Jihâd, it is obligatory to strive concerning both preparations; the material and the faith-based, together. So whoever strives concerning the faith-based preparation, and leaves the material (side) or delays it, then he has taken sin due to leaving what was ordered. ﴿ **And make ready against them all you can of power.** ﴾ [“Al-‘Umdah”, Pg. 395] <sup>631</sup>

### e) The Response

Obviously, the fact that the “Wathîqah” or “Tarshîd” document came from behind bars, while its alleged author was in the custody of this apostate regime, along with the fact that it clearly appears to be a reversal of his aforementioned views – particularly those in “Al-‘Umdah” – the document was mostly dismissed by Jihâdî groups and Jihâdî scholars and commentators as American / Egyptian state propaganda. And most concluded that even if this document was genuinely and exclusively the words of Shaykh ‘Abd al-Qâdir – may Allâh free him – then it only came about as a result of torture, which the Egyptian regime is world-renowned for.

For instance, the Shaykh, Husayn Ibn Mahmûd was asked in a tape-recorded Q & A session with some of his students about the “Wathîqat Tarshîd” document, to which he replied:

“The style of writing in ‘At-Tarshîd’ differs from the style of the Shaykh (‘Abd al-Qâdir) in his books, and I have suspicions that these words were perhaps written by someone else and he was forced to sign his name on it.”

*(Interjection by one of the brothers):* “Is it permissible for him to sign his name upon something like this even though his back is beaten and he is whipped and tortured?”

The Shaykh responded: “If a man said to you, ‘Sign this document that contains disbelief in Allâh or else my companions and I will transgress against the honour of your wife or your sister or your mother in front of you,’ you will sign it!” *(The brother was silent.)*

And later, the Shaykh was asked:

“What should our stance be towards Shaykh ‘Abd al-Qâdir?”

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<sup>631</sup> “At-Tabdîd Li-Abâtîl Wathîqat at-Tarshîd: Al-Qism al-Awwal”, Pg. 83

The Shaykh responded: “We love him and we know his value and we supplicate for him that he is freed from imprisonment. But as for what they have called his retractions, then they are like their siblings which we have seen from the Shaykhs, Nâsir al-Fahd and his brothers. They are not considered anything more than amusements that took place under the pressure of those who imprisoned them, may Allâh deal with them justly.”<sup>632</sup>

However, despite this dismissal from our leading Jihâdî scholars and major students of knowledge, some have taken the opportunity to comment on the document’s points and offer refutations upon its content – for the most part being careful not to fully accept the allegation that this document is truly the words of Shaykh ‘Abd al-Qâdir, may Allâh free him, and not to assume that the opinions therein are genuinely those of the Shaykh, free of any compulsion or coercion.

For instance, in the introduction to his refutation of the “Wathîqah” document, Shaykh Abû Yahyâ al-Lîbî, may Allâh preserve him, said:

**“The First Introduction:** ‘When discussing what has come in the aforementioned ‘Wathîqah’, whether it’s being attributed to the Shaykh, ‘Abd al-Qâdir Ibn ‘Abd al-‘Azîz is correct or not, and whether he wrote it by his own free will or was compelled to do that, then discussing it does not imply his criticism, nor detracting from his status, nor forgetting his past, nor overlooking his efforts; rather what we believe is that he is a scholar from the scholars who can be (either) correct or mistaken, can refute and be refuted, can be agreed with or disagreed with and can rebuke or be rebuked. So no matter how harsh the words are within our refutation, within the discussion, or how callous our words may seem in any of the topics, which might cause the reader to assume that it is a detraction from the Shaykh, ‘Abd al-Qâdir or something like this, then the (reader must refer to these) unambiguous words of ours in what we have mentioned in this introduction. So this is the basis (of our opinion of the Shaykh), which must be held to and referred back to.”

**The Second Introduction:** ‘There is no doubt that the attribution of the ‘Wathîqah’ to the Shaykh, ‘Abd al-Qâdir is a possibility – meaning that he could truly be its author, and that everything within it is what he believes and holds in front of Allâh, glory be to Him the Most High. And it could also be that he was compelled and coerced into writing it and it could be that it is mixed and a combination of both this and that. Yet despite this, when we attribute what has come in the ‘Wathîqah’ to him – so we say, for example: ‘The Shaykh, ‘Abd al-Qâdir said...’ or ‘This is rejected upon him...’ or ‘He has contradicted his statement in his earlier book, when he said such-and-such...’ or the likes if this – then all of this does not mean that we are saying with conviction that the attribution of the ‘Wathîqah’ is correct, and that what has come in it from the statements are his. Rather, we only mention this based upon what has become

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<sup>632</sup> Posted by a brother who was present and transcribed the recorded Q & A session on the “Anâ al-Muslim” website, 24-11-2007.

widespread and well-known amongst the people. Because when the possibility exists – especially with regards to the apparatuses of plotting and filth, then it is not easy to say with conviction, sureness and certainty, that the attribution of the statements and choices to him are correct. And Allâh, the Most High, knows best.”<sup>633</sup>

And we will offer more commentary from some of our other senior scholars of Jihâd in the next section, *In Shâ’ Allâh*.

#### 4. Libyan Islâmic Fighting Group (LIFG)

The most recent example of the retractions from behind bars is the 2009 manifesto referred to in the Western Media as “The Jihadi Code”; allegedly written by active members of the Libyan Islâmic Fighting Group (LIFG) from within Libya’s infamous Abû Salîm Prison.

##### a) The History

The Libyan Islâmic Fighting Group (LIFG) or “Al-Jamâ’ah al-Islâmiyyah al-Muqâtilah Bi-Lîbiyâh” was officially declared in the early 90s by the returning Libyan Afghânî-Jihâd veterans, but the seeds of its foundation preceded the official declaration by more than a decade.

In the book “Al-Qâ’idah wa Akhawâtuhâ: Qissat al-Jihâdiyîn al-‘Arab”,<sup>634</sup> the author Camille Tawil,<sup>635</sup> he says under the chapter “Al-Muqâtilah’s Account of its Formation”:

“And Al-Muqâtilah said in their official account, which it (i.e. the group) presented on its own behalf: ‘Reading the papers of Al-Jamâ’ah al-Islâmiyyah al-Muqâtilah in Libya means reviewing the differing stages which the Islâmic Awakening went through, in general, and the Jihâdî (Awakening), specifically, in Libya.’ And it adds the (fact) that its foundations go back to the year 1980: ‘When the Amîr of the Jihâdî movement, Mr. ‘Awadh Az-Zawâwî would travel within the country and go between its areas searching for those who carried the concern for Islâm and the spark of Jihâd, along with him.’ And it indicated that many of its founders, in 1988, went “...to the field of Jihâd in Afghanistan to take part in the Jihâd and to benefit from the potential that was present within the field of Islâmic Jihâd in Afghanistan.’<sup>636</sup>

“And the Shaykh, Sâmî as-Sâ’idî [Abul-Munthir as-Sâ’idî], who was one of the founding members of Al-Muqâtilah, clarifies that its foundations were tied to ‘...a secret organization of

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<sup>633</sup> “At-Tabdîd Li-Abâtîl Wathîqat at-Tarshîd: Al-Qism al-Awwal”, Pg. 4-5

<sup>634</sup> Published by Dâr as-Sâqî; Beirut, 2007 G.

<sup>635</sup> Camille Tawil has interviewed Shaykh Hânî as-Sibâ’î for “Al-Hayât” newspaper 05/09/2003. He also had a question and answer correspondence with Shaykh Ayman ath-Thawâhirî on behalf of “Al-Hayât” newspaper in 1417 H. “Al-Hayât” later refused to publish the correspondence and it was eventually released by “Al-Maktab al-lâmî li-Jamâ’at al-Jihâd” that same year.

<sup>636</sup> Review the account of “Al-Muqâtilah” about its formation on its website.

Jihâd within Libya, who's Amîr was the brother, 'Awadh az-Zawâwî – may Allâh free him.'<sup>637</sup> And he adds that the Jamâ'ah of Az-Zawâwî, who was from the students of Sharî'ah-based knowledge and a graduate of the Faculty of Education from the University of Tripoli, and the son of a well-known Libyan painter, continued in its work and recruiting individuals '...until the events [the Jihâd] of the year 1989 took place, as a number of the leaders of the Jamâ'ah went to take part in what was happening in the Eastern region, especially the two cities; Ajdâbiyah and Banghâzî. Until the widespread raids took place that everyone knows about, and the arrests reached Tripoli and the leaders of the Jamâ'ah... So this Jamâ'ah [in other words, the Jamâ'ah of Az-Zawâwî] was the core of Al-Jamâ'ah al-Islâmiyyah al-Muqâtilah as many of its leaders are now leaders in Al-Jamâ'ah al-Islâmiyyah al-Muqâtilah.'

"And the former leader of Al-Muqâtilah, Nu'mân Ibn 'Uthmân<sup>638</sup> confirms the account of As-Sâ'idî but he states that there is not one account of the way in which Al-Jamâ'ah formed, as he said: 'There are numerous accounts of the formation of Al-Jamâ'ah al-Muqâtilah; there is no single account. And the reason for that is that the formation was essentially within a number of stages of action, and it did not form suddenly... So there is a difference between the declaration of the Jamâ'ah, and its (actual) formation.' And he adds: 'The main account – and it is the account that I am convinced of – is that Al-Muqâtilah in its form that people recognize and the name under which it is known, formed after the year 1990. The main segment which founded Al-Muqâtilah included members from two organizations, which had been operating within Libya since the 80s. The first was the Jamâ'ah that was known as the Jamâ'ah of 'Awadh az-Zawâwî, which was founded in Tripoli in 1982. The second was the organization that emerged in the

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<sup>637</sup> The Shaykh Sâmî (Abul-Munthir) as-Sâ'idî was from the founders of Al-Muqâtilah and he is presently imprisoned in Libya after he was detained in Hong Kong in the year 2004 and the American Intelligence apparatus rendered him to his country (of origin) and his account of the formation of Al-Muqâtilah is taken from an interview with the magazine 'Bayâriq al-Majd', which was distributed on the website of Al-Muqâtilah.

<sup>638</sup> This individual, Nu'mân Ibn 'Uthmân – described by the author as the ex-head of the LIFG – is presently an active partner with the Libyan Intelligence forces and openly shows his alliance with them and has been actively promoting "This Jihadi Code" in the Western media along with his participation with their efforts in distributing their retractions and recantations. He has been paraded in the media in the form of interviews and documentary films offering his criticism of the Mujâhidîn groups since early 2007:

"Noman Benotman [*sic*], a former leader of the Libyan Islamic Fighting Group (LIFG), also publicly turned his back on jihad and played a key role in persuading other key figures in the organization to renounce al Qaeda as well. In September 2009, six leaders of the LIFG issued recantations challenging al Qaeda's global vision for jihad in a 400-plus-page book titled *Corrective Studies in Understanding Jihad, Accountability and the Judgment of the People.*" – Foreign Policy: "Learning From Dropouts", by Michael Jacobson (February 1, 2010)

Therefore, we hesitated to quote the author, Camille Tawil in this section, as much of the account of the group's formation came from Ibn 'Uthmân. However, upon further review, we found there to be no harm in narrating this account for two reasons: a) The details of this account have almost all been verified through other interviews from former and active LIFG members, and b) The content of this historical account doesn't have any implications for judgement or any real path for personal bias to enter into it in the form of criticism, envy or personal gain. And therefore, we decided this section, some of which did come from private meetings between Ibn 'Uthmân and the author, Camille Tawil, would not be objectionable. And Allâh knows best.

mid-80s, and was a umbrella over a number of smaller groups operating in Tripoli. Those are the ones who formed Al-Muqâtilah beginning in the year 1990.’<sup>639</sup>

Until the author said:

“And Ibn ‘Uthmân clarified that the formation of Al-Muqâtilah went through problems and delays before the Jamâ’ah saw the light, as he says: ‘In 1989 and 1990 many problems took place in Afghanistan / Pakistan with regards to the formation of Al-Muqâtilah and the problems specifically centred around the appointment of Amîrs in the (various) sections [those representing the regions of Libya]. Disputes took place regarding who would represent this or that region, and this confirms that Al-Jamâ’ah al-Muqâtilah did not emerge in its prominent form, prior to 1990.’ And he clarifies that ‘...when Al-Muqâtilah began its developmental efforts, it took into its ranks a number of Islâmists from varying movements [including the Ikhwân movement]. And after a while, the issues began to become clear with regards to a specific group which completed the development. And it set down a Jihâdî methodology for the Jamâ’ah, so the Islâmists from the various movements distanced themselves from it.’<sup>640</sup>

Until the author said:

“And it is noteworthy that the majority of those founders had university degrees when they chose to emigrate to Afghanistan with the goal of taking part in the Jihâd, as Abû Idrîs, for example, who was a leading member of the Consultative (Shûrah) Council of Al-Muqâtilah, was a student in the Faculty of Medicine in Banghâzî and he went to Afghanistan in the year 1988. And ‘Abd al-Hakîm al-Khuwaylidî [Abû ‘Abd Allâh as-Sâdiq] was completing the final semester in the Faculty of Engineering in Tripoli, when he decided to leave Libya and move to Afghanistan in 1988. And the same thing can be said regarding As-Sâ’idî [Abul-Munthir], who was a student in the Faculty of Civil Engineering in the University of Al-Fâtih, and he took his turn in moving to Afghanistan (also) in 1988.’

“And Ibn ‘Uthmân, a student of political science in the University of Tripoli, and who went to Afghanistan at the end of the 80s, said that the founders of Al-Muqâtilah did not initially agree upon a name. And he clarifies the reason saying: ‘Al-Muqâtilah was very similar to the Egyptian Jamâ’at al-Jihâd, which was essentially formed from a collection of groups, which carried the Jihâd ideology. One of the groups, ‘Al-Jihâdî al-Lîbîyyah’, was the one which completed the organizational work and formed Al-Muqâtilah. And the names which it proposed were all present in the introductory meetings to form Al-Muqâtilah, which had originally been founded without a name. And months after the original formation, and after the situations settled, and those who remained in the Jamâ’ah remained, and those who left had left, and the Jamâ’ah began to take its organizational form at that time, it labelled itself with the name ‘Sarâyâ al-

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<sup>639</sup> (From) private meetings between the author and Nu’mân Ibn ‘Uthmân, London; Spring and Summer, 2005

<sup>640</sup> One of those who took part in the original negotiations concerning the formation of Al-Muqâtilah was a current, well-known Ikhwânî leader.

Mujâhidîn' and afterwards a Sharî'ah-based methodology was put together for it under that name. Then the methodology was released under the name 'Khutût 'Arîdhah Fî Manhaj Sarâyâ al-Mujâhidîn', and 200 copies were printed in Peshawar. These copies were for reading only and were to be returned. At that time I was in Bâbî (of Pakistan), when I read a copy with one of the brothers who brought it to my house. This was the beginning of the task of gathering the Libyans in Afghanistan and Abû 'Abd ar-Rahmân al-Hattâb was the temporary Amîr, due to internal disputes and that was probably in the beginning of the 90s.'<sup>641</sup> And all of the founders were from the supporters of 'Al-Itihâd al-Islâmî', of Afghanistan, and much of their activity was performed while in the guest house of Sayyâf in Peshawar."<sup>642</sup>

## b) The Methodology

In the book "Khutût 'Arîdhah Fî Manhaj al-Jamâ'ah al-Islâmiyyah al-Muqâtilah" – as the book was renamed with the group's new, official name – Abul-Munthir Sâmî Mustafâ as-Sâ'idî, may Allâh free him, laid out the methodology of the group; their objectives, operational strategies, and the Sharî'ah-based evidences for this methodology. And as with many of the militant Islâmîc groups – most notably Jamâ'at al-Islâmiyyah and Jamâ'at al-Jihâd in Egypt – the objectives included the establishment of an Islâmîc State and a call to arms against the apostate rulers.

Within the introduction to the third edition, the Shaykh, may Allâh free him, stated: "So this is the third edition of the book 'Khutût 'Arîdhah Fî Manhaj al-Jamâ'ah al-Islâmiyyah al-Muqâtilah' emerging into the light, after more than four years have passed, during which the battle has continued between Al-Jamâ'ah al-Islâmiyyah al-Muqâtilah and the regime of apostasy and treachery in Libya. (This is being done) so that those of sure-sightedness may increase in sure-sightedness, and the Mujâhidûn (may increase) in certainty about that which they are upon from guidance and steadfastness, and in hopes that those who are heedless may become aware and return to the truth in the near future."<sup>643</sup>

Under the Chapter "Limâthâ al-Jihâd? (Why Jihâd?)", the Shaykh, may Allâh free him, explains:

"We have taken Jihâd in the Path of Allâh as our way because: Firstly, and before anything else, the obligation from Allâh, تعالى, becomes more obligatory upon the Muslims today, because in this era, all of the obligating factors and reasons for Jihâd have combined. From amongst them are..."

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<sup>641</sup> Ibn 'Uthmân did not mention who it was that set down the methodology of Sarâyâ al-Mujâhidîn, but it is known in a wide circle that it was Abul-Munthir as-Sâ'idî.

<sup>642</sup> "Al-Qâ'idah wa Akhawâtuhâ: Qissat al-Jihâdiyîn al-'Arab", under the Section: "Al-Muqâtilah's Account of Its Formation"

<sup>643</sup> "Khutût 'Arîdhah Fî Manhaj al-Jamâ'ah al-Islâmiyyah al-Muqâtilah", Pg. 2

The Shaykh then listed the following reasons, in the form of chapter sub-headings, and gave evidences from the Sharī'ah with explanations from the classical scholars of Islām:

- The Disbelievers Conquering the Lands of the Muslims
- The Apostasy of the Rulers of the Muslims
- The Emergence of Those Rulers and Their Forces in the Form of Resisting Groups (Tawâ'if Mumtani'ah)
- The Absence of the Islâmic Khilâfah
- The Filling of Prisons With Muslim Captives

And beneath his sub-chapter “The Evidence for the Kufr of the One Who Turns Away From Ruling According to What Allâh Has Revealed and Replaces it With Something Else”, Shaykh Abul-Munthir said:

“And we want to clarify in this section that the covenant of Islām is not affirmed for he who refuses to rule according to what Allâh has revealed, and replaces it with other than that, even if he prays, fasts and claims to be Muslim. And (we want to clarify) that it is obligatory to remove him and to fight him and establish a Muslim man in his place. That is because submitting to the Sharī'ah outwardly is tied to one of the two pillars of Îmân in the heart, which is Inqiyâd (abiding by it).”<sup>644</sup>

And this was followed with a sub-chapter entitled: “The Evidence for the Obligation of Fighting the One Who Rules According to Other Than What Allâh Has Revealed,” in which a lengthy dissertation on the Kufr of such rulers along with the clear explanation that this Kufr is the main purpose for the armed resistance against them as they are not merely oppressors; they are apostates and it is not permitted to be ruled with Kufr.<sup>645</sup>

In the 1996 interview with “Nidâ' al-Islâm” magazine, the group’s official spokesman, Abû Bakr ash-Sharîf, was asked:

**Question:** “Al-Jamâ'ah al-Islâmiyyah al-Muqâtilah emerged by the help of Allâh, تعالیٰ, as a way to fight the apostate Qathâfi (Gaddafi) regime, and to establish the bases of Islâmic governance in Libya, so brother in Islâm, can you briefly explain the methodology of Al-Jamâ'ah al-Islâmiyyah al-Muqâtilah?”

**The Answer:** “In relation to the Sharī'ah-based and ideological methodology of Al-Jamâ'ah al-Islâmiyyah al-Muqâtilah, then in brief, it is defined by following the Book of Allâh, سبحانه وتعالى, and the Sunnah of the Prophet, صلى الله عليه وسلم, according to the understanding of the predecessors of this Ummah, from the Sahâbah, the Tâbi'în and those who followed them in

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<sup>644</sup> “Khutût ‘Arîdhah Fî Manhaj al-Jamâ'ah al-Islâmiyyah al-Muqâtilah”, Pg. 134

<sup>645</sup> Look to pages 153-156

goodness. Not according to the understanding of the later ones. While (at the same time) we believe that Ijtihâd still remains, according to the rules established by the earliest (generation). But this Ijtihâd is not in the realm of beliefs and fundamentals, rather it is only in what is less than that, in order to confront the ever-changing state of affairs and events which take place, which the Muslims face throughout time.’

“And in addition, it relies upon the methodology of Jihâd and changing the ruling regimes, which are forcefully occupying the hearts of our Ummah. (We do so) due to our belief that the modern means, which seek to circumvent the option of force, are from the paths, which Allâh, تعالیٰ, has said about:

“And verily this is My straight path so follow it and do not follow the paths as they will lead you off of My Path.’

“And upon which the statement (of poetry) can be applied:

*So this is the truth; there  
is no ambiguity therein,*

*So don't mention the  
misleading paths to me.*

“Similarly, the attempts, which are present in front of our eyes have proven the failure of these means, both politically and practically.’

“Also, Al-Jamâ’ah al-Islâmiyyah al-Muqâtilah classifies the current regimes, which are established in our countries, as a fundamental enemy, which have combined the characteristics of apostasy, treachery and waging war against the religion of Allâh.”<sup>646</sup>

### **c) The Arrests and the Trials of Prison**

The arrests, trials and imprisonment of the LIFG members took a sharp upward turn after the 2001 attacks by Al-Qâ'idah on Washington and New York. And although it is true that several of the group's members were already in prison at that time, the details from the book “Al-Qâ'idah wa Akhawâtuhâ: Qissat al-Jihâdiyîn al-'Arab”<sup>647</sup>, from author, Camille Tawil, reveal that some of the group's most important founding members were actually arrested outside of Libya – by non-Libyan Security Forces – and then rendered over to the Libyan regime, whereupon they were contained within the infamous Military Wing of Abû Salîm<sup>648</sup> prison:

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<sup>646</sup> From “Nidâ' al-Islâm” magazine, 1417 H.

<sup>647</sup> Published by Dâr as-Sâqî; Beirut, 2007 G.

<sup>648</sup> The Abû Salîm prison has long been known as Libya's most infamous institutions of torture and execution, since the mid-90s:

“And he speaks (i.e. Nu’ mân Ibn ‘Uthmân) about the founders of Al-Muqâtilah, saying that from amongst them were ‘Abd al-Hakîm al-Khuwaylidî [Abû ‘Abd Allâh as-Sâdiq], and he was the Amîr of the Jamâ’ah since 1995 and he is presently detained in Libya after his arrest in Thailand in the year 2004, as well as Sâmî as-Sâ’idî [Abul-Munthir] who was the Sharî’ah authority within it. And he is also detained in Libya after his arrest in Hong Kong in the year 2004. And ‘Abd as-Salâm ad-Dawâwî [‘Abd al-Ghafâr] and he was the first Amîr of the Jamâ’ah and is likewise imprisoned in Libya after his being rendered from Egypt in the year 1992. And Salâh Fat’hî Ibn Sulaymân [Abû ‘Abd ar-Rahmân al-Hattâb] and he was one of the well-known leaders of the Jamâ’ah, and he was killed in clashes within Darnah [Eastern Libya] in the year 1997. And ‘Abd al-Wahhâb al-Qâyid who was known by the name ‘Abû Idrîs’, he is has been imprisoned since the year 1996, and is being held in the Abû Salîm prison near Tripoli, after being arrested in Libya.”<sup>649</sup>

And in one of the most infamous cases of collusion in rendition and torture between the Pakistani, American, Egyptian and Libyan governments, Ibn ash-Shaykh al-Lîbî, رحمه الله – a leading member of Al-Jamâ’ah al-Islâmiyyah al-Muqâtilah – was arrested in Pakistan, turned over to the Americans in Bagram, rendered to Egypt, then back to the Americans, then to Guantanamo and finally to Libya where he was murdered.

Newsweek reports:

“Libi has for years been a high-profile figure among human-rights groups, widely cited as a prime example of a high-value detainee who ‘disappeared’ in CIA custody—in large part because he was so politically embarrassing. A Libyan jihadi who migrated to Afghanistan to fight

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“According to the State Department’s 2006 human rights report on Libya, reports of ‘torture, arbitrary arrest, and incommunicado detention remained problems.’ Methods of torture included: ‘chaining prisoners to a wall for hours, clubbing, applying electric shock, applying corkscrews to the back, pouring lemon juice in open wounds, breaking fingers and allowing the joints to heal without medical care, suffocating with plastic bags, prolonged deprivations of sleep, food, and water, hanging by the wrists, suspension from a pole inserted between the knees and elbows, cigarette burns, threats of dog attacks, and beatings on the soles of the feet.” – Human Rights Watch: “Libya: Rights at Risk” (January 3, 2008)

In June, 1996 over 1,200 of Abû Salîm’s inmates – mostly Islâmists detained and sentenced under anti-terrorism laws – were systematically executed after a riot took place by angry prisoners protesting their treatment:

“A former detainee interviewed by Human Rights Watch in 2003 said the violence began when prisoners seized a guard bringing them their food and hundreds escaped from their cells to protest against restricted family visits and poor living conditions. He said security forces moved hundreds of prisoners into different courtyards and opened fire on them with heavy weapons and rifles for more than an hour. The government denied afterwards that anything had happened. In 2001 it began informing some relatives that their family members had died.” – Reuters, UK (September 6, 2009)

<sup>649</sup> “Al-Qâ’idah wa Akhawâtuhâ: Qissat al-Jihâdiyîn al-‘Arab”, under the Section: “Al-Muqâtilah’s Account of Its Formation”

the Soviet invasion, Libi was captured by U.S. military forces in late 2001 following the invasion of Afghanistan. After first being interrogated by the FBI, he was transferred to CIA custody and then ‘rendered’ to Egypt for further interrogation in early 2002. While there, Libi later asserted he had been questioned about alleged Al Qaeda connections to Iraq—a subject about which he ‘knew nothing’ and ‘had trouble even coming up with a story,’ according to declassified CIA cables based on interviews with him when he was returned to U.S. custody in 2004. But then Libi said he was crammed into a tiny box less than 20 inches high and held there for 17 hours. When the box was opened, Libi was knocked to the floor and ‘punched for 15 minutes,’ according to the cables first reported in the 2007 book ‘Hubris’. It was only then that Libi ‘fabricated’ his story that Osama bin Laden dispatched two operatives to Iraq for training in chemical and biological weapons—an account that was soon being cited by President Bush in a speech to justify the U.S. invasion of Iraq, as well as then secretary of state Colin Powell in his appearance before the U.N. Security Council.’

“After Newsweek reported that Libi's recanted claims had been the basis for the bogus claims about Iraq-Al Qaeda ties, the Bush administration dropped all official references to Libi. He was conspicuously not among the ‘high-value detainees’ sent to Guantánamo in September 2006 and was later reported to have been secretly shipped back to Libya. Only three weeks ago, on April 27, two workers with Human Rights Watch visited with Libi at the Al Saleem (*sic*) prison. The visit represented the first time any outsiders had been able to see Libi since his original capture by U.S. forces nearly eight years ago. Although Libi had previously been reported to have been ailing from tuberculosis, he appeared to be healthy and had no apparent physical ailments, says Heba Morayef, one of the Human Rights Watch workers present. Morayef says she and her colleague explained to Libi that they wanted to talk to him about the torture he had experienced while in custody. But after a few minutes, Libi grew visibly angry. ‘Where were you when I was being tortured in an American prison?’ he said, according to Morayef. At that point, he walked out—never to be seen or heard from again, until his reported death this week.”<sup>650</sup>

And in an insightful article from Shaykh Hânî as-Sibâ’î, about the martyrdom of the Shaykh, Ibn ash-Shaykh al-Lîbî, in which the author refuted the allegations that Al-Lîbî’s death was a result of suicide (by hanging himself while in solitary confinement), he alluded to some of the prison treatment experienced by the LIFG members – particularly with regards to Ibn ash-Shaykh al-Lîbî – which it seems, most likely produced what was later referred to in the Western media as ‘The Jihadi Code’:

“We have come to learn from Libyan sources that the soul of the Shahîd, Ibn ash-Shaykh al-Lîbî, رحمه الله تعالى, went to its Lord from within the Abû Salîm prison in Tripoli, during savage torture in a solitary cell, after he remained steadfast upon resisting the signing of and the taking part in the retractions of some of the leaders of Al-Jamâ’ah al-Islâmiyyah al-Muqâtilah, such as Abû

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<sup>650</sup> Newsweek: “Death in Libya”, by Michael Isikoff and Mark Hosenball, May 12<sup>th</sup>, 2009

‘Abd Allâh as-Sâdiq and Abul-Munthir as-Sâ’idî. And ever since the American administration rendered him in the year 1427 H., which corresponds to 2006 G., he was subjected to the worst forms of torture.’

“In the previous year, 1429 H., which corresponds with 2008 G., the administration of the prison setup numerous meetings in order to bargain with Ibn ash-Shaykh al-Lîbî, so that he would join in the retractions of Al-Jamâ’ah al-Islâmiyyah al-Muqâtilah and participate with the treaty of those who were beating the drum of the regime. In exchange, he would have the restrictions of prison lightened and he would be permitted to have visitors and his cell would be opened for one hour longer, if he agreed to enter into the religion of Al-Qathâfi. Furthermore, he could have his life sentence reduced. But the knight, Ibn ash-Shaykh al-Lîbî rejected all of these ploys, because to put it simply, if he had been satisfied with these ploys, then he could have complied with the Americans in their demands and their ploys, which were superior to the Libyan offer, while he was within the hell of Guantanamo. But (instead) he refused to sell his religion, his Jihâd and (the rewards of) his trials for that miserable price. And since they were so rushed in their plans, the file called ‘The Retractions of Al-Jamâ’ah al-Islâmiyyah al-Lîbiyyah al-Muqâtilah’ would end up as just another example of the retractions of humiliation and disgrace in Egypt. This is because the henchmen within the security forces of Al-Qathâfi would do nothing towards the earlier groups except empty the vessel of their anger, hatred, treachery and vileness upon him. So they placed him in seclusion, treated him extremely harshly, starved him and prevented him from water for long periods, then they would beat him with hysterical sadism, which no one could know the likes of it except the aides of Al-Qathâfi and those whom they trained to murder. Then (finally) his pure soul perished, so that it could issue a grievance to its Lord about the oppression of the slaves, the lack of supporters and disgrace of the Muslims (standing) before their despotic rulers (Tawâghît).”<sup>651</sup>

It is interesting to note that even the non-governmental human rights organizations and activists refused to accept the official Libyan regime’s official account of the demise of the Shahîd, Ibn ash-Shaykh al-Lîbî, as death from suicide. Instead, as stated by most of them, it was more likely a result of him dying while suffering the effects of their torture, which the Qathâfi regime is renowned for.<sup>652</sup> And we ask Allâh to reward our brother, the Shahîd, Ibn ash-Shaykh

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<sup>651</sup> “Al-Maqrîzî Centre for Historical Studies”, London, Monday, the 16<sup>th</sup> of Jumâdâ al-Ûlâ, 1430 H. (11/05/2009)

<sup>652</sup> Look to “Two Experts Cast Doubt On Ibn al-Shaykh al-Libi’s “Suicide”, by Andy Worthington, May 13<sup>th</sup>, 2009

Similarly, Newsweek reported:

“Hafed al-Ghwell, a Libyan-American and prominent critic of the Kaddafi (*sic*) regime, says there were plenty of reasons to question the report that Libi had committed suicide. (The report appeared Sunday in Oea, a newspaper owned by Saif al-Islam, the influential son of Kaddafi (*sic*), but contained no details about how Libi was supposed to have killed himself.) ‘This idea of committing suicide in your prison cell is an old story in Libya,’ Al-Ghwell explains. In the past, he adds, there have been a number of cases where political prisoners are reported to have committed suicide. Then the families get the bodies back and discover the prisoners had been shot in the back or tortured to death.” – Newsweek: “Death in Libya”, by Michael Isikoff and Mark Hosenball, May 12<sup>th</sup>, 2009

al-Lîbî, رحمه الله, with the same reward reserved for his brothers from the Salaf, such as Abû Bakr Ibn an-Nâbulusî, رحمه الله, and those like him.

And despite the murder of Ibn ash-Shaykh al-Lîbî, رحمه الله, which almost threatened to derail the treaty between the imprisoned leadership of Al-Jamâ'ah al-Islâmiyyah al-Muqâtilah with the Qathâfi regime,<sup>653</sup> in April of 2008 the treaty did take place, followed by a large-scale release of prisoners from Abû Salîm prison,<sup>654</sup> which was celebrated as a success in the regime's prisoner reform campaign.

#### d) The Retractions

On August 1<sup>st</sup>, 2009 the document known in the West as "The Jihadi Code" or "Dirâsât Tas-hîhiyyah Fî Mafâhîm al-Jihâd wal-Hisbah wal-Hukm 'Alan-Nâs",<sup>655</sup> was completed and released as a full chapter-based booklet.<sup>656</sup> The book's chapters were serialized and released in the Libyan national newspapers and websites.

In the introduction, the authors make it clear that this book was being written as a revision and retractions to their previous writings and communiqués:

"Preface: It is a long distance between taking up arms as a means to change the political conditions; through theorization, incitement, implementation and practice, and between preparing to collaborate in building and development; wishing, aspiring and preaching. It is a journey which carries many questions between its folds, which (continually) increase in their numbers and types, the more the knowledge decreases with regards to the bases and causes of the people who took up arms in the past and who desire to build in the future.'

"It is no secret, that we can say that those who wrote these projects which included these 'studies' are those who wrote projects and topics beforehand, which contained within them the opposite of the content that is contained within these projects today. And it will not be hidden that those who had incited yesterday for arms to be taken up in order to change the political

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<sup>653</sup> "Even so, progress in the jail was slow. In April 2009 the talks were nearly derailed when Ibn Sheikh al Libi, a prominent jihadist was found hanged in his prison cell. According to sources familiar with the talks, Saif al Islam feared his death, which some LIFG members considered suspicious, could put the whole process in jeopardy. He put pressure on prison officials to meet the LIFG's remaining demands, giving them greater freedom to consult with the rank and file." – CNN: "New jihad code threatens al Qaeda", by Nic Robertson and Paul Cruickshank, November 10<sup>th</sup>, 2009

<sup>654</sup> Some reports number them greater than 90 inmates.

<sup>655</sup> Which means "Corrective Studies in Understanding Jihâd, Accountably, and the Judgment Upon People"

<sup>656</sup> According to the cover page: "Produced under the supervision of 'Abd al-Hakîm al-Khuwaylidî bil-Hâj, Samî Mustafâ as-Sâ'idî (i.e. Abul-Munthir), Abd al-Wahhâb Muhammad Qâyid, Miftâh al-Mabrûk ath-Thawâdî, Khâlid Muhammad ash-Sharîf, Mustafâ as-Sayd Qunayfid."

conditions; they are those who today mention the impermissibility of that and they are those who advise everyone whom their advice reaches to, to avoid it (i.e. armed political change).”<sup>657</sup>

Depending on its format and text size, the book is well over 400 pages and contains the following chapters:

- Chapter One: The Covenant of Islâm and the Way In Which It is Affirmed
- Chapter Two: Knowledge Between Theory and Implementation
- Chapter Three: Da’wah To Allâh
- Chapter Four: Jihâd In The Path of Allâh
- Chapter Five: The Jurisprudence of Disagreements; Its Types and Its Methods
- Chapter Six: Extremism
- Chapter Seven: The Goals of the Sharî’ah, the Jurisprudence of Balancing/Measuring and the Consideration of the Results
- Chapter Eight: Ordering the Good and Forbidding the Evil
- Chapter Nine: Implementing the Rulings Upon the People

The content of the book is similar to both the recent writings of Egypt’s: Al-Jamâ’ah al-Islâmiyyah and also some of the recent writings attributed to Shaykh ‘Abd al-Qâdir Ibn ‘Abd al-‘Azîz, may Allâh free him, in that the presentation of evidences are detailed, but in most cases do not appear to describe the reality of the current state of affairs of the situation they are writing about. And in many cases, the discussions are so general that they fail to make critical distinctions between the generality of the proofs, with the reality of the situations, which the authors are attempting to apply them to.<sup>658</sup>

For instance, a great deal of attention is spent demonstrating to the reader that the earliest generations of Muslims settled upon the opinion that it was preferable not to rise up and rebel against the oppressive rulers in their time, because of how that lead to bloodshed and Fitnah and how the harm of such rebellions outweighed the benefits. Yet, strangely, there seems to be no consideration given to the difference between the status of those oppressive Muslim leaders of those earlier generations and the apostate rulers of today (including the ruler whose regime they were once at war with; Qathâfi). And whereas their former writings were quite clear about these rulers being apostates who have replaced the Sharî’ah and were therefore being fought upon that basis, these new discussions fail to acknowledge the enormous gap between what the general evidences prove vs. whether these general evidences are even applicable to the situations they are attempting to apply them to.

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<sup>657</sup> “Dirâsât Tas’hîhiyyah Fî Mafâhîm al-Jihâd wal-Hisbah wal-Hukm ‘Alan-Nâs”, Pg. 10

<sup>658</sup> It is not our goal to offer any detailed refutation of the discussions or points of this new book, as this is not the intent of this chapter. Rather, the purpose of this section was to demonstrate the difference between this new book with their previous writings, the approaches used by the authors, and the presentation of the evidences so that the reader can see the clear change in methodology.

In other instances, the authors attempt to classify the activities of those armed uprisings according to simplistic categories, which do not – in any way – take into consideration the objectives, strategies or legal proofs of these groups; including those stated objectives, strategies and legal proofs presented in their own former writings.

For instance, within “Chapter Four: Jihâd in the Path of Allâh”, the authors write:

“We point out that the fighting that (presently) takes place within the Muslim states is of three types:

- i) Fighting against a foreign colonial power, which has attacked the countries of the Muslims.
- ii) A fighting of Fitnah
- iii) Rebelling against the rulers in order to change the political reality or to reform: And we have mentioned our opinion regarding that and it is that it is not permitted legally to use arms as a means of reform or change in the Muslim countries. And we have clarified this ruling, with its evidences, in more than one place within this study. And it is possible to summarize it in:

- The legal evidences and the texts, which indicate the forbidden of rebelling against the authorities and rulers and we have mentioned within that, the statements and the explanations of the Salaf.
- Historical instances: And that which Ahl as-Sunnah wal-Jamâ’ah agreed upon after the negative results that took place from them (i.e. those historical uprisings) was the forbiddance of rebelling against the leaders and the authorities and their agreement that patience, Da’wah in goodness, and ordering the good and forbidding the evil are the correct path in that.
- The rules for forbidding the evil, which we have clarified in a greater manner beneath the section: “Ordering the Good...” And in that, we have mentioned the clear statements of the people of knowledge, which clearly state the impermissibility of using arms as a means to change the evil, except by those used by the authority or whoever he deputizes. And that it is not allowed for the individuals from among the general population.”<sup>659</sup>

#### e) The Response

As with most of the recent retractions, which have taken place by the certain groups and individuals while behind bars, most of the Jihâdî-oriented groups and scholars have dismissed the “Jihadi Code” as joint Libyan-American propaganda; designed and orchestrated for the sole purpose of deterring the youth from joining those groups who have taken up armed resistance

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<sup>659</sup> “Dirâsât Tas-hîhiyyah Fî Mafâhîm al-Jihâd wal-Hisbah wal-Hukm ‘Alan-Nâs”, Pg. 209

against their governments and policies. And as with those former examples, the general assumption is that these retractions were the result of torture, compulsion and coercion on the part of those imprisoned brothers from LIFG.

For instance, “Al-Quds Press” reported:

“The Algerian Islâmic leader, Shaykh ‘Alî Ibn Hâj cast doubt upon the legitimacy and usefulness of the retractions, which were released by Al-Jamâ’ah al-Muqâtilah in Libya, saying: ‘They took place under the coercions of prison.’ Just as the vice-resident of the ‘Islamic Salvation Front’ considered the main objective of these retractions was to strike out at any real opposition in Libya, specifically, and in the Arab world generally, much less implementing autocracy and tyranny.’

“Al-Jamâ’ah al-Islâmiyyah al-Muqâtilah in Libya had entered into a probing dialogue with the state (leaders) through the ‘Gaddafi Development Foundation’, which is led by Sayf al-Islâm, the son of the Libyan president, which put an end to the armed conflicts, which they participated in against the Libyan regime and which led to the leaders of the Jamâ’ah writing a number of legal research projects and studies under the title ‘Dirâsât Tas-hîhiyyah Fî Mafâhîm al-Jihâd wal-Hisbah wal-Hukm ‘Alan-Nâs’ (i.e. The Jihadi Code), which was known as ‘The Retractions’. And they have come in 417 pages.’

“And in a statement to the Quds Press agency, ‘Alî Ibn Hâj expressed his regret about the ruling regime’s resorting to coercing the prisoners into drafting ideological and juristic retractions as a condition for their release. And he indicated that any retraction, which takes place in prison is compulsion – the legitimacy of which is doubtful. And he said: ‘I always differentiate between ‘Revisions’ and ‘Retractions’, so those ones who participated in the process of revision in prison; we do not know the conditions in which they were living, and customarily they live under conditions of psychological, security-oriented and familial pressures, and since I have been imprisoned, spending eighteen years there, then I am familiar with these pressures. And the prisoner may resort to these matters in which he will show that he was mistaken in order to be released from prison. So due to that, I believe that the revisions from behind bars are suspicious because they take place under the psychological, familial and security-oriented pressures.’

“And he added: ‘And the second issue is: It is not known whether these revisions came from the member of Al-Muqâtilah themselves, or if they were dictated to them from security agents. So due to that, I ask: Why were they not released first, and then afterwards they could be given the media and Da’wah opportunities to (publicly) produce these revisions in the light of day, not in the darkness of the prisons?’”<sup>660</sup>

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<sup>660</sup> “Alî Bilhâj: The Revisions of the Islâmists From Behind Bars Reinforces the Autocracy”, by Al-Quds Press, (Sept. 9, 2009)

And in Hânî as-Sibâ'î's commentary upon the two letters he received first notifying him about the upcoming retractions from the LIFG, he wrote:

“Based upon what has passed, we at Al-Maqrîzî Centre say: ‘O Allâh, if these retractions were retractions (back) to the truth and to support of Islâm and raising its banner, then what a great thing. But we know that the Face of Allâh, the Most High, was not intended with these retractions and that behind the hill there is what there is (i.e. negativity). And the poet spoke the truth:

*And I will not weaken to other than the truth,      Until the rock becomes soft (enough to chew)  
asking for it (i.e. other than the truth),              for the grinding molar tooth – (i.e. never)*

“O Allâh, mover of the hearts and the sight, keep our hearts steadfast upon Your religion and Your obedience. O Allâh, we seek refuge in you from imperfection after perfection. And we ask, O Jabbâr, O Muntaqim, that you not make us a Fitnah for the wrongdoing people. O Allâh, verily you know that your Noble Face was not intended with these retractions. O Allâh, these retractions, which are nothing more than the concoctions of the tyrants (Tughât), nothing was intended by them, except humiliating the monotheists and those who sit back gloating over the misfortunes of others. O Allâh, verily these retractions were not intended except to beautify the ruling of the oppressors and to lengthen their lives so that they may cause Kufr and corruption in the land. O Allâh, remove the calamity off of your afflicted slaves. Free them. Take over their matter and perfect their sincerity. O Allâh, relieve the countries and the slaves of the tyrants (Tawâghît) of the Earth wherever they are found. O Allâh, Âmîn.”<sup>661</sup>

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<sup>661</sup> “Al-Maqrîzî Centre for Historical Studies”, London, the 5<sup>th</sup> of Sha’bân, 1430 H. (07/27/2009)

## Commentary from the Scholars and Major Students of Knowledge Upon the Recent Retractions from Behind Bars (Part 2)

### 1. Dr. Hânî as-Sibâ'î's Commentary Upon the Retractions of Jamâ'ah al-Islâmiyyah

In a published interview, Dr. Hânî as-Sibâ'î, may Allâh preserve him, offered some beneficial analysis of this incident, when he was asked:

**Question:** "What are the reasons for the harsh attacks, which you are currently directing against Al-Jamâ'ah al-Islâmiyyah?"

To which he replied:

**Answer:** "I am not carrying out an attack against Al-Jamâ'ah al-Islâmiyyah, rather I am performing an evaluation concerning the releases by their leaders. It is only an evaluation because the flood has reached the waterline (i.e. enough is enough), and their experiences have become a crutch for every Tom, Dick and Harry in attacking the Islâmîc movement, which resists the oppression and the corruption of the regimes. Their position has become a basis for directing arrows against Islâm in general and not a specific group. They – the refuters – take the stooping of this group and its retractions and its ideological defeats to declare that this Islâm, which rejects the oppression of the governments and the Americans, is not correct. This is what motivated me to openly declare my position towards this. And there is no gloating over another's misfortune in the matter. I want to advise as much as I can.'

**Question:** "But what are your objections against the retractions of the group and the 'retractions of the retractions'?"

**Answer:** "These retractions are a source of doubt due to them being born in a faulty realm. They were born in the realm of the prisons, from where nothing comes out besides doubtful discarding (of one's ideology). And later, they labelled this doubtful discarding as ideological retractions from Al-Jamâ'ah al-Islâmiyyah. Why do they not release the leaders of the Jamâ'ah so that they may be a fertile climate and they may reach the ideas, which they reached or to other ideas besides those, which they had reached, so that we would be able to know that there is freedom of opinion and choice.'

**Question:** "But they said more than once that they reached these retractions without any external pressure. They sat in the prisons and debated concerning these ideas then they reached them through being convinced and not as a result from pressure of the Egyptian government. Is that not correct?"

**Answer:** “Any imprisoned person is able to come in the interrogations and say, “I did such-and-such, and I did this crime or that action.” And the interrogator asks him, “Did anyone compel you upon this confession?” So he will reply, “No, no one compelled me,” despite the fact that he was tortured in the prison. His presence in the prison is in-and-of-itself considered a (form of) torture.’

**Question:** “This matter could apply to an individual or two individuals from the leadership of the Jamâ’ah, but we are speaking about a large leadership, which sat freely along with the rest of the prisoners and openly debated these ideas and attempted to convince them of these retractions.’

**Answer:** “That which applies to an individual applies to a Jamâ’ah. Compulsion is compulsion. Whoever has a specific characteristic (of being compelled) then it is a place of abstention. In other words, we abstain with regards to his opinions out of fear that he might be compelled. Why? Because (what) might happen, and the matters may change and an opulence of freedom might take place after that for the Jamâ’ah. Then we see that they, themselves, say, “We were compelled and weak in the land. And we were in the prisons. We were unable to stop the overwhelming movement against us, so we needed to write the likes of these letters, which were dictated to us from some of the Shaykhs.” And we see, at that time, secrets that we did not know before. So they might take another religious excuse.’

“They began their work as a Jamâ’ah of with a pledge, in the name of the religion, which rose up to change the evil in the name of the religion. It killed the departed president, Anwar as-Sâdât in the name of the religion. It permitted the wealth of the Christians and the wealth of the Muslims in the name of the religion. Then now they turned back and say, “We are mistaken. We erred in these operations and this is prohibited.” Rather, As-Sâdât has (even) become a Shahîd. The man who was the greatest agent for the Americans and the Zionists, in their eyes, has become a Shahîd. They said that in the name of the religion as well. Initially they said, “We reviewed the ideas of the jurists,” in order for them to justify their operations. And now, in their retractions, they say, “We reviewed the ideas of the jurists.” Let us say, for instance, that there is another era that passes by and the climate changes and the state loosens its grip, then what would be hope to find? The general people may not feel comfortable with this new position of theirs. How can we be comfortable with a Jamâ’ah, which recants between night and morning, from black to white, and from white to black? How can the souls be comfortable with the likes of these retractions? This is from the formal point of view. But let us say, for instance, that they continue upon this new position of theirs. Then this has another discussion. What I want to say, is that the initiative was born in a false climate and it is the climate of the prisons. So whatever is built upon falsehood is false.”<sup>662</sup>

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<sup>662</sup> “Al-Hayât” Newspaper, London, 5/09/2003. Interview conducted by Camille Tawil

However, this leniency gave birth to somewhat harsher responses when the retractions continued while the leading prisoners were released, and yet they continued to persist in this type of condemnation of the Jihâd; both in Egypt and globally.

## 2. Shaykh Abû Qatâdah’s Commentary Upon on the Retractions of Jamâ’ah al-Islâmiyyah & Shaykh ‘Abd al-Qâdir Ibn ‘Abd al-‘Azîz

Our Shaykh, Abû Qatâdah al-Filastînî, may Allâh free him, was recently asked about the retractions of Al-Jamâ’ah al-Islâmiyyah as well as those of Shaykh ‘Abd al-Qâdir, may Allâh free him.<sup>663</sup> The reader might find the position of Shaykh Abû Qatâdah to be somewhat harsh – particularly with respect to Shaykh ‘Abd al-Qâdir – but the reader must also bear in mind that the Shaykh himself was a captive of the English government when this interview was conducted.<sup>664</sup> Therefore, he is not unfamiliar with the experiences of the prison and the ‘retractions’ phenomenon within them. And this becomes clear in the answer he gives below, as he has likewise been subjected to the pressures to comply and ‘retract’ himself.

And while reading and translating this interview for our project, we were reminded of the attitude of Imâm Ahmad Hanbal, رحمه الله, towards those who complied with the compulsion of the Sultân during the Mihnah.<sup>665</sup> And verily, the foot which walks upon the same paths as its forefathers will inevitably develop the same calluses. And Allâh knows best.

**Question:** “We have been hearing for a while about ‘revisions’ such as the revisions of Al-Jamâ’ah al-Islâmiyyah in Egypt and likewise what has been called ‘Tarshîd al-Jihâd’ by Dr. Sayyid Imâm ‘Fadhîl’ and the likes of that. How do you view this phenomenon and are they ‘revisions’ from your point-of-view, or something else?”

**Answer:** “To begin, my dear brother, I want to mention an issue. And that is that opinions might be mistaken or correct and that is like what Abû Hanîfah, رحمه الله, said: ‘Today we might say a statement, which after tomorrow we take back.’ So a person changing from one opinion to another is not something blameworthy in-and-of-itself. Rather, it is something praiseworthy if it is (changing) from a mistake to something correct. And it is praiseworthy because it holds the meaning of sincerity in seeking the truth. And likewise, because the one who performs that, is without doubt someone brave. This praise for openly declaring a retraction is missing in the two

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<sup>663</sup> Interview with Shaykh Abû Qatâdah from within the British Prison: Thursday, Jumâdâ ath-Thânî, 1429 H. June 5<sup>th</sup>, 2008. Interview conducted by ‘Âdil ‘Abd al-Majîd [<http://tawhed.ws/r?i=1502091r>]

<sup>664</sup> We have written “was” here, but this is his present state at the time these words are being written. And we ask Allâh, تعالى, to free our beloved Shaykh and reward him immensely for the patience and steadfastness he has demonstrated while suffering the trials of captivity and isolation in some of the harshest prison conditions known within the United Kingdom penal system.

<sup>665</sup> Refer to Chapter 4 and the subsection entitled: “The Attitude of Imâm Ahmad, رحمه الله, Towards Those who Complied with the Compulsion of the Sultân”

instances, which you have mentioned. And if I were to begin with the actions of Al-Jamâ'ah al-Islâmiyyah al-Misriyyah, we would see a downfall of the small amount of what they have from the truth. And we would also see an error of moral constitution.'

"The Jamâ'ah began the issue of the retractions – not the 'revisions' – by openly declaring the truce. And this was a matter related to the field (i.e. battleground), and it has no tie to the methodology nor to the ideology. Then they uncovered the reality in that it was a complete retraction of the methodology, which they carried previously. And this paving of the way was the first error of moral constitution, because they wanted to reduce the shock regarding how they ended up. And this is a loss of the element of sincerity of seeking the truth. And it is a loss of bravery as well. Then we saw the end result and it was a complete disavowal from their history and a complete retraction of their methodology, to the point where the one who killed (Anwar) As-Sâdât was mistaken, yet excused due to his misunderstanding, and the one killed (i.e. Sâdât) as transgressed upon and innocent.'

"When I first heard about the knowledge-based research, which they completed and that they were 'revisions', I said to myself – and Allâh bears witness – that I would read them attentively, and I assumed that what would be in them would be their entrance into the matter which the other Jihâdî groups had carried against the Tawâghît from its correct points. Because this people (i.e. group) were the closest people to these groups. I say 'the closest' because ever since I began upon this path and believed in it, I considered Al-Jamâ'ah al-Islâmiyyah al-Misriyyah to be a group of Hisbah<sup>666</sup> and nothing else. And this opinion used to anger my friends (firstly) before anyone else. And when I read these 'revisions', I found them to be research projects, which did not surpass the level of high-school students, whether regarding its level in Principles or Research; even the sources upon which they relied. And I would never have believed – rather I would clearly belie this, because these booklets would not even challenge a student of Sharî'ah-based knowledge who was at a beginner level, for even one month. And a month is even more than they would need. As for what is in them from new rulings, then it is a affirmation of the understanding of the Jamâ'ah that they are a Jamâ'ah of Hisbah, but it was a complete turning away from Hisbah as long as it clashed with the governments.'

"This is a summary of their revisions within their books. As for their reality, then I do not think that there is anyone who could respect their political actions these days, because their hypocrisy with regards to the ruler of Egypt shocked even the Ikhwân al-Muslimîn themselves. It even shocked some of the writers who believe that the harshest means of responding to the government is in an article within a newspaper. Yet despite this, even they could not stand this hypocrisy regarding the regime, as they have made themselves available to the Tâghûtî regimes for a rental fee. So they did not refuse to offer themselves to the regime of Âl Saud to hire them to strike the Jihâdî movement within the Peninsula. And today we do not see any announcement or address, except that it is against the Islâmic groups and on the side of the

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<sup>666</sup> **Hisbah:** Ordering the good and forbidding the evil.

regime. And due to that, they rebuked Hamas in its seizure of the Palestinian Authority. As for their addresses against the groups waging Jihâd, then they are even louder in this. So these are the retractions, the end result of which is a loss of knowledge and etiquette and a removal of the veil of humility. So Allâh is sufficient for us and the best in Whom to put trust. And I mentioned once, while I was outside of prison, that I began to evaluate their booklets, which they called 'The Revisions', but I was arrested and imprisoned by the English government before I could continue. And I hope I am not revealing a secret if I inform the Muslims with this matter. And it is that two officers from the English Interior Intelligence – the MI5 – visited me in prison. And afterwards I discovered that they came to evaluate my ideology. Am I still upon what I was upon, or had the foolishness of 'revisions' hit me? And in this meeting, the head of security brought these booklets of the Jamâ'ah, and placed them in front of me, in order to test my stance towards them. Then when I saw their titles, I through them at his chest and said one thing to him: 'The Jihâd in the path of Allâh has surpassed these errors.'

"With regards to the supposed 'Tarshîd', which was put forth by the Dr. Sayyid Imâm, then the truth is that I read some of its paragraphs, but not all of it. But I did read the summary of the ideas of this man, his intentions and his methods in his interview with the newspaper 'Al-Hayât', which was conducted by the Egyptian journalist, Muhammad Salâh. So I was shocked by this man's lack of manners and his audacity, even his clear lies – to the point that he disavowed himself from the leaders of Jamâ'at al-Jihâd. And I was shocked by a man who smelt the fragrance of knowledge – even if it was for moments – how he could place his opinion at the level of the Book and the Sunnah, and that refuting him was a refutation of Allâh and His Messenger. He says this, and goes even further than that when he declares that what his former brothers are in from tribulations was due to his Du'â against them – an approval of himself which no one would be able to do, except for a man who had lost intellect and guidance, not only knowledge. As for its topics of knowledge, then the man did not come with anything new, rather he only dragged back what he himself used to refute in the days when he was from Jamâ'at al-Jihâd.'

"And here I will state my opinion of the book of 'Abd al-Qâdir Ibn 'Abd al-'Azîz, and it is 'Al-Jâmi' Fî Talab al-'Ilm ash-Sharîf'. And it is my opinion, which my brothers knew from me even before his latest deviances. That is because I wrote a lengthy refutation against it, but I do not know where it ended up now, after this Mihnah. And I was harsh against him, due to what I saw from his knowledge-based audacity when refuting great people of knowledge without understanding their words. And in those days, the brothers used to advise me to soften my words against him, but I would not do so, and I would say to them: 'Look at the first volume of the book.' And it is the section about knowledge. 'Do you see that it is anything besides a theft from The Book of Knowledge in (the book) 'Ihyâ' Ulûm ad-Dîn', as he took the chapters, the sub-chapters and the topics, and their contents, except that he added to it the words of Ibn Taymiyyah, Ibn al-Qayyim and others. And he would pass over the great mistakes within the words of Al-Ghazâlî, but would not understand them, and would refute some of the people of knowledge in that which he did not understand. This was my opinion in those days of the man with regards to

knowledge. As for the introduction to Al-Jâmi' against Jamâ'at al-Jihâd, then it revealed a sick personality, who always places himself at the level of the unrestricted truth.'

"This is the reality of these 'revisions' and the 'Tarshîd' with regards to the matters of knowledge and etiquette. As for its results, then the question to those who have turned back upon their heels is: Who are you serving with these ignorances? Are you serving Islâm and the Muhâjirîn or are you serving their enemies?'

"Suppose that the young Muslim men listened to this Sayyid Imâm and left the Jihâd in Iraq, Afghanistan and Palestine, under the claim that there is absence of ability. Then what would be the result, O you?'

"Suppose that the young men waging Jihâd in Palestine were convinced that the hope in Palestine for the establishment of an Islâmic state there was lost, as this ignorant one says. Then who will dance, due to happiness, on that day?'

"In reality, those ones are criminals and nothing else. And it is a mistake to deal with them as if they are students of knowledge whose ideologies (merely) have changed. And this is what they would like us to do.'

"Verily, their actions are harsher upon the Ummah than one hundred thousand American or Jewish soldiers. And all praise is due to Allâh, the Most High. This is the religion of Allâh and He is its protector and its supporter. And Allâh says:

﴿ مَنْ يَرْتَدَّ مِنْكُمْ عَنْ دِينِهِ فَسَوْفَ يَأْتِي اللَّهَ بِقَوْمٍ يُحِبُّهُمْ وَيُحِبُّونَهُ أَذِلَّةٍ عَلَى الْمُؤْمِنِينَ أَعِزَّةٍ عَلَى الْكَافِرِينَ يُجَاهِدُونَ فِي سَبِيلِ اللَّهِ وَلَا يَخَافُونَ لَوْمَةَ لَائِمٍ ذَلِكَ فَضْلُ اللَّهِ يُؤْتِيهِ مَن يَشَاءُ وَاللَّهُ وَاسِعٌ عَلِيمٌ ﴾

﴿ **Whoever from among you turns back from his religion (Islâm), Allâh will bring a people whom He will love and they will love Him; humble towards the believers, stern towards the disbelievers, fighting in the Way of Allâh, and never afraid of the blame of the blamers. That is the Grace of Allâh which He bestows on whom He wills. And Allâh is All-Sufficient for His creatures' needs, All-Knower.** ﴾ [An-Nisâ'] <sup>667</sup>

"And in reality, those ones are soft against the disbelievers and criminally (harsh) against the Mujâhidîn. So they should be happy with that, if there is any happiness in disobedience. And perhaps from what is strange about those ones, is that the guidance did not fall upon them, except in the prisons and due to the tribulations. So could they not have been like Abû Thumâmah, the great Sahâbî, who did not enter Islâm while captive so that it would not be

<sup>667</sup> The original says An-Nisâ' but it is actually Al-Mâ'idah, 54

assumed that his Islâm was out of cowardice and stress? And then when the Messenger of Allâh, صلى الله عليه وسلم, freed him, he went and performed Ghusl and entered into Islâm.’<sup>668</sup>

“The reality of those ones is indicated by what He, the Most High, said in Sûrat al-‘Ankabût about the likes of them:

﴿ جَعَلَ فِتْنَةَ النَّاسِ كَعَذَابِ اللَّهِ ﴾

﴿...they consider the trial of mankind as Allâh's punishment...﴾

### 3. Shaykh ‘Abd Allâh Ibn Nâsir ar-Rashîd, may Allâh free him, Commenting Upon the Retractions of Jamâ‘ah al-Islâmiyyah & the Shaykhs, ‘Alî al-Khudhayr, Nâsir al-Fahd and Ahmad al-Khâlidî

After the televised retractions of the three Shaykhs were broadcast, Shaykh ‘Abd Allâh ar-Rashîd, may Allâh free him, wrote a book called “Hashîm at-Tarâju‘ât” in response to these retractions. We have translated a portion of it from the chapter entitled: “**Chapter: Retracting While Imprisoned**”:

“In this time, numerous retractions have surfaced which were born in the prisons and came out from them. The most important to be mentioned from them is the retraction of those who retracted from the Shaykhs and callers who were imprisoned in the year 1415 H. and these retractions by most of them were in prison, as it was narrated by those who accompanied them. However, they did not announce anything from that which they retracted except for the

<sup>668</sup> Referring to the Hadîth of Abû Hurayrah, رضي الله عنه, who said: The Prophet, صلى الله عليه وسلم, sent some riders towards Najd, then they came back with a man from Banû Hanîfah who was called Thumâmah Ibn Uthâl. So the tied him to one of the pillars of the Masjid. Then the Prophet, صلى الله عليه وسلم, came out to him and said: “What do you have, O Thumâmah?” So he said: “I have (a) good (idea), O Muhammad. If you kill me, then you kill one of (noble) blood. And if you are generous, you are generous to a thankful person. And if you want wealth, then ask for whatever you want from it.” So he was left until the next day. Then he said: “What do you have, O Thumâmah?” So he replied: “What I told you. If you are generous, you are generous to a thankful person.” So he left him until it was after tomorrow. Then he said: “What do you have, O Thumâmah?” So he replied: “I have what I told you.” So he said: “Release Thumâmah.” So he left to a palm tree near the Masjid, made Ghusl, then entered the Masjid and said: “I testify that there is no deity worthy of worship except Allâh, and I testify that Muhammad is the Messenger of Allâh. O Muhammad, by Allâh, there was no face on Earth that was more hated to me than your face, but now your face has become the most beloved of faces to me. By Allâh, there was no religion more hated to me than your religion, but now your religion has become the most beloved to me. By Allâh, no city was more hated to me than your city, but now your city is the most beloved city to me. And verily, when your horsemen took me, I was intending to perform ‘Umrah, so what do you see (should happen)?” So the Messenger of Allâh, صلى الله عليه وسلم, gave him glad tidings and ordered him to perform ‘Umrah. Then when he reached Makkah, someone said to him: “You have left the religion?” He said: “No, but I entered into Islâm with Muhammad, the Messenger of Allâh, صلى الله عليه وسلم. And no, by Allâh, not one grain of wheat will come to you from Al-Yamâmah until the Prophet, صلى الله عليه وسلم, permits that.” – Narrated by Al-Bukhârî in his “Sahîh”, (#4,372) and Muslim in his “Sahîh”, (#1,764).

specific individuals who sat with them (in the prison) until it was the eleventh of September – two years ago – then they openly declared much of what they had previously been hesitant about and had hidden.’

“And the retractions from Al-Jamâ’ah al-Islâmiyyah, in the prisons of Egypt, followed those retractions more than a year ago and the Tawâghîr openly declared and announced their retractions in every country and they repeated it over and over, due to their need for that in order to secure their thrones of their Tâghûrî regimes.’

“And the last of what there was from the retractions were the retractions in prison by the Shaykhs who support the Jihâd and the Mujâhidîn. And ‘Alî al-Khudhayr and Nâsir al-Fahd came out openly to the people and they both announced their retractions in front of everyone in many matters until the matter reached to them saying that the Jihâd in Iraq is a trial and is not a Jihâd and the likes of that from what does not even require any lengthy evidence to refute.’

“And prison itself is compulsion, according to some of the people of knowledge, as it is authentic from ‘Umar Ibn al-Khattâb, رضي الله عنه: *‘A man is not safe with regard to himself, if he is imprisoned, tied up or tortured.’* And some of them have said that compulsion differs based upon the different (conditions) of the people, because from the people are those for whom prison would be compulsion, and from them are those who do not see it as compulsion. On the other hand, holding steadfast is an ‘Azîmah for those who endure it. And some of the people of knowledge have said that those who are taken as leaders do not have the Rukhsah (concession) for that which compulsion would permit, and that was (the view) taken by Imâm Ahmad, رحمه الله, and may Allâh be pleased with him, during the ‘Fitnah of the Creation of the Qur’ân’.

“And if we say that prison is compulsion, then what the Shaykhs retracted came out from the outward appearance of their actions is not included in the definition of compulsion, as it will come in the verification of the regulations of the Takfîr.’

“And it is not possible for the truth to be restricted to the prisons and that the proofs of Allâh to not be established upon a person until he is imprisoned and it is not possible to use it as evidence and to call to it with regards to the one who is free and far from the prisons. And the prisons of the Tawâghîr are further than anywhere else from being a place where truth would come out of and for the truth and recognizing it to be restricted to.”

“And the condition of the retractions within the prisons are only in one of two issues:

**“The First:** The taking of the Rukhsah (concession) by those who take it, due to the condition of the prison.’

**“The Second:** Deductive Reasoning (Ijtihâd) wherein there is a type of desire.’

“And the discussion concerning both of them will come in the next section, *In Shâ’ Allâh.*” <sup>669</sup>

#### 4. Some Closing Words By Our Shaykh, Abû Muhammad al-Maqdisî (may Allâh preserve him)

We felt it prudent to offer some closing remarks on this subject from a contemporary scholar who has experienced the trials and tribulations of prison, first-hand. Because even after reading about the plots of the enemies of Allâh regarding the Muslim captives and their interrogation and torture techniques, those of us who have never experienced these things can only grasp the issues from a theoretical point-of-view.

However, our beloved Shaykh, Abû Muhammad al-Maqdisî – may Allâh, the Most High, preserve him – has lived for years within various Jordanian prison cells for his stance towards the Tawhîd of Allâh in matters of governance and legislation, and likewise for his refusal to remain silent about the crimes of the apostate Jordanian regime against Islâm. And he has experienced some of the worst forms of torment dealt out to that country’s “political prisoners” and “dissenters”. <sup>670</sup> Yet despite this, he has remained an excellent example of patience and steadfastness for our Ummah. And for this reason alone, his name deserves to be mentioned along with his predecessors from our scholars who experienced similar trials along the same path; Imâm Ahmad Ibn Hanbal, Shaykh al-Islâm Ibn Taymiyyah and the Shahîd, Sayyid Qutb, may the mercy of Allâh be upon them all.

Therefore, this is a scholar who knows what he is speaking about when it comes to the prisons and the trend of ‘retractions’ and ‘recantations’ by the Muslim captives. So dear reader, in closing, we urge you to focus upon his advice and commentary.

In his book “*Waqafât Ma’ Thamarât al-Jihâd*”, the Shaykh digressed into the topic of ‘retractions’, as he wrote in the seventh chapter entitled “**The Prison is (both) Gardens and Fire**”:

*“The prison is a trial; it either bears fruit, ruins (a person) or clouds (their mind)”*

“This is a phrase which we, the graduates of prison – as some like to label us – repeat and it is a phrase which became affirmed by what we have witnessed in the prisons. And due to that, it describes the reality of the prison and its differing effects upon those who enter it, live within its dungeons and within its grasp and who live within its cells and who experience its various torments.’

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<sup>669</sup> “Hashîm at-Tarâju’ât”, Pg. 16

<sup>670</sup> For years he was held and jailed indefinitely without charges or trial in addition to the physical abuse and torment.

“And whoever has not lived that or come to know it closely, then he might be surprised or find strange that which comes from many of those have been in the prisons, whether it is changes (they undergo) or statements (they make).’

“As for those who have lived it and tasted the calamities of its trials, the types of its harm and the categories of its torment within its walls, then it is possible that he would deliberate and take his time before declaring his judgment upon some of its people if some cloudy or even ruined statements come from them. And he would be slow to following their Fatâwa which contradict their methodology and which might be released due to compulsion.’

“So the prisoner is lacking in his capacity, due to the strong assumption that he would be placed under coercion or compulsion. And due to that, it is not allowed for us to place full responsibility upon him regarding his statements until he is released from captivity and confinement and can then clarify his statements willingly without any pressure or compulsion. And that is even more appropriate regarding the Shaykhs of the Jihâdî movements, due to the ferocity of the enmity of the Tawâghît towards them and the severity of their pressure upon them. As it is elementary knowledge that the severity of their enmity towards the one who waves his swords in their faces or incites (others) upon that, is not like their enmity towards anyone else.’

“And due to that, we have advised those who visited us seeking our advice regarding what has come from the Shaykh al-Khudhayr, the Shaykh al-Fahd and their likes from the Shaykhs, to never be fooled by what has come from them including Fatâwa or retractions while in prison firstly, and secondly, to take their time (before rushing to judgment) and to not extend their tongues regarding the honour of those Shaykhs, as well as to supplicate for them that Allâh saves them from the plots of the Tawâghît and to take their time (before rushing to judgment), until Allâh releases them.’

“And due to that, we withheld our tongues regarding the leaders of Al-Jamâ’ah al-Islâmiyyah in Egypt when they released what they did from retractions while in prison, under the titles of ‘Revisions’. And we still, to this day, withhold our discussion regarding those of them who remain in prison and we preserve for them their past Da’wah and Jihâd and trials for Allâh’s sake, contrary to those who were released or who were on the outside to begin with. Because we were upset by some of them clinging heavily to the Earth, along with what was attributed to them from turning back. We were also extremely upset by their attacks against our Mujâhidîn brothers from Al-Qâ’idah and their hastening to disavow themselves from them. Also their calling them to repent from what they were performing from Jihâdî operations, as if they had performed a condemned action and falsehood –justifying their insults against them, based upon the claims that they were killing Muslims and targeting Makkah and those performing the lesser pilgrimage (‘Umrah).’

“(This came from) information which was declared by the disbelieving governments and propagated in their filthy media. This, despite the fact that they, themselves had experienced the lies of these (same) governments and their media and had previously been branded by their fire. Otherwise, how could any intelligent Muslim believe that the Mujâhidîn of Al-Qâ'idah and their likes from the Mujâhidîn could possibly (deliberately) target Muslims, whether they were in Riyadh, Jeddah or elsewhere, much less target those performing the lesser pilgrimage ('Umrah) in the sacred city of Makkah. Unless they count the agents of the CIA and the FBI which the Peninsula of the Muslims has been filled with. Or if they mean by 'those performing 'Umrah', the Tawâghît who perform 'Umrah in order to take pictures, which can spread amongst their people and to place restrictions upon the Muslims in their acts of worship. And I apologize to the reader for digressing here and I return to what we were discussing...”<sup>671</sup>

And regarding the document attributed to Shaykh 'Abd al-Qâdir, may Allâh free him, the Shaykh, Muhammad al-Maqdisî was asked:

**“Question:** What is the opinion of the Shaykh, Al-Maqdisî regarding what has been attributed to the Shaykh, Sayyid Imâm, from the retractions, which were labelled 'Tarshîd al-Jihâd'?”

**“Answer:** All praise is due to Allâh, and may the Blessings and Peace be upon the Messenger of Allâh. And to proceed...’

“I have reviewed the papers, which were labelled 'Tarshîd al-Jihâd', which are attributed to the Shaykh, Dr. Sayyid Imâm, may Allâh free him, and I found that it can be divided into three categories.’

“The first of them is what is known with certainty to be from the words of the Shaykh, Sayyid Imâm, due to my knowledge of him and his writings. And they are long-held opinions of the Shaykh, regarding the Jihâd, which whoever knows him closely as well as those who reviewed his writings would know that about him, regardless whether we agree with him in those (opinions) or oppose him. And they are prior words, some of which you can see in the book, 'Al-Jâmi'' and in the book, 'Al-'Umdah'. And I had refuted some of them in my notes upon the second volume of the book, 'Al-Jâmi'', in 'An-Nukat al-Lawâmi' Fî Malhûthât al-Jâmi''.

“And the second are without doubt lies upon the Shaykh which do not fit with his knowledge and the fundamentals, which he laid down in his writings. And the discussion regarding this category would be lengthy, but there are examples of that, which would not be hidden to even the junior students of knowledge. And they are without doubt from what has been worked into the book by the agents of the state security, as it has been released by them. And there is no doubt that they played with it by adding and removing. From that is what was attributed to him in 'At-Tarshîd' that he held the permission of the parents, the debtor and the likes to be from those established conditions of participating in Jihâd, without him mentioning what his own

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<sup>671</sup> “Waqafât Ma' Thamarât al-Jihâd”, Pg. 22-23

well-known writings indicated regarding the difference between Defensive Jihâd and Offensive Jihâd, as he did not consider the likes of these conditions (to be valid) for Defensive Jihâd, which is well-known to the junior students, let alone the likes of him from the people of knowledge. And similarly his ruling that it is not permitted to rebel against the disbelieving rulers, due to reasons that he mentioned. At first he used them as evidence that it is not obligatory (to rebel), then surprisingly, he moved to the claim that it not even allowed, despite the fact that the condition for permissibility is less than the condition for the obligation. So this feebleness, along with weakness in knowledge is not from the established methods of the Shaykh in the laying down of precise knowledge-based principles. And besides this, which the student of knowledge would notice, particularly those who are knowledgeable about the Shaykh and his writings. And this is not the place to mention them in detail, rather what I intended was to give (a few) examples.'

"The third are matters from the disputes with Al-Qâ'idah, which I do not know its state, nor have I witnessed them. It is possible that they did come from the Shaykh, due to similar things being mentioned in the introduction to 'Al-Jâmi''. And some of them are falsely attributing (things towards Al-Qâ'idah), accusations and harsh insults, which I would not say for certain are from the Shaykh, due to their incompatibility with the Shaykh's manners, his good conduct and his thoughtfulness. So Allâh knows best concerning that.'

"This is a summary of my opinion regarding these papers, which I have read under the title 'Tarshîd al-Jihâd', and it is what I have mentioned to some of my brothers when they asked me about it.'

"As for what has been attributed to me from the claim that I support what has come in it from the retractions, then it is a complete lie which was forged upon me by some of the misguided ones who are extremists in Takfîr. And it was spread by some of those ignorant ones who revolve around them and narrated from them. And I am innocent from that.'

"And may the Blessings and Peace of Allâh be upon our Prophet, Muhammad, upon his family and his companions."

Abû Muhammad al-Maqdisî  
Ramadhân, 1429 H. <sup>672</sup>

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<sup>672</sup> From his online website: (<http://tawhed.ws/r?i=fxzza32l>)

## Bibliography

Due to the extensive research footnotes and the many books which were referenced in this project, we offer this brief bibliography and encourage the reader to review our sources. We have attempted to be as thorough as possible in our account of the source material. In some cases we have referred to two or more separate editions of the same book, due to certain passages existing in one manuscript whereas they may not have existed in another. However, in most cases, these different editions will be made known by their respective publication companies, cities, editions and dates of publication. Sources that were cited with full information within the text were listed as such to differentiate between the different editions. Sources such as newspaper and magazine articles were omitted from the bibliography due to the reference footnotes containing all necessary information and including them in the bibliography would be redundant. In cases where sources were quoted within the sources we used, we have tried to include the publishing information where readily available and necessary. However, these publishing details were left out from sources cited within the book "Sayyid Qutb: Min al-Mîlâd Ilal-Istish'hâd" due to the sheer number of them, as well as most citations being paraphrased.

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