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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ وَسَلَّمَ تَسْلِيمًا

Kitaab 'I-Jihaad (The Book of Military Struggle)¹

¹ The etymological root of the word '*jihad*' (military struggle) is from the expression 'exertion' (*jaḥd*) which means hardship (*mashaqqa*) and energetic capability (*ṭaaqa*). According to the *shari'a* it means waging combat and fighting against enemies, which comprises the exertion and emission of utmost capacity in war, or words, or what is connected to it. The one who struggles (*jaahid*) against the enemy, is a *mujaahid* and *jihad* is his actual combat; thus he is the one who struggles in the Way of Allah. Allah ta'ala says: "...if indeed you go out in *jihad* in My Way seeking My pleasure." Allah ta'ala says: "Say: if your fathers, sons, brothers, wives, relatives, the wealth you have acquired, the merchandise for which you fear loss, and dwellings you desire are more dearer to you than Allah, His Messenger and *jihad* in His Way"; that is in giving victory to the religion of Allah and adhering to His pleasure. This is evidence of the merits of *jihad*, and it taking preference over all the things which bring comfort to the soul and its attachments to family and wealth. In the two above cited *Qur'anic* verses is clear proof against the collaborators in these times who falsely claim that the expression '*jihad*' is not utilized in the *Qur'an* in the context of combat and military. Realize, that this claim is a lie from the lower soul, and is taking reliance upon false interpretation (*ta'wil baatil*). For it has been narrated in a sound prophetic tradition: "Verily Satan establishes himself against the son of Adam in three positions. He positions himself on the road to Islam and says: 'Do not forsake your religion and the religion of your fathers.' He then opposes him and accepts Islam. He then positions himself against him on the path of *hijra* and says: 'Will you forsake your wealth and your family?' He then opposes him and makes the *hijra*. He then positions himself against him on the path of *jihad* and says: 'If you make *jihad*, you will be killed and someone else will marry your wife, and divide your wealth between them.' He thus, opposes him, and it then becomes a right of Allah to enter him into Paradise." Thus, the above cited justification utilized by the collaborators is only the excuse of a liar, clinging to humiliation, since their claim is merely apart of the deceptions of *Iblees*. We see many people in these times repeating this, by which they confide with the disbelievers in confidence seeking honor from them. For *jihad* with the meaning of combat and military warfare is firmly established in the Infallible *Qur'an*, and it is apart of the most apparent elements of the *Sunnan* of the Prophet of mercy, upon him be the best blessings and most perfect peace. *Jihad* is apart of the manner of the Righteous Ancestors, and those who follow them in spiritual excellence until the Day of Judgment, as he upon him be peace said: "There will never cease to be a community from my *Umma* fighting in the Way of Allah until the appearance of the Hour. They will not be harmed by those who oppose them; and war and its preparation will not be put down until the appearance of *Juj* and *Majuuj*." For *jihad* with the meaning of military warfare and combat is a right established in the pure canon *shari'a* of Islam. Rather, it has been firmly established in the religions of the past in the Jewish rabbinical law, in Christian ecclesiastical law, and in the customary law of every human community from the Arabs, the Blacks, the Indians, the Chinese, the Europeans and others. For combat and military warfare is a right from among the natural and individuals rights in matters of self defense. It is a right from among the political rights in the sovereignty of nations in matters of national defense and the declaration of war. It is a right within the Charter of the United Nations regarding the fundamental precepts of human rights and self determination; it is accepted within international law regarding the protection of the rights of religious, ethnic, linguistic and cultural national minorities. For combat and military warfare is apart of the fundamental principles of the constitutional law of the United States of America; and it is for this reason that the bearing of arms is a fundamental right of every citizen in that country. For *jihad* in reality is far superior to mere military warfare and combat because it is accomplished in the Way of Allah ta'ala, and it is from among the obligations which have been made incumbent upon His Prophet, upon him be peace and his *Umma* until the Day of Judgment. It is for this reason the *Shehu*, may the mercy of Allah be upon him said in his introduction to this book: "Because of the laxity in the zeal of

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the people of these times, I have limited this book to mentioning just the prophetic traditions (*al-ahaadith*) which will clarify in summation what has been related in the tradition of Jibril, upon him be peace, regarding *Islam*, *Iman*, and *Ihsan*; which with respect to worship make up the whole of the religion. I have only added in this book the prophetic traditions concerning the issue of military struggle (*jihad*), which remains the sole means by which the religion is protected." The reason for him adding the Book of *Jihad* is because the religion is not preserved except by means of it, either by the sword, the pen, the word or by a social contract with the disbelievers. The religion is preserved by means of *jihad* because it is the means by which the religion is exalted and disseminated and the means by which disbelief is destroyed and refuted. *Jihad* was made incumbent by His words: "Fighting has been prescribed for you, even though it is disliked by you; but perhaps you dislike a thing which is good for you, and love a thing which is harmful to you. Indeed Allah knows and you do not know." The Messenger of Allah, may Allah bless him and grant him peace said as it was related by Abu Dawud on the authority of Abu Hurayra: "The *jihad* is obligatory upon you with an *Amir* whether he be righteous or sinful." *Qadi* Modibo Abdullahi ibn Bellel said in his *Risaalat wa Naseeha*: "The scholars are unanimously agreed that fighting the unbelievers in their lands is a collective obligation (*fard 'l-kifaya*) and some of them even say it is an individual obligation (*fard 'l-`ayn*). Al-Qurtubi said in his *tafsir*: "It is obligatory for the *Imam* to dispatch a brigade to carry out military expeditions against the enemy once every year. He should go out with them himself or dispatch someone who represents him. And they are to call the disbelievers to Islam, avert harming them and inform them about the religion of Allah until they enter into Islam or they pay the tribute (*jizya*)." It is stipulated in the *al-Mukhtasar* and in other books of jurisprudence (*fiqh*): "When the enemy makes a sudden attack upon a region of the Muslim people, then it is incumbent upon them to defend themselves. It then becomes an individual obligation upon every Muslim in that region, even if it is a woman." The ending of this quote from the Chief Judge of Yola is proof that the key objective of *jihad* is in order to exalt the Word of Allah, meaning His religion, in His earth. If this can be attained by the sword, the *jizya*, the truce, the social contract, by commanding the good and forbidding evil or other than these, then this is what is meant by *jihad*. However, this does not preclude that it also includes defending one's life, reason, honor, womenfolk and wealth because Islam was established in order to preserve all of these. For by preserving these one establishes an aspect from the characteristic of *jihad*, and Allah knows best.

On What Has Been Related Regarding the Obligations of *Jihaad*²

It has been related in the Saheeh of al-Bukhari on the authority of Ibn Abass, may Allah be pleased with him that the Prophet, may Allah bless him and grant him peace, said on the day of the conquering of Mecca: “There is no *hijra* after the conquering but there remains *jihaad* and intention. Thus, when you are asked to go out and fight, then go out.”³

² This refers to the legal judgment of the obligation of *jihaad*; for the *Shehu*, may Allah be merciful to said in his Bayaan Wujuub'l-Hijra `Ala'l-Ibaad in chapter 13 on the legal judgment of *jihaad*: “As for the legal judgment of *jihaad* it is an obligation upon mankind based upon the words of Allah ta`ala: ‘*Fighting has been prescribed for you*’; and based upon his words, upon him be blessings and peace: ‘*Jihaad* is obligatory upon you with an *Amir*, whether he be righteous or sinful.’ This was related by Abu Dawud. Al-Nafraawi said in his al-Fawaakih `d-Diwaani the commentary upon the ar-Risaalat: ‘It is an individual obligation upon the *Amir'l-Mu'mineen* to conduct the *jihaad*, and this is the same with the *Jama`at* of the Muslims, if he does not exist.’ However, *jihaad* is considered the collective obligation based upon the opinion of the majority jurists. Muhammad ibn Ahmad ibn Juzay said in his Qawaneen'l-Ahkaam: ‘*Jihaad* is a collective obligation according to the majority of the jurists.’ Ibn Habib said that it is an individual obligation, while ad-Dawudi said: ‘*Jihaad* is a collective obligation upon everyone who is near the disbelievers; and when the borders of the lands have been protected; and the fortified borderline cities have been defended, then the obligation of *jihaad* has been repealed, but remains as a superogatory act of worship. *Jihaad* is made an individual obligation by three preconditions. The first being with the order and command of the *Imam*, for whoever the *Imam* specifies for the *jihaad* it then becomes an individual obligation for him to go out. The second is when the enemies make a sudden attack upon the lands of Islam, it then becomes an individual obligation upon the people of that land to defend themselves. If they do not suffice then it become incumbent upon those near to them. If all of these do not suffice in defending the land then it becomes incumbent upon the rest of the Muslims until the land is defended from the enemies. The third is in order to liberate the captives among the Muslims from the hands of the disbeliever.’ It states in the al-Mukhtasar: “*Jihaad* is a collective obligation to be sent out in the direction of the most pressing regions every year and when there is fear for those visiting the *Ka'ba* from belligerents.” Al-Kharaashi said in his commentary upon the al-Mukhtasar: “In this regard, meaning *jihaad*, it is well known that it is a collective obligation, and is canceled for most if some undertake it; based upon the words of Allah ta`ala: ‘*Allah has made those who struggle with their wealth and lives superior in ranks to those who sit at home; although for each Allah has promised good*’. This gives evidence that the entire group being addressed in this verse is done by way of substitution. It also indicates that the *jihaad* has been canceled by the actions of some. However when *jihaad* has become an individual obligation, those who sit at home without necessity are disobedient.” As-Shabrakheeti said in his commentary upon the al-Mukhtasar: “In this regard, if it is said how can he, may Allah bless him and grant him peace have become angry with the three who refused to go out when it is a collective obligation? The answer is that the *jihaad* was made an individual obligation upon the al-Ansaar when they gave the oath of allegiance to the Messenger of Allah, may Allah bless him and grant him peace in that regard; thus, the three who refused then to join the military engagement committed a major sin. As-Suhayli said this in his ar-Rawd al-Anfi regarding the prophetic tradition regarding the three Ansaar who failed to participate, that it was related on the authority of Ibn Bataal.”

³ The meaning of his words, may Allah be pleased with him: “...that the Prophet, may Allah bless him and grant him peace, said on the day of the conquering of Mecca”; is this was said just prior to the actual conquering of Mecca, as al-Muhallab cited. The meaning of his words, upon him be blessings and peace: “There is no *hijra* after the conquering”; is a reference specifically to the conquering of Mecca, in the opinions of the majority of the jurists. Al-Khataabi and others said: “In the beginning of Islam, *hijra* was made obligatory upon anyone who accepted Islam due to the scarcity of the Muslims in al-Medina, and their need to establish community life. However, when Allah conquered Mecca and the people entered into the religion of Allah in large numbers, the obligation to make the *hijra* to al-Medina was terminated, and the obligation to make *jihaad* and intention remained for the people who resided in Mecca, or for a people whom the enemies attacked.” Apart of the wisdom for the obligation of *hijra* for those who accepted Islam, was in order for them to be safe from the evils of the disbelievers, because the disbelievers used to torture those who accepted Islam until they returned to their former religion. It was about them that Allah revealed His words: “*Indeed those whom the Angels cause to die, while they are being unjust to their own souls, they will say to them: ‘What were your circumstances?’ They will say: ‘We were oppressed in the earth.’ They will say to them: ‘But was not*

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Allah's earth vast enough that you might emigrate in it'?" In this particular form of *hijra*, its legal obligation continues regarding the reality of those who accept Islam in the lands of disbelief, and they have the ability to leave that land. This obligation will remain until the Day of Judgment. It has been related by an-Nisaai' by way of Bihr ibn Hakim ibn Mu'awiyya on the authority of his father in the authority of his grandfather, that the Messenger of Allah, may Allah bless him and grant him peace said: "Allah does not accept the actions from a idolater after he has accepted Islam until he separates from the idolaters." The Professor Abdullahi ibn Fuduye` said in his Diya'l-Hukaam: "As for those who say that the obligation of *hijra* has been abrogated by the prophetic tradition: 'There is no *hijra* after the conquering'; is actually ignorant of the causative factor of the prophetic tradition and of the *tafseer* which the scholars of the *Sunna* give to it. This is because its causative factor was as a result of those who desired to make the *hijra* from Mecca after it was conquered. Thus, he, upon him be blessings and peace explained that the obligation of making *hijra* from Mecca had been revoked with its conquering. However, the scholars do cite that judgment of *hijra* being a prerequisite for the soundness of belief, had been abrogated after the conquering of Mecca. Al-Qastalani said in his commentary upon al-Bukhari: 'As long as there remains in this world a land of disbelief, then making the *hijra* from it is an obligation; since legal judgments persists as long as their causes exists'. There is also the prophetic tradition: '*Hijra* will not cease until repentance ceases, and repentance will not cease until the sun rises from the west.' This was related by Abu Dawud on the authority of Mu'awiyya. As for those who say that everyone who does not make the *hijra* from among the disbelievers, then he is also a disbeliever; to the point they permit the seizing of their children as slaves; are also ignorant. This is because failing to make the *hijra* is merely an act of disobedience, and not an act of disbelief." The meaning of his words, upon him be blessings and peace: "...but there remains *jihad* and intention"; is as at-Tayyibi and others have said: "This is called taking precaution against generating a judgment which conflicts with a prior judgment." This means that the *hijra*, which was an individual obligation and comprised separating from the designated land of Mecca and fleeing to al-Medina has been cancelled, except when one leaves that land for the purpose of *jihad* whose judgment persists. Likewise the leaving from a land for reasons of a righteous intention, like the fleeing from the land of disbelief; leaving a land in order to seek knowledge; fleeing with one's religion from strife; and making intention in all of that continues. It is also conceivable that what is meant by his words: "...and intention"; is that the obligation of intention in every act of worship remains, for worship is not valid without intention. The meaning of his words, upon him be blessings and peace: "Thus, when you are asked to go out and fight, then go out"; is as an-Nawwawi said: "What is meant here is that the transmission which is canceled with the canceling of the *hijra*, is possible to be achieved through *jihad* and a righteous intention. For when an *Imam* orders you to disperse from your land for the purpose of *jihad* and its like from righteous actions, then you should leave that land." At-Tayyibi said: "His words: '...however *jihad*...' is conjuncted to the prefixing circumstance in his words: 'There is no *hijra*...', which means the *hijra* from one's land, either by fleeing from the disbelievers or for *jihad* or other than this persists, like seeking of knowledge." It has been related by Ahmad from the prophetic tradition of Ibn as-Sa'idi that the Messenger of Allah, said: "*Hijra* will not cease as long as the enemies are being fought." In another narration of Ahmad also from the prophetic tradition of Junaada ibn Abu Umayya that the Messenger of Allah, said: "Verily *hijra* will not cease as long as there is *jihad*." These two prophetic traditions are evidence that the *hijra* will not cease until war and its preparation has been set aside; and war and its preparation will not be set aside until the appearance of Yajuuj and Majuuj after the heavenly descent of `Isa ibn Maryum, upon him be peace.

On What Has Been Related Regarding the Merits of *Jihaad*

It has been related in the Saheeh of al-Bukhari on the authority of Abu Hurayra, may Allah be pleased with him who said: "A man once came to the Messenger of Allah, may Allah bless him and grant him peace, and said: 'Guide me to an action which is equal to *jihaa*d, he, may Allah bless and grant him peace, said: "I can not find any."⁴

In it also⁵ on the authority of Abu Sa`id al-Khudri, may Allah be pleased with him, who said: "It was once said: 'O Messenger of Allah, which people are the best?' The Messenger of Allah, may Allah bless him and grant him peace, said: 'A believer who struggles (*mujaahid*) in the way of Allah with his *nafs* and wealth.' They then said: 'Then who?' He, may Allah bless him and grant him peace, said: 'A believer who resides among the diverse mountain passes fearing Allah and keeping people safe from his evil'.⁶

⁴ The meaning of his words, may Allah be pleased with him: "A man once came to the Messenger of Allah, may Allah bless him and grant him peace"; is that the traditionist Ibn Hajr said: "I have not come across the name of the man." The meaning of the words of the man: "Guide me to an action which is equal to *jihaa*d"; is guide me to an action that if I do it, it will be like *jihaa*d in its reward with Allah; or which is the same as *jihaa*d or resembles it. The meaning of his words, may Allah bless him and grant him peace: "I cannot find any"; is I cannot find any action equal to *jihaa*d in the Way of Allah. Then the man said: "Is it possible that when the *mujaahid* goes out, that you enter your *masjid*, and then stand in prayer none stop and fast continuously without breaking it?" He said: "Who is able to do that?" Abu Hurayra then said: "Even the stallion of the *mujaahid* standing on its hooves, has written for the *mujaahid* good deeds." This indicates the apparent merits of the *mujaahid* in the Way of Allah, and means that no other action is equal to the action of *jihaa*d. `Iyad said: "This prophetic traditions embraces the idea of the immense esteem accorded the affair of *jihaa*d because other actions such as fasting and the like in which there is mentioned the virtues of these good deeds, for *jihaa*d equals all of them. For all of the circumstances of the *mujaahid*, even his permissible actions are equal to the reward of a person persistent in the prayer and other than that." In this prophetic tradition is evidence that superiority is not achieved by analogy (*qiyaas*) but it is from the generosity of Allah ta`ala which he gives to whomever He pleases. All this is evidence that *jihaa*d is absolutely the most superior of actions.

⁵ That is to say, in the Saheeh of al-Bukhari or On What Has Been Related Regarding the Merits of *Jihaa*d.

⁶ The meaning of his words, may Allah be pleased with him: "It was once said: 'O Messenger of Allah, which people are the best?' is that regarding the one who asked the question, it is not known with any certainty who his name was. It is said that it was Abu Dharr who asked him about that. Its meaning is: 'Who is best among the circumstances of the common people?'; not the elite of the people, because being among the elite from the people of religion, knowledge, spiritual bounty, and being precise in following the *Sunnan* from among the scholars and champions of Truth, these are more superior than the *mujaahid* in the Way of Allah. The meaning of his words, upon him be blessings and peace: 'A believer who struggles (*mujaahid*) in the way of Allah with his *nafs* and wealth'; is that what is meant here by the believer is the one who establishes what is incumbent upon him to establish, and then thereafter he then achieves the mentioned virtues. It is then that superiority of the *mujaahid* emerges by him then expending his soul and wealth for the sake of Allah ta`ala; due to what he achieves in transcending normal advantages. It does not mean those who limit themselves solely to the *jihaa*d, while at the same time abandoning the individual obligations. This is clear refutation against those who claim that they are *mujaahidun*, and because of their *jihaa*d they are permitted to abandon the obligations and commit prohibitions, such as drinking intoxicants, fornication/adultery and other than these from the major sins. They say that these are lawful for them from the perspective of dissimulation (*taqiyya*); or from the perspective of deceit because 'war is deciet'; and other than this from their corrupt and unfounded opinions. This is among the most immsense deceptions of Iblees in these times of ours, we seek refuge with Allah from him. For, how can these corrupted sinners be among the *mujaahidun* the most superior of the servants of Allah, while they have forsakened the least boundaries of a believer?! The Messenger of Allah, may Allah bless him and grant him peace said: "The fornicator at the time he fornicates is not a believer. The thief at the time he steals is not a believer. The one who drinks intoxicants at the time he drinks is not a believer. The murderer at the

In it also⁷ on the authority of Anas ibn Malik, may Allah be pleased with him that the Prophet, may Allah bless him and grant him peace, said: “An early morning out in the Way⁸ of Allah or a late evening return is better than this world and all that is in it.”⁹

time he murders is not a believer.” If he is not a believer when he commits these major sins, then how can he be among the most superior of the believers, who are those who struggle with the wealth and their lives in the Way of Allah?! It has been related in the narration of an-Nisai that he upon him be peace said: “Indeed among the best of the people is a man who does an act in the Way of Allah, mounted upon the back of his stallion.” The meaning of their words: ‘Then who?’; is that it was those present among the Companions who said this. It means: Then after those whom you mentioned, who among the people are best? The meaning of his words, upon him be blessing and peace: ‘A believer who resides among the diverse mountain passes’; is the believer who isolates himself in them seeking spiritual bounty, because the one who intermixes with the people is not safe from committing sins, since one results in the other. This, however is restricted to the occurrence of tribulations. In this prophetic tradition establishes the merits of seclusion, withdrawal from people and fleeing from them; especially during the times of tribulation and the corruption of mankind. He mentions in the prophetic tradition mountain passes and mountains because in most cases these are locals of quiet and seclusion. But it also includes any place which allows a person to be remote from other people such as the *masajid*, the spiritual hospices, and homes; as it was corroborated in the prophetic tradition of `Uqba ibn `Aamir when he asked: “What is salvation O Messenger of Allah?” He said: “It is holding your tongue, sticking to your home, and being concerned about your own mistakes.” The scholars differ regarding the merits of seclusion or the merits of intermixing with people. The majority of the scholars hold the view that intermixing with the people is superior, with the condition that a man can remain safe from tribulation. Their evidence being what at-Tirmidhi and Ibn Maja narrated that he upon him be blessings and peace said: “The believer who intermixes with the people and is patient with their evils has a greater reward than the believer who does not intermix with the people and is unable to be patient with their evils.” Some of them hold the view that seclusion from people is superior, and take as their evidence the remainder of the cited prophetic tradition. The meaning of his words, upon him be blessings and peace: “...fearing Allah and keeping people safe from his evil”; is that this confirms that being isolated from people is foremost, and is corroborated by another prophetic tradition narrated by Bu`ja ibn Abdallah on the authority of Abu Hurayra that he upon him be peace said: “There is coming upon mankind a time when the best of people in station (except those who do better) during that time will be those who take hold of the reins of their horses in the Way of Allah seeking after death in that way; and a man residing in the mountains passes establishing the prayer, giving alms and supplicating for the people.”

⁷ That is to say, in the Saheeh of al-Bukhari or On What Has Been Related Regarding the Merits of *Jihaad*.

⁸ Here ends facsimile 44 of the Arabic manuscript.

⁹ The meaning of his words upon him be blessings and peace: “An early morning out”; is a reference to the merits of that time. The phrase ‘*ghadwa*’ ‘morning errand’ with the *fat’ha* inflecting the letter *ghayn* is doing something once and is taken from the word ‘*ghadwu*’ (leaving in the early morning). Thus it means to leave the home in any hour during the first part of the day up until midday. The meaning of his words upon him be blessings and peace: “...in the Way of Allah”; is a direct reference to *jihaad*. The meaning of his words upon him be blessings and peace: “...or a late evening return”; is that the phrase ‘*rawhat*’ (afternoon errand) also is doing something once and is taken from the word ‘*rawaah*’ (the evening repose). Thus, it means to leave the home any in hour from the descent of the sun from its zenith until its setting. The meaning of his words upon him be blessings and peace: “...is better than this world and all that is in it”; is that doing the actions in these times is better than the all the remaining times of this world’s life because an early morning errand and afternoon errand are referents to time. It is for this reason that it is said that the reward in the short time of Paradise is better than being rewarded in all the time of this world’s life. It has been related in another narration: “...it is better than everything upon which the sun dawned and set.” Ibn Daqeeq al-`Eid said: “It is conceivable that this expression to worldly time has two perspective meanings. The first meaning is from the perspective of placing that which is imperceptible into the place of that which is perceptible in order to understand and comprehend what is imperceptible. This is because this world’s life is from that which is perceptible in and of itself and is immense in its nature. Thus, the comparison and parallel was made with it. Other than that it is well known that everything in this world’s life does not equal even an atom’s weight of that of Paradise. The second meaning is from the perspective that what was citing that

On What Has Been Related Regarding the Ranks of the *Mujaahidun* in the Way of Allah

It has been related in the Saheeh of al-Bukhari on the authority of Abu Hurayra, may Allah be pleased with him who said that the Messenger of Allah, may Allah bless him and grant him peace, said: “Verily in Paradise there are one hundred degrees which Allah has promised for the *Mujaahidun* in the way of Allah. What is between each degree is like what is between the heavens and the earth.”¹⁰

amount of reward is that it is better than the reward which could be attained if one was to given the wealth of the entire world and was able to expend it in obedience to Allah ta'ala. The bottom line is that what is intended here by the contrast is in order to indicate that the affair of this world's life is insignificant in comparison to the immensity of the affair of *jihad*. And that for the one who achieves anything from Paradise even if it is the amount of a whip it will be as though he obtained something far more immense than the entire world. So what would it be like for the one who attains the highest levels of Paradise? This prophetic tradition informs us that smallness of time and space in the Hereafter is better than extensive time and space in this world's life. It also encourages being austere in this world's life and considering it insignificant; while the prophetic tradition also encourages yearning to participate in the *jihad*.

¹⁰ The meaning of his words, upon him be blessings and peace: “Verily in Paradise there are one hundred degrees”; is a reference to distance or space as at-Tirmidhi cited in his narration: “...one hundred years...”, while at-Tabarani transmitted: “...five hundred years...”. This was corroborated by what has been related by Ibn Khuzayma in his at-Tawheed and Ibn `Aasim in his Kitaab's-Sunna on the authority of Ibn Mas'ud, may Allah ta'ala be pleased with him who said: “Between the heavens and this world's life and what is therein is a distance of five hundred years. Between each of these heavens is the distance of five hundred years.” What is apparent in these narrations is that what is intended is not to give the good news to the people by merely mentioning those who will enter Paradise as a result of true belief and performing the obligatory actions, which will possibly cause them to stop with that; but to mention that which will make them transcend this by performing what is superior to that with regard to the spiritual rank obtained in performing *jihad*. The meaning of his words, upon him be blessings and peace: “...which Allah has promised for the *Mujaahidun* in the way of Allah. What is between each degree is like what is between the heavens and the earth”; was corroborated by what has been related by at-Tirmidhi from the prophetic tradition of Abu Sa'id: “If all the worlds were gathered together then Paradise would be more expansive than them.” In this prophetic tradition it establishes the apparent superiority of the *mujaahidun*. It also establishes the immensity of Paradise. It also indicates that the ranks of the *mujaahid* can be attained by those who are *mujaahidun*, either through the making of sincere intention, or by what is equivalent to it from righteous actions. This is because the Prophet, may Allah bless him and grant him peace commanded all the believers to supplicate to be entered into Paradise even after teaching them that it had been promised to the *mujaahidun*. It is also said that in this prophetic tradition is established the permissibility of a supplicant supplicating for that which he has not obtained based upon what was cited in the prophetic tradition.

On What Has Been Related Regarding the Fighter in the Way of Allah

It has been related in the Saheeh of al-Bukhari on the authority of Abu Musa al-‘Ashari, may Allah be pleased with her who said: “A man came to the Prophet, may Allah bless him and grant him peace, and said: ‘One man fights for the spoils of war while another man fights for renown, and yet another fights so that his rank can be seen. Which of these is fighting in the Way of Allah?’ He, may Allah bless and grant him peace, said: ‘Whoever fights so that the word of Allah is exalted, that is in the way of Allah’.”¹¹

¹¹ The meaning of his words, may Allah be pleased with him: “A man came to the Prophet, may Allah bless him and grant him peace, and said”; is that the man referenced in the prophetic tradition was Laahiq ibn Dameera as it was explicitly stated in the prophetic tradition by way of ‘Aqeer ibn Ma`daan. The meaning of the words of Laahiq, may Allah ta`ala be pleased with him: ‘One man fights for the spoils of war’; is that the phrases ‘*ghunam*’ (booty) and ‘*ghaneema*’ (spoils) mean ‘*fay*’ (that which is plundered during war). Al-Azhari said: “The spoils of war are what the Muslim can actually carry on their horses and mounts from the wealth of the idolaters.” It is obligatory to divide all the spoils of war into a fifth to be handed over to those whom Allah designated it. The other four fifths of the spoils are to be divided between those who actually carried the spoils away, where the members of the cavalry get three shares and the foot-soldier gets a single share. As for the general ‘*fay*’ (tribute), which is the tribute of Allah from the wealth of the idolaters given to the Muslims without being obtained by war, or is not among the wealth carried away by the Muslim warriors; the wealth considered *jizya* of their leaders and the wealth agreed upon based on truce (*sulhi*); in this wealth it is also obligatory to take the fifth and to hand it over to those whom Allah has designated it for. The remainder is to be expended for the purposes of fortifying military garrisons; improving and attaining weapons and supplies; in paying the people of tribute, in paying the salary of the judiciary, and others who resemble them from government officials. In many of the prophetic traditions the repeatedly used phrases such as ‘*ghaneema*’, ‘*mughanim*’ and ‘*ghanaa`im*’ are all interchangeable. Thus, the man who fights for the spoils of war is the one who desires by his *jihad* to attain the worldly life only. The meaning of the words of Laahiq, may Allah ta`ala be pleased with him: ‘...while another man fights for renown’; is that his renown can be spread among people, and he can become famous as a result of his bravery. This falls squarely under the issue of showing off (*riya`*), since he only desires by his *jihad* fame, repute and standing and nothing more. The meaning of the words of Laahiq, may Allah ta`ala be pleased with him: ‘...and yet another fights so that his rank can be seen’ is actually a reference back to what came before it from desiring standing and showing off. He mentioned it twice as a way of affirmation of the former statement in order to emphasize the ugliness of this fault. In another narration related by Mansuur and al-‘A`mash the additional words were added: “...and the one who fights for defense...”; refers to the person who fights merely for his own aims, such as his family, his relatives, and friends. In the narration of Mansuur he added: “...and the one who fights out of anger”; which is that he fights for his own rights, which is a kind of clarification of fighting for defensive purposes. Overall, the prophetic tradition establishes that fighting normally occurs for five reasons: [1] desiring spoils of war; [2] manifesting one’s bravery; [3] showing off; [4] defending oneself; and [5] out of anger. Each of these has within them some praiseworthy aspect and a blameworthy aspect. It is for this reason that in the answer the Messenger of Allah, may Allah bless him and grant him peace gave, he did not affirm or negate either of them. The meaning of the words of Laahiq may Allah ta`ala be pleased with him: ‘Which of these is fighting in the Way of Allah?’ is that which of these five are truly fighting in the Way of Allah? The meaning of his words upon him be blessings and peace: ‘Whoever fights so that the word of Allah is exalted, that is in the way of Allah’; is that what is meant by the ‘word of Allah’ is the invitation which Allah give to enter the religion of Islam. It is conceivable that what is meant is that no fighting can be considered in the Way of Allah, except for the one whose reason is only to fight seeking to exalt the word of Allah; meaning that if he connects to that any other reason from the reasons mentioned, then his *jihad* is infringed. It is also conceivable that his *jihad* is not infringed, if these additional reasons are inclusive but not apart of his original objective. It is for this reason that at-Tabari explicitly stated: “If the original reason when he initially set out was for the sake of Allah, then there is no harm on him for what occurs in his heart after that.” This is the view of the majority of the jurists. It is important here to cite what was mentioned in this regard from the invaluable words of the Chief Judge of our Sokoto Uthmani Caliphate, the learned and majestic jurist Modibo Abdullahi ibn Muhammad Bellel in his Risaalat wa Naseehat regarding the circumstances of the people in fighting. He said: “I say, and success is from Allah, realize my brothers that with regard to fighting, the

circumstances of the people in most cases are summarized into ten categories. The first category is he who fights for the sake of Allah only. He is the one who intends by his struggle (*jihad*) to seek the approval of Allah with the aim of obtaining the merits of worship. And when he is commanded to do so, he does so without forestalling to get the reward for it in the Hereafter. For if he is martyred, then he is the highest of the martyrs (*a`ala as-shuhada'i*). It was related that in one of the military expeditions there was a young man who attacked the enemy's right flank and defeated them. Then he charged the left flank and decimated them. He then assailed the center flank until his sword bent. He then said: 'Pleased with a good opinion of my Master * This is what we used to fervently desire from Him * While the virgins of Paradise send upon us their greetings * Not for them did we fight, nor for them were we killed! * But it was to our Master we were yearning * For He alone knows our secrets and what we reveal.' Then the young man fought until he was killed. The second category is that he goes out to fight out of zeal for al-Islam and out of desire to make the word of Allah supreme and to humiliate the expressions of disbelief. There is no doubt concerning the soundness of this person's intention. He is a martyr (*shaheed*), as was related in the Prophetic tradition: 'He who fights in order to make the word of Allah supreme, then he is in the Way of Allah'. The third category is that he intends by his struggle (*jihad*) the aim of Paradise and in order to be saved from the Fire, without him considering anything other than that. There is no doubt that the one given to this situation is a martyr if he is killed. The fourth category is that the enemy comes upon someone suddenly. Then he is killed while facing the enemy, without ever showing them his back or without having any aim in that except to defend himself; he too then is a martyr. This is because whoever defends himself until he is killed is a martyr. As for the one who ran away (in as much as fleeing is forbidden), then if he is killed showing his enemy his back, he is not a martyr. Although in this world he may have the judgment of being a martyr. Likewise with the one who cheats in the matter of the spoils of war, he also is not a martyr in the Hereafter. The fifth category is he who goes out in the *jihad* in order to increase the number of the *mujahidun* (those involved with the struggle) and his intention is only to kill not to be killed. Then that one is also a martyr if he is killed; as it has been proven by the Prophetic traditions. The sixth category is the one who struggles for the sake of Allah, while desiring to acquire the spoils of war, when his intention in the *jihad* was only to pounce upon the spoils. Like for example, he is summoned to raid a strong army which does not have spoils, then he refuses to struggle against them. Or like if he is summoned to fight two contingents, one which possesses spoils while the other does not; so he chooses to fight the one with spoils. Subsequently, for the one in this situation there is a difference of opinion concerning him among our ancestors (*fih khilaaf baina as-sallaf*). [1] Some of them say that his intention is false because he allowed worldly aims to enter into actions of the Hereafter. [2] While others are of the opinion that his intention is sound and he is demonstrably in accordance with the intention of *jihad*. But they add that his reward is reduced from the point he began to have the objective in his heart for the spoils. It is about this that the Prophetic tradition was related which states: 'Whoever fights to make the word of Allah supreme, then he is in the Way of Allah'; excluding by that those who only fought for the spoils. This is attributed to the fact that his first objective was for the spoils. And the proof for that is demonstrated by the Prophet, may Allah bless him and grant him peace, going out to capture the caravan of Abu Sufyan. This is because that was for the purpose of seeking permissible gain (*kasab halaal*). The seventh category is he who struggles in order to obtain the goods of this world, without having in mind any specific aim of worship. This is in as much as if there appeared to him the chance to raid the disbelievers who have no spoils, he will not raid them. For that one if he is killed, he is not a martyr in the Hereafter. While his judgment in the outward is that he has the verdict of martyrdom. But there will absolutely be no Hereafter for him. In that there is no disagreement. The eight category is the one who struggles in order to be seen of men and in order to boast and for similar reasons. And it never dawns upon him that he is struggling in order to draw near to Allah. In so much as, wherever he is not seen or wherever praises is not expected, he will not struggle. Truly, that one if he is killed is not a martyr in the opinion of Allah without any disagreement (*bi laa khilaaf*). On the contrary, it is unanimously agreed that he has earned the Grievous Punishment. The ninth category is the one who fights in order to be killed so as to be free from poverty, impending debts or worldly misfortunes that he expects to descend upon him, without it ever occurring to him the objective to draw near to Allah. For this one there is free range concerning him, based on what has been previously stipulated. For it is conceivable to say he is not a martyr; or it is reasonable to say that he is a martyr because of his not being considerate towards himself except in that situation. And Allah knows best. The tenth category is that he is sincere in his intention, then there appears in him showing-off after commencing with the actions of *jihad*. Then in that case he has the reward for what proceeded before his showing-off. May Allah provide us with sincerity (*al-ikhlaas*) in all matters. All of the above pertaining to the sincere ones was taken from Mushari'i 'l-Ashwaaq of Ahmad ibn Ibrahim

On What Has Been Related Regarding Fettering Horses¹²

It has been related in the Saheeh of al-Bukhari on the authority of Abu Hurayra, may Allah be pleased with him that the Prophet, may Allah bless him and grant him peace, said: “Whoever keeps horses in the way of Allah, having faith in Allah and trusting in His promise, then its fill, its watering, its dung, and its urine will all be placed upon the persons scales on the Day of Judgment.”¹³

ibn an-Nahaas.” These words from the Chief Judge Modibo Abdullahi ibn Muhammad Bellel are priceless and fruitful in clarifying the meaning of his words, upon him be blessings and peace: “Whoever fights so that the word of Allah is exalted, that is in the way of Allah.”

¹² That is to say, it is an explanation of the merits of fettering horses, taking its source from the words of Allah ta`ala: “...and the fastening of horses...”; and it has been related by Ibn Mardawiya regarding the commentary of the prophetic tradition of Ibn Abass on this *Qur`anic* verse, who said: “Indeed Satan is not able to grasp the forelock of a horse.”

¹³ The meaning of his words, upon him be blessings and peace: “Whoever keeps horses in the way of Allah, having faith in Allah and trusting in His promise”: that is to say, the promises that He has made to him regarding the recompense for his actions. In this expression ‘Promise’ is actually an indication of the Hereafter, just as in the expression ‘*imaan*’ (belief) is an indication of one’s doctrine of belief (*mabda’u*). The meaning of his words, upon him be blessings and peace: “...then its fill”; that is to say the fodder which filled it. The meaning of his words, upon him be blessings and peace: “...its watering, its dung”; is the recompense for that, not that the dung itself will be weighed. In this establishes the reality that a person will be rewarded for his intention just as he will be rewarded for his actions. The meaning of his words, upon him be blessings and peace: “...and its urine will all be placed upon the persons scales on the Day of Judgment”; is because the fill of the horse, its watering, its dung and urine are all included under the ancillary actions of the owner of the horse, since it is among the things he is responsible for. Ibn Abi Jamra said: “The legal advantages extracted from this prophetic tradition is that these ancillary good deeds will be accepted from the person as if he performed them himself based upon the stipulation of the Law Giver that these acts will be among those deeds which will be weighed and reckoned in contrast to these same ancillary actions performed by others which will be forfeited and not be placed upon the scales. In it also is the establishment of the weighing of actions in the Hereafter.” I am amazed at these words of Ibn Abi Jamra because it is well established that every good action and evil action will be weighed on the Scales, even those *sunnan* and heretical innovations which he contrived and others acted upon them; as it was related by at-Tirmidhi on the authority of `Awn ibn Malik who said that the Messenger of Allah, may Allah bless him and grant him peace once said to Bilal: “Realize O Bilal that whoever revives a *Sunna* from my *Sunna* which has died after me will have the reward of those who act upon it without their reward being diminished in the least. Whoever contrives erroneous heretical innovation which Allah and His Messenger are pleased with, will have the reward of all those who act upon it without the recompense the people being diminished in the least.” For, if a person can be rewarded for the actions of others who act in accordance with a *sunnan* which he revived or an heretical innovation which he contrived; then it goes without saying that he will be rewarded for the fill, the watering, the dung and urine of his horse which he keeps in the Way of Allah, having faith in Allah and trusting in His promise. This prophetic tradition establishes unequivocally the weighing of actions in the Hereafter.

On What Has Been Related Regarding Making Horses Lean by Training¹⁴

It has been related in the Saheeh of al-Bukhari on the authority of Abdallah ibn Umar, may Allah be pleased with both of them who said: “The Messenger of Allah, may Allah bless him and grant him peace arranged a horse race amongst the horses that had been made lean, letting them start from Al-Hafya' and their limit¹⁵ was up to Thaniyat-al-Wada'. I asked Musa: ‘What was the distance between the two places?’ He said: ‘Six or seven miles. He arranged a race of the horses which had not been made lean sending them from Thaniyat-al-Wada', and their limit was up to the *masjid* of the Bani Zurayq.’ I asked: ‘What was the distance between those two places?’ He replied: ‘One mile or so’.”¹⁶

¹⁴ The etymological root of the phrase ‘*idmaar*’ (emaciation) is from the verbs ‘*damr*’ (to become lean) and ‘*damur*’ (to waste away) and means leanness (*hizaal*) and that which is related to the inward of things, respectively. Thus, the process of making a horse lean (*idmaar*) is by first spoiling the horse by feeding it until it becomes fat and strong. Then its feed is reduced to the extent necessary to maintain its nourishment. Then it is entered into the stable and covered with leather covering until its temperature rises and starts to sweat. Once the sweat is desiccated and its muscle mass decrease it becomes resilient in running.

¹⁵ Here ends facsimile 45 of the Arabic manuscript.

¹⁶ The meaning of the words of Abu Hurayra, may Allah be pleased with him: “The Messenger of Allah, may Allah bless him and grant him peace arranged a horse race”; is that the expression race is from racing competition, and normally refers to a race made between two competitors. What can be extracted from this is the lawfulness of horse races; for the scholars are agreed regarding the permissibility of race horse competitions without financial compensation. However, Malik and as-Shafi` restricted it to horses which are shod, those used for patrol, and those used in the lance cavalry. Some of the scholars specify that race competition can only be done with horses, while `Ataa` permitted holding race competitions with anything. The scholars are also agreed regarding the permissibility of giving financial compensation with the condition that the one paying is not among those involved in the race, like the *Imam*, and as long as his horse is not among those competing. Ibn at-Teen said the Prophet, upon him be peace would arrange horse races and pay expensive robes from Yemen. He would give the racer who came first three robes. The second one he would give two robes. The one in third place would get a single robe. The fourth place runner would be given a gold coin. The fifth place runner would get a silver coin. The sixth place runner would be given a piece of silver. He would also say: “May Allah give you *baraka* as well as to the rest of you; to the winner and the one in last place.” The meaning of his words, may Allah be pleased with him: “...amongst the horses that had been made lean”; is that making a horse lean is by withholding its nourishment after it has become fat, as we mentioned. These horses made lean in this manner are those normally used for racing. The horse of the Prophet, may Allah bless him and grant him peace was among these breed of horses and its name was as-Sakab which had a white blaze on its lower right leg. It was the first horse that the Prophet, may Allah bless him and grant him peace owned, and it was the first horse upon which he made military raids. He purchased it from a Bedouin from the Banu Fazara for ten *awaaq* (400 silver coins). The Bedouin originally named it ad-Darus, but the Messenger of Allah, may Allah bless him and grant him peace renamed it as-Sakab. It was the first horse he used to race upon with which he would win and was extremely happy with it. The meaning of his words, may Allah be pleased with him: “...letting them start from Al-Hafya”; is that he let them start from a place located some miles just outside of al-Medina. The meaning of his words, may Allah be pleased with him: “...and their limit”; is that the furthest limit of their race. The meaning of his words, may Allah be pleased with him: “...was up to Thaniyat al-Wada”; is a place within al-Medina called that because it was just on the outskirts of al-Medina and was the place where the people escorting those traveling from the city would bid farewell (*tawdee`*) to them. The distance between al-Hafya and Thaniyat al-Wada` is about five, six or seven miles. The meaning of his words, may Allah be pleased with him: “I asked Musa”; that is a reference to Musa ibn `Uqba. The meaning of his words, may Allah be pleased with him: “What was the distance between the two places?”; that is to say between al-Hafya and the place for the farewell greetings. The meaning of the words of Musa, may Allah be pleased with him: “Six or seven miles”; that is between al-Hafya and the place for farewell greetings were six to seven miles. The meaning of his words, may Allah be pleased with him: “He arranged a race of the horses which had not been made lean sending them from Thaniyat-al-Wada”; that is to say the place of the farewell greetings just on the outskirts of al-Medina. The meaning of his words, may Allah be pleased with him: “...and their limit was up to the

On What Has Been Related Regarding Weapons¹⁷

It has been related in the Saheeh of al-Bukhari on the authority of Umar, may Allah bless him and grant him peace who said: “The wealth of the Banu’n-Nadīr was apart of the tribute of Allah to His Messenger, may Allah bless him and grant him peace. When the Muslims were not in distress for horses and mounts, then this tribute went to the Messenger of Allah, may Allah bless him and grant him peace, exclusively. He used to expend it by first buying provision for his family for a year and he would then customarily make the remainder for weapons and mounts in preparation in the Way of Allah.”¹⁸

masjid of the Bani Zurayq”; which is a distance from the place of the farewell greetings until the *Masjid* of the Banu Zurayq, who were a people from among the al-Ansaar. Their origin was from Zurayq ibn `Aamir ibn Haaritha ibn Ghadab ibn Jashim ibn al-Khazraj. In this statement is evidence for the permissibility for attributing the name of a *masjid* to the one who constructed it, and to those who pray in it. The meaning of the words of Ibn Umar, may Allah be pleased with him: “What was the distance between those two places?”; is what was the distance between the place of the farewell greetings and the *Masjid* of the Banu Zurayq? The meaning of the words of Musa, may Allah be pleased with him: “One mile or so”; is that the distance between the place of the farewell greetings and the *Masjid* of the Banu Zurayq was a mile or so, meaning it was a little less than or greater than a mile. In this statement is the legal proof for the lawfulness of horse racing and that it is not considered by the *shari`a* as a vain frivolity. On the contrary, it is among the praiseworthy exercises and disciplines connected to the acquisition of the objectives of military exercise, and there are other advantages it provides in taking care of general needs of the people. Thus, it falls within the realm of being highly recommended and lawful based upon the incentives being intended. Accordingly, some of the jurists make horse racing a confirmed *Sunna*, while some make it an action which is simply lawful. Al-Qurtubi said: “There is no disagreement regarding the permissibility of horse racing, or the racing of other beast of burden; or the permissibility by extension of foot races between people. This is the same with arranging competition in the shooting of arrows, and competitions in the use of weapons, due to what is in these competitions of training for war.” This is decisive evidence that the practice of all forms of martial arts is apart of the *Sunna* of the Prophet, may Allah bless him and grant him peace.

¹⁷ That is to say that he cites in this section what has been related regarding the prophetic traditions concerning weapons and the remainder of the instruments of war, like the sword, the dagger, the lance, the bow and arrow, long arrows, the shield, armor, helmets, stallions and other then these. For the word weapon (*silaah*) is a comprehensive noun referring to all instruments of war, and can be rendered both masculine and feminine in Arabic. Some of the linguists specify that this term refers to those weapons made of iron. However, the majority of the linguists include the long and short staff among weapons because they too can be used to defend oneself. However, when the term weapon (*silaah*) is used unrestrictedly it refers to the sword exclusively, because it is considered the ‘mother of all weapons’. There is disagreement regarding which of the weapons are superior. It is said that the lance or spear is superior from one perspective. It is said that the arrow (or marksmanship) is superior from one perspective. It is said that the sword is superior from one perspective, and it is this view that I hold to. We will cite what is mentioned regarding the superiority of each in what is to follow, Allah willing.

¹⁸ The meaning of his words, may Allah be pleased with him: “The wealth of the Banu’n-Nadīr”; is that the Banu’n-Nadīr and the Banu Quraydha were two ethnic subdivisions of the Jews of the Banu Isra’il. The wealth of the Banu’n-Nadīr referred to here, is what became the tribute of Allah after the war between them and the Muslims took place in the year 4 A.H. about six months after the Battle of Badr. It was related in a narration related in the Kitaab’s-Sunna on the authority of Ibn Umar who said: “War was made against the an-Nadīr, and then the Quraydha and those under their charge supported them until war was eventually established against the Banu’n-Nadīr. Thus, their men were killed, and their women, children and wealth were divided between the Muslims, with the exception of those among them who had aligned themselves with the Prophet, may Allah bless him and grant him peace and he protected them. They eventually accepted Islam. They included the most preeminent of all the Jews of al-Medina, such as the Banu Qaynqaai` who were the kinfolk of Abdallah ibn Salaam, the Jews of the Banu Haaritha, and the remainder of the Jews of al-Medina.” The meaning of his words, may Allah be pleased with him: “...was apart of the tribute of Allah to His Messenger, may Allah bless him and grant him peace”; is that which was taken to expend for his family from their wealth, as well as that of Fidak. The remainder he expended for the general welfare of the Muslims, as it will be explained. Then this wealth Abu Bakr took control over it; then Umar did the same. When this wealth was placed under

the authority of Uthman, his own personal wealth enabled him to dispense with using any of it. However, it was allotted to Marwan and others from his close relatives. This wealth remained in their hands until Umar ibn Abd'l-Aziz, may Allah be merciful to him, had it restored back to the its rightful people, that is the descendents of the Prophet, may Allah bless him and grant him. The origin of the phrase '*fay*' (tribute) is what the Muslims obtain from the wealth of the disbelievers without conducting war or *jihad*. The meaning of his words, may Allah be pleased with him: "When the Muslims were not in distress"; is when there was no expedient need, or demand, which means when war was not eminent. The etymology of the phrase 'distress' (*yujaf*) is from '*eejaaf*' (immediacy) and is an expedient need to advance forward in accomplishing something. Thus, a person is distressed by something when there is a requirement for him to advance forward in accomplishing that thing. The meaning of his words, may Allah be pleased with him: "...for horses and mounts"; where the phrase 'mounts' refers to camels which carry the needs of the people. The meaning of his words, may Allah be pleased with him: "...then this tribute went to the Messenger of Allah, may Allah bless him and grant him peace, exclusively"; is that the wealth of the Banu 'n-Nadir was singled out for the Messenger of Allah, may Allah bless him and grant him peace exclusively, and no one else shared with him in that. Umar once said: "Indeed Allah jalla wa `azza specified His Messenger, may Allah bless him and grant him peace with an exclusive right which He did not single out to anyone else. Allah ta`ala says: '*That which Allah gives as tribute to His Messenger from the people of the townships*'." The meaning of his words, may Allah be pleased with him: "He used to expend it by first buying provision for his family"; this refers to his women and daughters. The meaning of his words, may Allah be pleased with him: "...for a year"; is as as-Suyuti said: "This does not contradict the narrations that he did not store anything for tomorrow, because this storing is usually done for oneself, while this was done for others." An-Nawwawi said: "In this prophetic tradition establishes the permissibility of storing up foodstuff and supplies for one's dependents, as well as purchasing supplies from the markets and storing it up for the livelihood of relatives. However, in times of the limitation of food, then it is not permissible to buy up and store food. Rather, supplies should be purchased for the general purpose of the Muslims, like the nourishments necessary for days or months. Even if in the time of purchasing the limit in foodstuff and supplies last for a year or more. *al-Qadi`iyad* narrated a similar judgment detailing the legal ruling from the majority of the scholars, while from some he narrated that the buying and storing of foodstuff during times of hardship was absolutely permissible." The meaning of his words, may Allah be pleased with him: "...and he would then customarily expend the remainder for weapons and mounts"; where the phrase 'mounts' is a noun used for the plural of horses, as it was clarified in the *an-Nihaaya*. The meaning of his words, may Allah be pleased with him: "...in preparation"; is preparedness and those weapons and the like which can be used to take precaution against any adverse events which could happen in the course of time. The meaning of his words, may Allah be pleased with him: "...in the Way of Allah"; is during warfare, military engagements and *jihad* in the Way of Allah. The scholars disagree regarding the expenditure of the tribute (*fay*). Malik said: "The tribute and the fifth are the same in that they are to be placed in the public treasury (*bayt'l-maal*) and the *Imam* is to give it to the nearest of kin to the Prophet, may Allah bless him and grant him peace, based upon his own independent judgment." The majority of the jurists make a distinction between the fifth of the spoils of war (*khums'l-ghaneema*) and the tribute (*fay*). Some of them say: "The legal ruling of the fifth is that Allah ta`ala has designated it to be among the categories of the wealth of the Muslims based upon the *Qur'anic* verse regarding the fifth in the Chapter *al-Anfaal*, and it is not to be expended to anyone else." As for the tribute it is the wealth which falls under the purview of the *Imam* in accordance with the public interest; and they offer as argument what Umar said regarding it that it was the exclusive right of the Messenger of Allah, may Allah bless him and grant him peace." As-Shafi` distinguished himself from the other jurists, as Ibn al-Mundhir and others cited, by his view that the tribute (*fay*) is to be divided in five fifths, and four fifths is for the expenditure of the Prophet, may Allah bless him and grant him peace; while the fifth part of the fifth is for him personally, similar to the spoils of war, and that the remaining four fifths is just like its counterpart from the spoils of war.

In it also¹⁹ on the authority of `Amr ibn al-Haarith,²⁰ who said: “The Prophet, may Allah bless him and grant him peace, did not leave behind anything except his weapons, his white female mule, and some land and he made it as alms.”²¹

SANKORE

¹⁹ That is to say, in the Saheeh of al-Bukhari or On What Has Been Related Regarding Weapons.

²⁰ He was `Amr ibn al-Haarith ibn Abi Dirar al-Mustalaq ibn `Aa'idh ibn Malik ibn Khuzayma al-Mustalaqi al-Khazaa'iy, the brother-n-law of the Messenger of Allah, may Allah bless him and grant him peace, and the brother of Juwayriyya bint al-Haarith, the wife of the Prophet, may Allah bless him and grant him peace.

²¹ The meaning of his words, may Allah be pleased with him: “The Prophet, may Allah bless him and grant him peace, did not leave behind”; after his death The meaning of his words, may Allah be pleased with him: “...anything except his weapons”; where the letter *seen* in ‘weapon’ (*silaaah*) is inflected with *kasra*, and specifically refers to the kinds of weapons that can be carried like the sword, the lance, armor, helmet, the spear and others like them from the instruments of *jihaaad*. It is well known that he, upon him be blessings and peace left behind his staff, sword, ring and he left his armor as payment for security on a loan from a Jew. The meaning of his words, may Allah be pleased with him: “...his white female mule”; is the kind specific for riding like the horse, camel and others. The meaning of his words, may Allah be pleased with him: “...and some land”; and refers to half of the land of Fidak, a third of the land of Wadi'l-Qura, a portion of the land of Khaybar and a segment of the land of the Banu'n-Nadir. The meaning of his words, may Allah be pleased with him: “...and he made it as alms”; is that in the apparent expression the pronoun refers back to the land, exclusively. Thus, the meaning can imply that he gave as alms the benefit of the land, where the judgment of the land took on the judgment of an charitable endowment. However, the correct view is that the pronoun refers back to all three things which the Messenger of Allah, may Allah bless him and grant him peace left behind. This is based upon his words, upon him be peace: “We are the relatives of the Prophets and we are not inherited from. What we leave behind is considered charity.” This is corroborated by what was related by al-Bukhari in another narration on the authority of `Amr ibn al-Haarith that he said: “The Messenger of Allah, may Allah bless him and grant him peace did not leave at his death a single golden or silver coin, nor male or female slave, or anything, except his white female mule, his weapon and some land all which he made as alms.” He did this following the words of Allah ta'ala: “...and expend what We have provided for you before death comes to anyone of you, and he says: ‘My Lord if only You would postpone me for a little while, then I could give alms and be among the righteous’.” Al-Muhallab said: “The people during the time of *Jaahiliyya* when one of their rulers or leaders died, they took a covenant to break his weapons, burn his personal property, and retire his riding mount. Thus, the Messenger of Allah, may Allah bless him and grant him peace acted contrary to this and left his female mule, weapon and land without any covenant entrusting it to anyone, but he left them as alms to be expended in the Way of Allah.” In this prophetic tradition establishes the austerity of the Messenger of Allah, may Allah bless him and grant him peace and his yearning for the Hereafter. In it also is the establishment that the taking up of arms is a *Sunna*. It establishes that the bearing of arms is a fundamental right, like the right to life and the right to free speech with its conditions. From this we can realize that in this regard the principle of the right of citizens to bear arms in the Constitution of the United States of America and other nations is a principle which conforms with the principles of the *Sunna*. It is for this reason that the *Shehu*, may Allah be merciful to him said at the time when the numbers of the *Jama`at* increased and they sought to separate themselves from the disbelievers: “Verily the preparation of weapons is a *Sunna*.” Then the *Jama`at* began to collect and make weapons ready, and supplicated Allah by means of the *baraka* of *Shaykh* Abd'l-Qadir al-Jaylaani, may Allah ta'ala be pleased with him that He would manifest the sovereignty of Islam for them in the lands of the Blacks. And this occurred just as they desired it from Allah ta'ala and to Allah is the praise and thanks.

On What Has Been Related Regarding Motivating While Shooting Arrows²²

It has been related in the Saheeh of al-Bukhari on the authority of Salma ibn al-Akwai`, may Allah be pleased with him,²³ that he said: “The Prophet, may Allah bless him and grant him peace, once passed by some of the Aslam who were competing with one another. The Prophet, may Allah bless him and grant him peace, said: ‘Shoot O Banu Isma’il! For verily your ancestor was an archer! And I am with the clan of so-and-so!’” Then one of the groups withdrew and stopped shooting. The Messenger of Allah, may Allah bless him and grant him peace, said: “What is wrong

²² The etymological root of the phrase ‘*tahreed*’ (prompting) is from the verb ‘*harrada*’ (to instigate), meaning to incite to do something. Thus, the meaning of prompting is to incite humans, trying to motivate them to perform something, that is to say, exhorting or inciting them to perform an act which is normally difficult. The prompting to fight, means instigating and inciting an appetite for fighting. Allah ta`ala says: “*O Prophet, incite the believers to fight.*” The meaning of the expression ‘prompting’ here is motivating the people to attain perfection in marksmanship. He mentioned marksmanship regarding the shooting of arrows specifically, because Allah commanded this by His words: “...and make preparation for them, in what you are able from strength.” The Messenger of Allah, may Allah bless him and grant him peace explained the meaning of ‘strength’ mentioned in the *Qur’anic* verse by his words as it was related by Ahmad, Abu Dawud and Ibn Maja on the authority of `Uqba ibn `Aamir: “Is it not so, that indeed strength is in the shooting of arrows (marksmanship)! Is it not so, that indeed strength is in the shooting of arrows! Is it not so, that indeed strength is in the shooting of arrows!” In the narration of at-Tirmidhi it is added: “Is it not so, that Allah will open for you all the earth! And you will be provided for with abundant provision. Therefore, none of you should fail to practice marksmanship with his arrows.” It has also been related by at-Tirmidhi on the authority of Abu Najeeh who said that the Prophet, may Allah bless him and grant him peace once said: “Whoever shoots his arrows in the Way of Allah will have the reward equal to one who manumits slaves.” It has been related by Ahmad and at-Tirmidhi on the authority of `Uqba ibn `Aamir who said that the Messenger of Allah, may Allah bless him and grant him peace said: “Practice marksmanship and horsemanship. However, your practicing marksmanship is more beloved to me than your practicing horsemanship. Every form of entertainment that a man does is false vanity, except a man practicing marksmanship with his bow, or training his stallion, or having a good time with his woman. All of these forms of entertainment are from the Real. Whoever abandons marksmanship after having learned it, has actually rejected a blessing.” Ad-Dhahabi cited another prophetic tradition which is *mursal* on the authority of Yahya ibn Sa`id: “Whoever learns to shoot arrows well, then abandons it, has rejected a blessing from among blessings.”

²³ He was Abu `Aamir, some say, Abu Muslim, Salma ibn al-Akwai` Sinan ibn Abdallah al-Aslami al-Hijaazi al-Medini. He was from among the people who gave the Oath of Fealty. He was present in seven military engagements alongside the Prophet, may Allah bless him and grant him peace. The Prophet, may Allah bless him and grant him peace said: “The best of our cavalry knights is Abu Qatada, and the best of our foot-soldiers is Salma.” He transmitted a number of prophetic traditions from the Prophet, may Allah bless him and grant him peace. Those who transmitted from him were his son Iyaas, his freedman Yazid ibn Abu `Ubayd, Abd`r-Rahman ibn Abdallah ibn Ka`b, Abu Salma ibn Abd`r-Rahman, al-Hassan ibn Muhammad ibn al-Hanafiyya, and Yazid ibn Khusayqa. Al-Hassan ibn Muhammad ibn al-Hanafiyya once said: “Travel with us to visit Salma ibn al-Akwai`, and lets question him, because he is from among the most righteous in standing of the Companions of the Prophet, may Allah bless him and grant him peace.” Al-Humaydi related on the authority of Iyaas ibn Salma on the authority of his father who said: “The Messenger of Allah, may Allah bless him and grant him peace repeatedly allowed me to ride behind him on his mount. He repeatedly wiped my head, and he repeatedly asked forgiveness for me, to the number of the fingers on my two hands.” He also said that he once asked permission from the Prophet, may Allah bless him and grant him peace to reside in the deserts and he gave him permission to do so. Thus, when Uthman was assassinated, Salma left al-Medina for the desert town of ar-Rabada, where he married a woman there and had children. Muslim related on the authority of Abd`r-Rahman ibn Razeen who said: “We once visited Salma ibn al-Akwai` in ar-Rabada. When he came out to us, he extended his hand which was huge as if were the sole of a camel. He then said: ‘With this ugly hand of mine I made the oath of allegiance to the Messenger of Allah, may Allah bless him and grant him peace.’ We then stood took his hand and kissed it.” Some nights before Salma died he moved back to al-Medina. He died in the year 74 A.H. when he was ninety something years old.

with you that you are not shooting?” They said: “How can we shoot, when you are with them?!” The Prophet, may Allah bless him and grant him peace, said: “Shoot! I am with all of you’!”²⁴

²⁴ The meaning of his words, may Allah be pleased with him: “The Prophet, may Allah bless him and grant him peace, once passed by some of the Aslam”; that is to say, some of the people of the Banu Aslam, which were a well known tribe. The meaning of his words, may Allah be pleased with him: “...who were competing with one another”; is that they were competing in marksmanship with one another. The expression ‘competing’ (*tanaadil*) here means joint marksmanship in order to gain precedence over one another and to vie with one another constructively. Thus, a person defeats (*nadala*) another person when he overcomes him. It has been related in a narration of Abu al-`Aliya on the authority of Ibn Abass who said: “The Prophet passed by a group practicing marksmanship...” In the narration of Ibn Hibban on the authority of Abu Hurayra who said: “The Prophet came out one day and the Aslam were practicing marksmanship...” The meaning of his words, upon him be blessings and peace: “Shoot Banu Isma’il!”; is O Banu Isma’il, where those being addressed are the Arabs. This does not constitute evidence that they were from the paternal children of Isma’il, but rather, this was used to indicate that they were from the maternal children of Isma’il. This is because the Qahtani Arabs and `Adnani Arabs eventually intermixed through marriage. For the Qahtani Arabs are originally from the maternal descent of the Banu Isma’il. Ibn Sa’d mentioned with his chain of authority going back to Ali ibn Ribaah who said that the Messenger of Allah, may Allah bless him and grant him peace said: “Every Arab is from the children of Isma’il ibn Ibrahim, upon them be blessings and peace.” The meaning of his words, upon him be blessings and peace: “For verily your ancestor was an archer!”; is that Isma’il ibn Ibrahim, upon him be peace was an excellent archer. In this is proof of it being highly recommended to adhere to the praiseworthy traits of one’s exemplary ancestors. In this also is the evidence of the superiority of marksmanship with arrows and utilizing them. It has been related by Abu Nu`aym on the authority of Ibn `Amr who said that the Messenger of Allah, may Allah bless him and grant him peace said: “Learn marksmanship with arrows and learn the *Qur’an*. And the best hours of a believer is when he is preoccupied with the remembrance of Allah azza wa jalla.” In another of his narrations on the authority of Abu Hurayra who said that the Messenger of Allah, may Allah bless him and grant him peace once said: “Learn marksmanship with arrows, for between two targets exists a meadow from the meadows of Paradise.” It has been related by al-Hakim on the authority of Abu Raafi` who said that the Messenger of Allah, may Allah bless him and grant him peace said: “The right which a child has on its father, is that he teaches him writing, swimming, marksmanship with arrows, and that he does not provide for it except with what is good and lawful.” The meaning of his words, upon him be blessings and peace: “Shoot! For I am with the clan of so-and-so!”; is that I love them and their actions. It was related in the prophetic tradition of Abu Hurayra in a similar narrative related by Ibn Hibban and al-Bizari that he upon him be peace said: “I am with Ibn al-Adrai`.” In the narration of at-Tabarani he upon him be peace said: “And I am with Muhjan ibn al-Adrai`.” This means: I am with him in his righteous intention. The meaning of ‘with-ness’ in this context is that he was with them in their good objective, righteous intention and desire to train for the purpose of fighting; not that his objective was to consider one group superior to another. However, some of the jurists say that in this is evidence of the permissibility of a person clearly pointing out the superiority of his brothers, wives, and the people of distinction who he loves. The meaning of his words, may Allah be pleased with him: “Then one of the groups withdrew and stopped shooting”; is in accordance with another narration that one of the members of one of the competing groups whose name was Nadla from the Banu Aslam, that when the Prophet, may Allah bless him and grant him peace said what he said; that he then threw the bow from his hand. He did this, and the others stopped shooting, out of fear of failure because they assumed that the Messenger of Allah, may Allah bless him and grant him peace being with a particular people meant that they would undoubtedly succeed while their rivals would fail. The meaning of his words, upon him be blessings and peace: “What is wrong with you that you are not shooting?”; that is to say, why have you withheld your hands from shooting? This question is evidence that he only desired good for all of them. The meaning of their words, may Allah be pleased with them: “How can we shoot, when you are with them?!”; is that the particular name of the one who said that was Nadla al-Aslami, as Ibn Is’haq cited in his *al-Maghazi* on the authority of Sufyan ibn Farwa al-Aslami on the authority of some of the elders from his people from the Companions, who said: “Once Muhjan ibn al-Adrai` was among us competing with another man from the Aslam named Nadla”; they then cited the prophetic tradition and said: “Nadla then said while he threw his bow from his hands: ‘By Allah! I will not shoot against him, while you are with him’!” He said this fearing that they would be defeated by him, because if the Prophet, may Allah bless him and grant him peace is with someone, then he will

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undoubtedly win. Thus, they all withdrew from shooting out of courtesy with the Prophet, may Allah bless him and grant him peace, as it was related in the narration of Hamza ibn `Amr by at-Tabarani: "They then said: 'Whoever you are with, they will definitely win!'" The meaning of his words, may Allah be pleased with him: "Then the Prophet, may Allah bless him and grant him peace, said"; that is, after they explained the reason for withdrawing their hands from shooting. The meaning of his words, upon him be blessings and peace: 'Shoot! for I am with all of you!'; is in accordance with the narration of `Urwa that he said: "...for I am with your entire gathering!"; where the 'with-ness' in this context is that he was with them in their good objectives. By this he was able to teach all of them that they were apart of his faction and among those whom he loved. In this prophetic tradition is proof of the merits of marksmanship, constructive competition, and taking care in these with the intention of training for the *jihaad*, military exercise, and the disciplining of the limbs for such. From this we understand that having competition in marksmanship is not a sort of empty entertainment and pointless amusement, even though it may seem so; but is the kind of entertainment and amusement which is permissible. This is in accordance with what was related by ad-Daylami on the authority of Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace once missed a man and said: "Where is so-and-so?" A person said: "He went to play." Then the Messenger of Allah, may Allah bless him and grant him peace said: "What do we have to do with playing?" Then a man said: "O Messenger of Allah, he went to practice shooting arrows." Then the Messenger of Allah, may Allah bless him and grant him peace said: "Practicing shooting arrows is not empty amusement; for marksmanship is the best entertainment that you can do." Al-Qurab cited on the authority of Abu ad-Darda who said that the Messenger of Allah, may Allah bless him and grant him peace once said: "Genuine entertainment is in three things: disciplining your horse; shooting arrows with your bow; and making pleasantries with your wife." Al-Muhallab said: "It is obligatory upon the *Sultan* to command his men to learn marksmanship and the remainder of the aspects of the art of war, and to incite them to it." Rather, some of the jurists say that it is obligatory upon the *Sultan* himself to learn the affairs of the art of war and fighting. In it also is established the evidence that an ancient or distant grandfather can be called 'father'. In it also is the excellent character of the Chosen Prophet, may Allah bless him and grant him peace, and his innate knowledge of the art of war. In it also is the proof that it is highly recommended to follow in the footsteps of the praiseworthy virtues of one's fathers, and to act in accordance with their actions. It also establishes the excellent courtesy which the Companions demonstrated with the Prophet, may Allah bless him and grant him peace. Finally, this prophetic tradition establishes that practicing the art of shooting arrows and every other type of marksmanship is from the *Sunna*.

In it also²⁵ on the authority of Hamza ibn Usayd²⁶ on the authority of his father,²⁷ that the Messenger of Allah, may Allah bless him and grant him peace, said on the Day of Badr when he had arranged us in ranks²⁸ against the Quraysh and they had lined themselves up against us: “When they approach, then shoot them with arrows.”²⁹

²⁵ That is to say, in the Saheeh of al-Bukhari or On What Has Been Related Motivating While Shooting with Arrows or other than that.

²⁶ He was Hamza ibn Abu Usayd Malik ibn Rabia` ibn al-Badan as-Saa`idi.

²⁷ He was Abu Usayd Malik ibn Rabia` ibn al-Badan as-Saa`idi al-Khazraji. He was among the most notable of the Ansaars, who was present at Badr and many other military engagements. Ibn Sa`id said: “On the day of the Conquering of Mecca, the standard of the Banu Saa`ida was with Abu Usayd.” He was short, pudgy, with hair and beard fully white, and he had a copious amount of hair. He transmitted many prophetic traditions from the Prophet, may Allah bless him and grant him peace. It was said that he lost his eyesight during his final years just before the killing of Uthman ibn Afan, about which he said: “All praises are due to Allah that when He desired to afflict His servants with tribulations that He prevented my eyes from seeing it.” Those who narrated prophetic traditions from him were his sons: the above mentioned Hamza, al-Mundhir, and az-Zubayr; his freedman Ali ibn `Ubayd as-Saa`idi, Abass ibn Sahl ibn Sa`d, Abd`l-Malik ibn Sa`id, Anas ibn Malik, Abu Salma ibn Abd`r-Rahman, and a host of others. It is said that he lived for seventy eight years and died in the year 65 A.H., may Allah be pleased with him.

²⁸ Here ends facsimile 46 of the Arabic manuscript.

²⁹ The meaning of his words, may Allah be pleased with him: “...the Messenger of Allah, may Allah bless him and grant him peace, said on the Day of Badr”; this is the day about which Allah ta`ala says: “*the Day of the Criterion, the Day of the encounter of the two opposing parties.*” The name ‘Badr’ refers to a well known place located between the two Sacred Precincts. It was named ‘Badr’ originally because it was a well in that location dug up by a man named Badr ibn Quraysh. The meaning of his words, may Allah be pleased with him: “...when he had arranged us in ranks against the Quraysh”; is that he upon him be blessings and peace said it at the time that he arranged the ranks of the army of the Muslims against the army of the Quraysh. It has been related in another text of this tradition: “...when we approached the place he arranged us in ranks...”. Thus, the meaning is to be close to them, and to draw near them, as if the Quraysh were the ones in a lower position than the Muslims. The meaning of his words, may Allah be pleased with him: “...and they had lined themselves up against us”; is that the Quraysh in turn arranged themselves in rank against the Muslims. The meaning of his words, upon him be blessings and peace: “When they approach”; is when they draw close to you a distance sufficient to shoot your arrows, and when they come close to you the distance necessary to shooting arrows. The meaning of his words, upon him be blessings and peace: “...then shoot them with arrows”; that is to say, it is necessary for you to stick to it. The expression ‘*nabl*’ (arrows) is the plural of ‘*nabla*’ which is another name for the thin Arabic arrow (*sihaam*). It has been related in the narration of Abu Dawud: “The Messenger of Allah said when he arranged us in ranks on the day of Badr: ‘When they attack you shoot them with arrows and continue to shoot your arrows.’” In another narration: “When they approach then shoot them with your arrows, and do not unsheathe your swords until they are close enough to attack you.” Thus, the meaning is when they come close to you then shoot, but this becomes problematic since closeness presents a challenge for shooting arrows and striking with the swords, for that which is connected to marksmanship is being far enough from the targets. Thus, when the army utilizes arrows, they should shoot all together, in such case few misses will occur, and this will act as a deterrent to the enemies attacking. Thus, the apparent meaning of the prophetic tradition is a command to avoid shooting arrows or actual combat until the enemy approaches, because shooting at them when they are too far away, then the arrows will not reach the targets, and ammunition will be wasted without any advantage. What can be extracted from his words: “...then shoot them with arrows”; is that making preparation with weapons is obligatory or a confirmed *Sunna* following the words of Allah ta`ala: “...and make preparation for them, in what you are able from strength and the binding of horses.”

In it also³⁰ on the authority of Ali, may Allah be pleased with him,³¹ who said: “I never saw the Prophet, may Allah bless him and grant him peace, declare a sacrifice to a man after he did it for Sa`d. I heard him say: “Shoot! I ransom my father and mother for you!”³²

³⁰ That is to say, in the Saheeh of al-Bukhari or On What Has Been Related Motivating While Shooting with Arrows or other than that.

³¹ That is Ali ibn Abi Talib, may Allah ta`ala be pleased with him. See footnote # 235 for an abridgement of his biography.

³² The meaning of his words, may Allah be pleased with him: “I never saw the Prophet, may Allah bless him and grant him peace, give as ransom to a man”; is a reference to the expression ‘ransom’ (*fidaa*) and means to give oneself as ransom, like when you say: ‘I have given myself as ransom for you.’ Al-Khataabi said: “The giving as ransom which the Messenger of Allah did was his making supplication for a person, and his supplications are innately answered.” The meaning of his words, may Allah be pleased with him: “...after he did it for Sa`d”; that is, Sa`d ibn Abi Waqqas, one of the ten people giving the good news of Paradise. It is conceivable that the meaning of his words: “I never saw the Prophet, may Allah bless him and grant him peace, give as ransom to a man”; is that this action was specified for Sa`d only, as al-Muhallab cited. However, this was not the case because it had been related in the two Saheehs that he upon him be blessings and peace did the same for az-Zubayr for example; but Ali, may Allah be pleased with him had not heard this. The meaning of his words, may Allah be pleased with him: “...also I heard him say”; is that he heard this from him on the day of the Battle of Uhud as it was related by more than one narrator on the authority of Sa`id ibn al-Musayyib on the authority of Sa`d ibn Abi Waqqas who said: “The Messenger of Allah, may Allah bless him and grant him peace joined for me his two parents in ransom on the day of Uhud. He said...”; to the end of the prophetic tradition. The meaning of his words, upon him be blessings and peace: ‘Shoot! I ransom my father and mother for you!’”; that is to say, I make as a ransom of my father and mother, which are the dearest of things to me. In the narration of Tirmidhi on the authority of Sa`id ibn al-Musayyib on the authority of Ali who said: “I never heard the Prophet, may Allah bless him and grant him peace gather together his two parents in ransom for anyone except for Sa`d ibn Abi Waqqas.” In this ransoming indicates the immensity of the standing of Sa`d with him, the esteem he had of his knowledge, and the regard which he had for his affair. This is because a person only gives himself in ransoms to that which he considers immense, thus he is willing to exchange himself, or the dearest of his own family members for him. In this prophetic tradition is evidence of the permissibility in the *shari`a* of a man ransoming to another man his parents and himself. In another narration: “Shoot O Sa`d! I ransom for you my father and mother!” These words were subtle indications and signs of the immense love that he had for him and indicates his high status with him. Further, in this prophetic tradition is evidence for the permissibility of giving motivation during marksmanship, shooting arrows and other than this. Rather, I say that motivating them during times of combat is an obligation, because it is emboldening of the hearts of the *mujaahidun*. With the emboldening their hearts it incites them in establishing the *jihad*; with the establishment of the *jihad* the word of Allah is exalted in His earth. Based upon the principle that an obligation which cannot be completed except by a factor, then that factor also becomes obligatory, and Allah knows best.

On What Has Been Related Regarding Making Entertainment With the Instruments of War Like the Sword and the Shield

It has been related in the Saheeh of al-Bukhari on the authority of Abu Hurayra, may Allah be pleased with him: “We were present when some Abyssinians were making entertainment in the presence of the Prophet, may Allah bless him and grant him peace, with their lances when Umar entered. He (Umar) then reached for some pebbles and began to stone them with them. He, may Allah bless him and grant him peace, said: “Let them alone O Umar!”³³

³³ The meaning of the words of Abu Hurayra, may Allah be pleased with him: “We were present when some Abyssinians”; it is said that this cognomen is a reference to the descendents of Habash ibn Kawsh ibn Haam ibn Nuuh, who are the traditional neighbors to the people of Yemen, and are only cut off from them by the Red Sea. Historically, the Abyssinians conquered Yemen before the time of Islam and took sovereignty over its land. Also Abraha made the well known military engagement from their kingdom against the *Ka`aba* and its people accompanied with his elephants, and were known as ‘the Companions of the Elephant’. This event occurred in the year in which our master Muhammad, may Allah bless him and grant him peace was born. Allah ta`ala says about them: “*Have you not seen how your Lord dealt with the Companions of the Elephants? Did He not bring their stratagem to nil; and sent against them swarms of flying creatures, which pelted them with stones of baked clay; and made them like green crops devoured.*” This is evidence that the lands of Yemen and parts of the lands south of the *Hijaz* were under the sovereignty of Abyssinia until the event of the Elephant. Ibn Hajr al-`Asqalani said: “The kingdom of Abyssinia lies in the direction of the west of the land of Yemen, and its distance is extremely vast, and they are divided into many ethnic types. All of the divisions of the Blacks fall under the sovereignty of the ruler of Abyssinia.” This statement is proof that any mention of the name Abyssinia in the prophetic traditions is a designation for all Blacks in general. The meaning of his words, may Allah be pleased with him: “...were making entertainment”; is that the entertainment of the Abyssinians with their lances, was actually their convention and custom by which they trained in the art of war; and this should not be assumed that they were performing some kind of dancing for amusement. It was called ‘entertainment’ (*la`b*) although it was primarily a form of practice in martial arts, and it was performed with gravity although it resembled entertainment, because of what was in it of mock jabbing and stabbing, even though this was not actually done. And those participating would give the false impression that the fighting was real, even when they were fathers and sons; and Allah knows best. In this is evidence for it being highly recommended to train and practice boxing, swordsmanship and other than these from the sciences of martial arts. The meaning of his words, may Allah be pleased with him: “...in the presence of the Prophet, may Allah bless him and grant him peace, with their lances”; is intrinsically connected to the reality that this practice was their custom during every `Eid celebration. It also indicates that this was an authorization that they were accustomed to with the advent of the `Eid. There was no contradiction between their actions and the religion in that their arrival to perform coincided with the day of the `Eid. This is because it was among their custom prior to Islam to entertain themselves in this fashion during all their holiday festivals. Thus, they did that as a convention, and then eventually they made this form of entertainment on the day of every `Eid. This was corroborated by what was related by Abu Dawud on the authority of Anas who said: “When the Prophet, may Allah bless him and grant him peace arrived in al-Medina the Abyssinians made entertainment out of joy for that by making amusement with their lances.” The meaning of his words, may Allah be pleased with him: “...when Umar entered”; is based upon what Ibn at-Teen said: “It is conceivable that Umar did not actually see the Messenger of Allah, may Allah bless him and grant him peace, and was not aware that he was actually observing them. Or perhaps he assumed that he saw them but was too modest to prevent them from doing it.” The meaning of his words, may Allah be pleased with him: “He (Umar) then reached”; is that he made the obvious objective with his hands for reaching for the stones. The meaning of his words, may Allah be pleased with him: “...for some pebbles”; is that the expression *‘hasaa’* (pebbles) is the plural of *‘hisaat’*. The meaning of his words, may Allah be pleased with him: “and began to stone them with them”; is that he threw the pebbles at them as an objection to what they were doing. Umar did this based upon his own *‘ijtihaad’* (independent judgment) considering that their behavior was not appropriate for the *masjid*, because it resembled the behavior of the words of Allah ta`ala: “...and their prayer in the House is nothing but shouting and the clapping of hands.” Thus, Umar objected to their making entertainment based upon the apparent meaning of the words of Allah ta`ala: “*The life of this world in nothing but entertainment and amusement, while the Abode of the Hereafter is better for those who are fearfully aware*”;

In it also³⁴ on the authority of A`isha, may Allah be pleased with her who said: “On the day of the `Eid, the Blacks were playing with leather shields and lances.”³⁵

assuming that the Prophet, may Allah bless him and grant him peace was unaware of what they were doing. Umar held the view that making amusement and entertainment in any way was not appropriate for *masaajid*, because Allah ta`ala says: “*And the masaajid are solely for Allah.*” And Allah knows best. The meaning of his words, upon him be blessings and peace: “Let them alone O Umar!”; is leave them alone because their behavior is permitted or highly recommended, and consistent with the *Sunna*. It is clear that Umar did know that when he was throwing the pebbles at them until it was said to him: ‘Let them alone.’ This is evidence for the permissibility of the Companions making independent judgment in the presence of the Messenger of Allah, may Allah bless him and grant him peace. What the Messenger of Allah, may Allah bless him and grant him peace said to Umar was not an objection to his independent judgment, because he upon him be peace once said: “When a jurist gives a judgment based upon his independent judgment and he gets it correct, then he will have two rewards. And if he gives a judgment based upon his independent judgment and he makes an error, then he will have a single reward.” Thus, with respect to giving *ijtilhaad* every single *mujtahid* is correct in his judgment. The silence of the Prophet, upon him be peace during the entertainment of the Abyssinians in the *masjid* is evidence for its permissibility according to the *shari`a*. For this reason it states in the *at-Tawdeeh*: “The playing at martial arts games is a *Sunna* because it is a preparation for encountering the enemies, and disciplining of the people for that.” It should be noted that no mention was made in the prophetic tradition of singing and dancing. However, there are many of those who are associated with the *Sufiyya* who utilize this prophetic tradition and the one regarding the two Abyssinian girls singing as evidence for the permissibility for singing and dancing as a form of worship. It is sufficient to refute them with the fact that the entertainment of the Abyssinians was a form of exercise and training with shields and lances, and this was a custom of theirs for recreation, and not a type of worship. The scholars differ regarding the permissibility of singing. A large group from the people of the *Hijaz* allow it, which is based upon a narration on the authority of Malik, however, Abu Hanifa and the people of `Iraq said that it was prohibited. The view of as-Shafi`i considered it reprehensible, which is also the most famous view of Malik. Those who consider singing permissible take reliance upon this prophetic tradition, while others refute them by citing that the kind of singing that the Abyssinians did was that regarding bravery, fighting, adroitness in fighting and the like, which has no corruption in it. This is in contrast to the kind of singing which comprises provoking the lower souls towards evil and inducing them to that which is false and obscene.

³⁴ That is to say, in the *Saheeh* of al-Bukhari or On What Has Been Related Regarding Making Entertainment With the Instruments of War, Like the Sword and the Shield.

³⁵ The meaning of the words, of A`isha may Allah be pleased with her: “On the day of the `Eid, the Blacks were playing”; is a reference to the Abyssinians. This is proof that the names Abyssinian and Blacks were interchangeable, and that the name Abyssinian is a cognomen designating all Blacks, as we mentioned previously. They were playing in the *masjid* as it was stated explicitly in the narration of az-Zuhri: “...and the Abyssinians were playing in the *masjid*.” In the narration of Mu`aliqa it added: “...with their lances.” Muslim related from the narration of Hisham on the authority of his father: “The Abyssinians came and began to play in the *masjid*”; in that it was their custom to do so during every `Eid, as we mentioned. In the narration of Ibn Hibban it stated: “When he arrived, the Abyssinians assembled and stood and played in the *masjid*.” The meaning of her words, may Allah be pleased with her: “...with leather shields”; is that ‘the leather shield’ is among the instruments of war which are necessary for the people of this art to take up as a defensive implement against the weapons of enemies. It is said that the leather shield is a type of shield made from leather and contains wood without a stump at its end. It is well known that the Companions of the Prophet, may Allah bless him and grant him peace used to utilize them for defensive purposes. The meaning of her words, may Allah be pleased with her: “...and lances” is that the expression ‘*hiraab*’ is the plural of ‘*harba*’, which is weapon shorter than a spear, as Ibn al-`Arabi said: “The lance is not to be included among the types of spears.” This prophetic tradition gives evidence of the permissibility of playing with weapons by way of exuberant movements for the purpose of practicing for war and vitalizing oneself for it. It is what the people of China call ‘*chuan*’ (organized martial movement) and the people of Japan call ‘*kaataa*’ (a martial arts form). Further, what can be extracted from it is the permissibility of fencing and swordsmanship and what it comprises of training the hands in the art of war. The fact that A`isha, may Allah be pleased with her was the one who transmitted this prophetic tradition through eye witnessing indicates the permissibility for women observing the actions of strange men, even though it is reprehensible for them to gaze upon the their attractiveness and taking pleasure from that, as *Qadi`Iyad* mentioned.

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On What Has Been Related Regarding the Spears³⁶

It has been related in the Saheeh of al-Bukhari on the authority of Ibn Umar on the authority of the Prophet, may Allah bless him and grant him peace, said: “Allah has placed my daily provision beneath the shade of my spear and He has placed humiliation and contempt upon those who oppose my command.”³⁷

³⁶ That is to say, it is regarding the merits of taking up spears and utilizing them in *jihad* and training and practicing with them; for the use of the spear was among the instruments of the Prophet, may Allah bless him and grant him peace that he utilized in war, and it was among the instruments utilized by the Companions, and it constitutes one of the most important of the weapons of war, and the most noble of them in status.

³⁷ The meaning of his words, upon him be blessings and peace: “Allah has placed my daily provision”; that is from the fifth of the spoils of war, or it means that the daily provision of the *Umma* in general has been placed underneath the shade of the spear. The meaning of his words, upon him be blessings and peace: “...beneath the shade of my spear”; is an indication from him of the superiority and merits of the spear itself; and it is exhortation from him to for everyone take it up and to imitate him in that. The wisdom behind restricting mentioning his daily provision to the spear over and above any of the other instruments of war, such as the sword, is that the convention which had become customary with them was to place the flags upon the tips of the spears. Since the subsequent shade from the flags on the spears were projected upon the earth, then the ascriptions of the daily provision to this shade became appropriate. However, this metaphor is contested by another prophetic tradition regarding the shade of the sword, where he may Allah bless him and grant him peace said: “The Paradise is beneath the shade of the swords.” Thus, it is clear that the objective of ascribing one’s daily provision to the shade of the spears as it was cited in the prophetic tradition is actually an allusion to the flags that adorn them, which are symbols of the government they represent. Allah willing, we will return to the meaning of these prophetic narrations when discussing the flags. The ascribing of Paradise to the shade of the sword is because in most cases martyrdom occurs as a result of it, because the shade of the sword appears mostly as result of the momentum of its movement in the hands of the fighters; and finally because the shade of the sword does not manifest until after it has been unsheathed, because prior to that it remains sheathed and affixed at one’s side. It is for this reason that some of the scholars consider the spear to be superior to the sword, because it is the cause for the production of wealth, the enlargement of the public treasury, expenditure of the salaries of the judiciary, market inspectors, civil servants, those who collect and disburse alms, and other than these from worldly and religious functions, like the commissioning and financing of industry, promoting and sustaining the people of the professional guilds who are essential for the social harmony of the community, the renovation of villages, the reviving of the wilderness, constructing military fortresses and bridges, constructing *masajid* and institutions of learning, appointing salaried teachers for children, protecting markets and roads, and procuring every general welfare essential for social harmony. None of these can exist except through the production of wealth. It is for this reason that the production of wealth has been placed beneath the shade of the spears, that is to say, underneath *jihad*, and thus the spear is considered to be superior to the swords. As for those who consider the sword superior to the spear, we will return to discussing that in what is to follow, Allah willing. In this prophetic tradition is indication that the spoils of war have been made permissible for this *Umma*; that the daily provision of the Prophet, may Allah bless him and grant him peace had been placed within the spoils of war, and in no other means of earning a living; and that the majority of the wealth of the government of the Muslims is produced from the spoils of war. In another narration related by ad-Daylami on the authority of Abd’r-Rahman ibn `Utba on the authority of his father on the authority of his grandfather that the Messenger of Allah, may Allah bless him and grant him peace said: “Verily Allah azza wa jalla sent me with the Guidance and the religion of Truth. He did not make me into a farmer, a businessman or one who surveys the markets; but He placed my provision beneath my spear.” It is well known that the Messenger of Allah, may Allah bless him and grant him peace used to conduct long distance trade before he was commissioned as a Prophet, however this prophetic tradition indicates that he changed this custom after he was commissioned as a Prophet and it gives evidence of the superiority of *jihad* over commerce and agriculture as a means of earning wealth. It is for this reason that our *Sultan* the *Amir’l-Mu’mineen* Muhammad Bello ibn *Shehu* Uthman ibn Fuduye` said in his *Tanbeeh’s-Saahib*: “The best means of earning a living is through *jihad*. This is because it is universally beneficial for what is in it of keeping the Islamic social order from being destroyed, the maintaining of the defense against the evils and injustices of disbelief by extinguishing its fire from endangering the Muslims.” The meaning of his words, upon him be blessings and peace: “...and He has placed humiliation and contempt”; is that it is

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conceivable that those meant in this address are the disbelievers by subjugating them and levying upon them the *jizya* (minority tax); or it is conceivable that those meant are the Muslims by them abandoning the *jihad* as we will mention, Allah willing. The meaning of his words, upon him be blessings and peace: "...upon those who oppose my command"; is a reference to those who reject Islam with regard to the disbelievers, and those who abandon the *Sunna* of *jihad* with regard to the Muslims. *Imam* al-Manaawi said in his commentary upon the *al-Jaami` as-Sagheer*: "Indeed Allah ta'ala created His creation into two divisions: those elevated and those humiliated. He made those elevated firmly established with His exalted affairs, and He made the lowest of the low firmly established with His dejected affairs. He made the people of His obedience and those obedient to His Messenger among the most elevated in the two worlds, and made those disobedient to Him among the most humiliated in the two worlds; for humiliation and contempt are for those who are disobedient. And just as humiliation strikes those who oppose his commands, similarly honor is for the people of his obedience and who follow him, as Allah says: '*To Allah belong all honor, and to His Messenger and the believers.*' Thus, it is based upon the extent that one follows him, that one's honor, proficiency and success depend." The complete narrative of the prophetic tradition as it was transmitted by Ahmad on the authority of Ibn Umar is: "I have been sent just before the Hour with the sword. My daily provision has been placed beneath the shade of my spear. Humiliation and contempt have been made for those who oppose my command, for whoever resembles a people then he is among them." Al-Muhallab said: "In this prophetic tradition it is established that the Messenger designated the lawfulness of the spoils of war and that his daily provision was made from it, in contrast to the other Prophets before him. He was also singled out with victory over all those who opposed him, with a victory accompanied by trepidation in the hearts of the enemies. He was singled out in order to make the word of Allah exalted and that those who follow him that they would be the most exalted of people. And those who opposed his command could only persist with a rope from Allah which entails a social contract, drawing upon themselves the wrath of Allah, accompanied with humiliation and contempt which entails the paying of the *jizya*." The meaning of his words, upon him be blessings and peace: "for whoever resembles a people then he is among them"; is that whoever opposes the command of the Messenger of Allah, may Allah bless him and grant him peace by abandoning the *jihad* in the Way of Allah, and establishing His religion, then humiliation and contempt will be placed upon them combined with being under the sovereignty of their enemies, as we can clearly see today. This prophetic tradition is an indication of the merits of the spear, the permissibility of the spoils of war for this *Umma*, and that the daily provision of the Prophet, may Allah bless him and grant him peace was placed within the spoils of war and in no other means of earning a living. For this reason some of the scholars assert that *jihad* is the best way of earning a living, as we cited from the words of *Sultan* Muhammad Bello in his *Tanbeeh 's-Saahib*.

On What Has Been Related Regarding the Shield and Being Shielded With the Shield of One's Companions³⁸

It has been related in the Saheeh of al-Bukhari on the authority of Anas ibn Maalik, may Allah be pleased be with him who said: “Abu Talha shielded himself along with the Prophet, may Allah bless him and grant him peace behind a single shield. Abu Talha was an excellent archer. Whenever he would shoot, the Prophet, may Allah bless him and grant him peace would direct him and look to the place of his arrow.”³⁹

³⁸ That is to say that this section is concerned with discussing the shield which is a well known weapon utilized for defensive purposes, where the one holding it covers himself or screens himself; and discussing the one who shields himself or covers himself with the shield of his companion. This means that two combatants shield themselves with a single shield. This is an indication of the fundamental formation of the army of the Muslims on the battlefield, where the archer/marksman does not hold the shield because he shoots with both of his hands, and the shielding man or companion of the shield covers the archer/shooter so he is not shot, at the same time the companion of the shield looks to spot the location where the arrow of the archer reached. Today the companion of the shield is known as ‘a spotter’.

³⁹ The meaning of his words, may Allah be pleased with him: “Abu Talha”; is he was Abu Talha Zayd ibn Sahl ibn al-Aswad ibn Hiram ibn `Amr ibn Zayd Munat ibn `Adiy ibn Malik ibn an-Nijaar al-Khazraji an-Nijaari al-Ansaari. He was present at al-`Aqaba, Badr and Uhud, He was the paternal nephew of Anas ibn Malik. He was sturdy, with an sonorous voice, dark skinned, middle height who did not change with age. He was an excellent archer, and was the one about whom the Messenger of Allah, may Allah bless him and grant him peace said: “The voice of Abu Talha among the army is better than the sound of an entire troop.” In another narration: “Indeed the voice of Abu Talha is more severe against the idolaters than the sound of an entire troop.” His virtues were innumerable. Anas said: “After the Messenger of Allah, may Allah bless him and grant him peace passed, Abu Talha fasted without breaking it for forty years except on the two days of the `Eid `l-Fitr `Eid `l-Ad`haa.” He died in al-Medina, and it was Uthman who prayed over him, in the year 34 A.H. The meaning of his words, may Allah be pleased with him: “...shielded himself along with the Prophet, may Allah bless him and grant him peace”; is that this occurred on the day of Uhud. The meaning of his words, may Allah be pleased with him: “...behind a single shield”; is that Abu Talha was preoccupied from holding the shield because he was shooting with both his hands. Thus, it was the Messenger of Allah, who held the shield protecting him so that he would not be shot. The meaning of his words, may Allah be pleased with him: “Abu Talha was an excellent archer”; is in accordance with another narration: “He was a mighty archer”, who during that battle broke with his own hands two to three bows. The meaning of his words, may Allah be pleased with him: “Whenever he would shoot, the Prophet, may Allah bless him and grant him peace would direct him”; is that the phrase ‘*tasharraf*’ (to supervise) is when a person looks from above the work of another, for the phrase ‘to supervise’ comes from ‘oversight’ (*ishraaf*). This means to take observation of a thing. The meaning of his words, may Allah be pleased with him: “...and look to the place of his arrow”; is that he would examine where his arrow reached, as it was stated in the narration of Thaabit on the authority of Anas who said: “Indeed Abu Talha shot his arrows in front of the Messenger of Allah, may Allah bless him and grant him peace on the day of Uhud. He was a natural archer. Whenever Abu Talha would shoot, the Messenger of Allah would lift his head and examine where his arrow reached.” Ibn Hajr said: “It is said that an archer/marksman requires a person to shield him, so that both his hands can be preoccupied with shooting. It is for this reason that the Prophet, may Allah bless him and grant him peace shielded him with his shield.”

On What Has Been Related Regarding the Sword and Hanging It From the Neck⁴⁰

It has been related in the Saheeh of al-Bukhari on the authority of Anas, may Allah be pleased with him who said: “The Prophet, may Allah bless him⁴¹ and grant him peace, was the best of the people and the bravest of people. One night the people of al-Medina were frightened. When they came out in the direction of the noise, they found the Prophet, may Allah bless him and grant him peace had already investigated into what had happened. He was riding the bare back horse of Abu Talha and around his neck was a sword. He said: “Do not be frightened! Do not be frightened!” He then said: “I discovered it (Talha’s horse) to be an ocean!”; or he said: “Indeed, it is an ocean!”⁴²

⁴⁰ Is that this section covers a discussion of the immense affair of the sword, with which one strikes with dexterity, adroitness and artistry, as is well known; the merits of taking up swords, hanging them on the necks, using them in *jihad*, in training and practice. For the sword is like the spear in that it was among the instruments that the Prophet, may Allah bless him and grant him peace utilized in war, it was among the instruments of war of his Companions; and it is among the important weapons of war and is among the most noble of them in status because it is considered by some as ‘the mother of all weapons’, as well as, whenever the term ‘weapons’ is used unrestrictedly it refers to swords, over other weaponry. Mention was made of the disagreement among the scholars regarding the superiority of the spear over the sword, since it is ascribed to the production of wealth and other than that from worldly and religious functions due to the fact that the flags are normally placed on its tips as a sign of the sovereignty of the government, representing its continuity and its social order. It is essential here to mention in this section what some of the scholars say about the superiority of the sword over the spear and the remainder of the instruments of war; for this is my school of thought, in that I have taken up the Way of the Sword as a Path in the disciplining of the soul.

⁴¹ Here ends facsimile 47 of the Arabic manuscript.

⁴² The meaning of the words of Anas, may Allah be pleased with him: “The Prophet, may Allah bless him and grant him peace, was the best of the people”; that is, he was the best of them in physical form and behavior, or he was the best of them in physical nature and character. For corporeal attractiveness is related to the limbs, and is specific for the aspect and form which can be perceived with the eyes. In this regard the corporeal form of the Prophet, may Allah bless him and grant him peace and his physical nature was the best that has ever existed, as it was elucidated in the As-Shifa, the as-Shimaa’il, and in many poems which praised the beauty of his face, the perfection of his body, the harmony of his limbs, the strength of his senses and movements. Immaterial attractiveness is related to the soul, and the inward comportment and is specific to one’s inner strength and tranquility which can be perceived by mental discernment. In this matter the behavior of the Beloved, may Allah bless him and grant him peace was in the utmost limit of perfection. Rather, nothing in creation exist which is more perfect than him in character, as it is well known. The meaning of his words, may Allah be pleased with him: “...and the bravest of people”; is that he was the strongest of them in heart during circumstances of valor. Qadi`Iyad: “Bravery is the virtue of the strength of anger, which is controlled by reason.” In another narration it added: “...and he was the most generous of people...”; is that he was the most perfect of them in nobility, and the most arousing of them in his heart during the upheavals of war, and he never turned from the battle in defeat. In this is a clear explanation of what Allah ta`ala ennobled him with from handsomeness and gracious characteristics; and that these traits were among the innate attributes of the Prophet, may Allah bless him and grant him peace. It also proves that the perfection of the strength of reason is in attractiveness, that the perfection of the strength of anger is in bravery, and that the perfection of the strength of the sensory is in generosity. For attractiveness, bravery and generosity are among the most significant foundations of good character. The proof of his attractiveness, bravery and generosity is in what will follow. The meaning of his words, may Allah be pleased with him: “One night the people of al-Medina were frightened”; is that the people of al-Medina became afraid from a strange and loud sound which they heard during the night. The meaning of his words, may Allah be pleased with him: “When they came out in the direction of the noise”; is in accordance with another narration which stated: “The people left in the direction of the loud sound”; in order to investigate its cause. The meaning of his words, may Allah be pleased with him: “they found the Prophet, may Allah bless him and grant him peace”; is in accordance with another narration which stated: “...for they encountered the Messenger of Allah, may Allah bless him and grant him peace returning, for he had superseded them to the source of the sound.” The meaning of his words, may

Allah be pleased with him: "...had already investigated into what had happened"; is that he had already learned the news behind the loud sound; or that he had verified the news of it. In this is established the permissibility of a person taking the initiative on his own to investigate the news of the enemies, as long as their appearance has not been verified. The meaning of his words, may Allah be pleased with him: "He was riding the bare back horse of Abu Talḥa"; is that he rode the horse bare backed without a saddle, pack saddle, or saddlecloth. In this is the permissibility of riding a mount bare backed, the permissibility of making military engagements upon stallions in the same manner, the permissibility of riding bare back on any beast of burden during war; as well as riding mounts bare backed in order to increase the speed of the animal. The meaning of his words, may Allah be pleased with him: "...and around his neck was a sword"; is that this is clear evidence for the permissibility of hanging swords over the neck; as well as the permissibility of wearing sword sheaths because it is apart of the issue of the sword, since the mere mention of the sword also by implication gives evidence of the sword sheath. In this is evidence that wearing swords is a protection against the evils of malevolent spirits (*jinn*), because in some of the narrations the people assumed that the loud noise came from the *jinn*. The Messenger of Allah, may Allah bless him and grant him peace chose the sword because it is the most beneficial of the instruments of war, the easiest of them to utilize, the one used most often and is ascribed directly to Paradise; since Paradise and what is in It of blessings is from among the affairs of the Hereafter; and the Hereafter is better than this world's life and what is in it, as it is clarified in many *Qur'anic* verses. There are His words: "And those who emigrate for Allah after being oppressed, We will support them in this life with what is good, but the reward of the Hereafter will be greater if they but knew." There are His words: "Are you pleased with the life of this world over the Hereafter, for the possessions of this world's life is slight in comparison to the Hereafter." There are His words: "The life of this world is mere play and amusement, while the Abode of the Hereafter is best for those who are fearfully aware." And finally, there are His words: "For the reward of the Hereafter is better for those who believe and are fearfully aware." For, whatever is ascribed to that which is greater and best, is also innately greater and superior. It has been related by al-Bukhari on the authority of Abu Hurayra that the Prophet, may Allah bless him and grant him peace said: "Realize that Paradise is underneath the shade of swords." What is meant by Paradise being beneath the shade of swords, is that the Divine reward of Allah is beneath them, and that the sword is a fundamental causative factor for reaching Paradise, when it is used to strike in the Way of Allah. For the movement of the *mujaaḥiduum* in the Way of Allah, and their presence on the battlefield with sincerity, and holding firm underneath the clash of swords opens the Gates of Paradise. An-Nawwawi said in his commentary on Muslim: "The scholars say that the meaning of the prophetic tradition is that *jihad* and being present on the field of combat is a Path to Paradise, and a causative factor for entering It." Al-Minawi said: "This statement is a metaphor for being in close proximity to the enemies during war, to the extent that the swords are raised high, until literal shades emerge on the battlefield. It means that the *jihad* is a Path with which one arrives swiftly at the Gates of Paradise. Thus, the objective of the prophetic tradition is to encourage people to participate in the *jihad*." Al-Khataabi said: "The meaning of 'the shades of swords' is being in close proximity to its blades until one is overshadowed by the shade of his sword where he neither turns from it are flees from it. For whatever is in close proximity to you, actually overshadows you." It is said in the *an-Nihaaya*: "This statement is a metaphor for being in proximity to the actual striking during the *jihad*, until the sword is raised up and becomes like a shade for him." Al-'Ayni said: "This prophetic tradition is among of the most precious and splendid of articulations, which combines in it examples of pure eloquence, ampleness of expression, charm, beautiful imagery, abundant universal meaning, along with the sweetness of epitomized expression; since the most eloquent tongues of the articulate are unable to produce its like, or to come with its equal or similarity in form. For the advantages which can be drawn from it along with its pure brevity, are incitement to the *jihad*, informing of the Divine reward for it, encouragement to draw near to one's enemy, the skillful utilization of swords, taking one's reliance upon them, the gathering of fighters during encounters where they intermix with one another until the swords of some fall upon the enemies, and some are raised over them until the swords become like shades with which they strike the necks of the enemies." Thus, it means that the one who strikes with the sword in the Way of Allah, Allah will enter into Paradise as a result of that. This is similar to another prophetic tradition: 'Paradise is beneath the feet of mothers', which is to say, that being filial towards one's mother and establishing her rights will enter a person into Paradise. In another narration he upon him be blessings and peace said: 'Indeed Paradise is underneath the gleam of swords.' This expression 'gleam' (*baarika*) is from the expression 'radiance' (*bareeq*). Al-Khataabi said: "One says: 'A man was brightened by his sword', when its radiance reflects upon him. Thus, a sword is also called 'radiant' (*bareeq*) and comes from the verbal conjugation of *if'eel* from 'radiance. Thus, the sword has a radiance which beams from it, as well as a shade which emerges underneath it.

For, the interpretation of the cognomen 'radiant' in reference to the sword is a reference to the bright luster of the swords. Some say that the correct interpolation is that the phrase 'radiant' is a direct referent to swords themselves, as at-Tabarani related from a narration from `Amaar ibn Yaasir in a sound chain of authority that he said on the day of the Battle of Sifeen: 'Paradise is underneath the shining swords (*abaariqa*)'." In a narration from Muslim on the authority of Abu Bakr ibn Musa al-Ash`ari who said: "I heard my father say while in the presence of the enemies: 'The Messenger of Allah, may Allah bless him and grant him peace said: 'Indeed the Gates of Paradise are underneath the shade of the swords.' Then a man from among the people of Rath al-Haya said: 'Did you really here the Messenger of Allah, may Allah bless him and grant him peace mention that?' He said: 'Yes.' The man then returned to his companions, and said: 'I give you all my final greetings of peace!' He then broke his sword sheath, and then entered the fray and struck with his sword until he was killed." All of this is evidence of the superiority of the sword over all the remaining weapons of *jihad* and its proximity to the Hereafter. It is also an incitement to learning it and utilizing it continuously because it is apart of the confirmed *Sunna*. This is proof that it is highly recommended to practice swordsmanship, and every kind of fencing and swordplay, either by means of the straight sword, the short sword, the long sword, the broad sword, or the double sword; as it was related by Ibn `Awn on the authority of Sa`d ibn Abi Waqqas who said: "On the day of Uhud, Hamza was fighting in front of the Messenger of Allah, may Allah bless him and grant him peace with two swords, and he was shouting: 'I am the Lion of Allah!'" The meaning of his words, upon him be blessings and peace: "Do not be frightened! Do not be frightened!"; that is, with persistent fright, or the kind of alarm which could cause more harm. Thus, it means do not fear. In this statement comprises many advantages, among them is that it clarifies the bravery of the Messenger of Allah, may Allah bless him and grant him peace as indicated by the swiftness by which he came out to face the alleged threat, even before any of the other people, and how he had already investigated the situation and returned before they had arrived. In it also is that it clarifies the immensity of his *baraka*, and his miracle in taming a stallion to run swiftly which had been previously slow because it lacked the strength to run, and was dysfunctional in its movements; as it was stated explicitly in the narration of Muslim. In it further, is the blame of showing cowardliness during *jihad* and the blame of showing fear when encountering enemies. The meaning of his words, upon him be blessings and peace: "I discovered it (Talha's horse) to be an ocean!"; is that it was like an ocean, which is it became immeasurable in its running abilities. This is an indication of the permissibility of utilizing metaphor, since he made the horse resemble the ocean because its running abilities became endless just as the water of the oceans are endless. The meaning of his words, may Allah be pleased with him: "...or he said"; is that there was some doubt from the narrator. The meaning of his words, upon him be blessings and peace: "Indeed, it is an ocean!"; is that if the Prophet, may Allah bless him and grant him peace said indeed it is an ocean, then this is more expressive than the first statement in depicting the horse with being able to run extremely strong. Further, what can be extracted from this prophetic tradition is that apart of the prerequisites for the *Imam*, the *Amir* or the Muslim governor is that he must be courageous, as the *Shehu*, may Allah ta`ala be merciful to him said in his Bayaan Wujuub'l-Hijra citing the eighth condition of the *Imam*: "...is that he must be courageous, and not be impotent and shy away from encountering the enemies on the battlefield, and establishing the legal punitive punishments." In this prophetic tradition establishes that it is highly recommended to gird oneself with the sword by wearing it around the neck; and that this was apart of the normal uniform of the righteous ancestors regarding the instruments of war. One of the most decisive proofs regarding the superiority of the sword, as we mentioned is in what was related by al-Bukhari on the authority of Abu Hurayra, who said that the Messenger of Allah, may Allah bless him and grant him peace said: "Do not be over anxious to encounter the enemy, but ask Allah for well being. But when you do encounter them be steadfast. And realize that Paradise is underneath the shades of swords." In this prophetic tradition establishes the prohibition of being over anxious to encounter the enemy due to what is in that of self admiration, over reliance on the self, and having over confidence in one's strength; all which are a type of despotism; also because this attitude implies paying little or no real attention to the enemies and showing disdain for him by taking him for granted. This is diametrically opposed to being precautious, resolute and alert which constitute the spirit of the Art of War.

On What Has Been Related Regarding the Dagger⁴³

It has been related in the Saheeh of al-Bukhari on the authority of Ja'far ibn `Amr ibn Umayya⁴⁴ on the authority of his father,⁴⁵ who said: "I once saw the Prophet, may Allah bless him and grant him peace, eating a piece of shoulder by cutting from it. Then the call to the prayer was made. He then prayed without making *wudu*."⁴⁶ **In a narration** from az-Zuhri: "He put the dagger down."⁴⁷

⁴³ This is regarding the explanation what has been mentioned concerning the issue of the dagger from the permissibility of taking it up, carrying it, and utilizing it during war and other times. The expression 'sikeen' (dagger) is conjugated on the measure of the phrase 'fa'eel', like the word 'shareeb' (heavy drink). It can be made both masculine and feminine, thus it is called 'sikeen' or 'sikeena' taking from 'to abate' (*sakana*) because it causes the movement of the animal sacrificed with it to abate.

⁴⁴ He was Ja'far ibn `Amr ibn Umayya ad-Damri.

⁴⁵ He was Abu Umayya `Amr ibn Umayya ibn Khuwaylid ibn Abdallah ibn Iyaas ad-Damri. He was the Companion of the Messenger of Allah, may Allah bless him and grant him peace. He accepted Islam on the day of the Battle of Uhud. He was extremely brave, fearless and courageous. It is for this reason the Messenger of Allah, may Allah bless him and grant him peace sent him out once on a military raid by himself. He also sent him as a messenger to *an-Najaashi* of Abyssinia, may Allah be pleased with him. He made many military expeditions along side the Messenger of Allah, may Allah bless him and grant him peace. He transmitted a number of prophetic traditions on the authority of the Prophet upon be blessings and peace. Those who transmitted from him were his two sons, the above mentioned Ja'far and Abdallah, as well as his nephew az-Zabraqaan ibn Abdallah. `Amr ibn Umayya died during the rule of Mu'awiyya.

⁴⁶ The meaning of the words of `Amr ibn Umayya, may Allah be pleased with him: "I once saw the Prophet, may Allah bless him and grant him peace, eating a piece of shoulder"; is that it was the shoulder of a lamb, for the shoulder (*katf*) in humans is the broad bone just behind the shoulder blade. In other creatures like camels, horses, mules, donkeys and others, the shoulder is the broad bone which is above the upper front legs. It is said that the two shoulder bones include the entire upper part of the leg. The meaning of his words, may Allah be pleased with him: "by cutting from it"; is that he cut it using a dagger. In another narration it states: "...he cut from the shoulder of a lamb which he held in his hand...". In this establishes the permissibility of cutting cooked meat with a dagger, as well as raw meat. This is also evidence for the carrying of daggers. It is called 'sikeen' (dagger), because it causes the movement of the sacrifices animal to abate (*taskeena*). Some of the followers of Malik consider that the carrying of the dagger is highly recommended. The objective of entering this prophetic tradition in the chapter regarding *jihad* is due to the fact that the dagger is among the kinds of weapons and instruments of war. The meaning of his words, may Allah be pleased with him: "Then call to the prayer was made"; is that it was called for one of the prescribed prayers in the *masjid*. The one who called to the prayer in this prophetic tradition was Bilal, may Allah be pleased with him. It is said that the prayer that the call was made for was the prayer of *maghrib* due to its limited time. In another narration it states: "The call to prayer was made and he put it aside as well as the dagger he was using to cut it with." In another narration it states: "The call to prayer was made, and he stood and put aside the dagger." Ibn Hazim said: "The cutting of meat with a dagger is in order to eat it well." The meaning of his words, may Allah be pleased with him: "He then prayed without making *wudu*"; is in accordance with what az-Zuhri said: "It is clear that the command to perform the ablution from eating meat which fire has consumed was abrogated by this prophetic tradition." In this prophetic tradition is also the permissibility of calling the *Imams* to the prayer.

⁴⁷ The meaning of his words, may Allah be pleased with him: "He put the dagger down"; is the dagger which he was using to cut the meat. This prophetic tradition is proof for the permissibility of cutting meat with a dagger, utilizing the dagger in social transactions, such as war and others. Thus, from the above two cited prophetic traditions can be extracted the legal evidence of eating that which fire has consumed without being obligated to make ablution. This is the view of at-Thawri, al-Awzai', Abu Hanifa, Malik and others.

On What Has Been Related Regarding the Armored Suit⁴⁸

It has been related in the Saheeh of al-Bukhari on the authority of Ibn Abbas, may Allah be pleased with them⁴⁹ that the Prophet, may Allah bless him and grant him peace, said while he was in a cupola: “O Allah! I implore You regarding Your pledge and promise! O Allah! If it is Your will, You will not be worshipped after this day!” Then Abu Bakr took hold of his hand and said: “Enough O Messenger of Allah! You have committed your cause over to your Lord!” He, may Allah bless him and grant him peace, was dressed in armor. He then came out saying: “*The whole of them will be destroyed and they will show us their backs. Indeed the Hour will be their rendezvous, for the Hour is severest and harshest.*”⁵⁰

⁴⁸ That is to say in this section mention will be made of what has come in the prophetic traditions from the permissibility of wearing armor. The expression ‘*diri*’ (armor) can be made masculine and feminine, and refers to attire normally made of iron in order to protect its owner from be struck by the weapons of the enemy during war. It is also included among the instruments of war, and is a *Sunna* of the Prophet, may Allah bless him and grant him peace.

⁴⁹ It is well known that Ibn Abass, may Allah ta`ala be pleased with them, was not a witness to these words, nor was he among those at the time who actually saw what had happened. However, he transmitted this from those who actually witnessed it, as this was stated explicitly by Muslim in the narration of the prophetic tradition of Samaak ibn al-Walid on the authority of Ibn Abass on the authority of Umar ibn al-Khataab, may Allah ta`ala be pleased with all of them.

⁵⁰ The meaning of the words of Ibn Abass, may Allah be pleased with him: “the Prophet, may Allah bless him and grant him peace, said while he was in a cupola”; is in accordance with another narration which added: “...on the day of Badr...”. What is meant by a cupola is that it was a shaded bower which the Companions erected for the Prophet, may Allah bless him and grant him peace to sit during the day of Badr. The day of Badr, occurred on a Friday, the 17th of the month of *Ramadan* in second year of the *hijra*. Ibn al-Athir said: “The cupola is a kind of tent, which a small dwelling which is customarily used by Bedouin Arabs.” On that day the Messenger of Allah, may Allah bless him and grant him peace was seen to be observing the idolaters, whose numbers had reached to one thousand, and looking upon his Companions whose numbers were 313 men. He then faced the direction of the *qibla* raised his palms and supplicated Allah with the following supplication and other than that. The meaning of his words, upon him be blessings and peace: “O Allah! I implore You”; is I seek from You. The meaning of his words, upon him be blessings and peace: “...regarding Your pledge”; is that I seek from You the pledge which You made by Your words: ‘*The Word has preceded from Us as a promise to our servants the Messengers, that they will be assisted, and that Our forces will be victorious for them.*’ The meaning of his words, upon him be blessings and peace: “...and promise!”; is that I ask You to accomplish Your promise which You gave to me, while I was in Mecca, that You would vanquish the forces of the idolaters, and complete this by manifesting Your religion, as well as exalt the Word of Islam, with which You are pleased with, by making it manifest over all other religions. This promise is like His words: ‘*When Allah promised you that one of the two factions will taken by you, and you longed that other than the armed one might be yours; while Allah willed that He should cause the Truth to triumph by His words, and cut off the root of the disbelievers. That He might firmly establish the Truth and render falsehood invalid, even though the guilty might oppose it.*’ The meaning of his words, upon him be blessings and peace: “O Allah! If it is Your will, You will not be worshipped”; is that You have willed that You be worshipped as is deserving of You, and You have not willed that You not be worshipped. Therefore make what You have willed accomplished in existence, since all affairs are in Your Hand. It has been related in the prophetic tradition of Umar that he, upon him be blessings and peace said: “O Allah! If this small band from the people of Islam are destroyed, then You will not be worshipped on the earth.” He said this realizing that he was the Seal of the Prophets, and if he and those with him were destroyed, then no one else would be sent in after him in order to invite the people to the true faith, and the idolaters would persists worshipping other than Allah. Thus, it means that He would not be worshipped by means of this *shari`a*. The meaning of his words, upon him be blessings and peace: “...after this day!”; is in accordance with the narration of Muslim on the authority of Umar ibn al-Khataab that he, upon him be blessings and peace said: “O Allah! Accomplish for me what You promised me! O Allah! Give me what You promised me! O Allah! If this small band from the people of Islam are destroyed then You will not be worshipped on earth!” He continued to implore Allah in this manner his cloak fell from his shoulders, and Abu Bakr stood and replaced it back on his shoulders and supported him from behind. The reason that the Prophet, may Allah bless him and grant him peace

made strenuous effort and was determined in his supplication is because he saw the Angels standing prepared for combat, and the Ansaar were ready to engage in battle until the death; thus he established by his strenuous effort that *jihad* is partly conducted with weapons, and partly conducted by means of supplication. This is evidence that when Muslims are prevented from establishing the *jihad* with weapons, then this does not prevent them from making supplication against the disbelievers, because: "The supplication is the weapon of the believer." In this also is established that apart of the *Sunna* in combat is that the *Imam* should remain behind the Muslim army so that he is not killed along with them, not in order to save himself, but he should be preoccupied with the most important of the two means of fighting, which is supplication. The meaning of his words, may Allah be pleased with him: "Then Abu Bakr took hold of his hand and said: "Enough O Messenger of Allah!"; is that what you have already said is sufficient. In another narration he is reported to have said: "O Prophet of Allah! Your imploring of your Lord is enough, for he will definitely accomplish His promise to you." The meaning of his words, may Allah be pleased with him: "You have committed your cause over to your Lord!"; is that you have been persistent in your supplication to Him. This means that you have reached the limit in your supplications and have been long in doing it. Abu Bakr said this believing in the words of Allah ta`ala: "*Indeed You do not go against what You have promised.*" Al-Khataabi said: "It is not permissible to falsely assume that Abu Bakr was more firm in his confidence in his Lord than the Prophet, may Allah bless him and grant him peace in that circumstance. On the contrary, what induced the Prophet, may Allah bless him and grant him peace to this was his genuine compassion for his Companions, and in order to strengthen their hearts, because this was the first military which they encountered. Thus, he went to the limit in directing himself to Allah and supplicating Him with prayer and invocation in order to bring solace to their souls by means of that, because they knew that his interceding on their behalf with Allah was answered. Thus, when Abu Bakr said what he said, he stopped imploring Allah realizing that his supplication was answered when he saw in Abu Bakr that his soul was fortified and tranquil." In this establishes the close companionship which Abu Bakr demonstrated through his patient confidence in what Allah promised to His Prophet, may Allah bless him and grant him peace. It is for this reason that he was named '*sideeq*' (the Champion of Truth). It is also conceivable that he upon him be peace made strenuous effort in supplication was in order to instruct his Companions that supplication is the real weapon of the believer, that *jihad* cannot be rectified except by means of the invocation and remembrance of Allah, imploring Him with humility and broken heartedness; and that there is no more redemptive refuge for the servants from any harm in this world's life and the Hereafter than the remembrance of Allah, and imploring Him with supplications. This is especially true during times of combat in the Way of Allah. In this circumstance the Prophet, may Allah bless him and grant him peace was in the station of fear (*maqam 'l-khawf*), which is the most perfect of the spiritual states of prayer, supplication and invocation. Allah willing, I will expand on the meaning of the supplication being the weapon of the believer, and the key to victory in the section: On What Has Been Related Regarding Making Supplication Against the *Kuffaar* During Times of War, Conquering and Violent Repercussions'. The meaning of his words, may Allah be pleased with him: "He, may Allah bless him and grant him peace, was dressed in armor"; is that he was wearing the traditional iron mail attire which is worn in war. Al-Muhallab said: "In this is the proof of utilizing armor and fighting in it." In that is the evidence for its permissibility. The meaning of his words, may Allah be pleased with him: "He then came out saying: "*The whole of them will be destroyed and they will show us their backs*"; is a reference to all the disbelievers of Mecca on the day of Badr. Thus, Allah ta`ala informed him that they will be defeated and will show him their backs by fleeing. In this it establishes his showing confidence and being patient with what Allah promised of victory, the Good News to them that the party of Satan will be routed, and a reminder to them of what He azza wa jalla foretold in His Book. The meaning of the words of Allah ta`ala: "*Indeed the Hour will be their rendezvous*"; is that the punishment of the Hour on the Day of Judgment will be their rendezvous, which is that it will be the promised place of their punishment. The meaning of the words of Allah ta`ala: "...for the Hour is severest"; is that it is more severe and more horrible. The expression '*daahiya*' (calamity) means an immense shocking affair from which there is no recourse. The meaning of the words of Allah ta`ala: "...and harshest."; is that it is more immense in affliction, and more severe in bitterness than being routed on the battlefield and the combat of the day of Badr. It is said that this verse was revealed to the Prophet, may Allah bless him and grant him peace at that time. It is also said that it was revealed in Mecca since it is the 45th verse of the Chapter of *al-Qamar*, but was revealed regarding the people of Badr. However the first is the foremost view because the entire Chapter of *al-Qamar*, except this particular verse was revealed at Mecca. In this prophetic tradition establishes the permissibility of reciting the *Qur'an*, a portion of it or a verse from it against enemies for their destruction and the dividing of their unity. It also establishes the permissibility of reciting the

In it also⁵¹ on the authority of A`isha, may Allah be pleased with her who said: “The Messenger of Allah, may Allah bless him and grant him peace died while his armor was pawned⁵² in the custody of a Jew which he pawned for thirty *saa`* of wheat.”⁵³

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Qur'an, or part of it during the clash of battle, as form of recitation, worship and a spiritual litany. Finally, in it is the permissibility of using the recitation of the *Qur'an* or a portion of it as intermediacy (*tawwasul*) in supplicating and imploring Allah ta`ala.

⁵¹ That is to say, in the Saheeh of al-Bukhari or On What Has Been Related Regarding the Armored Suit.

⁵² Here ends facsimile 48 of the Arabic manuscript.

⁵³ The meaning of the words of A`isha, may Allah be pleased with her: “The Messenger of Allah, may Allah bless him and grant him peace”; that is to say, he died on Monday the 12th of *Rabi`l-Awwal* in the year 11 from his *hijra* may Allah bless him and grant him peace. He lay in rest for two days and was buried in the middle of the night of Wednesday at the age of 63. The meaning of the her words, may Allah be pleased with her: “...died his armor was pawned”; is in accordance with the narration of Ya`ala in `Ubayd on the authority of al-Amash that she said: “...armor of iron...” The meaning of the her words, may Allah be pleased with her: “...in the custody of a Jew”; or as it was related in another narration where she said: “...was with a Jew”; no mention was made of the name of the Jew. Some of the scholars say that apart of the wisdom of the Messenger of Allah, may Allah bless him and grant him peace refrained from making this nominal transaction with the Companions and chose to make the transaction with a Jew; was either to clarify its lawfulness; or because at that time the Companions did not have surplus provisions beyond what could fulfill their own needs; or he feared that they would take it from him at cost or as compensation. An-Nawwawi said: “Perhaps on some occasions the Companions were unaware of his needs because they did not know at what time he finished what provisions were with him due to his comportment. And perhaps those who did know that, their circumstances were also so constricted at that time to do anything about it, as was the usual circumstances of his Companions. Normally, none of the Companions who were able and who always made effort to take care of his needs actually knew the signs when the Prophet, may Allah bless him and grant him peace was in need. However, the Messenger of Allah, may Allah bless him and grant him peace used to conceal any traces of need from them, and would normally bear constricted circumstances patiently.” The meaning of the her words, may Allah be pleased with her: “...for thirty *saa`* (about 60 liters) of wheat”; is similar to what was related in the narration of Muslim. What is meant here is that this was an indication of his final circumstances. In the narration of at-Tirmidhi she said: “...for twenty *saa`* (about 40 liters) of foodstuff which he took to feed his family”; in exchange for ‘thirty’ because he used to store up enough provision for a year for them. This is proof that storing up provision does not negate reliance upon Allah. In the prophetic tradition is also proof for the permissibility of purchasing weapons from disbelievers. It also establishes the permissibility of pawning (*rahn*) as it was explicitly stated in the narration of Ma`li on the authority of Abd`l-Waahid ibn Zayd where she said: “...he pawned his armor made of iron...”. Ibn at-Talaa` mentioned in his al-Aqdiyya an-Nabawwiya: “It was Abu Bakr who was able to reclaim this armor after the passing of the Prophet, may Allah bless him and grant him peace.” In a narration of Ibn Sa`d on the authority of Jaabir he added: “It was Abu Bakr who usually fulfilled the customs of the Prophet, may Allah bless him and grant him peace, while it was Ali who usually fulfilled any of his debts.” It was related by Is`haq ibn Ruwayhi in his Musnad on the authority of as-Sha`bi in a prophetic tradition which is *mursal*: “It was Abu Bakr who reclaimed the armor and then surrendered it to Ali ibn Abi Talib.” In the prophetic tradition is the lawfulness of utilizing armor during war.

On What Has Been Related Regarding the War Standard⁵⁴

It has been related in the Saheeh of al-Bukhari on the authority of Tha'alaba ibn Maalik al-Ghur^{dh}i,⁵⁵ who said: "Qays ibn Sa'd al-Ansaari, may Allah be pleased with him,⁵⁶ who was one of the standard bearer of the Messenger of Allah, may Allah bless him and grant him peace, desired to make hajj so he went on foot."⁵⁷

⁵⁴ The war standard (*liwaa'*) carried by the army is normally smaller than a flag, because it is usually made of a long narrow pieces from cloth interwoven together (*yalwiy*), and then fastened to the wooden part of spears; while flags are the prominent ensigns of the entire army, and are thus, nicknamed 'the mother of war'. Flags are usually larger than war standards and more significant in rank. Abu Bakr ibn al-'Arabi said: "The war standard is not a flag, for the war standard is what is usually affixed to the ends of spears and is usually interwoven; while the flags are not normally affixed to spears but are hung high and left standing to flap in the wind." At-Turabakhashti differed in this, saying: "It is the flag which is actually interwoven and given over to the combatants under which they fight, and to which the fighters incline towards in the heat of battle; while the war standard is the symbol of the authority of the ruler which is carried and circulates wherever he goes." This view was corroborated in a commentary of Muslim, where it stated: "The flag is the small ensign of the army, while the war standard is the larger standard of the army"; as it was cited in the al-Muraqaat. The evidence for the latter opinions is in what was related in the prophetic tradition of Mu'tamar on the authority of 'Awf on the authority of Shaykh ibn Biker ibn Waa'il who said: "The Prophet, may Allah bless him and grant him peace once came out with a piece of cloth torn from a black shirt. He then affixed it to a spear and then began to wave the spear about and said: 'Who can take this and give it its rights?' The Muslims all backed away due to the condition imposed on this. Then a man stood and said: 'O Messenger of Allah what are its rights?' He said: 'That you never kill a Muslim under it, and that you never flee from the disbelievers with it'."

⁵⁵ He was Tha'alaba ibn Abi Mali al-Qarthi. Ibn Sa'd said: "His real name was Abdallah ibn Saam from Yemen originally from the Banu Kinda who married a woman from the Quraytha and became associated with them." Mus'ab az-Zubayri said: "He was among those who refused to conspire on the day of the Banu Quraytha and stay away from the conflict in the same way that 'Atiyya and others did." Ibn Hibban mentioned that he was among the reliable transmitters from the *Taabi'uun*. Abu Hatim said: "He was a *Taabi'*, and some of his prophetic traditions are *mursal*." He transmitted prophetic traditions on the authority of Umar in the Saheeh of al-Bukhari, and he was among those whose fathers were killed among the Quraytha.

⁵⁶ He was Abu Abdallah Qays ibn Sa'd ibn 'Ubaada ibn Daylam ibn Haaritha ibn Abi Huzayma ibn Tha'alaba ibn Dhareef ibn al-Khazaraj al-Ansaari as-Saa'idi. He was an *amir* and *mujaahid*, and was known as Ibn 'Ubaada. He was a Companion the son of a Companion and was the master of al-Khazraj clan and the son of their master Abu Thaabit. This is because his father was the leader of the al-Khazraj. Qays ibn Sa'd position with the Messenger of Allah, may Allah bless him and grant him peace held a post similar to the chief of police (*saahib as-shurta*) to the *Amir*. He was also the standard bearer for the Prophet, may Allah bless him and grant him peace, as it will be explained, as well as his personal attendant. He was among the astute, resourceful and clever men among the Arabs. Those who transmitted from him were: Anas ibn Malik, as-Sha'bi, Maymun ibn Abi Shubayb, and 'Amr ibn Sharhabeel. Ali ibn Abi Talib may Allah be pleased with him appointed as the ruler of Egypt. Qays died in the last part of the *khilaafa* of Mu'awiyya.

⁵⁷ The meaning of the words of Tha'alaba, may Allah be pleased with him: "Qays ibn Sa'd al-Ansaari, may Allah be pleased with him, who was one of the standard bearers of the Messenger of Allah, may Allah bless him and grant him peace"; is that he was the one designated to be the standard bearer of the al-Khazraj among the al-Ansaar. It was the practice of the Prophet, may Allah bless him and grant him peace during military expeditions to disperse over the head of every tribe a war standard under which they would fight. It has been related by Ahmad with a strong chain of authority from a prophetic tradition of Ibn Abass: "The flag of the Prophet, may Allah bless him and grant him peace was always with Ali, while the flag of the al-Ansaar was always with Sa'd ibn 'Ubaada." In this establishes the lawfulness of carrying the war standard in war. The meaning of his words, may Allah be pleased with him: "...desired to make hajj so he went on foot"; is in accordance with was added in the narration of al-Layth after the words "on foot": "...a young boy traveled with him leading his animal to be sacrificed." Al-Muhallab said: "This is evidence that it is necessary for the war standard of the *Imam* to be given to a well known personage, and it is foremost to be given over to the al-Ansaar, since this was the practice which the Prophet, may Allah bless him and grant him peace. Qays ibn Sa'd was from among the al-Ansaar, who took a covenant with the Messenger of Allah, may Allah bless him and grant

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him peace that they would fight the people all together until they said: there is no deity except Allah; for they were the severest of people in fighting against the enemies of Islam, after those who emigrated with the Prophet, may Allah bless him and grant him peace. It is for this reason that the al-Ansaar were the first whom the Messenger called upon with the Muslims were routed on the day of Hunayn.” Also, in this prophetic tradition, it establishes that the war standard is not obligated to be carried by anyone except whom the *Imam* has designated to do so; and it must never be picked by anyone except one who is apart of the government. At-Tabarai said: “In this is clear proof that when the *Imam* establishes an army or a military expedition that he should appoint over them an *Amir* who is completely reliable in his intention, firm in his insight in fighting, who is courageous, and who knows the diplomacy of managing an army and is astute in the art of war. This is because the Messenger of Allah, may Allah bless him and grant him peace placed over the campaign against Khaybar the best of his Companions, who was the most piercing of them in insight, the most self-determined, and the hardest against the enemies. He then gave him the war standard and flag and gathered the entire army under his charge. Thus, the entire Muslim army became resolute, with the resoluteness of the standard bearer in encountering the enemies and would withdraw with his withdrawal.” He saying, upon him be peace on the day of Khaybar: “I will give the flag today to a man who loves Allah and His Messenger, and Allah and His Messenger love him..”, where the phrase ‘flag’ is made definite by adding the letters *alif* and *laam* in order to substantiate that this was apart of his *Sunna*, may Allah bless him and grant him peace during wars. Subsequently, it is incumbent to follow his behavior in that. It has been related that the banner of the Prophet, may Allah bless him and grant him peace was white, and that his flag was black torn from the him of a garment of A`isha and was called ‘*al-`iqaab*’. Jaabir said: “The Prophet entered Mecca and his banner was white.” Mujahid said: “The Messenger of Allah had a banner which was the color of the earth.” It has been related that the war standard of Ali ibn Abi Talib on the day of Sifeen was red, on which was written: ‘Muhammad is the Messenger of Allah’, and he also had a black war standard. Al-Muhallab said: “The war standard is not to be carried except with the permission of the *Imam* because it is the ensign and symbol of the *Imam* and his authority, Thus, it is incumbent that no one utilizes it except with his command.” The *Shehu*, may Allah be merciful to him said in his Bayaan Wujjub al-Hijra in the twenty fifth section On the Legal Judgment of Giving the War Standard to the *Amir* of the Army During *Jihaad*: “The giving of the war standard to the *Amir* of the army during *jihaad* is a *Sunna* because he upon him be blessings and peace used to do this.”

On What Has Been Related Regarding the Merits of the Reconnoiterer or Scout⁵⁸

It has been related in the Saheeh of al-Bukhari on the authority of Jaabir ibn Abdallah, may Allah be pleased with him who said that the Prophet, may Allah bless him and grant him peace, said: “Who will bring me intelligence about the people?” This was on the Day of the Confederates. Then az-Zubayr stood and said: “I will do it!” He then said again: “Who will bring me intelligence about the people?” Then az-Zubayr said: “I will do it!” Then the Prophet, may Allah bless him and grant him peace, said: “Every Prophet has a close disciple (*hawaariyyan*) and my close disciple is az-Zubayr.”⁵⁹

⁵⁸ That is to say that this section is regarding what has been related concerning the merits of those who investigate into the matters of the enemies, in order to be apprised of their circumstances. The etymological root of the phrase ‘reconnaissance’ (*talee`a*) is from the word ‘*tala`a*’ (to be acquainted) with an affair, which means to know it and examine the circumstances around it. For the reconnaissance of a people are those who investigate by searching into the intelligence regarding a enemies. The use of the singular and plural are interchangeable. The reconnaissance of an army is those from the army who investigates and makes reconnaissance of the armies of the enemies. He is sometimes called in Arabic ‘*tila`u*’, where the letter *taa* is inflected with *kasra*, and is a noun taken from the phrase ‘*itlaa`u*’ (scouting). You say: ‘Make reconnaissance of the scouts of the enemies.’ It has been related in a prophetic tradition: “When he would make military engagements he would dispatch reconnaissance ahead of him.” For they are people dispatched in order to investigate and gather intelligence regarding the enemy, such as spies. One of them is called *talee`a* (reconnaissance).

⁵⁹ The meaning of the words of Jaabir, may Allah be pleased with him: “...the Prophet, may Allah bless him and grant him peace, said...” is that he said it on the day of the Battle of the Trench, on the day of the Confederates. In a narration of Wahb ibn Kaysaan on the authority of Jaabir related by an-Nisaa'i: “When the affair on the day of the Banu Quraytha became grave, the Messenger of Allah, may Allah bless him and grant him peace said: ‘Who will bring me intelligence regarding them?’ The meaning of his words, upon him be blessings and peace: “Who will bring me intelligence about the people?”; that is, regarding the news of the Banu Quraytha. The meaning of his words, may Allah be pleased with him: “This was on the Day of the Confederates”; is that in the month of Shawwal in the 5th year A.H., the confederations of the Quraysh and others gathered and came to al-Medina, and the Prophet, may Allah bless him and grant him peace had a trench dug. The Muslims received the news that the Banu Quraytha from among the Jews violated their treaty that was between them and the Muslims and aligned themselves with the Quraysh in fighting the Muslims. The meaning of his words: “Then az-Zubayr stood and said: ‘I will do it!’; is that I will bring you the intelligence regarding the Banu Quraytha. He was Abu Abdallah az-Zubayr ibn al-`Awwam ibn Khuwaylid ibn Asad ibn Abd`l-`Uzza ibn Qusay ibn Kilaab al-Qurayshi al-Asadi, the disciple of the Messenger of Allah, may Allah bless him and grant him peace. He was his paternal cousin and his mother was Safiyya bint Abd`l-Muttalib. She was given the honorific name of *Umm`t-Taahir* by the honorific name of her brother az-Zubayr ibn Abd`l-Muttalib. He was one of the ten people given the Good News of Paradise, and one of the six of the Companions of the Consultation Assembly. He was given the honorific name of his oldest son Abdallah, with which he became well known. He accepted Islam when he was twelve years old, while some say he was eighteen years old. Az-Zubayr made the two emigrations to Abyssinia and al-Medina. `Urwa once said: “Az-Zubayr was so tall that his feet would nearly touch the earth when he was riding a horse.” It has been related by az-Zubayr ibn Bukaar by way of Hishaam ibn `Urwa on the authority of his father on the authority of Abdallah ibn az-Zubayr who said: “I once asked az-Zubayr about the reason for the limited amount of prophetic traditions related by him from the Messenger of Allah, may Allah bless him and grant him peace and he said: ‘There was between me and him a kinship and closeness, which is well known; however I heard him say: ‘Whoever says about me what I have not said, then he has prepared a place for himself in the Fire.’” It was related by Ibn Sa`d on the authority of `Urwa and Ibn al-Musayyib both who said: “The first man to unsheathe his sword for the sake of Allah was az-Zubayr.” Ibn Sa`d also related with a sound chain of authority on the authority of Hisham on the authority of his father who said: “Az-Zubayr wore a yellow turban tied on his head on the day of Badr, and the Prophet, may Allah bless him and grant him peace said: ‘Indeed, even the Angels have descended looking like az-Zubayr.’” Ya`qub ibn Sufyan related on the authority of Muti`a ibn al-Aswad that he once wanted advice from az-Zubayr who refused and he then said to him: “I ask you by Allah and the rights of kinship, that you not refuse me, because I heard Umar once say: ‘Indeed

az-Zubayr is a pillar of the pillars of the religion’.” Az-Zubayr was killed after he renounced the fighting on the day of the Camel, soon after Ali had reminded him of something which the Prophet, may Allah bless him and grant him peace said about both of them. It has been related by Abu Ya`ala by way of Abu Jaraa al-Maazini who said: “I witnessed Ali and az-Zubayr talking with one another on the day of the Camel. Ali said to him: ‘I bring Allah as a witness, did you not hear the Messenger of Allah, may Allah bless him and grant him peace say: ‘Indeed you will fight against Ali, and you will be unjust towards him’? He said: ‘Yes, but I did not remember that until now’. He then renounced the fighting.” Ibn Sa’d related a tradition with a sound chain of transmission on the authority of Ibn Abass that he said to az-Zubayr on the day of the Camel: “Have you come here in order to fight the son of Abd’l-Muttalib?” then az-Zubayr returned and eventually encountered a man named Ibn Jurmuz who killed him. Then Ibn Abass came to Ali and said: ‘Into where will the killer of Ibn Sa’fiyya enter?’ He said: ‘Into the Fire’! He killed him in the month of *Jumad’l-Ulaa* in the year 36 A.H. and he was 66 or 67 years old.” The man who killed him was from the Bani Tamim whose name was `Amr ibn Jurmuz. He killed him treacherously in a place called Wadi as-Sabaa`. The meaning of his words, may Allah be pleased with him: “He then said again: “Who will bring me intelligence about the people?”; is in accordance with another narration: “He said it three times.” The meaning of his words, may Allah be pleased with him: “Then az-Zubayr said: “I will do it!”; is that az-Zubayr faced him with that answer three times. The meaning of his words, upon him be blessings and peace: “Every Prophet has a close disciple (*hawaariyyan*) and my close disciple is az-Zubayr”; is that he has a special position among his Companions. It is said that the close disciple (*huwaariy*) means helper (*naasir*), from which is derived the epithet ‘*Huwaariyuun*’ (the Disciples) from the companions of the Messiah, upon him be blessings and peace. The name indicates that they were his intimate spiritual companions and close helpers. Its etymological root is from the phrase ‘*tahaweer*’ (to bleach), which means to whiten. It is said that these Disciples used to bleach and whiten cloth, that is to say, they made cloth white. As for its meaning in this particular prophetic tradition al-Muhallab said: “In this establishes that the one involved with reconnaissance necessitates being named assistant because Messenger named him close disciple. For the one involved in reconnaissance is a helper, whose recompense in the war effort is equal to if not better than the recompense of the actual combatants and defense forces. From this establishes the evidence of the soundness of opinion of Malik that the one who does reconnaissance for a gang of robbers are to be fought and killed along with the band of robbing warmongers, even when they do not participate directly in the fighting or the plundering of wealth.” In a side note: This is decisive evidence in these times for the obligation of the *Mujaahiduuun* in Somalia, to fight against the warmongering pirates plaguing the seas off the coast of their lands. Abd’r-Razaaq said on the authority of Mu`amir on the authority of Qatada who said: “The close disciple is the *wazeer* (chief government adviser).” Thus, in the words of the prophetic tradition: “Every Prophet has a close disciple (*hawaariyyan*) and my close disciple is az-Zubayr”; establishes the excellent virtue required of the *wazeer*, the vigor of his heart, and the soundness of his certainty. In his words: “Who will bring me intelligence about the people?” establishes the permissibility of a man traveling alone by himself, and that the prohibition of traveling alone has to do with when there is no real requirement to do so. About this al-Muhallab said: “With the praise to Allah, there is no contradiction in this in the difference of the meaning in the two prophetic traditions where he may Allah bless him and grant him peace said: ‘The one who rides alone is a devil’ in reference to the traveler who travels by himself, because he is not sociable with anyone and there is no normal event that eases the provision of traveling which causes him to occasionally stop his journey; like the devil, who is not sociable with anyone and who seeks solitude in order to mislead him by bringing to his mind all kinds of matters of ruin and the devising of corrupt passions. Thus, the prophetic tradition is an incitement to companionship, to be attentively aware of those things which could cut off one’s journey, journeying across vast portions of the earth accompanied with excellent stories, and good assistance in provisions. While the story of az-Zubayr is the opposite of this, since he was dispatched to do reconnaissance alone as a spy against the Quraysh in their objectives in making war against the Messenger. If it were possible for them to know this without reconnaissance then it would have been safer and more inconsequential; but the Messenger wanted to clarify to us the permissibility of a justification in that for the one who is self censoring, and whose journey will end up bringing some generous benefit to the Muslims, and protection for the religion. Thus, whoever goes out on a perilous journey like this from the concerns of Allah, then Satan will not approach his ears in order to deceive him. On the contrary, he has protection from Allah.” I say: his usage, upon him be peace in this prophetic tradition of the idiom ‘close disciple’ in reference to the person who does reconnaissance is a subtle indication to a meaning more significant and immense than its apparent meaning. This is because Al-Azhari said: “The close disciples are a class of intimate spiritual companions of the Prophets, upon them be blessings and peace.” Thus, the meaning of this title with

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the People of Allah, as I explained in my commentary upon the Munaajaat of *Shehu* Uthman ibn Fuduye` and my commentary upon his book `Umdat`I-Muta`abideen wa`I-Muhtarifeen: “Now the name ‘*Huwaariy*’ (close disciple) refers to a singular individual in every age; there are never two at the same time. When one dies another one takes his place. During the time of the Messenger of Allah, may Allah bless him and grant him peace, az-Zubayr ibn al-`Awaam was the possessor of that spiritual station, due to the extensive assistance he provided with his sword to the cause of Islam. The Prophet, may Allah bless him and grant him peace said: “Az-Zubayr is my paternal cousin, and he is the *Huwaariy* of my *Umma*.” For the Spiritual Disciple is the one who gathers in himself two qualities in giving victory to the religion: the sword and decisive evidence. For this he is given knowledge, a unique idiom of expression, decisive proofs, as well as the sword, courage, undaunted, and fighting ability, all utilized in the establishment of decisive proofs in giving victory to the revealed religion.” O Allah make us among them by the rank of the Prophet, upon him from You be the best of Your blessings and the most perfect of Your peace.

On What Has Been Related Regarding the Benefits of One Who Prepares a Warrior or Leaves Good for His Family⁶⁰

It has been related in the Saheeh of al-Bukhari on the authority of Zayd ibn Khalid, may Allah be pleased with him,⁶¹ that the Messenger of Allah, may Allah bless him and grant him peace, said: “Whoever prepares a warrior in the Way of Allah, has himself fought. Whoever takes care of the needs of those dependents the warrior in the Way of Allah have left behind, has himself fought.”⁶²

⁶⁰ That is to say that this section is an explanation of the merits of those who equip and supply a warrior by facilitating the supply of instruments of war or the causative factors for his journey, or by leaving behind a financial stipend for his family; and what this person obtains of recompense from Allah ta`ala.

⁶¹ He was Abu Abd'r-Rahman Zayd ibn Khalid al-Juhni. He was present at Hudaibia along with the Messenger of Allah, may Allah bless him and grant him peace. He transmitted prophetic traditions from the Prophet, may Allah bless him and grant him peace, from Uthman, Abu Dharr, A`isha, Abu Hurayra, and Zayd ibn Sahl. Among the Companions who transmitted from him were: as-Saa'ib ibn Yazid al-Kindiy, as-Saa'ib ibn Khalaad al-Ansaari, and Abu `Amrat al-Ansaari. Those among the *Taabi`uun* who transmitted from him were: `Ubaydallah ibn Abdallah ibn `Utba, Sa`id ibn al-Musayyib, Abu Salma ibn Abd'r-Rahman, Bisr ibn Sa`id, `Ataa' ibn Yasaar, `Urwa ibn az-Zubayr and others beside them. He died in al-Medina in the year 78 A.H. during the *khilaafa* of Abd'l-Malik ibn Marwan at the age of 85.

⁶² The meaning of his words, upon him be blessings and peace: “Whoever prepares”; is that the term ‘*jahhaza*’ (prepares) is from the noun ‘*tajheez*’ (furnishing equipment) and means supplying instruments of war and the causative factors for his journey whether little or much. The meaning of his words, upon him be blessings and peace: “...a warrior in the Way of Allah...”; is in a *jihad*. In another narration he said: “...until he is ready”, which means until the preparation is complete. The meaning of his words, upon him be blessings and peace: “...has himself fought”; is that he has fought legally, and has obtained the recompense of the actual warrior he prepared. Ibn Hibban said: “This means that he is just like him in recompense even though he did not fight in reality.” At-Tabari said: “In this establishes that whoever assist a believer in a virtuous action, then for the one who gives assistance is the same reward of the one who actually does it. Similarly, the one who gives assistance in disobedience to Allah azza wa jalla is a partner in the error and sin of the one he assisted. It is for this reason it is forbidden to sell weapons, like swords to those involved in civil strife, and why the curse is upon those associated in every aspect of intoxicants.” I say: This is decisive proof against those who prepare, give assistance to, or provide financial support for belligerent warmongers and terrorists who fight and kill people without the authorization of a *Sultan*, and who have gone outside of every prerequisite of *jihad*. For the legal judgment regarding those who assist them is the same as their legal judgment and their recompense should be the same. This is because whoever gives assistance in an evil action has the same reward as the one who commit the same act. In this is a warning in these times because the governments of the disbelievers make no distinction in their legal view between the belligerent terrorist warmonger and that of a Muslim *mujahid* fighting in the Way of Allah defending his homeland. In the legal code of the disbelievers there is no difference between them. For this reason, although we recognize the permissibility of equipping Muslim *mujahidun* by any causative factor possible, yet if, for example, an American Muslim were to equip a Muslim warrior in the lands of Islam in defending themselves from the dominance of the disbelievers in their land, by any means, then his action will be considered a violation of the laws of the disbelievers, and to them it is considered a crime; even though such action is permissible according to the *shari`a*. The disbelievers have barred every path for Muslims residing underneath their sovereignty from giving assistance by equipping the *mujahidun*; thus those who assist them from among them is considered in the legal view of the disbelievers like them. For this reason they have an excuse in abandoning equipping them because apart of the prerequisites of providing assistance is ability. Subsequently, in this case, they are obligated to fall back on the most perfect manner of giving assistance to the warriors, and the most complete manner of equipping them, which is supplication and remembrance of Allah ta`ala. This is because the Messenger of Allah, may Allah bless him and grant him peace said: “Supplication is the weapon of the believer.” He also said: “Indeed Allah gives assistance to this *Umma* by means of the oppressed among them, by means of their supplications, prayers and sincerity.” In reality the best form of providing assistance to the *mujahidun*, in such case is by making supplication for their victory from Allah ta`ala and asking Him to give them success in their *jihad*. The disbelievers cannot ban supplication and the remembrance of Allah ta`ala; nor can they include those who do so within the purview of their legal system; although in the inward the judgment of those who do so is the same as

the judgment of the *mujaahiduun*. Rather, their judgment is better than the actual warriors because it is their supplications which are the causative factor for the assistance of Allah ta`ala to them, and Allah knows best. The meaning of his words, upon him be blessings and peace: "Whoever takes care of the needs of those dependents the warrior"; is that he stands in his place after him and becomes a substitute in taking care of the needs of the affairs of his family. The meaning of his words, upon him be blessings and peace: "...in the Way of Allah have left behind, has himself fought"; is in accordance with what was added in the narration of at-Tabarani on the authority of Zayd ibn Thabit: "...or he provides financial assistance to his family, then he will have the reward like his." *Al-Qadi`Iyad* said: "What is meant by being the substitute in the needs of his family, is that he stands in his place in taking care of the welfare of their circumstances, and guarding their affairs. This means that whoever oversees the affairs of a warrior, and represents him in managing the affairs of his family during the time of his absence, becomes a partner with him in the reward. This is because the warrior has left a vacuum for him to do so, and his preoccupation with it by reason of establishing the affairs of his dependence is as if he is a factor from the warrior's own actions." Ibn Hibban said: "This means that he is like him in recompense, even when he himself does not actually fight." Further, it was related from another perspective, a narration on the authority of Bisr ibn Sa`id, with the expression: "...he will have written for him his same reward without the reward of the warrior being diminished in the least." Both Ibn Maja and Ibn Hibban related a similar prophetic tradition from Umar, with the words: "Whoever equips a warrior until he is prepared, will have a similar reward until he dies or he returns home." From this there are two advantages: the first is that the above mentioned promise of reward is connected to the completion of the preparation, which is what was meant by his words: '...until he is prepared...'; the second is that he is the same as him in recompense and his wealth is enhanced until that particular military engagement has been completed. It has been related by Ahmad and at-Tabarani on the authority of Sahl on the authority of Hanif that the Messenger of Allah, may Allah bless him and grant him peace said: "Whoever assists a *mujaahid* in the Way of Allah or assists a warrior regarding his dependents, or assists a scribe in his bondman, Allah will shade him with His shade on a Day when there will be no shade except His shade." Al-Muhallab said: "The Messenger of Allah, may Allah bless him and grant him peace necessitated for such a person the same actions figuratively and in scope, even though he did not actually perform the same action, yet he obligated for him the same recompense." At-Tabari said: "Whoever assist a person who establishes the rights of Allah either with himself or his wealth until he overcomes the falsehood by making things easy for him, will have the same reward as the person who establishes these rights. Subsequently, this is the same in the remainder of virtuous actions. If this is the judgment for the one who assists someone in virtuous actions, then the likeness of the one who assists another in disobedience to Allah, and in what Allah dislikes, then he will have the same recompense in error and sin of the one who does it." This is the same judgment for the one who gives assistance to a belligerent combatant, warmonger and terrorist as it has been related by al-Bukhari, Muslim and Ibn Maja on the authority of Abu Hurayra who said that the Messenger of Allah, may Allah bless him and grant him peace said: "Whoever assists in killing a believer, even with half a word, will meet Allah on the Day of Judgment and written between his eyes will be the words: 'Free of the mercy of Allah!'" In the narration of al-Bayhaqi on the authority of Ibn Umar it states: "Whoever assists in drawing of blood of a fellow Muslim, even to the extent of half a word, will have written between his eyes on the Day of Judgment: 'Free of the mercy of Allah!'" From this one can extract the legal judgment regarding those who assist the disbelievers against the Muslims. Some of the scholars such as *Shaykh* Muhammad ibn Abd'l-Karim al-Maghili and he was followed in this by the *Shehu*, may Allah be merciful to him, that whoever assists the disbelievers against the Muslims is an absolute disbeliever because he adorns the Truth with falsehood due to the disbelievers, he makes permissible what Allah azza wa jalla has made forbidden, and he assists the disbelievers in their armies against the believers. This is a clear sign of hypocrisy as Allah ta`ala says: "*O you who believe do not take the disbelievers as protecting friends over and above the believers. Do you desire that Allah should have over you a clear proof? Indeed the hypocrites will be in the lowest depths of the Fire, and they will not find any helpers.*" While some of the scholars said that giving assistance to the disbelievers against the Muslims is not itself disbelief, but rather an act of disobedience, as *Shaykh* Abdullahi ibn Fuduye` said in his *Diya as-Sultan*: "As for declaring unrestrictedly as disbeliever those who assist the disbelievers in their armies against the armies of the Muslims, this it is not clear with me, because the verse which al-Maghili cited was revealed regarding those who give assistance to the disbelievers in their disbelief, which is the actions of the hypocrites; since this verse was revealed about them, as the people of *Qur`anic* exegesis clarified. For assisting them in their disbelief is itself disbelief. As for assisting them in disobedience, then this is not absolute disbelief, especially if he does not consider that his actions are permissible. This is because the act of dispatching an army against Muslims does not constitute an

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absolute act of disbelief by itself. On the contrary, it is an act of disobedience, as long as he does not interpolate that his assisting them is lawful. For, if a thing is not disbelief in of itself, then how can a thing which is a means to it be considered disbelief?" The proof that this is merely and act of disobedient, even though it is among the major sins is the words of Allah ta`ala: *"If they truly believed in Allah in the Prophet, and in what was revealed to him they would have never taken them for protecting friends, however, most of them are corrupt sinners."* So, the least that can be said about the one who assists the disbelievers against the Muslims is that he is a disobedient sinner. This is the same for the venial scholars in these times who rush to the governmental authorities of the disbelievers, giving assistance to them in their injustice against the believers. It is also said that these are hypocrites as Allah ta`ala says: *"Announce to the hypocrites that for them is a painful punishment; those who take the disbelievers for protecting friends over and above the believers. Do they desire honor with them, when all honor is with Allah?"* It is said that they are merely venial scholars the helpers of Satan, as he upon him be peace said in a narration of Ibn `Asakir on the authority of Ibn Mas`ud: "Whoever assists a tyrant, Allah will subjugate him under him." This means that he will place him under his sovereignty in his injustice, sin and treachery. This is also corroborated by his words, upon him be peace as it was related by Abu Nu`aym on the authority of Anas: "The scholars are the trustees of the Messengers over the servants of Allah, as long as they do not intermix with the rulers, or use their knowledge to enter into worldly affairs. For if they intermix with the rulers, and use their knowledge to enter into worldly affairs, then they will have acted treacherously towards the Messengers. Therefore, you should be aware of these scholars and avoid them." What is meant by rulers in this prophetic tradition are the rulers of the disbelievers, because it is an obligation for the scholars to give sound advice to the rulers of the Muslims as it has been related in the sound prophetic traditions. Examine, may Allah five you success, that he, upon him be peace did not declare the venial scholars as disbelievers, due to their giving assistance to tyrants, or by their hobnobbing with the rulers of the disbelievers. This is because their actions do not constitute absolute disbelief in and of itself. Rather, it is an act of disobedience, albeit is among the biggest of the major sins, and Allah knows best.

On What Has Been Related Regarding That If the Prophet, may Allah bless him and grant him peace, Did Not Go Out to Fight in the Beginning of the Day, He Would Delay Going Out Until the Sun Had Descended⁶³

It has been related in the Saheeh of al-Bukhari on the authority of Saalim Abu'n-Nadr⁶⁴ the freedman of Umar ibn 'Ubaydallah and his scribe⁶⁵ said: "Abdallah ibn Abi Awfa, may Allah be pleased with him⁶⁶ once wrote to him and I read it.⁶⁷ "The Messenger of Allah, may Allah bless him and grant him peace, during some of his days he engaged the enemy would wait until the sun had descended."⁶⁸

⁶³ That is to say that this section discusses what the Prophet, may Allah bless him and grant him peace did when he did not fight during the first part of the day, then he would postpone fighting until the sun descended from its zenith. The wisdom in this is that when the sun descends it then brings about the winds of victory, the fighters become firm in their fighting at times of coolness and the gale of the winds because whenever war takes place the warriors become heated and feverish due to the dynamics of their movements and due to what they are burdened with from their weapons. Thus, the winds heralding the coming of the evening cools them from their heat, refreshes them and lightens their bodies, unlike during intense heat; as al-'Ayni cited in his commentary on the Saheeh of al-Bukhari.

⁶⁴ See footnote # 214 for a brief biography of Abu an-Nadr Saalim ibn Abu Umayya.

⁶⁵ This is because 'Amr ibn 'Ubaydallah al-Medini at-Taymi al-Qurayshi was appointed as the *Amir* over the lands in Persia.

⁶⁶ He was Abu Mu'awiyya Abdallah ibn Abu Awfa 'Alqama ibn Khalid ibn al-Haarith al-Aslami al-Kufi. He was a jurist who lived a long age. He was from among the people who made the Oath of Fealty. He made military engagements with the Prophet, may Allah bless him and grant him peace six times. He transmitted a number of prophetic traditions from the Prophet, may Allah bless him and grant him peace. Those who transmitted from him were: Ibrahim ibn Muslim al-Hijri, 'Ataa' ibn as-Saa'ib, Sulayman al-'Amash, Abu Is'haq as-Shaybani, Talha ibn Musrif and others. When he reached an advanced age he lost his eyesight. He was among those who were blessed to achieve the prophetic supplications where the Prophet, may Allah bless him and grant him peace was once given the obligatory alms by his father, and the Prophet, may Allah bless him and grant him peace said: "O Allah send blessings upon the family of Abu 'Awfa." He died in the year 85 A.H. and his age at that time, may Allah ta'ala be pleased with him, was close to 100 years.

⁶⁷ Here ends facsimile 49 of the Arabic manuscript.

⁶⁸ The meaning of the words of Abu an-Nadr, may Allah ta'ala be pleased with him: "Abdallah ibn Abi Awfa, may Allah be pleased with him once wrote to him"; The meaning of his words, may Allah ta'ala be pleased with him: "...and I read it"; is that Saalim read it because it was lawful for him to do so since he was his scribe. It is a right of the scribe of an *Amir* to read the letters of his *Amir* with his permission. The meaning of the words, of Abdallah ibn Abi Awfa, may Allah ta'ala be pleased with him: "The Messenger of Allah, may Allah bless him and grant him peace, during some of his days he engaged the enemy would wait until the sun had descended"; is until it had descended from its zenith. This prophetic tradition of Abdallah ibn Abi Awfa with the meaning of its obvious interpolation, is nevertheless narrated without the additional preceding words: "If he did not fight in the first part of the day..."; is as if it is pointing to what was transmitted in some of other paths of transmission. For example it was related by at-Tirmidhi from the prophetic tradition of an-Nu'man ibn Muqarrin who said: "I once made a military expedition alongside the Prophet, may Allah bless him and grant him peace. When the dawn appeared he would wait until the sun had appeared. When it had fully risen he would fight. Then when the day reached midday, he would cease fighting. Then when the sun had descended from its zenith, he would fight until the time of *'asr*. He would then cease fighting until he had prayed the *'asr* prayer and then he would resume fighting. He would say at that time: 'The winds of victory have been aroused!' The believers would then supplicate for their armies in their prayers." It has been related by Ahmad in his Musnad from a prophetic tradition of Abdallah ibn Abi Awfa who said: "The Prophet used to love to start out against his enemies with the descent of the sun from its zenith." It was related by at-Tabarani in a prophetic tradition of 'Utba ibn Ghazwan as-Salami who said: "We were present with the Messenger of Allah in a war. When the sun descended from its zenith he said to us: 'Bear your arms!' So we all took up our arms." He also narrated in a prophetic tradition of Ibn Abass: "The Messenger of Allah, when he had not encountered the enemy in the first part of the day, would postpone fighting until the winds had been aroused, which was during the times of prayer." In a narration of Sa'id ibn Mansuur from another perspective on the authority of Ibn Abi Awfa who said: "The Messenger of Allah, may Allah bless him and grant him peace would take a respite just

On What Has Been Related Regarding the Order to Be Patient When Engaging the Enemy

It has been related in the Saheeh of al-Bukhari on the authority of Saalim Abu'n-Nadr who said: "Abdullah ibn Abi Awfa wrote and I read it: "The Messenger of Allah, may Allah bless him and grant him peace, said: "When you encounter them, be patient."⁶⁹

when the sun had descended from its zenith, then he would start out against the enemy." In the prophetic tradition of an-Nu`man ibn Muqarrin who said: "If he had not fought in the beginning of the day, he would wait until the winds were aroused and time of the prayers approached." It has been related by Ahmad, Abu Dawud, at-Tirmidhi and Ibn Hibban from another direction and who verified its soundness, in which it states: "...until the sun had descended from its zenith, the winds were aroused and victory descended." What is apparent in all of these narrations is that the advantage of postponing the fighting until the times of the prayer, is because it was the most likely place for the answering of supplications as well as the time of arousing of the winds in which victory was granted over the Arab confederates. Thus, this time became the likely time for this. In this is an immense secret regarding the desired time for the victory of Allah ta`ala. For this reason, the *Shehu*, may Allah ta`ala be merciful to him ordered those who desired victory over their enemies and their destruction that he recites his litany, the al-Munaajaat three times after the dhuhr prayer, and his enemies and oppressors will be destroyed. He should recite it in this manner for three days. There is no doubt that before his eyes, the destruction of his enemies, and those who envy him will commence, even if they be the mightiest of the tyrannical governments. I have tested this and found it to be sound, and to Allah is the praise.

⁶⁹ The meaning of the words of Saalim, may Allah be pleased with him: "Abdullah ibn Abi Awfa wrote and I read it"; is that it was from the same letter mentioned in the preceding prophetic tradition. The meaning of his words, upon him be blessings and peace: "When you encounter them"; is that when you encounter the enemy in *jihad*. The meaning of his words, upon him be blessings and peace: "...be patient"; is that you should be steadfast and firm and not manifest anything from the suffering which may occur to you from them. The meaning of the imperative expression 'be patient' is by way of incitement and being highly recommended, not as an obligation because the only obligation which Allah has made incumbent upon the Muslims in encountering the enemies is obeying the order to fight. As for anything more than that is ordered by way of incitement and being highly recommended. For, being patient during fighting is suppressing whatever pain one suffers without manifesting one's complaints and anxieties to others. This is excellent patience. Al-Muhallab said: "Patience is the causative factor of every good. Allah has given textual evidence for this in many places in His Book. Further, the Prophet, may Allah bless him and grant him peace ordered people to be patient during the encounter with enemies, with the hope of attaining the *baraka* which is innate within patience; so that the people would not be diverted by sluggishness and cowardliness which are the two destructive debarments in this life and the Next. Further, patience for what is desired in this life and the Next is the guarantee for realizing them." In the beginning of the above cited prophetic tradition he upon him be peace said: "Do not be over anxious in encountering the enemy, but ask Allah for well being, and when you encounter them, be patient." Some of the scholars hold the opinion that this is clear prohibition against being overly anxious for encountering the enemies, due to what is in this attitude of the aspect of self conceit, over reliance on one's own abilities, and because it is a type of despotism. For Allah has guaranteed the one who is treated despotically that He will surely assist him; and because this attitude also involves paying little regard to the enemy and having disdain for him; which are diametrically opposed to being circumspect and resolute. Some of the scholars said: "The prohibition against being overly anxious to encounter the enemy is in its outward form only, especially when there is doubt that there will be any benefit in that, and that it will be the cause of harm afflicting the army. If this is not the case, then fighting altogether is a virtue and a form of obedience which it is lawful to be overly anxious about." In this regard *Shaykh* Abdullahi ibn Fuduye` said in his Diya'l-Qawaa'id: "As-Suyuti said: 'It is not lawful to be overly anxious for death except in military encounters against enemies during *jihad*, in sacred places of honor, and in times of tribulation'." Included in being overly anxious in encountering the enemy is the idea of calling enemies out for a duel. Ibn al-Mundhir said regarding the permissibility of challenging opponents to a duel, as well as at-Thawri, al-Awzai`, Ahmad and Is'haq held the view that a person challenging an enemy and inviting him to a duel should only be done with the permission of the *Imam*; while, Malik and as-Shafi` permitted this without the permission of the *Imam*. Al-Hassan al-Basri considered it reprehensible. Malik and as-Shafi` said further that when a disbeliever demands a challenge of a duel then it is highly recommended to go out against him, and that

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it is better for the one who is an experienced fighter coupled with the permission of the *Imam*. Malik was once asked about a man who shouts out between the two opposing lines: "Who wants to duel?" He said: "This is only permissible if he desires by that the countenance of Allah ta`ala, and it is hoped that no harm will result from that. It used to be done in past times." Anas ibn Malik said: "Al-Bara' ibn Malik challenged the disbeliever Marzaban to a duel and killed him." Abu Qatada said: "I once challenged a man on the day of Hunayn to a duel and I killed him. Then the Messenger of Allah gave me his spoils." In neither of these transmission is there any mention of seeking permission to make a challenge. However, it has been related on the authority of Ali ibn Abi Talib, the master swordsman and duelist, may Allah ta`ala be pleased with him and ennoble his face that he once said to his son: "O my son, do not invite anyone to a duel. However whoever invites you to a duel, then go out against him, because he is a despot. Allah ta`ala has guaranteed that He will assist the one who is the target of despotism."

On What Has Been Related Regarding Making Supplication Against the *Kuffaar* During Times of War, Conquering and Violent Repercussions⁷⁰

⁷⁰ That is to say that in this section is a discussion of what has been related regarding the permissibility of making supplication against the disbelievers unrestrictedly, during the times of war, defeat and social upheavals. As for making supplication against the disbelievers unrestrictedly, there is some disagreement. Some of the scholars said that it is not permissible to make supplication against the disbelievers with whom there is a social contract between them and the Muslims, like the social contracts of: protection (*amaan*) with its prerequisites; conciliation (*sulh*) with its prerequisites; armistice (*muhaadina*) with its prerequisites or the paying of *jizya* with its prerequisites. Rather, in such cases it is obligatory for the Muslims to make supplication for them for good, well being and that sound faith enters their hearts. This is because of what is between them and the Muslims constitute a binding social contract and a trust. Allah ta'ala: "*Adhere to your contracts, for indeed contracts are answerable.*" Allah ta'ala also says: "*...and those who are scrupulous regarding their trusts and contracts.*" For when the Muslims supplicate against a people with whom they share a binding legal contract, then this is a form of treachery. It is therefore not lawful to supplicate against the people with whom there is a binding social contract except when they violate that social contract. Some of the scholars, however permit making supplications against the disbeliever unrestrictedly with the descent of the Verse of the Sword, where Allah ta'ala says: "*Freedom from obligation is proclaimed from Allah and His Messenger towards those of the idolaters with whom you made a social contract*"; up until His words: "*Excepting those of the idolaters with whom you have a social contract, and who have since abated nothing of your rights, nor have they supported anyone against you. Therefore fulfill the treaty with them until their term. Indeed Allah loves those who are fearfully aware.*" But, when the disbelievers violate the social contract held between them and the Muslims; that is, that they violate some of the prerequisites of the social contract with treachery, social discrimination and domestic colonization, such as preventing the religious covering of Muslim women in their lands, their blaspheming of the Prophet, may Allah bless him and grant him peace, their imprisoning innocent Muslim men, their murdering of the leaders of the Muslims in their lands without right, and other than these. It is then lawful for the Muslims to supplicate against them unrestrictedly, because supplication in this regard constitutes a form of *jihad*. It not lawful to interpolate the lawful social contract which Allah ta'ala mentions in His Mighty Book to mean the contract of 'naturalization', attaining a visa, or citizenship in the lands of the disbelievers as some of the modernists among the jurists and their disciples interpolate it in these times. This is because this interpolation conflicts with the text of the Book, the *Sunna* and the consensus in the prohibition of Muslims making emigration to the lands of the disbelievers, and residing underneath their sovereignty without a social contract binding by the *shari'a*. As for the mentioned social contract which is binding by the *shari'a* it is as *al-Qaadi* Modibo Abdullahi ibn Bellel said in his *Risaalat wa Naseeha* in the second research regarding the truce: "It is as Ibn Arafah said: "The terms of truce is 'the making of peace' (*al-musalahah*). It is the treaty of the Muslims with the belligerent (*al-harbiyu*) on peaceable terms (*al-musalahah*). That is, a truce for a limited term, wherein he (the belligerent) is not under the jurisdiction of al-Islam. However, this stipulation does not include the giving of protection (*al-aman*). For the bounds and conditions of giving protection are defending the life of the belligerent and defending him from enslavement and seizing of his wealth. That is, up until he initiates fighting or until he is wholly determined to settle under the jurisdiction of al-Islam for some time." Therefore, if you have considered and understood the limits or boundaries of the terms of truce (*al-muhadinah*), then you have realized that it is a means of assuring peace wherein the Muslims can remain under the jurisdiction of al-Islam. When they perceive from themselves weakness, due to the strength of the disbelievers, then they should make peace with the disbelievers on terms of truce. This is in order to prepare for eventual fighting and in order to gather strength for the jihad countering the strength of the disbelievers. Thus, the terms of truce should be made on the condition that the Muslims not be under the jurisdiction of the disbelievers. This is the reality of making peace (*al-musalahah*). I mean by that, an armistice wherein there is the endurance of al-Islam and the continuance of the Muslims under their own jurisdiction. This is the first motive for the terms of truce. Or that it is that the Muslims make a treaty with the disbelievers in order that some of the Muslims residing among the disbelievers can find a way to make *hijra* (emigrate). Or that it is that the Muslims may enter among the polytheists in order to teach them the religion of Allah and the laws of al-Islam. So that he that does not know the religion may know and so that whomever Allah has decreed for him al-Islam may become Muslim. This class of term of truce was the essential motive for the treaty of Hudaibiya. Likewise, al-Ubbi' said in his commentary upon *Saheeh* of Muslim: "Some of the benefits of the brilliant treaty that occurred at al-Hudaibiya was the conquering of Mecca and the making of its people Muslim. For the people entered into the religion in large numbers because of it.

For when the treaty occurred, some of the people began to fraternize with one another. And some of the people of Mecca visited the Prophet, may Allah bless him and grant him peace, and entered Medina. The Muslims, in turn, went to Mecca and the people heard from them of the reputation of the Messenger of Allah, may Allah bless him and grant him peace. As a result, they came to know, in detail, about some of his apparent miracles, the signs of his prophethood, and the perfection of his character. They also witnessed some of that themselves and their hearts became full with faith (*al-Imaan*) and they believed. So what can be greater than these benefits; which are the growth of Islam by strength and in number and the subsiding of disbelief and its decline until, eventually, falsehood perishes.” However, if the terms of truce (*al-muhadinah*) results in the opposite of the above, then no one among the scholars said that it was permitted. Like the terms of truce with the Christians in these times. This is because their offer of terms of truce will only amount to promote the diminishing of al-Islam and its people; which is the necessary result of the Christian Europeans entering among the people of al-Islam. This will result in the Muslims being stamped with their destructive characteristics and blameworthy customs and the Muslims will eventually imitate the Europeans illicit way of life. This will go on until the weak hearted ones among the Muslims grow fond of their customs and become laden with corruption. Eventually, the youth will mature molded in the pattern of the European way of life. The women and children will become fascinated by them and began to dress themselves with their adornment until when the amply honored Sunna of the Prophet perishes and pitch black innovation (*bid'a*) is revived. This state of affairs will continue until their European way of life prevails and spreads. Thus, the Muslims become humiliated because of their entering under the domination of the Christians. TRULY WE BELONG TO ALLAH, AND TO HIM WE WILL RETURN!” For this is the case, then what is the case of a social contract between the Muslims and disbelievers where they manifest their way of life in a conquering and vainglorious manner, their preventing the legal judgments of the commands and prohibitions of the Muslims to abide in their own lands, their invasion of the lands of Islam, their killing of the people of Islam, even children, women and the elderly, their soldiers entering into which place they choose such as the *masaajid*, the *madaaris* and private homes. All of this is a clear violation of what is obligatory within the prerequisites of a lawful social contract. Thus, maintaining a social contract with these warmongering disbelievers will eventually lead to the extermination of Islam and the complete destruction of its pillars little by little until its destruction is complete. Even if, the contract implicit within naturalization, receiving a resident visa and citizenship were actually established within the *shari'ah*, as some of the modernist jurists and their disciples in these times claim, still these same contracts have been openly violated by the disbelievers by reason of their fighting the Muslims in their lands. The scholars are unanimous regarding that among the prerequisites of the social contract is that it be free of false conditions, such as the disbelievers fighting and killing Muslims. Thus, this ‘legal decision’ has become the source of the schemes of Satan in these times of ours. Therefore, if the social contract is constructed upon these false premises, then emigration (*hijra*) is then obligatory by all means based upon the consensus of the Muslims regarding the prohibition of a Muslim residing underneath the sovereignty of the belligerent disbelievers. If this situation is like that, then it is also lawful for the Muslims to supplicate against the disbelievers unrestrictedly. Allah ta'ala says: “*Allah does not love the utterance of harsh speech, except for the one who has been oppressed.*” The Erudite authority of the Land of the Blacks Abdullahi ibn Fuduye, may Allah be merciful to him` said regarding the meaning this verse in his *Diya 't-Ta'weel Fee Ma'ana at-Tanzeel*: “*Allah does not love the utterance of harsh speech*”; that is from anyone, and this is the same for secretive harsh speech. However, utterance of harsh and evil speech is more grievous for which Divine punishment can result; “...*except for...*”; the harsh utterance from; “...*the one who has been oppressed*”; for a person cannot be judged for informing about the injustice of an oppressor, but he should not go beyond that. Thus, the meaning of the verse is that it is not lawful to manifest the hidden circumstances of the people except for the one who has been oppressed; by his saying: ‘He stole from me’; or ‘He coerced me against my will’; or if someone insults him that he has the right to insult him with what he was insulted with. Allah ta'ala says: ‘*And whoever defends himself after being oppressed, for such there is no way of blame against them.*’ It is related in a prophetic tradition: ‘When two people insult one another, then the sin is on the one who initiated it.’ This was related by Muslim. Ibn Abass said: ‘The one oppressed has a license to supplicate against the one who oppressed him. However, if he is able to be patient, then it will better for him.’ Al-Hassan al-Bagri said: ‘It is that he has the right to say: ‘O Allah assist me against him’; or ‘O Allah extract my rights from him’; or ‘O Allah come between me and what he wants; and the like from supplications.’ Ibn al-'Arabi said: ‘All of this is if the person who oppressed him was a believer. However, if the oppressor was a disbeliever, then he should let his tongue flow freely against him, and supplicate against him asking for his destruction with every type of supplications. Further, if the man committed oppression openly he

It has been related in the Saheeh of al-Bukhari on the authority of Abdallah ibn Abi Awfa, who said: “The Messenger of Allah, may Allah bless him and grant him peace supplicated against the Confederates. He said: “O Allah! The Revealer of the Book, the One Swift in Reckoning! Destroy the Confederates! Destroy them and shake them violently!”⁷¹

should in turn be supplicated against openly, and he should have no honor which should be respected, no bodily part which should be respected or wealth which should be respected.’ This is clear evidence for the lawfulness of supplicating against the disbelievers unrestrictedly. As for supplicating against the disbelievers during defeat (*hazeema*) it says in the Lisaan’l-`Arab: “Defeat during fighting means being completely crushed and belittled.” That is to say, the defeat the disbelievers may bring against the Muslims during fighting as we witness today in Palestine, Iraq, Afghanistan and Pakistan. It is during these types of defeats that it is obligatory for the Muslims to make supplication against the disbeliever for their destruction using every sort of supplication. As for social upheavals (*zilzaal*), the linguists say that the expressions ‘*zilzaal*’ (social upheavals) and ‘*zalzala*’ (convulsions) means intense adversities which causes convulsions among the people; or they are convulsions which strike the heart of the people from fear and trepidation. That is to say, that their affairs become extremely disordered, unstable and not firmly established. It means that it is lawful to supplicate against the disbelievers when the Muslims are struck with fear, adversities and trepidation resulting from the disbelievers. The wisdom in making it permissible to supplicate against the disbelievers is because it is one of the weapons from the weapons of war. Rather, it is the best of their weapons because the Messenger of Allah, may Allah bless him and grant him peace used to do it, when he supplicated against Abu Jahl for his destruction; and he supplicated against the Confederates for their defeat and convulsion and that Allah would burn them in their homes and graves. Allah answered his supplications regarding them. He also supplicated against those who killed the *Qur’anic* reciters for an entire month during the *qunuut* of the dawn prayer. He went to the furthest limit in making supplication against them due to the severity of the crimes.

⁷¹ The meaning of his words, upon him be blessings and peace: “O Allah! The Revealer of the Book”; is O Allah who has revealed the *Qur’an*. This supplication is an indication of the directing of Divine victory for them as a result of taking intermediacy with the Book; or with what is in It from the commands of Allah, and with what He has promised of His victory like, His words: “*Fight them and Allah will punish them by your hands, and He will lay them low and give you victory over them, and He will heal the breast of a believing people. He will remove the rage from their hearts, for Allah relents to whom He wills. He is the Knowing the Wise.*” For by means of the revelation of the Book, they obtain the blessings of the Hereafter which is Islam. In another narration he said: “The One who Dispatches the clouds...”; which is a reference to His obvious power in subjugating the clouds by the dynamics of the winds which flow by the will of Allah ta`ala, how the clouds sometimes remain in their place in spite of the blowing of the winds, and how sometimes He causes the clouds to rain and at other times not. All of this is an indication of His ability to move the clouds in assistance to the *mujahidun* in their movements in fighting, His ability to hold back the hands of the disbelievers from reaching them, His causing the rain to fall upon the place of the spoils of war, along with giving them success in fighting, and His preventing the disbelievers from defeating them or from anything of disarray to negatively effect them. All of this indicates the virtuous spiritual states of the Muslims. By means of the dispatching of the winds, they obtain the blessings of this world’s life which is their daily provision. The meaning of his words, upon him be blessings and peace: “...the One Swift in Reckoning!”; is O One who is Swift in Reckoning, where he means that the time of His reckoning is swift in coming; or that He is Swift during His Reckoning; or that the swiftness of His reckoning is near at hand. The meaning of his words, upon him be blessings and peace: “Destroy the Confederates!”; is that it is Allah ta`ala alone who destroys them by sending against them gale winds, and forces which they will be unable to perceive, as it was related in the Chapter called *al-Ahzaab*. The meaning of the appellation ‘Confederates’ is a reference to those allied forces who joined against the Muslims on the day of the Trench. In another narration he said: “...and the Destroyer of the confederates”; which is an indication of taking as intermediacy the previously mentioned blessings along with divesting oneself of ability by means of taking reliance upon Allah. This spiritual state comprises the belief that it is Allah alone who is singular in His actions, by which the destruction of the confederates will gain for the Muslims the preservation of the blessings of this life and the Hereafter. It is as if he said: ‘O Allah just as you have blessed us with the immensity of these two blessings in the Hereafter and in this world’s life, also preserve them for us and make them persist for us.’ The meaning of his words, upon him be blessings and peace: “Destroy them and shake them violently!”; in

accordance with what an-Nawwawi said: 'It means: cause them to be distressed and cause convulsion to descend upon them with every kind of severe adversity. This is proof for the unanimous agreement regarding that supplications are answered when encountering the enemy.' In another narration he said: "...destroy them and give us victory over them." In the narration of al-Isma'ili from another perspective it is reported that he, may Allah bless him and grant him peace also supplicated saying: "O Allah You are our Lord and their Lord. We are Your servants and they are Your servants. Our forelocks and their forelocks are in Your Hand, so destroy them and give us victory over them." Al-Haafidh said: "What is meant by this supplication against them is that it is a request that when they are destroyed that nothing remains of them." Al-Dawudi said: "What he desired in his supplication is for them to be afflicted with recklessness in their intellects and the shuddering of their feet during the military encounter where they are unable to be firmly established in fighting." In this prophetic tradition it establishes that supplication is the most superior of the weapons of the Muslims, along with the fact that it was transmitted in many other prophetic traditions. Among them being what was related by Abu Ya'ala in his Musnad as well as al-Haakim in his al-Mustadrak on the authority of Ali ibn Abi Talib who said that the Messenger of Allah, may Allah bless him and grant him peace who said: "The supplication is the weapon of the believer, the support of the religion, and the light of the heavens and the earth." What is meant here by supplication being the weapon of the believer is that during the *jihaad* and fighting that the actual Doer in reality is Allah glory be to Him the Exalted, not the *mujahidun*. For, it is not the believers who defeat the disbelievers, nor is it their weapons. It is Allah ta'ala who defeats them by means of His Omnipresent Will and Power. The believers possess no quantitative power or might in and of themselves, except their supplication, imploring Allah, resorting to Him with humility and being broken before Him in the station of fear and firm confidence in the promise of Allah ta'ala that He will destroy the disbelievers, and manifest His religion over all the other religions even though the disbelievers may detest it. For, Allah ta'ala has mentioned in many places in His Mighty Book, that He is the One who destroys the disbelievers, gives victory to the believers and support them with forces from the Unseen; all this is in order that tranquility can enter their hearts and they will be grateful. From this is what was related that the Companions of the Messenger of Allah, may Allah bless him and grant him peace when they departed from the battle of Badr, each of them began to mention what they had done and accomplished on the battlefield. Some said: 'I killed so-and-so', or 'I did so-and-so'. They mentioned these feats as a way of boasting. Then Allah revealed His words: "*You did not fight them*"; at Badr or any other place by means of your strength. He said this as a way of instructing them that it is Allah ta'ala alone who causes death and that He alone is the One who decrees all things. That the servant only shares in this through his acquisition and desire; "...rather it was Allah who fought them"; by His providing assistance to you and casting fear into their hearts until they became dispersed, their unity was utterly divided and weakened. The usage of the letter *faa* in the beginning of the verse is a conjunctive particle of condition where the conditional phrase is omitted, where it means: 'If you are boasting about your fighting of them, then it was not you who fought them.' "*You did not throw*"; O Muhammad in the eyes of the disbelievers on the day of Hunayn, or on the day of Uhud when you threw your spear into the neck of Ubay ibn Khalaf, or on the day of Khaybar when you shot your arrow into their fortress and it flew in the air until it struck Ibn Abi'l-Haqeeq. However, the soundest view is that this verse refers to the day of Badr because it was revealed regarding Badr; "...when you threw"; the stones because in reality a mere handful of stones from a single person cannot fill the eyes of an entire huge army; "...rather it was Allah who threw"; by causing it to reach them. He did this in order to defeat the disbelievers. It has been related on the authority of as-Sadiy who said that the Messenger of Allah, may Allah bless him and grant him peace when the two opposing forces were facing each other said to Ali, may Allah be pleased with him: "Give me some stones from the earth!" He then gave him some stones along with earth, and he threw it into the faces of the people. Not a single idolater remained except that something from the dust entered in their eyes. It was then that the believers struck out fighting them and capturing them." This is clear refutation against those who say that the servants are the creators of their own actions. For the meaning of this verse is that you did not throw by means of your own strength when you threw, but it was by the Strength of Allah that you threw. "...in order to test the believers with an excellent test"; that is, in order to grant them a gift greater than defeating the enemies or obtaining the spoils of war; because the 'test' referred to in this verse are His Divine blessings. "*Indeed Allah is Hearing*"; is that He hears their calling upon Him to redeem them; "...Knowing"; is that He knows their true intention and desire to exalt the religion, thus it is for this reason that He blessed them with victory. "*So that*"; is an indication of the excellent test referenced in the verse, which means that His objective in providing these blessings is so: "...you may know that Allah is the One who weakens"; is that His objective in showing His blessings to you is in order to diminish; "...the plots of the

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disbelievers”; their schemes. In this verse He majestic be His praises attributes the fighting of the believers to Himself and negates it from them who seemingly are the one’s fight the disbelievers. This is because in reality He is the sole cause for their fighting. This is clear evidence for the doctrine of belief of the People of Truth, that it is Allah ta`ala who is the creator of the actions of humanity during *jihad*, and that they only possess acquisition of these actions, due to the fact that He is the Doer in reality. If you understand this, then you know that the best acquisition which a human being can acquire is his realization with certainty that he possesses no power or might except by Allah the Exalted the Mighty, and that in *jihad* and fighting that he only possesses incapacity, indigence, and urgent need of his Creator, glory be to Him the Exalted. In this is an immense secret in the distinction between the methodology of the believers in the Art of War and others. It is for this reason that it has been related by ad-Daylami in his Musnad ‘I-Firdaus on the authority of Ibn Abass who said that the Messenger of Allah, may Allah bless him and grant him peace said: “The best weapon of the believer is patience and supplication.” All of this is evidence for the obligation of making supplication against the oppressive disbelievers among the Jews and Christians and others in these times who have invaded the lands of Islam, displayed their way of life in a conquering and vainglorious manner, prevented the commands and prohibitions of the legal rulings of the Muslims from taking place, their entering into whatever places they desire killing the children of the Muslims, their women, young boys, elderly, middle aged and youth by spilling their blood with impunity, their defiling of the graves of the Prophets, the scholars, the *awliyya* and the righteous, and their interdicting the right of Muslim women in their lands from covering themselves as they wish. All of these afflictions necessitate us supplicating against them with every variety of supplication and gives license for us to let our tongues flow freely against them in asking Allah for the destruction of the foundations of their governments, the collapse of the vital elements to their economies, the breakdown of the pillars of their system, the division of their unity, and for the utter convulsion of their armies. For, the keys to seeking openings and victory in *jihad* are by means of supplication, imploring Allah, being broken before Him, recognizing one’s impotence, humiliation and repentance. This is evidence that attaining victory is through the *baraka* of the supplications of the powerless of the struggling Muslims, the impoverished Muslims who make strenuous effort, and the estranged Muslims made so due to oppression; as he upon him be blessings and peace said: “Indeed Allah gives victory to this *Umma* by means of the oppressed among them, by their supplications, prayers, and sincerity.” In another narration he said: “Seek out the oppressed, for indeed you are provided your wealth, and given victory by means of the oppressed among you.” This means that the Muslims are given victory and provided for by reason of them, or by means of the *baraka* of their supplications, prayers and spiritual litanies. The *Shehu*, may Allah ta`ala be merciful to him said in his Munaajaat: “O Allah exalt the banner of faith, the *Sunna* and obedience above the Throne, and efface disbelief, heretical innovation and disobedience. Efface every enemy who does not desire the honor of Islam to prevail. Suffice me against the evils of all the disbelievers, east, west, north and south and all those points in between by the rank of all those things we have taken intermediacy with, and by the rank of Muhammad, the Prophet of Mercy, may Allah bless him and grant him peace. O Allah destroy them, shake them violently, and plunder them with Your assistance. Fill their hearts with fright, break their bones, blind their eyes, make their hearing deaf, and seize them by their feet and hands until they are completely shaken by the sweat of the fear in their own bodies. O Allah enumerate them precisely, divide them into dispersed fractions where none of them remain, and allow us to inherit their land, and their families. Revive us and the helpers of the *Sunna* in these lands by the rank of Muhammad, the Prophet of Mercy, may Allah bless him and grant him peace.” For, this is an accepted supplication with Allah with which one can supplicate against all the disbelievers. I have tested it and found it to be precise and instantaneous, and all praises are due to Allah for that.

On What Has Been Related Regarding War Being Deceit⁷²

It has been related in the Saheeh of al-Bukhari on the authority of Jaabir ibn Abdallah, may Allah be pleased with them that the Prophet, may Allah bless him and grant him peace said: “War is deceit.”⁷³

⁷² That is to say, he cites in this section what has been related regarding the meaning of his words, upon him be peace that war is deception. The etymological root of the phrase ‘*khad`at*’ (deception) is taken from the expression ‘*khad`u*’ (to deceive), and it means to manifest the opposite of what one conceals. Allah ta`ala says: “*They seek to deceive Allah, but He deceives them*”; and means that they assumed in their souls that they were deceiving Allah, or that they were deceiving the protected friends of Allah, while it was Allah who deceived them, and illuminated the discernment of His friends with the reality their inner states. “*And they only deceived their own souls but were unawares.*” An-Nawwawi said: “There are three well known ways to pronounce this phrase; the most eloquent of them being ‘*khad`at*’ with the letter *khaa* inflected with *fat`ha* and the letter *daal* inflected with *sukun*. Tha`alibi and others said: ‘This was the language of the Prophet, may Allah bless him and grant him peace.’ The second is ‘*khud`at*’ with the letter *khaa* inflected with *damma* and the letter *daal* inflected with *sukun*. The third is ‘*khada`at*’ with the letter *khaa* inflected with *fat`ha* and the letter *daal* inflected with *fat`ha* as well.” The scholars agree regarding the lawfulness of deceiving the disbelievers during war. However, whenever deception will lead to the violation of a social contract or trust, then it is not lawful. The wisdom in the *Shehu* narrating this prophetic tradition after the narrations of the permissibility of making supplication against the disbelievers is because it is connected to the supplication of the Prophet, may Allah bless him and grant him peace for the destruction of the Kosro and Caesar, as it was related by al-Bukhari on the authority of Abu Hurayra, may Allah ta`ala be pleased with him on the authority of the Prophet, who said: “The power of the Kosro will be destroyed and then there will be no Kosro after him. The power of the Caesar will be destroyed, then there will be no Caesar after him. And you will divide their treasures in the Way of Allah.” He called war deceit.

⁷³ The meaning of his words, upon him be blessings and peace: “War is deceit (*khad`at*)”; or as it was related in another narration ‘*khud`at*’, is in accordance with what some of the scholars of the prophetic *seera* said, which is that the Prophet, may Allah bless him and grant him peace said this on the day of the Confederates, when he dispatched Nu`aym ibn Mas`ud to circulate among the Quraysh, the Ghatfaan and the Jews and gather intelligence. This prophetic tradition permits the lawfulness of lying in three matters, the first of them being war, as it was related by at-Tabarani on the authority of an-Nuwaas who said that the Prophet, may Allah bless him and grant him peace said: “Every form of lying is recorded against the son of Adam except in three matters: a man who lies during war, because war is deceit; a man who lies to his wife in order to please her; and a man who lies between two men in order to bring peace between them.” At-Tabari said: “The lying which is permitted during war is making insinuation, but real lying as a rule is not lawful.” However, an-Nawwawi said: “It is apparent from the tradition that actual lying is itself is permitted, however restricting this to mere insinuation is better.” Ibn al-`Arabi said: “Lying during war is among those things normally forbidden but made lawful as an exception by textual evidence, as a consideration for the concerns of the Muslims.” The meaning of ‘deception’ in this context is to make strenuous effort with ones assessment. *Qaadi`* Iyad said: “In this prophetic tradition establishes the lawfulness of developing disinformation and illusory intelligence during war.” The scholars agree regarding the permissibility of deceiving the disbeliever during war, however when this deceit leads to the violation of a social contract or trust between the Muslims and the disbelievers, then it is not lawful. Al-Muhallab said: “Deceit during war is permissible wherever it is possible except when it constitutes giving oaths, a social contract and explicitly granting protection, for in these circumstances lying is not lawful.” This prophetic tradition establishes that being cunning during war can be more valuable than mere numerical advantage or valor. It also establishes the lawfulness of gathering intelligence regarding enemies, seeking to beguile them during hostilities, and developing disinformation as a barrier to divert the increase in the number of the enemies. In this matter, his saying: “War is deceit” does not constitute a proof for the treacherous venial scholars in these times of ours who use it to permit collaborating with the disbelievers, advising their governments, and informing them regarding the secrets of the Muslims, seeking from the disbelievers honor, fame, spacious places of worship, influential institutions, citizenship in their lands and other than these from the rubble of this world’s life. For their actions in no way constitute a form of ‘warfare’ nor deceit of the disbelievers, but it is self-deception and a clear proof of their hypocrisy.

On What Has Been Related Regarding the Prohibition of Killing Women and Children⁷⁴

It has been related in the Saheeh of al-Bukhari on the authority of Ibn Umar, may Allah be pleased with him who said: “A woman was found killed in one of the military expeditions of the Messenger of Allah, may Allah bless him and grant him peace. It was then that the Messenger of Allah, may Allah bless him and grant him peace,⁷⁵ prohibited the killing of women and children.”⁷⁶

⁷⁴ That is to say, that this section discusses who is to be fought and who is not to be fought during the *jihad*, as well as an explanation of the prohibition of killing children and women during it. The scholars are unanimous regarding the prohibition of killing women and children without right. As for women, it is due to their apparent vulnerability. As for children it is due to their incapacity to actually participate in the actions of the disbelievers. This is the view held by Malik and al-Awzai`. For, this is not lawful with them even when the belligerents shelter themselves with women and children. It is then not lawful to bombard them or to burn them with incendiary weapons.

⁷⁵ Here ends facsimile 50 of the Arabic manuscript.

⁷⁶ The meaning of the words of Ibn Umar, may Allah be pleased with him: “A woman was found killed in one of the military expeditions of the Messenger of Allah, may Allah bless him and grant him peace”; is that she was killed on the day of the battle of Hunayn. The meaning of his words, may Allah be pleased with him: “It was then that the Messenger of Allah, may Allah bless him and grant him peace, prohibited the killing of women and children”; is that it is the consensus of the scholars to act in accordance with the social behavior (*amal*) indicated in this prophetic tradition and the prohibition of killing women and children, when they are not participants in the combat. However, if women and children participate in the combat, then the majority of the scholars say that they too should be fought. As for the elderly among the disbelievers, if they are among those who provide counsel in war, then they should be fought, if not, then they should not be fought. Regarding priests there is a difference of agreement. Malik and Abu Hanifa both said they should not be fought. Ibn al-Himaam said: “I assume that the consensus is only regarding the prohibition of killing women and children. It has been related on the authority of Abu Bakr that he advised Yazid ibn Abi Sufyan when he dispatched him to Syria not to kill children, women or the elderly. However, one should fight whoever participates in the combat from those I mentioned. One should not kill the insane, infants, women, the elderly, and priests.” The *Shehu* may Allah ta`ala be merciful to him said in his Bayaan Wujuub ‘l-Hijra ‘Ala’l-‘Ibaad in chapter ten regarding who is to be fought during the *jihad*: “I say, and success with Allah, that those who should be fought in the Way of Allah are three categories: those who are disbeliever from birth, the apostate, the belligerent and the unlawful combatant...Ibn Juzay said in the al-Qawaneen: ‘They are three categories: the disbeliever, the belligerent and the unlawful combatant. As for the disbeliever all of their classes should be fought, except women and children by unanimous agreement; nor the people of monasteries; nor elderly advanced in years, in contrast to as-Shafi`; except when it is feared from the elderly some harm or their active management of affairs; nor should the insane be fought, nor the blind, nor the invalid. However, in the latter two there is disagreement if they are among those who actively manage affairs’. It states in the al-Mukhtasar: ‘Regarding those excluded from those mentioned, such as women, except if they participate in combat, infants, the insane, the extremely aged, the invalid, the blind, the monk cloistered in his cloister or monastery who does not provide counsel to the combatants. The latter should be left with the supplies sufficient for them. The one who kills any of the above should seek forgiveness like one who killed those who never received the invitation to Islam. If they are killed after their capture, then the killer is responsible for paying compensation. And the monk and nun are considered to be free’. It says in the az-Zaharaat’l-Waardiyya: ‘All of the disbeliever should be fought except seven: the woman, the infant, the insane, the extremely aged, the invalid, the blind and the monk cloistered in a cloister or monastery. As for a woman, she should not be fought as long as she does not participate in the combat. If she does, then Ibn al-Qasim said in the al-Mawaaziya and the al-Utubiyya she should be fought. As for the young child, it has two conditions. The first is that there is no doubt that it is a young child, then it should not be fought, even if they participate in the combat. The second is if there is doubt regarding the child being a child, for judgment should depend on whether his private parts can be seen. For, he should be fought if hair is growing and his judgment is like a mature person who uses a razor. The teenager is like the woman if it participates in the combat with a sword or the like, then it should be fought. If the teenager throws stones it should not be fought except if the throwing of stones result in killing someone. Then the teenager should be killed for that. As for the insane, if his insanity is complete, then he should not be fought. However, if he occasionally becomes lucid, then in the apparent opinion of al-Lahmi is that

he should be fought. As for the extremely aged, he should not be fought unless it is known that he is among those who provide counsel and manage affairs in the fight against the Muslims. As for the invalid like the lame, the cripple and the like, who neither participate in the war counsel nor the management of affairs, they should not be fought. Likewise with the blind except if it is known that they are among those who provide counsel and manage affairs in the fight against the Muslims. Likewise, the monk isolated in a cloister or monastery should not be fought unless he is among those who provide counsel and manage affairs in the fight against the Muslims. As for the priest of a church, he should be fought without distinction.’ In the al-Utubiyya Malik joins the nuns with the monk in the same judgment of not being fought, and said: “They have a right to be included with them’.” These ideas of the *Shehu*, may Allah be merciful to him are invaluable in establishing the prohibition of the actions of the belligerents and unlawful combatants in these times, whom the disbelievers have named ‘al-Qaeda’ and others, in their killing of women, children, the elderly and others from the disbelievers who do not participate in the combat against Muslims; and their killing of women, children and elderly among the Muslims in the market places of Iraq, Afghanistan, Pakistan and in other lands. For, these criminal acts of terrorism are among the most horrendous of the major sins, because they kill individuals without right, without the authorization of a Muslim ruler, and their crimes are alien to all the pillars and prerequisites of *jihad*; in that they have devised a prohibited heretical innovation within *jihad*, which is suicide bombing where they kill themselves and huge numbers of people wantonly. Allah ta’ala says regarding the crime of suicide: “...and do not kill yourselves.” This means do not kill one another because Allah ta’ala mentions that He has made the Muslims brothers to one another. Thus, the crime of one who kills his brother is like the one who kills himself. It has been related by Ahmad, al-Bukhari, and Muslim on the authority of Abu Hurayra who said that the Messenger of Allah, may Allah bless him and grant him peace said: “The one who kills himself with an iron weapon, then will stab himself in the stomach with the same iron instrument in the Fires of Hell eternally. Whoever willfully drinks poison and kills himself, then he will drink it in the Fires of Hell eternally. Whoever willfully throws himself from a high mountain and kills himself, then he will continue to fall in the Fires of Hell eternally.” This is the same for the person who kills himself with a bomb, for he will be punished in Hell eternally in the same manner. Our proof for this is in what was related by at-Tabarani on the authority of Thabit ibn ad-Duhaak who said that the Messenger of Allah, may Allah bless him and grant him peace said: “Whoever kills himself with anything will be punished with it on the Day of Judgment in the Fires of Hell.” However, if he does not kill himself, but he only kills non combatants using bombs, then this also is among the most horrendous of major sins. This is because it has been related by al-Bukhari and others on the authority of Ibn Abass who said that the Prophet, may Allah bless him and grant him peace said: “Do not punish others with the punishment of Allah”; which means do not incinerate people with fire, or what resembles that such as bombs, and Allah knows best. I say: the *jihad* against these unlawful combatants is the best form of *jihad*. The *Shehu* may Allah ta’ala be merciful said in his Bayaan Wujuub’l-Hijra`Ala`l-Ibaad: “Ibn Juzay said in his al-Qawaneen: ‘It is obligatory that they, meaning the unlawful combatant, should be first admonished three times accompanied with taking an oath with Allah. If they relent, well and good. If they refuse, then they should be fought, and fighting them will be considered a *jihad*. Whoever is fought among the unlawful combatants, then his blood should be shed with impunity. Whoever among the Muslims is killed while fighting them is a martyr. If an unlawful combatant is captured before he is able to repent, then establish the punitive punishment upon him, which is either killing him, crucifixion, the amputation of his hand and feet or exile. As for killing and crucifixion, they should be joined, with the crucifixion preceding the killing, while Ibn al-Qasim said that crucifixion should be postponed until after the killing. As for amputation, the right hand and the left foot should be amputated. As for exile, the freeman should be exiled by not the captive. He should be exiled to another land and imprisoned there.’ Abu Hanifa said: ‘He should be imprisoned in that land until his repentance and rehabilitation becomes apparent’.” All of these punishments are extracted from the words of Allah ta’ala: “*Indeed the recompense for those who make war against Allah and His Messenger, and spread corruption in the earth is that they should be killed, or crucified, or their hands and feet amputated on opposite sides, or exiled from the land. This is their recompense in this world’s life, and for them in the Hereafter is an immense punishment. Except those who repent before they are overcome, and realize that Allah is Forgiving and Merciful.*” The Erudite authority of the Land of the Blacks Abdullahi ibn Fuduye, may Allah be merciful to him` said regarding the meaning this verse in his Diya`t-Ta`weel Fee Ma`ana at-Tanzeel: “*Indeed the recompense for those who make war against Allah and His Messenger*”; that is by opposing their commands and fighting against the Muslims. “...and spread corruption in the earth”; that is by means of highway robbery; or the phrase is the direct object (*maf’ul lahu*) of the phrase ‘who make war’; or it is a circumstantial phrase (*haal*) meaning being corrupt. This was revealed

regarding a group from among the people of the Book who violated their social contract with the Muslims and then initiated corruption. Or it was revealed regarding Hilaal ibn `Uwaymir al-Aslami who made a social contract with the Prophet, that he would not assist anyone against him, and that he would not turn away anyone who desired to connect with him. Then some people from the Kinana who desired to accept Islam passed by his people. He then cut them off, killed them and robbed them of their wealth. Or it was revealed regarding a group of eight men from the `Arina and the `Ukil who arrived in al-Medina in the sixth year of the *hijra*, and accepted Islam. However they found the climate of al-Medina unsuitable for them, so the Prophet may Allah bless him and grant him gave permission for them settle outside of the city where the camels for alms were kept. They drank from the milk and urine of the camels as medicine. However, they latter became apostate and killed the shepherd of the Prophet, may Allah bless him and grant him peace, gouged out his eyes and drove off the camels taking them for themselves. As a result the Prophet, may Allah bless him and grant him peace dispatched some men in pursuit of them. Eventually they came with them and they hands were amputated, eyes gouged out, and were left in the sun until they died in that condition. This narrative was transmitted by al-Bukhari, Muslim, Abu Dawud and others. It is said that this verse was abrogated by the actions of the Messenger of Allah upon him be peace by restricting their punitive punishment to what he said in His words: "...is that they should be killed, or crucified, or their hands and feet amputated on opposite sides"; that is the right hand and the left foot from the wrist an ankle. "...or exiled from the land"; that is, from the land in which they reside to another, where the distance between the two lands must be at least two days travel, and they should be detained there until their repentance and rehabilitation becomes apparent. Abu Hanifa said: 'The exile must be accompanied with detention where they are imprisoned in the lands until their repentance and rehabilitation becomes apparent.' The punishment of exile is designated for a freedman. The use of the conjunctive particle 'aw' (or) joining the diverse punishments is used to indicate choice (*takhyeer*). This means that the *Imam* has a choice regarding highway robbers in implementing any of these types of punishments based upon adjudication and not his whims. This is in accordance with the view of Malik which follows the apparent meaning of the verse. The remainder of the *Imams* say that the conjunctive particle 'aw' (or) is utilized to indicate itemization (*tafseel*) and variation (*tanwee`*) based upon the arrangement of the circumstances. Thus, whoever among the kills, then he should be killed only. Crucifixion is to implemented against those who kills and seizes wealth. Amputation is to be implemented against the one who seizes wealth but does not kill anyone. Exile is to be implemented against those who in the process of their warmongering induce fear among the people only. This is the judgment regarding these diverse punishments. If killing and crucifixion are to be joined, then one should implement the crucifixion prior to the killing as Ibn al-Qasim said; while As`hab said it should be done after it. The scholars agree that the unlawful combatants or highway robbers who kill, then they should be killed in turn. The meaning of crucifixion is that the person should be tied alive with his entire body except his upper body such as his face, shoulders or back to a tall wooden board; but his body should not be hung up side down. "This"; that is to say, the above mentioned punitive punishment; "...is their recompense"; their humiliation; "...in this world's life, and for them in the Hereafter is an immense punishment"; in the Fire. However, the unlawful combatant guilty of highway robbery or seizing the wealth of others, due to draught, poverty or the like should be excused, in contrast to what Abu Hanifa said. This punitive punishment also applies to a person who does a home invasion in the night or day and kills in order to seize wealth. It says in the al-Qawaneen: 'This punitive punishment also applies to everyone who bears arms against the people and there is no war taking place, nor is there a social revolution taking place, which is a form of social strife. Further, the judgment of the one who assist the unlawful combatant is the same as the judgment of the unlawful combatant.' As for the highway robber who does so because of a woman, or because there is enmity between him and the targeted community, then he cannot be considered as an unlawful combatant, as Abd'l-Baqi cited. "Except those who repent"; from among the unlawful combatants and highway robbers; "...before they are overcome, and realize that Allah is Forgiving"; to them for what they have done; "...and Merciful"; with them. He expressed His forgiveness and mercy without indicating that the punitive punishment should not be imposed on them in order to indicate that repentance does not necessitate the annulling of the punitive punishment, if the crime he committed was anything other than being an unlawful combatant, like a crime against Allah or another human, like adultery/fornication, defamation of character, intentional homicide, the blood indemnity for unintentional homicide, and other than these. As-Suyuti said in his at-Takmila: 'The only thing which is annulled by repentance is the punitive punishments of Allah, but not the rights which he owes to another human. This is what has been made apparent to me and I have not seen anything which conflicts with this, and Allah knows best.' I say: These words from him are astonishing, because every *Imam* among the jurist conflict with this, since as-Shafi` disagrees with this view absolutely. Malik said:

On What Has Been Related Regarding Cheating in the Spoils⁷⁷

It has been related in the Saheeh of al-Bukhari on the authority of Abu Hurayra, may Allah be pleased with him who said: “The Prophet, may Allah bless him and grant him peace, stood up among us and mentioned cheating in the spoils of war (*ghuluul*), then emphasized its enormity and the immensity of its affair.”⁷⁸

‘If the person has in his possession that which is known to have been seized unlawfully; or when the guardian of the person he killed is determined to seek his blood, then he has the right to have him seized and take retaliation.’ Al-Layth said: ‘Nothing is to be sought from him.’ Ibn al-‘Arabi said: ‘This is weak. As for if he repents after he has been overcome, then his repentance cannot avail him in the annulling of any punitive punishment.’ Al-Baydawi said: ‘The fact his repentance avails him if it precedes his being overcome is evidence that after he is overcome that his repentance does not annul the punitive punishment, but may annul the Divine punishment in the Hereafter. This punitive punishment applies only to the Muslim who is guilty of highway robbery and unlawful combat, because the repentance of the idolater removes from him punishment before and after he is overcome.’ The author of the Lubab ‘t-Ta’weel: ‘The greater portion of the people of *Qur’anic* exegesis agree that the exception applies to the idolater who is an unlawful combatant, if he believes before he is overpowered, that it annuls every punitive punishment mentioned in the verse. This is the same after he is overcome, according to the consensus.’ Here ends what *Shaykh* Abdullahi ibn Fuduye` in his Diya ‘t-Ta’weel and it is invaluable. Further, in this prophetic tradition establishes illegality of what the armies of the United States of America and others commit in the usage of guided drone missiles, and uranium tipped bombs used in the killing of children, women and others from the populated towns and rural areas of Iraq, Afghanistan and Pakistan; all which are prohibited war crimes, and may Allah give success in arriving at what is correct.

⁷⁷ The phrase ‘*ghuluul*’ (cheating) originally meant absolute treachery (*khiyaana*), then it became designated in its usage for treachery in the spoils of war as an-Nawwawi said. *Amir’l-Mu’mineen* Muhammad Bello ibn *Shehu* Uthman ibn Fuduye`, may Allah be merciful to both of them said in his Tawfeeq ‘l-Juhuul ‘Ala Anwaa` Mufaasid al-Ghuluul: “Cheating in the spoils of war according to the *shari`a* is divided into various types.” He went on to distinguish five categories of cheating in the spoils of the war. Among them is unfairness in the division of the spoils of war and failing to act in accordance with the Book and the *Summa*. Among them is cheating of the behavior. Among them is intermixing the spoils of war into the wealth of Allah without right. Among them is the cheating of the warriors. And finally among them is taking advantage of the spoils of war before it is properly divided. Naftawiyya said: “It is called ‘cheating’ (*ghuluul*) from ‘shackled’ (*maghlul*) because the hands are fettered from utilizing it, meaning barred from it.” Allah ta`ala says: ‘*It is not for any Prophet to cheat.*’ For, cheating in the spoils of war is a form of treachery. An-Nawwawi said: ‘Originally it is theft from the wealth of the spoils of war prior to it’ being divided among the combatants.’ *Qadi* Abu Bakr ibn al-‘Arabi said: ‘Cheating in the spoils of war is a kind of treachery that is hidden. Giving charity from this kind of forbidden wealth is not accepted and necessitates Divine punishment, like the one who prays without being in a state of ritual purity.’ Muhammad Bello ibn *Shehu* Uthman ibn Fuduye` said in the above mentioned text: “It” has been related by Ibn Jareer and Ibn Abi *Hatim* by way of al-‘Awfa on the authority of Ibn Abass who said regarding the words of Allah ta`ala: ‘*It is not for any Prophet to cheat*’: “This refers to dividing the spoils of war on behalf of one cadre of the Muslim warriors and neglecting another. It is lawful to divide the spoils among them but it must be done equitably between all. It should be seized by the command of Allah and should be adjudicated in accordance with what Allah ta`ala revealed.”

⁷⁸ The meaning of the words of Abu Hurayra, may Allah be pleased with him: “The Prophet, may Allah bless him and grant him peace, stood up among us”; is that he stood among the people in order to exhort them regarding the affairs of the religion. In this is proof for the permissibility of standing during exhortations and giving lectures. The meaning of his words, may Allah be pleased with him: “...and mentioned cheating in the spoils (*ghuluul*)”; is that cheating in the spoils of war was among some of the things he exhorted the people about at that time. The meaning of his words, may Allah be pleased with him: “...then emphasized its enormity”; is that he mentioned the enormity of cheating in the spoils of war with the people, in order to incite fear of doing such a thing, or in order to clarify that it an immense sin with Allah ta`ala says: “*It is not for any Prophet to cheat, for whoever cheats with be brought with what he cheated on the Day of Judgment. Then every soul will be paid in full what it earned and they will not be wronged.*” The Erudite authority of the Land of the Blacks Abdullahi ibn Fuduye, may Allah be merciful to him` said regarding the meaning this verse in his Diya ‘t-Ta’weel Fee Ma`ana at-Tanzeel: “*It is not*”; is that it is sound: “*for any Prophet to cheat*”; where the sentence is

constructed on the direct object, in accordance with the recitation of Naafi`, Ibn `Aamir, Hamza and al-Kisai`, which means that it is attributed to cheating in the spoils of war. However, with the rest of the *Imams* of recitation, it is constructed on the doer of the sentence which means to be treacherous in spoils of war by taking anything from it secretly. This verse was revealed regarding the loss of some red velvet garments on the day of Badr. Some of the people said as a result: 'Perhaps the Messenger of Allah took them for himself'. Or it was revealed regarding assumptions the marksmen had of him on the day of Uhud when they abandoned their post for the spoils of war, saying: 'It is feared that the Messenger of Allah, will say to those who seize anything that it belongs to them, and that he will not divide the spoils of war'. Or it was revealed regarding the scouts who were sent out and the Muslims captured spoils of war after they left and the spoils were divided with those with him but nothing was divided for the scouts. Some of the worthy scholars named debarring some from receiving the spoils of war as a form of repugnant cheating and were severe in their prohibition of this. It is said that the strong warriors pressured him regarding the division of the spoils of war in their favor, and Allah revealed: '*It is not for any Prophet to cheat*', rather the spoils should be divided equitably between them; '*for whoever cheats will be brought with what he cheated on the Day of Judgment*'; is that it will be hung in his neck. As for the judgment in this world, it states in the al-Qawaneen: 'If the person who cheated comes with repenting before the division of the spoils then he is not to be disciplined, and the wealth should be returned to the spoils. If he repents after the dispersing of the army, he should be disciplined and the spoils which he took should be given away as charity.' Ibn al-Arabi said in his al-Ahkaam: 'Cheating is a form of treachery regarding the spoils of war, just as pick pocketing is a kind of thievery which is hidden, like what some of the Blacks of Mecca do today. Our scholars say that the prohibition against cheating in the spoils of war is proof that valuable item among the spoils of war should be divided equally and that it is not lawful for anyone to be given preference over others in that. Whoever takes anything from the spoils of war by force, should be disciplined. If he, for example, has sexual intercourse with a female war captive, or if he steals a portion from the wealth, then Abd'l-Malik held the view which he took from some of our companions that the prescribed punitive punishment should not be applied to him because he originally has a right upon these; rather, he should be disciplined. However, it is also said that the prescribed punitive punishment should be applied to him.' '*Then every soul will die*'; and recompensed; '*...on what it earned*'; from cheating in the spoils of war and other than that. It is for this reason that Allah ta'ala revealed a verse which addressed this in general; '*...and they will not be wronged*'; in anything from either increase or deficiency.' The meaning of his words, may Allah be pleased with him: '*...and the immensity of its affair*'; is that he discussed the immensity of its sin with Allah or the immensity of the affair of its punishment on the Day of Judgment, because it is among the major sins. This is clear is establishing the repugnancy of the prohibition of cheating in the spoils of war. In the same prophetic tradition he said in addition explaining the enormity of cheating in the spoils of war: "Do not cheat in the spoils of war, because I would not like to see anyone among you on the Day of Judgment, carrying a bleating sheep around his neck or a neighing horse on his neck. Such a man will say: "O Messenger of Allah! Intercede with Allah for me"; and I will reply: "I can't help you, for I have conveyed the message to you". Nor would I like to see a man carrying a grunting camel over his neck. Such a man will say: "O Messenger of Allah! Intercede with Allah for me"; and I will say: "I can't help you for I have conveyed the message to you." Nor would I like to see a man carrying gold and silver over his neck and he will say: "O Messenger of Allah! Intercede with Allah for me"; and I will say: "I can't help you for I have conveyed the message to you"; Nor would I like to see a man carrying fluttering clothes on his neck. Such a man will say: "O Messenger of Allah! Intercede with Allah for me"; and I will say: "I can't help you, for I have conveyed the message to you." This wisdom in his repeating the statement: 'I can't help you, for I have conveyed the message to you'; was in order to establish that his intercession will be given to some of the people of major sins and not others. Or it means that they will not obtain the intercession of the Prophet, may Allah bless him and grant him peace until after they have been severely reckoned on the Day of Judgment; or after initially entering the Fire. This does not, however, contradict his saying upon him be peace: "My intercession is for the people of major sins from among my *Umma*. Whoever is not from the people of major sins, then he will not receive my intercession." This is because the intercession of our Prophet, may Allah bless him and grant him peace on the Day of Judgment is divided into five distinct intercessions. The first is the general intercession. The second is his entering people into Paradise without reckoning. The third is for people who unify Allah from his *Umma* who have earned for themselves the Fire due to their sins, yet the Prophet, may Allah bless him and grant him peace, will intercede for them, and those whom Allah will receive it and be entered into Paradise. The fourth will be for those who will initially enter the Fire from among the Muslim sinners, and who will be eventually brought of it by the intercession of our Prophet, may Allah bless him and grant him

In it also⁷⁹ on the authority of Abdallah ibn `Amr, who said: “There was a man who was responsible for the baggage of the Prophet, may Allah bless him and grant him peace whose name was Kirkira. When he died, the Messenger of Allah, may Allah bless him and grant him peace, said: “He will be in the Fire.” Some people went to investigate his situation and they found with him a woolen wrap which he had pilfered from the spoils of war.”⁸⁰

peace, as well as others from among the Prophets, the Angels, their brothers among the believers. The fifth will be for those who will receive additional degrees among the People of Paradise and the raising of their ranks in It. These intercessions are as *Qadi`Iyad*, may Allah ta`ala be merciful to him clarified them. Thus, the meaning of his words, upon him be blessings and peace: “I can't help you”; with forgiveness and intercession until Allah ta`ala gives permission, for the my intercession is for those whom He wills; as Allah ta`ala says: “...and no one can intercede for others except those with whom He is pleased.” And the meaning of his words, upon him be blessings and peace: “...for I have conveyed the message to you”; is that you have no excuse after the delivering of the message. This is a magnified statement designed to indicate rapprochement and the severe gravity regarding the Divine threat. Other than that, he is the Companion of the great intercession regarding the reprobates of major sins from this *Umma* on the Day of Judgment. This is also evidence of that delivering the messages of Allah is obligatory with regard to his rights, upon him be blessings and peace. Al-Muhallab said: “This prophetic tradition was narrated as a form of threat from Allah for those who engrossed in this from the people who cheat in the spoils of war; that his punishment will be that he will be forced to bear, a camel and whatever else he embezzled from the spoils of war around his neck in the presence of all the people and will be humiliated as a result. Then Allah has a choice after that in either punishing him in the Fire or by pardoning him. If Allah decides to punish him in His Fire, perhaps he will then receive the intercession if Allah wills. If He does not punish him in His Fire, it will be because He is vast in His forgiveness.”

⁷⁹ That is to say, it has been related in the *Saheeh* of al-Bukhari or On What Has Been Related Regarding the Prohibition of Cheating in the Spoils of War.

⁸⁰ The meaning of the words of Abdallah ibn `Amr, may Allah be pleased with him: “There was a man who was responsible for the baggage of the Prophet, may Allah bless him and grant him peace whose name was Kirkira. When he died”; is that al-Waqidi cited that he was black man who used to hold the camel of the Prophet, may Allah bless him and grant him peace during combat. Abu Sa`id an-Naysaburi related in his *Sharf `l-Mustafa*: “This man was a Nubian who was given as a gift to the Prophet, by Hudha ibn Ali al-Hanafi, and whom the Prophet, promptly manumitted.” Al-Bilaadhuri said that when he died he was still a captive. The meaning of his words, upon him be blessings and peace: “He will be in the Fire”; is that he will be punished in It as a result of his disobedience. Or what is intended by he will be in the Fire is that Allah will not pardon him. This is because cheating in the spoils of war is actually from the traits of hypocrisy. Some of the jurists say that the prayers of the one who cheats in the spoils of war are not accepted, that his charity is not accepted, that his social transactions are not valid, he lacks the lawful right to give testimony, his bequest cannot be executed, and that the dowry as well as what he expends for his family is considered forbidden. Some say of he has sexual intercourse with a female captive from the spoils of war before it is properly divided among the combatants, then his action is considered illicit and forbidden, and the most famous view is that the prescribed punitive punishment should be applied on him. All of this is evidence of the enormity of the crime of cheating in the spoils of war. The meaning of his words, may Allah be pleased with him: “Some people went to investigate his situation and they found with him a woolen wrap which he had pilfered from the spoils of war”; is that in this is an indication that he upon him be peace had access to the matters of the Unseen. Subsequently, this was one of the miracles from his many miracles which prove his truthfulness, upon from Allah be the best blessings and most perfect peace. In this prophetic tradition establishes the prohibition of cheating in the spoils of war whether it be a little or a lot. *Amir`l-Mu`mineen* Muhammad Bello ibn *Shehu* Uthman ibn Fuduye` said in his *Tawfeeq`l-Juhuul`Ala Anwaai` Mufaasid`l-Ghuluul*: “As for the judgment of cheating in the spoils of war it says in the *al-Qawaneen*: ‘Cheating in the spoils of war is forbidden by consensus.’ Ibn al-Haajib said in his *Mukhtasar*: ‘Cheating in the spoils of war in anything other than foodstuff and the like, such as pilfering from the instruments of war is forbidden by consensus.’ Ibn Farhun said in his commentary on this: ‘The prohibition of this has been transmitted by the Book, the *Sunna* and the consensus. This is something about which there is no doubt.’ An-Nawwawi said in his commentary upon Muslim: ‘The Muslims are unanimous regarding the repugnance of the prohibition of cheating in the spoils of war and that it is among the major sins. They are also agreed that in what he pilfered he owes a blood

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sacrifice.' Ibn Abd's-Salaam at-Tunusi said after citing the prophetic traditions prohibiting cheating in the spoils of war: 'These narrations apparent in the judgment that it is among the major sins.' It was the same view which many others held. The author of the Mashaari` al-'Ishaq Ila Musaariu` al-Ashwaaq said: 'Cheating in the spoils of war is one of the most immense of offenses and among the punishable of sins.' Al-Hudayri said in his commentary upon the Mukhtasar of Khalil where he said: 'Cheating in the spoils of war is an illicit removal, and there is not disagreement that cheating in the spoils of war is among the major sins'." There is disagreement regarding the punishment of the one who cheats in the spoils of war. Some of the people say: "His entire saddlebag should be burned." Some say: "There is no punishment for him except a verbal upbraiding." The reason for their disagreement is the disagreement that they have regarding the soundness of the prophetic tradition of Saalih ibn Muhammad ibn Zaa'ida on the authority of Saalim on the authority of Ibn Umar who said that he upon him be blessings and peace said: "Whoever cheats in the spoils of war, then his equipment and belongings should be burned." Al-Hassan al-Basri said: "All of his equipment and belongings should be burned, except his animals or scripture." Both Makhul, Sa'id ibn Abd'l-'Aziz and al-Awzai all said: "All of his equipment and belongings should be burned." However, al-Awzai` added: "...except what he pilfered, his weapons and the cloths on his back." Malik, Abu Hanifa, al-Layth, at-Thawri and as-Shafi` all said: "He should be verbally reprimanded and his equipment and belongings should not be burned." Ibn al-Mundhir said: "The scholars agree that it is obligatory for the one who cheats in the spoils of war to return what he pilfered to the one responsible for dividing the spoils, as long as the warriors have not yet dispersed." They, differ, however, in what is to be done if the army has already dispersed. A cadre of the jurists said: "He should turn it over to the *Imam* who should take from it a fifth, and the remainder is to be given in charity." This is the view of al-Hassan al-Basri, al-Layth and at-Tawri who took it meaning from what was narrated on the authority of Mu`awiyya ibn Abi Sufyan. It has been related on the authority of Ibn Mas'ud that he held the view: "That the wealth whose owner is not known should be given in charity." This meaning was narrated on the authority of Ibn Abass. However, as-Shafi` held the view that it is not to be given in charity and said: "I do not hold the view that it should be given in charity from any perspective. For if it is his mixed with his own wealth he cannot give it charity, and if it is the wealth of another likewise cannot give someone else's wealth as charity."

On What Has Been Related Regarding the Spoils of War Being for Those Present at the Combat⁸¹

It has been related in the Saheeh of al-Bukhari on the authority of Zayd ibn Aslam⁸² on the authority of his father,⁸³ who said that Umar ibn al-Khataab, may Allah be pleased with him said: “Were it not for those Muslims who have not yet come into existence I would divide the wealth of every town I conquer among the

⁸¹ As for the meaning of the expression ‘*ghaneema*’ (spoils of war), it is what the Muslim cavalry and foot-soldier capture from the wealth of the idolaters, from which a fifth is obligated to be divided and given over to those whom Allah has designated. The remaining four-fifths is to be divided among the warriors who seize it, where three shares are to be given to the cavalry and one share is to be given to the foot-soldier. Allah ta`ala says: “...and realize that what you seize as spoils from anything ...”; which was revealed regarding the spoils captured at the battle of Badr. The Erudite authority of the Land of the Blacks Abdullahi ibn Fuduye, may Allah be merciful to him` said regarding the meaning of this verse in his Diya ‘t-Ta’weel Fee Ma`ana at-Tanzeel: “...and realize that what you seize as spoils”; that is, what you take by force from the disbelievers; “...from anything ...”; whether it be significant or insignificant, even if it is a piece of thread and needle. As for the meaning of his saying: “...for those present at the combat”; this refers to those who actually witness and are present in the *jihad* and the fighting. This, however, is with the exception of the battle of Khaybar, because the spoils of war seized there were exclusively divided dissimilar to what was done with spoils seized in any other land, because the Messenger of Allah, may Allah bless him and grant him peace divided the spoils of war of Khaybar and gave a portion of it to Ja`far ibn Abi Talib and those with him who arrived on the ship of Abu Musa, none of who were not present in the combat. He made this decision due to the severity of their indigence in the beginning of Islam. It is for this reason that the *Shehu*, may Allah be merciful to him narrated the two following prophetic traditions regarding Khaybar to establish the lawfulness of the spoils of war.

⁸² He was Abu Abdallah Zayd ibn Aslam al-`Adawiy al-`Umari al-Medini. He was an *Imam*, a proof, a spiritual exemplar and outstanding jurist. He was the son of the freedman of Umar ibn al-Khataab. He was from among our grandfathers, the Black Arabs. He transmitted prophetic traditions from his father Aslam, Abdallah ibn Umar, Jaabir ibn Abdallah, Salma ibn al-Akwai`, Anas ibn Malik, `Aṭaa’ ibn Yasaar, Ali ibn al-Hussayn ibn Ali ibn Abi Talib, Sa`id ibn al-Musayyib, and many others. He held a lecture circle of knowledge in the *masjid* of the Messenger of Allah, may Allah bless him and grant him peace. He was among the right acting scholars. He transmitted more than two-hundred prophetic traditions. Those who transmitted from him were his sons: Usama, Abdallah, and Abd’r-Rahman, the clan of Zayd; Malik ibn Anas, Sufyan at-Thawri, al-Awzai`, Sufyan ibn `Uyayna, and others. Al-Bukhari said: “Ali ibn al-Hussayn used to sit in the learning circle of the Zayd ibn Aslam. He once spoke about that and said: ‘Indeed a man must sit with one who benefits him in his religion’.” Malik ibn Anas said: “Zayd ibn Aslam was appointed as administrator over a mine of the Banu Sulaym. The mine was haunted and the people there continued to be adversely affected from the *jinn*. When he was appointed over them, they complained to him about this. He then commanded them to perform the call to prayer, and that when they made it to raise their voices. They did this and this malevolence was lifted from them until the presence.” Abd’r-Rahman ibn Zayd ibn Aslam said: “When Malik composed his al-Muwatta he placed the prophetic traditions transmitted by Zayd at the end of each chapter. I asked him about that and he said: ‘Indeed it is like a commentary to everything before it’.” He died in the month of *Dhu’l-Hijja* in the year 136 A.H.

⁸³ That is to say, on the authority of Aslam al-`Adawiy al-Habashi al-Aswadi. He was Abu Zayd Aslam al-Bujaawi al-Umari. He was the freedman of Umar ibn al-Khataab. He was originally from Bujawi. It is said that he was originally from Yemen. He was captured during the battle at the spring of at-Tamr. Umar purchased him in Mecca when he made the pilgrimage in the year following the Farewell Pilgrimage, during the time of Abu Bakr as-Sideeq. He freed him on his return back to al-Medina. Aslam transmitted prophetic traditions from Abu Bakr, Umar, Uthman, Mu`adh, Abu `Ubayda ibn al-Jaraah, Ka`b al-Aḥbar, Abdallah ibn Umar, and others. Those who transmitted from him were his son Zayd, al-Qaasim ibn Muhammad ibn Abu Bakr as-Sideeq, Naafi` the freedman of Abdallah ibn Umar, Muslim ibn Jundub, and others. Aslam died during the *khilaafa* of Abd’l-Malik in the year 80 A.H. at the age of 114.

people the way the Messenger of Allah, may Allah bless him and grant him peace, divided the wealth of Khaybar.”⁸⁴

⁸⁴ The meaning of the words of Umar, may Allah be pleased with him: “Were it not for those Muslims who have not yet come into existence”; is that he said this in order to bring joy to the souls of those involved in seizing the spoils of war; and it meant that if he were to divide the spoils of every town equally between the warriors that there would not remain anything for those Muslims coming after them. The meaning of his words, may Allah be pleased with him: “I would divide the wealth of every town I conquer”; that is equitably among those who were involved in the actual seizing of the spoils. However, due to the consideration for those Muslims who have not yet been born he adjudicated not to divide all of it between them, but to make part of it as an endowment for the Muslims. The meaning of his words, may Allah be pleased with him: “...among the people the way the Messenger of Allah, may Allah bless him and grant him peace, divided the wealth of Khaybar”; is that this is a reference to part of the land of Khaybar and not all of it as at-Tahaawi clarified. It has been related by Isma’il ibn Is’haq on the authority of az-Zuhri who said: “Khaybar consisted of many fortresses. Some of them were conquered by fighting, while some its people surrendered in order that their blood would be protected. However, the judgment regarding the whole of Khaybar was that it was forcibly conquered.” In the narration of Ibn Idris he added: “However, I desired that the *jizya* be applied to them.” On the authority of Ibn Wahb on the authority of Malik regarding the reason for this narrative which caused Umar to say what he said: “When Umar conquered Syria, he appointed Bilal as governor over it who said to him: ‘Should we divide its wealth or should we compel them with the sword?’ Umar said: ‘Were it not for those Muslims who have not yet come into existence I would divide the wealth of every town I conquer among the people the way the Messenger of Allah, may Allah bless him and grant him peace, divided the wealth of Khaybar.’” Ibn at-Teen said: “In saying what he said, Umar made an interpolation of the words of Allah: ‘...and those who will come after them...’; where he held the view that the communities of Muslims which would come latter were to be held as an example for the first. He feared that if he were to completely divide the wealth obtained from all the areas conquered between those present in the battles, then there would be no share left from the tribute for those coming after them. Thus, he decided to establish the lands which were conquered as an endowment, and impose a land tax upon them which would be a permanent benefit for the Muslims.” The *Shehu*, may Allah be merciful to him said in his *Bayaan Wujuub’l-Hijra* in chapter thirty-three regarding the different types of the spoils of war: “Ibn Juzay said in his *al-Qawaneen* regarding the issue of the types of the spoils of war: ‘The spoils of war are seven: the men of the disbelievers, their women, their children, their wealth, their land, their food and drink. As for the men, the *Imam* has a choice with them in five areas: they can be killed; released; ransomed; the *jizya* imposed on them or they can be made captive. In any of these the *Imam* has to make the most suitable choice. As for women and children the *Imam* has a choice between releasing them, ransoming them and taking them as captives. As for the wealth, it is divided into four categories; the first is for Allah specifically and comprises: the *jizya*, the land tax, the tithe for the *dhimmi*, the tithe of the people of truce and what is obtained from the disbelievers without fighting. All of this is considered spoils (*fay’*). The *Imam* has the discretion to utilize this wealth in anyway which he sees will be advantageous for the welfare of the Muslims, excluding the *khums*, in contrast to what as-Shafi` held. The second category of the wealth is that which is seized and there is no *khums* to be taken from it. It comprises what is obtained from precious metals of the lands of war without seizure, like the captive who flees from the disbelievers with wealth, and what wealth the enemies discord fearing it will be submerged in the wealth seized, except when it is gold then its judgment is the same as the judgment for wealth taken from the precious metals of the land of war. The third category of the wealth is the *khums* for the sake of Allah, and the remainder is for whoever seizes it, and consists of the spoils of war (*ghaneema*) and precious metals. What is meant by the spoils of war is what is seized by way of conquest. Its judgment is the same judgment of wealth seized from thieves and robbers. The fourth category of wealth is that about which there is disagreement, whether it should be taken as *khums* or not. It includes what is seized of the slaves of the disbelievers unaccompanied by a freemen, women and children unaccompanied by men, the wealth abandoned without an army descending upon them, for in these, the army has no right to it. It is said that the *khums* should be taken from it. As for lands, if they are conquered by force of arms then they are divided into three divisions. The first are those lands which are too far from the actual control of the Muslims. They should be made desolate by either demolishing what buildings are there or burning them. The second are those lands which are underneath the control of the Muslims, except they are uninhabitable. The *Imam* should give these lands to whoever has the capacity to cultivate them, and the army has no right over these lands. The third are those lands which are near and sort after. The famous opinion is that these lands should be made into an endowment, whose land tax should be dispensed for the welfare of the Muslims from

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paying the salaries of the *mujaahidun*, the civil servants, constructing ramparts, *masajid*, city walls, and other than these. It is said that it should be divided like the remainder of the wealth of the spoils of war, in accordance with as-Shafi's view. It is said that the *Imam* has the discretion to divide and expend it as he likes, which is in conformity with the view of Abu Hanifa. If the land is conquered through a treaty of truce (*sullh*), then it should be adjudicated based upon the treaty that was made. As for the food and drink, it is lawful to benefit from it without dividing it among the people, as long as they remain in the lands of war. Thus, its judgment is the same judgment in foodstuff, fruits, meats, and animal feed based upon the need of those who require it, or those who are not in need. If there remains surplus from any of these after it has been brought into the lands of Islam, and after the army has dispersed, then if it is a lot it should be given in charity, and if it is little it should be taken advantage of and utilized. It is lawful to slaughter the livestock to be consumed, and its skin can thereafter be used for shoes and leather socks. It is said that it is not lawful to slaughter these livestock and should be left to the authorization of the *Imam*, if wishes he can combine the livestock with the other surplus food and drink. However, if the people have a need for any of that, they can consume some of it without the authorization of the *Imam*. It is also lawful for the people to take and utilize the weapons stored up in the armory to use in fighting, but these should be returned after their utilization. This is the same with mounts used to travel back to their land. These too should be returned to the spoils of war. This is the same with attire which is taken and worn from the stockpiled spoils of war, these should also be returned after being utilized.' However, Ibn Wahb said: 'Utilization cannot be made with the weapons, the attire are the riding beasts.' It states in the Mukhtasar of Khalil: 'It is lawful to take what is needed of shoes, belts, needles, foodstuff, whether livestock or feed, such as a shirt, a weapon, and a riding mount, with the intention of returning them, and what is left from it should be returned if it is a lot. If it is a little left over, then it should be given in charity'."

In it also⁸⁵ on the authority of Abu Musa al-Ash'ari, may Allah be pleased with him who said that the Messenger of Allah, may Allah bless him and grant him peace said: "No one who was not present at the conquering of Khaybar should received anything from the spoils of war except those who were present, with the exception of the companions of our ship with Ja'far and his companions. The spoils should be divided for them with the others."⁸⁶

⁸⁵ That is to say, it has been related in the Saheeh of al-Bukhari or On What Has Been Related Regarding the Spoils of War Should be for Those Who were Present in Combat.

⁸⁶ The meaning of his words, upon him be blessings and peace: "No one who was not present at the conquering of Khaybar should received anything from the spoils of war except those who were present"; is that this is proof for the obligation of dividing the spoils of war after the *khums* has been taken from it between those who actually engaged in fighting, which comprises four-fifths of the spoils of war and is the exclusive right of those who engaged in the combat. The meaning of his words, upon him be blessings and peace: "...with the exception"; is a particle of exception which precludes because what is precluded is not from the genus from which it is precluded. That is to say, those precluded is not included in the legal judgment of those who were not present in the battle. This is because they were singled out specifically over all others in this legal judgment. The meaning of his words, upon him be blessings and peace: "...of the companions of our ship"; he meant by them, Ja'far ibn Abi Talib along with the group from among the Companions of the Prophet, may Allah bless him and grant him peace who made the *hijra* to Abyssinia when the Prophet, may Allah bless him and grant him peace was still in Mecca. For when they heard that the Prophet, may Allah bless him and grant him peace had made the *hijra*, and that his religion had become strong, they then returned riding in the said ship. Their arrival coincided with the conquering of Mecca. He upon him be blessings and peace said: "You have, O companions of the ship, two emigrations." He meant that for them was the *hijra* from Mecca to Abyssinia, and the *hijra* from Abyssinia to al-Medina. As for those who did not make the *hijra* to Abyssinia, they only have one *hijra*, from Mecca to al-Medina. It is for this reason that the Messenger of Allah, may Allah bless him and grant him peace gave them precedence over the other *Muhaajiruun*, and singled them out from the portion of the spoils of war which is normally the exclusive right of those who participate in the combat. The meaning of his words, upon him be blessings and peace: "...with Ja'far and his companions"; is that the particle 'with' is a conjunctive particle of clarification explaining who the companions of the ship actually were. As for Ja'far, he was Abu Abdallah Ja'far ibn Abi Talib `Abdu Manaf ibn Abd'l-Muttalib Shaybat'l-Hamd ibn Haashim ibn `Abdu Manaf ibn Qusay al-Hashimi. He was a spiritual master, the martyr who affair with Allah is immense, the learned of the *mujaahiduun*. He was the brother of Ali ibn Abi Talib and was older than him by ten years. He made the two emigrations. Ibn Abi Shayba related on the authority of as-Sha`bi who said: "The Messenger of Allah, may Allah bless him and grant him peace came at the time that Khaybar was conquered and it was said to him: 'Ja'far has arrived from the an-Najaashi.' He then said: 'I do not know which of the two things makes me happier; the arrival of Ja'far or the conquering of Khaybar!' He then went to meet him and kissed him between the eyes." In the narration of Abu Nu'aym on the authority of Jaabir: "The Messenger of Allah, may Allah bless him and grant him peace then kissed him between the eyes and said: 'O my beloved! Of all the people you are the one who most resemble me in physical traits and character traits; for you were created from the same soil that I was created from, O my beloved!'" After the battle of Khaybar, Ja'far resided some months in al-Medina, then the Messenger of Allah, may Allah bless him and grant him peace ordered him to lead a military attachment against Mu'tah in the region of al-Kirk, where he became a martyr. He, upon him be blessings and peace said regarding the merits of Ja'far ibn Abi Talib as it was related by Abu Hurayra: "I saw Ja'far in Paradise and he possessed two wings." Ar-Raafi` narrated on the authority of Abdallah ibn Ja'far that he upon him be blessings and peace said: "I entered Paradise, and I saw a young beautiful dark brown skinned woman. I said: 'O Jibril who is she?' He said: 'Indeed Allah ta'ala knew of the passion which Ja'far ibn Abi Talib has for dark brown skinned women, so he created her for him'." The meaning of his words, upon him be blessings and peace: "The spoils should be divided for them"; that is, for Ja'far and his companions from the ship who made the emigration from Abyssinia to al-Medina. The meaning of his words, upon him be blessings and peace: "...with the others"; that is, along with those who were actually present with the Prophet, may Allah bless him and grant him peace in the conquering of Khaybar. Al-Khataabi said: "It seems that the Prophet, may Allah bless him and grant him peace actually gave them a portion of the *khums* which was his right, rather than from the portion which was the exclusive right of those who were present in the combat." It states in the an-Nayl: "Ibn at-Teen said: 'It is conceivable that he gave it to them with the contentment of the remainder of

the army. It was this view which Musa ibn `Uqba insisted on his Maghazi. It is also conceivable that he gave them from the whole of the spoils of war because they had arrived before the actual division of the spoils had taken place and after it was counted and enclosed.’” Thus, what can be extracted from the two prophetic traditions narrated by the *Shehu* is that the battle of Khaybar was singled out for this legal ruling over and above any other land because the Messenger of Allah, may Allah bless him and grant him peace only divided the spoils of Khaybar for those who were not present in the combat. It is for this reason Khaybar cannot be used as a legal precedence. Al-Muhallab said: “The spoils of Khaybar were divided in this way for the companions of the ship due to the severity of their destitution in the beginning of Islam, because the emigrants from Abyssinia were under the care of the al-Ansaar being provided for with their dates and livestock due to their poverty. This proved extremely difficult for the al-Ansaar and the Muhaajiruun were also in dire straits.” From the prophetic tradition establishes the causes for the differences among the jurist regarding the judgment of a land. Ibn Baṭṭāl said: “Abu Hanifa said: ‘We have found narrations from the Messenger and the *Khalifs* after him regarding lands which are conquered that they come under three legal rulings: a land whose people accepted Islam then what is in that land is theirs by right. It is a land upon which the tithe should be paid and nothing else. The second is a land which was conquered through a treaty based upon a stipulated tribute, for they are only obligated to hand over what the treaty established. And finally, a land conquered by force. It is this land about which the Muslims differ. Some say that their system is the way of the spoils of war, which is divided into four-fifths to be distributed to those who participated in the conquering of that land. The remaining fifth is what Allah named the *khums*.’” Abu `Ubayd said: “Some of the jurists said: ‘Rather, the judgment of the lands conquered by force and the one responsible for adjudicating in it is the *Imam*. If he feels that it should be made as spoils of war, he should then divide it into five-fifths and then distribute it in the same manner that the Messenger of Allah, did at Khaybar. That is his sole responsibility and prerogative. When he feels that it is more appropriate to make the land into an endowment, then he should make it for the benefit of the remaining Muslims, as Umar did with the lands of Syria.’” At-Tahaawi said: “This is the expressed view of Abu Hanifa, at-Thawri, Abu Yusef and Muhammad.” However, Malik held an obscure opinion which was cited in the al-Mudawwana regarding the legal judgment of the lands conquered by force of arms: “It is to be dispensed based upon the independent judgment (*ijtihaad*) of the *Imam*.” It states in the al-Utubiyya and in the book of Ibn al-Mawaaz from Samaa` ibn al-Qaasim: “The social practice (*amal*) to be followed regarding the lands conquered by force of arms is what Umar did; which is that he did not divide it but kept it as it was. However, Bilal and his companions pressed upon Umar, and he eventually divided parts of the lands of Syria’.” Malik said: “Whoever accepts Islam in the lands conquered by force of arms, has no right to its land or his house. As for the one who makes a treaty regarding his land, then it is prohibited for the people of Islam to encroach upon it except after the treaty has transpired or been violated. If they then accept Islam, then their land is theirs as well, and the tribute on their land is annulled.” Ibn Habeeb said: “Whoever accepts Islam in the lands conquered by force of arms should maintain control over his own life and wealth, as for the land, it belongs to the Muslims. As for his personal wealth and what he earned, it belongs to him; because whoever accepts Islam, then everything in his possession is his. The proof for the view of as-Shafi`i is that the lands should be divided the way the Messenger of Allah divided the land of Khaybar.” The *Shehu*, may Allah be merciful to him said his Bayaan Wujuub'l-Hijra `Ala'l-Ibaad in chapter thirty-four regarding the methodology of dispensing the spoils of war: “In clarifying that Ibn Juzay said in his al-Qawaneen: ‘The *Amir* of the army should determine the number of his soldiers left after the fighting, then divide the spoils of war into four-fifths and distribute these among them in the lands of war.’ Abu Hanifa said: ‘He should not divide the spoils until they have returned to the lands of Islam and he has a choice between distributing the actual property or its value. He should do that in accordance with what is more appropriate.’ He also said regarding who should be given a share: ‘As for a free mature Muslim, he is to be given a portion by unanimous agreement. As for the disbeliever, if he does not participate in the fighting then he has no share of the spoils. However, if he does participate in the fighting there are three opinions regarding him. In the third opinion distinction is based upon whether the Muslims were in need of his assistance which determines if he gets a share or not. The captive is to be treated like the disbeliever. The boy able to fight is to be given a share. It is also said that he should not be given a share according to two of the *Imams*. The woman who does not participate in the combat is not to be given a share. If she does fight, then there are two conflicting views regarding her. The merchant and the paid laborer (mercenary) who participate in the combat should be given a share in the more famous opinion. The lame, leper, and the one whose left hand has been amputated are to be given a share if they participate in the combat, in contrast to the blind, the complete invalid and the one who has both hands amputated. He (Abu Hanifa) said regarding those who have a right to the spoils of war: “Those

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present in the combat have a right to the spoils of war, even when the spoils are obtained after they have dispersed, in the more famous opinion.” Again it is said that they are entitled simply by virtue of having entered the enemy territory, Again it is said regarding the one who dies after the actual combat, or is dispatched by the *Amir* to attend to some advantage for the Muslims, or his horse dies, or he had to sell it, that in either case a share is established for them. Whoever falls behind on the road, eventually abandoning the military engagement has no share. If he however, gets lost from the army until after the army has obtained spoils, there are three views: a share should be given; his share is forfeited; and the most famous view is that distinction should be made between whether he got lost before the army reached the main road to the combat, then he has no share. However, if he gets lost after that then his share is established. This is the same with the ships when the winds prove detrimental. This is the same when the army comes upon a river and some of the army cross it and seize spoils and the others remain behind, then the latter are not to be given a share of the spoils. If the army is divided into two sections where each gains spoils of war in their respective engagements, then the spoils should be shared equally between both sectors of the army If a contingent of the army is sent on a military raid and obtain spoils in a place close to the aid of the general army, then what they obtain of spoils should be shared with the whole army. However, if they make military raids far from the aid of the general army, then they are not required to share the spoils between them. If the general army gain spoils after the return of this contingent, then a share in the spoils between them is established; especially if that contingent goes out with the authorization of the *Imam*. Abu Hanifa said: “If reinforcements are barred from reaching the army after the ending of the combat, and the army obtains spoils, then they should have a share in that.” The author of the *al-Qawaneen* also said regarding the share to be given to a member of the cavalry and other mounted warriors: “The foot-soldiers should be given one share and the cavalry should be given three – one for himself and two for his horse. Abu Hanifa said: “One share is to be given for a single horse and other mounted beasts. Both the foot-soldier and the member of the cavalry should be give one share of the spoils.” The share is to be equally given for a horse of a slave, of a person restrained, of a wealthy person, a horse loaned out, or a horse constrained, the share in all of these goes to the rider. If a person’s horse was forcibly conscripted then he is to be given a share of the spoils like the others. The warrior who actually owns many horses used in the combat by others, then he should be given a share of only one additional horse other than what he rode, and should not be given a share anything more than two horses, based upon the unanimous consensus. Although Ibn Hanbal differs in his more famous opinion and says that no share should be given for the second horse. The share to be given to the *Amir* of the army is just like the share give to other soldiers. A share of the spoils should not be given to the one, who drives, mules, donkeys, camels, elephants or for horses which are extremely emaciated but which prove beneficial, in contrast to those horses which are slightly lame or sick.”

On What Has Been Related Regarding the *Khums* (the Fifth)⁸⁷

It has been related in the Saheeh of al-Bukhari on the authority of Ibn Abass, may Allah be pleased with him who said: “Delegations of Abd’l-Qays came and said: “O Messenger of Allah! Indeed we are this tribe from among the Rabi’a between us and you⁸⁸ there is an area where the disbelieving people called the Mudar reside. There is no way for us to reach you except during the sacred months. Therefore order us with what we can adhere to and with what we can invite those left behind to.” He

⁸⁷ The *Shehu* mentions in this section the explanation of the legal judgment of the *khums* (fifth of the spoils of war). The etymological root of the expression ‘*khums*’ (fifth) where the letter *khaa* is inflected with *damma* is the portion which the *Amir* takes from the wealth of the land which is conquered by the Muslims. It includes what he chooses from the principle part of the spoils of war such as horses, female or male captives; and it is what is meant by the words of Allah ta’ala: “*For, indeed to Allah belong the fifth, and to the Messenger, the nearest of kin, the orphan, the destitute and the wayfarer, if indeed it is in Allah that you believe.*” The Erudite authority of the Land of the Blacks Abdullahi ibn Fuduye, may Allah be merciful to him` said regarding the meaning this verse in his Diya ‘t-Ta’weel Fee Ma`ana at-Tanzeel: “*For, indeed to Allah belong the fifth*”; since He has the sole right to command whatever He wills, thus He divides the fifth to be distributed on behalf of five beneficiaries joined conjunctively in the verse. This verse was revealed regarding the spoils of war at Badr after the issue of the spoils was referred to His Messenger. He then particularized what had been generalized in that verse; by codifying the legal precepts which now remain the code of conduct in that until the end of time. The expression: ‘indeed to Allah belong the fifth’, is a predicate phrase of a relative pronoun in the statement ‘...indeed to...’. Thus, the sentence stands in the place of an object of the determinate noun; “...and to the Messenger”; is that the whole of the fifth of the spoils of war are to be dispensed by him for the general welfare of the Muslims. After him, then the ruling regarding the fifth falls to the *Imam* to distribute based upon his own independent judgment (*ijtihad*), concerning his own requirements, the general welfare of the Muslims, the welfare of the weak, ancillary advantages and to ameliorate things which have been plundered during the war. This is the expressed view of Malik. However, Abu Hanifa said that after the Prophet, may Allah bless him and grant him peace, the spoils should be restricted for the orphan, the destitute and the wayfarer, but that the portion to be given to the nearest of kin is annulled with him. With Malik, however, the nearest of kin are only excluded from receiving a share if they are not poor. As-Shafi` and Ahmad both said: “The fifth is normally divided into five fifths, and the Prophet made it the right of the four categories cited in the *Qur’anic* verse, in which each group received a fifth, and whatever remained of the last of the four fifths was dispensed to those who participated in capturing the spoils of war.” This is the view established by the consensus; as Ibn al-`Arabi said: ‘The *Amir* should divide and distribute the spoils of war between them in the lands of war, whether it be the actual property or its value, where the foot-soldier receives a share and the cavalry receives three shares - one share for his horse and two for him. The share of the *Amir* should be like others’; “...the nearest of kin”; that is those close relatives of the Prophet, from the Banu Hashim and the Banu al-Muttalib, if they are poor according to the view of Malik and Abu Hanifa, as we mentioned; “...the orphan”; who include the children of the Muslims whose parents are deceased and who are poor; “...the destitute”; those who are in dire need from among the Muslims; “...and the wayfarer”; is the Muslim who is cut off due to his travel. This verse is unequivocal in general delineating who should be the recipients of the spoils of war. Nonetheless, Malik said that the *Imam* has the right of discretion to decide how the lands from the spoils should be divided as he deems appropriate; just as the Prophet, may Allah bless him and grant him peace did at Khaybar, or he can conserve it as an endowment for the general welfare for the Muslims when his independent judgment indicates this should be done; as Umar ibn al-Khataab did with the lands of Egypt, Syria and Iraq. This is the famous view of Malik. The focal point of the legal rulings regarding the spoils of war have been elucidated in the books of jurisprudence; “...if indeed it is in Allah that you believe”; that is to say, that you should learn this legal injunction and act in accordance with it. It has been related in the prophetic tradition of `Addiy ibn Abi Hatim who said that the Messenger of Allah, may Allah bless him and grant him peace said: “In the days of ignorance the spoils of war were divided into fourths, while in Islam it is divided into fifths.” What this means is that there is a legal distinctions which separate the two kinds of armies, because in the days of ignorance, the leader would take a fourth of the spoils of war for himself, however with the advent of Islam; a fifth was singled out for the *Amir*, which he is then required to distribute on behalf of the others cited in the *Qur’anic* verse.

⁸⁸ Here ends facsimile 51 of the Arabic manuscript.

said: "I command you to four things and I forbid you four things: belief in Allah; bearing witness to **Laa ilaha illa Allah...**"; (He then pointed with his hand); "...establish the prayer; give the *zakaat*; fast *Ramadan*; and that you turn over to Allah a fifth (*khumus*) of what you take for spoils."⁸⁹

⁸⁹ The meaning of the words of Ibn Abass, may Allah be pleased with him: "Delegations of Abd'l-Qays came"; is that the expression '*wafd*' (delegation) is the plural of groups of people who arrive of their own choice in order to meet someone considered great, thus, the singular is '*waafid*'. The appellation 'Abd'l-Qays' is a reference to the name of the father of the original tribe. Al-'Ayni said: "It is a huge ethnicity residing in Bahrain who trace their ancestry to Abd'l-Qays ibn Afsah ibn Du'miy ibn Jadeela ibn Asad ibn Rabi'a ibn Nazaar ibn Ma'd ibn 'Adnaan. The arrival of the delegation of the Abd'l-Qays to the Prophet, may Allah bless him and grant him peace occurred in the fifth year of the *hijra*, before the conquering of Mecca. The meaning of his words, may Allah be pleased with him: "...and said: "O Messenger of Allah! Indeed we are this tribe from among the Rabi'a"; is that this portion of our tribe that you see is a sector from the Rabi'a. The expression '*hayy*' (segment/sector) originally was a designation for the place of dwelling of an ethnic group. Then the ethnic group eventually became known by that name since it is there that they live with one another. It is said that the above mentioned delegation of the Abd'l-Qays comprised of fourteen individual riders. The most prominent of them was al-Mundhir ibn 'Aa'idh al-Ashja. Among them also were Mazida ibn Malik, 'Ubayda ibn Himaam, 'Amr ibn Marhum, Munqidh in Hibaan, al-Harith ibn Shu'ayb, and al-Harith ibn Jundub. The meaning of his words, may Allah be pleased with him: "...between us and you there is an area where the disbelieving people called the Mudar reside"; is that the disbelievers among the Mudar lay between them and al-Medina and it was not possible for them to reach there except by first encountering them. The Mudar, where the letter *meem* is inflected with *damma* and the letter *daad* is inflected with *fatha* are the descendents of Mudar ibn Nazaar ibn Ma'd ibn 'Adnaan, who was the actual brother of Rabi'a. The meaning of his words, may Allah be pleased with him: "There is no way for us to reach you except during the sacred months."; is that we cannot reach you except during these times. The expression 'sacred months' is a generic phrase referring to the four sacred months indicated in the words of Allah ta'ala: "Indeed, the number of the months with Allah is twelve months, transcribed in the Book of Allah the Day He created the heavens and the earth. Four of them are sacred." The four sacred months are [1] the month of *Rajab Mudar* (O Allah be merciful to its People) which comes between the month of *Jumad'l-Akhir* and the month of *Sha'baan*. It is called 'Mudar' because the Mudar tribe went to extremes in extolling the month of *Rajab*. It is for this reason that in some prophetic traditions their name is subjoined to the month itself, thus: '*Rajab Mudar*'; [2] the month of *Dhu'l-Qa'ida*; [3] the month of *Dhu'l-Hijja* and [4] the month of *al-Muharram*. They are called 'sacred' or 'inviolable' due to the prohibition of fighting during them. Thus, what he meant is that during this period they do not oppose us, as was the custom of the Arabs in showing respect for the sacred months by restraining themselves from fighting during these months. The meaning of his words, my Allah be pleased with him: "Therefore order us with what we can adhere to and invite"; that is to say, invite others to that command. He used the phrase '*naakhudu*' (we can adhere to) in the accusative case to indicate that it is an adjective of the thing commanded, and the expression 'invite' is joined to it by conjunction. In another narration they said: "...with what we can take from you." The meaning of his word, may Allah be pleased with him: "...those left behind to"; is those left behind from among our people, or from the adjacent lands to us, or those who will come after us in future times. The meaning of his words, upon him be blessings and peace: "I command you to four things and I forbid you four things"; that is to say four traits or four precepts. The meaning of his words, upon him be blessings and peace: "...belief in Allah; bearing witness to **Laa ilaha illa Allah**"; where 'belief' and 'the testimony' are not separated by a conjunctive particle *waw*, which is more appropriate because belief and the verbal attestation are one reality. The expression '*imaan*' (belief) is made genitive because it is a grammatical substitute (*badal*) of the expression which precedes it 'to four things' (*bi arba'in*), and the expression 'bearing witness' (*shahaadati*) is also made genitive because it too is a grammatical substitute (*badaliyya*) of the word 'belief'. He did not mention in this narration the acknowledgment of messengership, however it is understood and implied because the first part of the testimony is an indication of the whole. The meaning of his words, may Allah be pleased with him: "He then pointed with his hand"; as proof that the verbal testimony is one of the four. In another narration he said: "He then pointed with one finger"; which is also a reference to the singular word of *tawheed*. Thus, he upon him be blessings and peace delineated belief in Allah and bearing witness to **Laa ilaha illa Allah** into a singular word. This is the interpolation accorded this expression by Sulayman ibn Harb and Muhammad ibn 'Ubayd. In another narration he said: "He then pointed with his hand like this"; As for the prophetic tradition transmitted

by Musaddid, it is more explicit and clear in transmitting this meaning. He said: "...belief in Allah, and he then explained this to them by adding: 'bearing witness to **Laa ilaha illa Allah** and **Muhammad is the Messenger of Allah**', for bearing witness to there is no deity except Allah and that Muhammad is the Messenger of Allah is the singular word." The meaning of his words, upon him be blessings and peace: "...establish the prayer"; which is that establishing the prayer is the second of the four matters. It is said that it is the first of them; however the first opinion is foremost. The meaning of his words, upon him be blessings and peace: "...the *zakaat*; is that giving the obligatory alms is the third of the four matters. It is said that giving the obligatory alms is the second of them, based upon what *Qadi* Abu Bakr ibn al'Arabi said: "It is conceivable that what he said actually conjoin the prayer and the obligatory alms as one because they are joined together in the Book of Allah." However, the foremost opinion is the first, and it is that the obligatory alms is the second of the four matters. The meaning of his words, upon him be blessings and peace: "...fast *Ramadan*"; is that fasting the month of *Ramadan* is the fourth of the four matters. It is said that it is the third of them; however the first opinion is the foremost. He did not mention the pilgrimage since this was already well known to them; or because they were in the midst of the pilgrimage at the time that they arrived to meet the Prophet, may Allah bless him and grant him peace; or because the pilgrimage was not obligatory at that time, which is the soundest opinion since it was made obligatory in the ninth year of the *hijra*. The meaning of his words, upon him be blessings and peace: "...and that you turn over"; is as it was stated in another narration: "...and that you give"; both which are conjunctive clauses to the phrase: 'four things'; which means: 'I have ordered you to four things, and that you give over'; "...to Allah a fifth (*khumus*) of what you take for spoils"; which means the discharging of the fifth of the spoils of war taken in the *jihaad* in the Way of Allah. This statement establishes the lawfulness of three matters: [1] *jihaad*; [2] the spoils of war (*ghaneema*); and [3] the fifth (*khums*). The Muslims are unanimous regarding the spoils of war which are seized through coercion from the hands of the European Christians with the exception of their lands, that the fifth of it goes to the *Imam*, and four-fifths is to be given to those who participate in the combat. This is based upon the word of Allah: "*Know that what you seize of anything from the spoils of war, then to Allah belong a fifth, and to His Messenger...*". There is disagreement regarding the fifth into four distinct well known schools of thought. The first being that it is to be divided into five parts based upon the textual evidence of the *Qur'anic* verse, which is the view of as-Shafi'. The second is that it is to be divided into four parts and that the words of Allah ta'ala: "*then to Allah belong a fifth*" is simply the commencement of speech, and that there is no fifth division. The third view is that in these days it is to be divided into three divisions, and that the share for the Prophet, and his nearest of kin has been annulled with the death of the Prophet, may Allah bless him and grant him peace. The fourth view is that the actual fifth stands in the place of tithe handed over by the wealthy and poor alike. This is the view of Malik, as well as those of the rank and file of the jurists. Those who hold the view that the spoils should be divided into four-fifths or five-fifths, differ regarding what should be done with the share of the Messenger of Allah, may Allah bless him and grant him peace and that of his nearest of kin, after his death. Some of the jurists say that it should be given to the remainder of the categories stipulated in the *Qur'anic* verse who have a right on the fifth. Some of them say that it should be given over to the military. Some of them say that the share of the Messenger of Allah, may Allah bless him and grant him peace should be given to the *Imam* and that the share of the relatives of the Messenger of Allah, should be given over to the relatives of the *Imam*. Their evidence in this is in what was related from the Messenger of Allah, upon him be blessings and peace who said: "With whatever Allah feeds a Prophet, then it is also belongs to the *Khalifa* after him." Some of the jurists say that instead both the share of the Messenger of Allah, and that of his close relatives should be made available for weapons and other equipment. There is also disagreement regarding the meaning of close relatives, who are they exactly? Some of the jurists say that it means the Banu Hashim exclusively; while some say that it means both the Banu al-Muttalib and the Banu Hashim. As for those who say that the nearest of kin are both the Banu Hashim and the Banu al-Muttalib, they take as their proof the prophetic tradition of Jubayr ibn Ma'tam who said: "The Messenger of Allah, may Allah bless him and grant him peace interpolated that the share to be given to the nearest relatives in the *Qur'anic* verse as being the share from the fifth to be given to the Banu Hashim and the Banu al-Muttalib." As for the four prohibited precepts he, upon him be peace said: "I prohibit you to utilize *dubba*, *naqeer*, *hantam*, and *muzaffat*." Az-Zamkhashari said: "The linguistic measure of the expression *dubba* is from *fu'aal* (the effective form of the verb) where the letter *hamza* is in the place of the letter *laam* because it is not normally known that the *laam* can be exchanged for the letters *waw* or *yaa*." The meaning of the expression *dubba* is a gourd. Dawud at-Tayaalisi cited in his *Musnad* on the authority of Abu Bakra who said: "As for as *dubba* it is that the people of at-Taa'if used to take gourds, lathe grapes in them and conceal it until it soured and then fermented". The meaning of his words, upon him be blessings and peace:

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“...*naqeer*, whose origin is from a piece of wood which has been hollowed out in which dates are fermented until it becomes a strong intoxicant; and which is among those utensils clearly prohibited. Ibn al-Athir said: “The *naqeer* is originally a container made from the wood of a date tree whose middle has been hollowed out. Then dates are fermented in it, water is then added until it becomes completely fermented and intoxicating.” Thus, the prohibition is in what it is utilized for, not in the utensil itself; where the governing noun of the genitive construction is omitted and means what is prohibited is the fermented date wine of the *naqeer*. It is conjugated on the verbal form ‘*fa`eel*’ which has the meaning of an object. It states in the Musnad of Abu Dawud at-Tayalisi on the authority of Abu Bakra who said: “As for the *naqeer*, it is what the people of al-Amaama used to use to ferment wine made from the root of a date palm tree, then they would mix dried and fresh dates in them leaving them until it soured and then fermented.”. The meaning of his words, upon him be blessings and peace: “...*hantam*”; is as Abu `Ubayd said: “It is a reference to the large red earthen pots which were used to carry wine to al-Medina.” This was also corroborated by what Abu Dawud at-Tayalisi said in his Musnad on the authority of Abu Bakra. The meaning of his words, upon him be blessings and peace: “...and *muzaffat*”; is a container which is normally coated with a dark burnish and is a type of gourd, in which is used to ferment wine. The Prophet, may Allah bless him and grant him peace prohibited those types of burnished containers if they were used to make wine; as it was related in the prophetic tradition: “Indeed he prohibited burnished containers.” All of these are containers utilized for making wine, as a result, they became associated in and of themselves to intoxicants. It is for this reason they were prohibited. Then he, may Allah bless him and grant him peace allowed these to be used with the precondition that what is drunk from them were not intoxicants. Thus, the prohibition of utilizing these utensils in this circumstance was in beginning of Islam, then this prohibition was abrogated according to the opinion of as-Shafi`i; while Malik and Ahmad maintain that the prohibition still persists.

On What Has Been Related Regarding the *Jizya*⁹⁰

It has been related in the Saheeh of al-Bukhari on the authority of Abd'r-Rahman ibn `Awf,⁹¹ who said: "The Messenger of Allah, may Allah bless him and grant him peace, took it from the Magians of Hajar."⁹²

⁹⁰ The *Shehu* mentions in this section the explanation of the legal rulings regarding the *jizya*. The meaning of the expression '*jizya*' is what is taken from the people of a security agreement (*dhimma*). It's plural form is both '*jizyu*' and '*jizaa*'. It is an idiom referring to the wealth which is received as a social contract from the People of the Book guaranteeing their security and protection. Its source from the Revelation is His words: "*Fight those who do not believe in Allah, the Day of Judgment, who do not forbid what Allah and His Messenger forbid, who do not follow the religion of Truth, from those who were given the Book, until they give over the jizya by hand and they are subdued.*" The Erudite authority of the Land of the Blacks Abdullahi ibn Fuduye, may Allah be merciful to him` said regarding the meaning this verse in his Diya 't-Ta'weel Fee Ma`ana at-Tanzeel: "...until they give over the *jizya*"; which is the tribute specified for them to be handed over once every year. It is the objective of the fighting commanded in the *Qur'anic* verse. It is an action performed as a form of compensation for the free practice of their religion adjudicated as compensation from fighting them; "...by hand"; is a phrase describing their state, and means that they are to be compliant in doing so, or it means that they should literally give over the *jizya* by hand and cannot delegate someone else to do it for them; or it means from hand to hand in hard currency without a delay in payment; "...and they are subdued"; that is to say humiliated, and compliant to the sovereignty of Islam. This requires that they bring it on foot and it be received with ease. This verse, although it was revealed regarding the People of the Book, Malik held the view that it also embraces the remainder of the disbelievers with the exception of the apostate. Abu Hanifa said that this verse addresses all the disbelievers except the idolaters among the Arabs. As-Shafi` said that the judgment of the verse addresses the Magians only, in addition to the People of the Book. As for the fiscal amount of the *jizya*, Malik said that it is four gold coins for those who possess gold and forty silver coins for those who possess silver. As-Shafi` and Ahmad said that the least amount to be paid is one golden coin or more. No *jizya* is to be applied to the one who accepts Islam from among the People of the Book and the idolaters, as it was cited in the prophetic tradition: "There is no *jizya* to be affixed against the Muslim"; which means that when a protected person (*dhimmi*) accepts Islam then the *jizya* is not to be sought from him. Or it means it is not lawful for a Muslim to hand over any form of *jizya* to the disbeliever, even if they are under their political authority.

⁹¹ He was Abu Muhammad Abd'r-Rahman ibn `Awf ibn Abd Manaf ibn Abdu ibn al-Haarith ibn Zuhra ibn Kilaab ibn Murra ibn Ka'b ibn Luway al-Qurayshi az-Zuhri, whose mother was as-Shifa' bint `Awf ibn Abdu ibn al-Haarith ibn Zuhra. The original name of Abd'r-Rahman was Abd `Amr, then the Prophet, may Allah bless him and grant him peace renamed him Abd'-Rahman. He was extremely bright complexioned, tall, with a handsome face and an amiable smile. He was one of the ten people given the Good News of Paradise, one of the six of the People of Mutual Counsel and is counted among the foremost of the People of Badr. He was the eighth person to accept Islam. He transmitted 65 prophetic traditions. Al-Bukhari transmitted five prophetic traditions from him. Those who transmitted from him were his sons: Ibrahim, Humayd, Abu Salma, `Amr and Mus`ab; as well as Abdallah ibn Abass, Abdallah ibn Umar, Anas ibn Malik, Jaabir ibn Abdallah, and a large number of people besides them. He died in the year 32 A.H. at the age of 75.

⁹² The meaning of the words of Abd'r-Rahman ibn `Awf, may Allah be pleased with him: "The Messenger of Allah, may Allah bless him and grant him peace, took it"; that is, he took the *jizya*. The meaning of his words, may Allah be pleased with him: "...from the Magians"; is that the origin of the appellation '*majjuus*' (Magians) is from the name of a well known mountain range. It is the plural form taken from the singular: '*majuusi*'. The first to follow the religion of the Magian was a man with small ears, who first began to invite people to its precepts. Their belief comprised of the two fundamental elements, which are light and darkness. They claim that all good is from the dynamics of light and that all evil is from the dynamics of darkness. It says in the commentary upon the as-Sunna: "There is unanimous agreement regarding taking the *jizya* from the Magian, although the majority of the jurists hold the view that they are not from among the People of the Book. Thus, the *jizya* is taken from them by the authority of the *Sunna*, just as it is taken from the Jews and the Christians by the authority of the Book. Some say, however, that they are among the People of the Book, for it was related on the authority of Ali, may Allah ennoble his face who said: 'They had a Book which they used to study and held true to it, but it happened that it was eventually lifted from them'; as it was cited in the al-Maraqaat." The meaning of his words, may Allah be pleased with him: "...of Hajar"; is that at-Tayyibi

said: "This is the name of a land in Yemen close to Bahrain." This prophetic tradition establishes the proof that the *jizya* is to be taken from the Magian. The followers of Abu Hanifa make a distinction between the Magians from whom it is lawful to take the *jizya*, by their saying: "It is to be taken from the Magians among the non Arabs but not the Magians among the Arabs." At-Tahaawi transmitted from the followers of Abu Hanifa that: "The *jizya* should be accepted from the People of the Book, and from all the disbelievers of the non Arabs, but Islam or the sword is accepted from the idolaters among the Arabs." It has been narrated on the authority of Malik who said: "The *jizya* should be accepted from all the classes of the disbelievers except those who apostate." This is also the view held by al-Awzai` and the jurists of Syria. Al-Qaari said in the commentary of the prophetic tradition of Burayda: "This prophetic tradition is from what Malik, al-Awzai` and those who accord with them, take as proof for the lawfulness of taking the *jizya* from all the classes of the disbelievers, whether they be Arab of non-Arab, or from the people who received a Scripture or those who never received a Scripture." Abu Hanifa said: "The *jizya* should be taken from all the classes of the disbelievers except from the idolaters and Magians among the Arabs." As-Shafi`i said: "The *jizya* is only to be accepted from the People of the Book and the Magians, whether they be Arabs or non Arabs." Thus, what is understood from the *Qur`anic* verse and the prophetic tradition: "Apply upon them the same *Sunna* applied to the People of the Book"; where it is interpolated to embrace in its meaning the People of the Book because the name 'idolater' applies absolutely to the People of the Book as well as others; which was the stipulation that the Companions gave to this, as it was cited in the *al-Maraqaat*. The *Shehu*, may Allah ta`ala be merciful to him said in his *Bayaan Wujuub al-Hijra `Ala `I-Ibaad* in chapter forty five regarding the legal judgment of the protected people (*ahl `d-dhimma*) and taking the *jizya* from them: "It says in the *al-Mukhtasar* regarding the explanation of the social contract of the *jizya*: 'The social contract of the *jizya* is done with the exclusive authorization of the *Imam* on behalf of the confirmed disbeliever who is responsible, free, able and who resides with the Muslims and whom a Muslim did not free; but who cannot reside in Mecca, al-Medina and Yemen. Upon those conquered is applied a tax of hard currency of four gold coins or forty silver coins to be handed over once every year. It is apparent that it should be handed over at the end of the year. The *jizya* to be given by the poor should be lessened based upon his means. It should never, however, be increased for those who are wealthy. The *jizya* to be handed over by the disbeliever with whom there is a social contract of truce (*sulhiyya*) should be based upon the conditions stipulated in that social contract. If it is an open ended social contract, then it is like the legal judgment of the first. It is apparent that if he makes every effort to hand over the *jizya* in the beginning, then it is forbidden to fight him; along with the fact that he is to be demeaned while taking it. The *jizya* is annulled with the acceptance of Islam and their wealth then becomes like the wealth of the Muslims. They are required to host a Muslim who is traveling for three days and nights. The disbeliever who is conquered and who pays the *jizya* is considered a free person. When he dies and he has accepted Islam, then his land only belongs to the Muslims. The legal judgment regarding the disbelievers, who have a social contract of truce (*sulhiyy*) when the *jizya* is collected, is that their land belongs to them, they have the right to make bequest of their wealth, and they inherit it from one another. If their wealth is apportioned out to their freed slaves, then that wealth is for them, except if they die without someone to inherit from them. In that case their wealth belongs to the Muslims, and a third of it is to be given to those whom they bequeath it. If the *jizya* of the disbeliever under social contract of truce is apportioned to their lands or to both their lands and freed slaves, then they have the right to sell it, and the tribute on such wealth falls upon the one who sells it.' He also said after a little: 'The disbeliever under protective status (*dhimmi*) is prevented from riding fine stallions, fine mules, and riding upon saddles; as well as riding in the middle of the road. They are required to wear attire which distinguish them, and should be punished for abandoning the belt strap, openly manifesting their intoxicants, their religious doctrines, allowing their tongues to speak disrespectful towards Islam and the Muslims, allowing the smell of their wine to be apparent, and openly beating their church bells. Any and all social contracts of the *dhimmi* are revoked by him fighting against the Muslims, refusing to pay the *jizya*, revolting against any of the legal rulings of the Muslims, forcing himself upon a free Muslim woman or deceiving her into having illicit sex with him, revealing the private affairs of the Muslims, blaspheming a prophet in what they should be no disbelief in, for which the one who blasphemes should be killed if he does not accept Islam, and finally his leaving the lands of Islam and residing in the lands of war; in such case if he is captured he should be enslaved, if he did not leave due to some injustice. If he was the victim of some injustice, then he should not be captured and enslaved.'" I say: all of this is a refutation of those in these times who claim that it is lawful for Muslims to reside in the lands of war, like the United States of America and the remaining disbelieving countries who are presently at war with the Muslims in the lands of Islam, who force themselves upon free Muslim women in Iraq, or who legally permit the blaspheming of the Prophet, our master Muhammad, may

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Allah bless him and grant him peace in their lands, and other than these from the collective crimes they commit against the Muslims these days. All of this revokes any and all social contracts between these disbelieving states and the Muslims who reside under their sovereignty. It is hence obligatory upon them to make the *hijra* to the lands of Islam, even if they are lands of injustice, tyranny and corruption; or to a land which has a social contract with Muslims, who do not permit the blaspheming of a prophet among its people; and there is not between them and the lands of Islam war. Our evidence for this is from the narration transmitted by way of Surayj ibn `Ubayd on the authority of Malik ibn `Aamir on the authority of `Aamir on the authority of Abdallah ibn as-Sa`idi: “*Hijra* will not cease as long as the enemies are fighting.” And Allah knows best. Just as the *hijra* will not cease likewise the *jihad* and its effects will not cease. It has been related in the narration of an-Nisaa’i on the authority of Salma ibn Nufayl al-Kindi who said: “A man once came and said: ‘O Messenger of Allah, some of the people are claiming that there is no fighting and that war and its preparations has been put to an end.’ He said: ‘They have lied! Now! Now! Fighting has come, and there will always remain some from my *Umma* fighting in the Way of Allah, and they will not be harmed by those who oppose them until the Hour is established! And war and its preparation will not be put to an end until the appearance of Yajuuj and Majuuj.’” And just as the *jihad* will not cease until the appearance of Yajuuj and Majuuj, likewise the effects of *jihad*, such as the truce (*sulhi*), the armistice (*muhaadina*), the social contract (*mu`ahida*), political protection (*amaan*) and the *jizya* will not cease until the heavenly descent of Jesus the son of Mary, upon them be peace prior to the appearance of Yajuuj and Majuuj, as it was transmitted by Ibn Sa`d on the authority of Abu Hurayra who said that the Prophet, may Allah bless him and grant him peace said: “Jesus the son of Mary will descend before the Day of Judgment. He will break the cross, kill the swine, gather the people under a single religion, and he will put an end to the *jizya*.” It means that the religion will become a single religion and there will no longer remain any of the people of protection (*ahl`d-dhimma*) who will be required to hand over the *jizya*, for Jesus will only accept the religion of Islam. In the narration of al-Bukhari: “I swear by the One in whose Hand is my soul, the son of Mary will definitely descend among you as an equitable ruler. He will break the cross kill the swine, and put an end to the *jizya*. Wealth will spread until no one will accept it.” This means that wealth will become so abundant in the time of Jesus, that the people will not be in need of the advantages which the *jizya* brings, until no one will accept it.

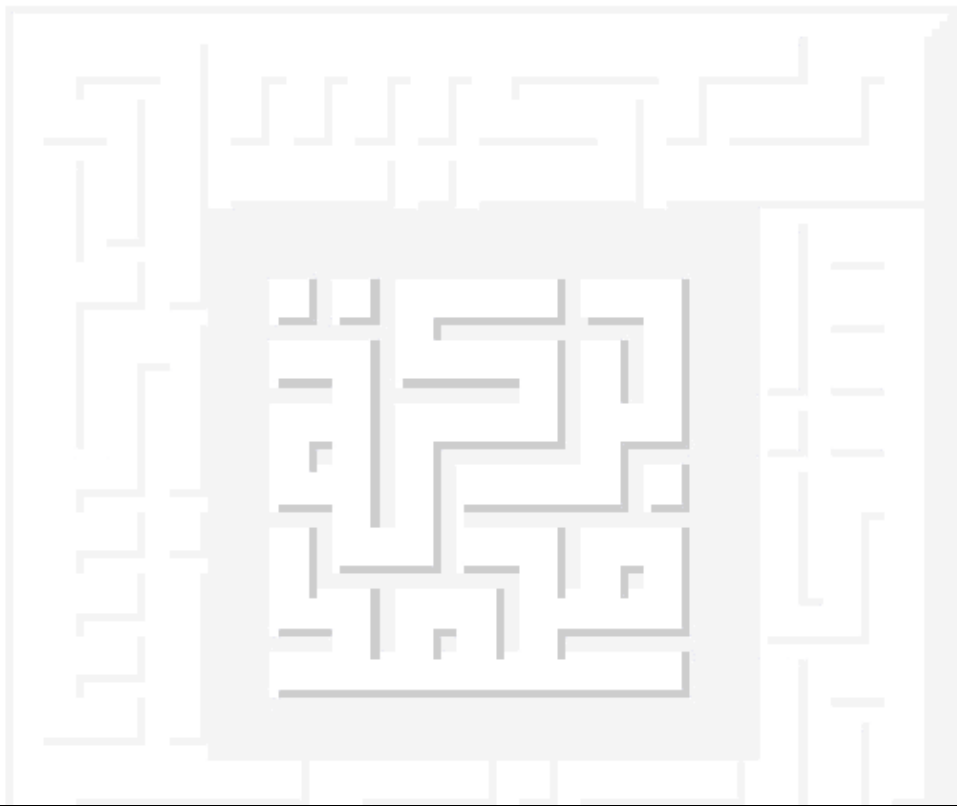
In it also⁹³ on the authority of `Amr ibn `Awf al-Ansaari,⁹⁴ who said: “The Messenger of Allah, may Allah bless him and grant him peace, dispatched Abu `Ubayda ibn al-Jaraah to Bahrain in order to take the *jizya* from it.”⁹⁵

⁹³ That is to say, it has been related in the Saheeh of al-Bukhari or On What Has Been Related Regarding the *Jizya*.

⁹⁴ He was Abu `Amr `Amr ibn `Awf al-Ansaari an-Nakhai`. He was the ally of the Banu `Aamir ibn Luway, who was present at the battle of Badr. Ibn Hibban said that he was among the Companions. Ibn as-Sakin said that he was counted among those who settled in Syria and it is said that he was a Companion. Al-Bukhari also mentioned that he was among the Companions. It is said that his name was `Umayr. Ibn Is`haq: “He was the freedman of Suhayl ibn `Amr al-`Aamiri, who resided in al-Medina and produced no offspring. He died in during the *khilaafa* of Umar, who prayed over him.”

⁹⁵ The meaning of `Amr ibn Awf, may Allah be pleased with him : “The Messenger of Allah, may Allah bless him and grant him peace, dispatched `Ubayda ibn al-Jaraah”; is that he was Abu `Ubayda `Aamir ibn Abdallah ibn al-Jaraah ibn Hilaal ibn Uhayb ibn Dabba ibn al-Harith ibn Fihri ibn Malik ibn an-Nadar ibn Kinaana ibn Khuzayma ibn Madraka ibn Ilyas ibn Mudar ibn Nazaara ibn Ma`d ibn `Adnaan al-Qurayshi al-Fihri al-Mekki. He was one of the first and foremost of the early Muslim community. He was among those intent in his purpose of supporting Abu Bakr as-Sideeq for the *khilaafa*, by which he indicated on the day of Shaqeeqa. The Prophet, may Allah bless him and grant him peace testified that he was among the People of Paradise, and named him ‘the Trustee of the *Umma*’ He was described with having excellent character, tolerance, austerity and humility. He transmitted 15 prophetic traditions. He died in the year 18 A.H. at the age of 58. The meaning of his words, may Allah be pleased with him “...to Bahrain”; is a well known land in Iraq and lies between the city of Basra and Hajar. The meaning of his words, may Allah be pleased with him “...in order to take the *jizya* from it”; is the *jizya* from its people. At that time the majority of its people were upon the religion of the Magians. Thus, the prophetic tradition strengthens the one before it, and thus an-Nisaa’i interpolated this with his words: “He went to take the *jizya* from the Magians.” Ibn Sa`d mentioned that the Prophet, may Allah bless him and grant him peace after the spoils of war were divided during the military encounter of Ja`raana, he then dispatched al-`Alaa ibn Abdallah al-Hadrami to al-Mundhir ibn Saawi the governor of Bahrain in order to invite him to Islam, who accepted Islam, and al-`Alaa then made a social contract of truce with the Magians of that land to hand over the *jizya*. The *Shehu*, may Allah ta`ala be merciful to him said in his Bayaan Wujuub`l-Hijra `Ala `l-`Ibaad in chapter forty-five regarding the legal judgment of the people of protection, and the taking of the *jizya* and other than that: “Ibn Juzay said in his al-Qawaneen regarding the explanation of the issues which are obligatory upon them: ‘They are twelve precepts. The first is that they must hand over the *jizya* while in a state of humiliation. It consists of four golden coins every year, upon the head of each of the people who possess gold, and forty silver coins for the people who possess silver. This amount should not be amplified arbitrarily due to the fiscal strength of anyone of them, nor should its amount be decreased due to the financial weakness of anyone of them.’ As-Shafi` said: ‘The *jizya* is paid in gold coins upon every head of each protected person. However, if a truce is made with them for more than that amount then it is lawful.’ Both Abu Hanifa and Ibn Hanbal said: ‘Twelve silver coins should be paid for by the poor, twenty-four silver coins should be paid for the middle class, and forty-eight silver coins should be paid by the wealthy. If the *dhimmi* accepts Islam, then the *jizya* is annulled, even if only one day remains from him having to pay the *jizya*.’ The second is that they are required to host the Muslims for at least three days, if they ordered to do so. The third is that they must pay the tithe on property they import from other lands, and this is after haven paid the *jizya*. The *jizya* itself is divided into three categories: the *jizya* of the tithe (*ushriyya*) which is what we just mentioned; the *jizya* of coercion (*anwiyya*) which is what we mentioned before that; and finally the *jizya* of truce (*sulhiyya*) for which there is not set limit in its amount nor for the one who utilizes it, except in accordance with what was set by the terms of truce. The fourth is that they not be allowed to construct new churches, nor leave those edifices constructed in those lands which Muslim conquer and construct places of worship. However, if the land was opened by means of a social contract of truce and they make as a stipulation of the truce the right of these edifices to remain, then there are two opinions regarding lawfulness for them constructing or reconstructing them. The fifth is that they must not be allowed to ride fine stallions, fine mules, in contrast to donkeys. The sixth is that must be prevented from riding in the middle of the road and must be compelled to outer parts of the road. The seventh is that they must adhere to symbols by which they can be distinguished from the general population of the Muslims, such as waist belts, and should be disciplined when they fail to do so. The eighth is that they should not expose the secret affairs of the Muslims and not act as spies against them. The ninth is that they must

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not prevent Muslims from stopping over in their churches for a day and a night. The tenth is that they should remain respectful to the Muslims, and not strike a Muslim or abuse him, or make a Muslim their personal servant. The eleventh is that they should conceal their religious celebrations and not manifest anything from the rites of their religion. The twelfth is that they cannot blaspheme any of the Prophets, upon them be blessings and peace, or manifest their beliefs regarding them.' He then said regarding the affairs which are obligatory upon us regarding them: "We adhere to the right of them to remain in our lands with the exception of the Arab peninsular, the *Hijaz* and Yemen. We are obligated to prevent others from harming them, and protect them providing security for their lives and wealth. Nor harm should be allowed against their churches, or synagogues, nor their wines, or pigs, as long as they do not openly flaunt them before the public. If they, however, manifest their wines and intoxicants, then they should be poured out. If they do not manifest them and one of the Muslims pours them out, then he is responsible for paying compensation to them for that. It is said that he does not have to compensate them. They should be disciplined for openly displaying their pigs in the public, and when they appear; but this should not be done harshly. They should not be oppressed, nor robbed. And if they leave the lands of Islam due to some oppression against them or because of some harsh treatment, they cannot be seized and made into captives. As'hab said: 'They cannot be seized and made captives for any reason'."

On What Has Been Related Regarding the Benefits of the *Ribaah* (Military Garrison) for the Sake of Allah⁹⁶

⁹⁶ That is to say, that in this section the *Shehu* discusses the explanation of the merits of the military garrison (*ribaah*). The etymological root of the expression '*ribaah*' (military garrison) where the letter *raa* is inflected with *kasra* is from 'to bind (*rabata*) a thing', which means 'to tighten it' (*shaddahu*) and 'to fasten it' (*awthaqahu*). Originally it referred to each of an opposing army fastening their horses in readiness. Then it transformed into meaning adhering to the fortified borderline cities as a form of protection. Thus, the military garrison (*ribaah*) and the one who adheres to it (*muraabit*) means to hold fast to the place of the fortified borderline cities which lay between the Muslims and the disbelievers in order to protect the Muslims from them, however, with the proviso that he is not native to the land. This is what Ibn Habib said on the authority of Malik. He should intend to reside there in order to guard against the enemies. It is from this judgment many of the early community chose to live in the fortified borderline cities. Allah ta'ala says: "*O you who believe be patient and outdo them in patience and fortify yourselves, and have fearful awareness of Allah, so that you may be successful.*" It has been related on the authority of Muhammad ibn Ka'b al-Quradhi that this verse means: "Be patient in obedience; outdo them in patience by awaiting patiently for what has been Divinely Promised; fortify yourselves against the enemies; and have fearful awareness of Allah in all that transpires between you." It has been related on the authority of Zayd ibn Aslam who said that it means: "Be patient during the *jihad*, outdo the enemies in patience, and fortify yourselves by fastening your stallions." Ibn Qutayba said: "The origin of the expression '*ribaah*' (military garrison) is that both opposing armies fasten their respective stallions in preparation for fighting. Allah ta'ala says: '*And prepare for them what you are able from strength and the fastening of stallions*'." This was related by Ibn Abi Hatim, Ibn Jareer and others. Thus, the interpolation of fastening the stallions refers back to this initial meaning. It has been related in the al-Muwatta on the authority of Abu Hurayra that the Prophet, may Allah bless him and grant him peace said: "Sitting awaiting the prayer, for that is your military garrison." This was also related in the as-Sunnan on the authority of Abu Sa'id. In the al-Mustadrak on the authority of Abu Salma ibn Abd'r-Rahman ibn 'Awf who said that it was about this that the verse was originally revealed. It is in this regard that Ibn Shihaab said: "The turban is the crown of the Arab; being generous in giving is the protective wall of the Arab; and taking repose in the *masjid* is the military garrison (*ribaah*) of the believer." This is an indication of a higher more transcendent meaning of the concept of '*ribaah*', which is that waiting for the prayer is the means by which the hearts are spiritually bound and protected. It is for this reason many of the erudite Knowers of Allah, such as my master Muhy'd-Deen Abd'l-Qaadir al-Jaylaani, *Shaykh* Abu 'l-Qasim Yusef al-Himadhani, *Shaykh* al-'Aabid Abu 'Aruba as-Sijistaani, *Shaykh* Abu'n-Najeeb, the Gnostic *Shaykh* Wujaj ibn Zaluw and others called their teaching institutions, and *sufi* hospices '*ribaah*', in which they exhorted and guided their spiritual disciples. This is because they likened the soul to a stallion, and their institutions and spiritual hospices to military garrisons, in which the soul which commands to evil is constrained, strengthened with learning, and made resolute by means of spiritual exhortation and remembrance of Allah ta'ala. Due to this their *ribaah* became like pegs in the earth protecting its people from spiritual corruption. This is indicated by the words of Allah ta'ala: "...and from fastening of stallions in order to strike fear in the hearts of the enemies of Allah and your enemies." For, the enemies of Allah and the enemies of the Muslims in the outward are the disbelievers, and the hypocrites who assist them from among the Muslims; while the enemies of Allah and the Muslims in the inward are Satan and his helper from the domestic enemy within, which is the soul which commands to evil. For, making war against Satan, and striving against the soul is the Great *Jihad* indicated in the prophetic tradition. The assemblies of the scholars, the Knowers of Allah, their learning institutions, and spiritual hospices stand as military garrisons and fortified borderline cities which bind the hearts against Satan and the soul which command to evil. It is for this reason that the Arabs call stallions which have been fastened and tied *rubut* which is the plural for *rabeet*, and the ascetic jurists who binds his soul from evil, strengthens it from Satan and prevents it from the delights of this world's life is also called *rabeet*; as it was related in a prophetic tradition: "Indeed the wise ascetics (*rabeet*) of the Banu Isra'il said: 'The beauty of wisdom is in silence'." That is to say, the ascetic ones (*zaahid*) and wise (*hakeem*) among the Banu Isra'il, who fortified the soul against this world's life, which means they strengthened it and preempted it from its deceptions. Thus, the *muraabit* in reality is the most noble of the *mujahidun* because he makes the *jihad* against the soul, and wages war against Satan, with all the varieties of instruments of spiritual warfare, such as gaining comprehension of the religion, recitation of the *Qur'an*, remembrance of Allah, repentance, austerity, solitude, silence and other than that. It is for this reason it has been the custom of the people of the *Bilad's-Sudan* to name their Gnostic right-acting and ascetic scholars '*muraabit*'. This is an immense secret in the wisdom of the *Shehu*, may Allah ta'ala be merciful to him of concluding

It has been related in the Saheeh of al-Bukhari on the authority of Sahl ibn Sa'd as-Saa'idi that the Messenger of Allah, may Allah bless him and grant him peace, said: "A single day in the *ribaah* in the way of Allah is better than this world and all that is in it."⁹⁷

this blessed text with the prophetic traditions regarding the merits of the military garrison, and Allah knows best.

⁹⁷ The meaning of his words, upon him be blessings and peace: "A single day in the *ribaah*"; is in accordance with another narration: "...a single day and night..."; is that fastening and making ready horses in the fortified borderline cities, and residing there. It states in the an-Nihaaya: "Originally the military garrison was a place of residence for the *jihad* against the enemies with warfare; as well making ready and fastening stallions there for that purpose. The process of fortification is the two opposing armies fastening their stallions in fortified cities in preparation for the eventual encounter between them. Thus, residing in the fortified borderline cities was called '*ribaah*'; for the phrase is a verbal noun from the verb '*raabat*' (attaching), which means to adhere to a thing." The meaning of his words, upon him be blessings and peace: "...in the way of Allah is better than this world and all that is in it"; is as an-Nawwawi said: "This is an indication of the apparent and immense merits of the one who keeps to the *ribaah*, in that his good deeds flow continuously after his death which reveal the special virtues inherit in this, which no other person can attain." The Erudite authority of the Land of the Blacks Abdullahi ibn Fuduye, may Allah be merciful to him` said regarding the meaning this verse in his Diya 't-Ta'weel Fee Ma'ana at-Tanzeel: "...and outdo them in patience"; that is, conquer the disbelievers with your patience in *jihad*, and do not allow them to be stronger than you in patience, and outdo your own souls with patience in going against its passions. He singled this out for mention because this is more difficult and more superior; "...and fortify yourselves"; that is to say, your bodies and stallions inside of the fortified borderline cities manning the gates in preparation for the military engagement; or it means fortify your souls by means of obedience, as he upon him be peace said: 'Apart of the *ribaah* (spiritual fortification) is awaiting for prayer after prayer.' And as al-Bukhari narrated that he upon him be peace said: 'A single day in the *ribaah* is better than this world and what is in it.' Muslim related that he said: 'A single day and night in the *ribaah* is better than fasting an entire month and standing all of its nights in prayer; and when he dies his provision and good deeds persist.' It has been related by Abu Dawud that he upon him be peace said: 'Every person who dies, his good deeds are sealed, except the *muraabit*.' At-Tirmidhi related that he upon him be peace said: 'A single day in the *ribaah* is better than a thousand days outside of it.' It states in the Ghaayat'l-Amaani: 'In citing the above three commands in the verse is an indication of the three spiritual degrees expressed in the phrases of: *shari'a*; *tareeqa*; and *haqeeqa*. It is as if He is saying: 'Be patient in the difficulties and hardships of obedience and the struggle against the soul, by diminishing attachments; and fortifying the inner secret by being near the Holy Presence in order to be in a state of alert surveillance of spiritual openings that descend.' "...and have fearful awareness of Allah"; in all your states by preserving them with it; "...so that you may be successful"; that is so that you may achieve '...what no eye has seen, no ear has heard, and what has never occurred to the heart of a human.' It states in the Mudaarik 't-Tanzeel: 'Be patient with My adversities against you; outdo others in patience for My blessings; and fortify your souls in My service; so that you may succeed and achieve the victory of My nearness.' May Allah provide us with His nearness, and make us His neighbors in the Abode of His Divine Pleasure, by means of the rank of our master Muhammad, may Allah bless him and grant him peace." Here ends what *Shaykh* Abdullahi ibn Fuduye`, may Allah ta'ala be merciful to him had to say about this; in which are precious spiritual allusions and invaluable secrets for the one whom Allah has illuminated his spiritual insight. This is because the immense affair of the Living *Sunna* is the fountainhead of the Self-Disclosure of direct Gnosis of Allah ta'ala. With the ending of his words, I also end the commentary upon the Book of *Jihad*, and Success is with Allah. O Allah I ask You for every good which Your knowledge encompasses in this world and the Next, and I seek refuge with You from every evil which Your knowledge encompasses in the this world and the Next. O Allah give us success in following the *Sunna* of Your prophet, Muhammad, may Allah bless him and grant him peace, outwardly and inwardly, by his rank that he has with You.

Here ends the book **Sawq'l-Umma ila Ittiba` as-Sunna**. All praises are due⁹⁸ to Allah, who guided us to this and we would not have been guided had not Allah guided us. The best blessings and most perfect peace be upon our master Muhammad and upon his family and Companions all together. O Allah! Be merciful to the *Umma* of Muhammad with an all-encompassing mercy by his rank with you-Amen!⁹⁹

⁹⁸ Here ends facsimile 52 of the Arabic manuscript.

⁹⁹ The meaning of the words of the *Shehu*, may Allah ta`ala be merciful to him: "Here ends the book **Sawq'l-Umma ila Ittiba` as-Sunna**"; is that some of the scholars of Sokoto and others hold the view that the *Shehu*, may Allah be merciful to him composed this book in 1208 A.H. (circa 1794 C.E.) after he had achieved the station of independent judgment (*ijtihaadiyya*), reformation (*mujaddidiyya*) and spiritual pivot (*qutbaaniyya*). The meaning of his words, may Allah be merciful to him: "All praises are due to Allah, who guided us to this and we would not have been guided had not Allah guided us"; is in imitation of the words of Allah ta`ala: "All praises are due to Allah, who guided us to this and we would not have been guided had not Allah guided us. For indeed the Messengers of our Lord came with the Truth." The meaning of: "All praises are due to Allah, who guided us to this"; is to this action which He has awarded us with. This is a reference to the authorship of this blessed book, and what is in it of the sciences of the religion; its foundation, outward and inward branches; and what is concealed in it from Divine Realities and Secrets. The meaning of: "...and we would not have been guided had not Allah guided us"; is that if it were not for the guidance of Allah we would not have accepted it. In this is clear evidence that all guidance is from Allah ta`ala. This is also an indication of the causative factor of guidance which is our master Muhammad, may Allah bless him and grant him peace; as he said: "...and the best guidance is the guidance of Muhammad, may Allah bless him and grant him peace"; where the expression 'conduct' (*hadyi*) means 'manner' (*samt*) or 'path' (*tareeqa*). In another narration the expression 'guidance' (*huda*), is used which means a manner of behavior (*seera*), pleasing spiritual path (*tareeqa radiyya*) and balanced comportment (*ha'yah sawiyya*); which was explicitly stated in another narration: "The best guidance is the guidance of Muhammad." In another narration: "The most superior guidance is the guidance of Muhammad." All of this is evidence that the *Sunna* of the Messenger of Allah, may Allah bless him and grant him peace is the Real Path to Allah ta`ala and to His gnosis. This is in conformity with what Abu'l-Qasim al-Junayd, may Allah be pleased with him once said: "The paths, all of them, have been closed except in following the traces of the Messenger may Allah bless him and grant him peace." For this reason the *Shehu*, may Allah ta`ala be merciful to him said in his Fulfulde' poem: "*Sunna giduyamu kanku kuuru yaymi * Kanku bitayma kanku beeridi yaymi*"; which means: "It is the *Sunna* that I truly love. It is the orbit of my preoccupation. It is the theme of all my preaching and it has become my spiritual litany"; which is alluded to by the words of Allah that follows: "For indeed the Messengers of our Lord came with the Truth"; which is affirmation that the Messenger of Allah, may Allah bless him and grant him peace has the best demeanor and that his *Sunna* is the best form of guidance, and indicates that whoever holds to his *Sunna* is guided to the knowledge of absolute certainty until his knowledge becomes the very source of certainty. It is for this reason the *Shehu*, may Allah ta`ala be merciful said out of gratitude for this blessing: "The best blessings and most perfect peace be upon our master Muhammad and upon his family and Companions all together"; following the words of the Messenger of Allah, may Allah bless him and grant him peace, as it was related by at-Tabarani in his al-Awsat on the authority of Abu Hurayra: "Whoever sends blessings upon me in a book, there will remain Angels seeking forgiveness for him as long as my name is in that book." The station of gratitude is the last of the spiritual stations of the People of Allah ta`ala. Our master Ibn `Aṭaa'illah said in his Lataa'if al-Manan: "Gratitude is divided into three division: the gratitude of the tongue; the gratitude of the limbs; and the gratitude of heart." I say: that the most superior form of gratitude with the tongue is sending blessings upon our master Muhammad, with the best blessings and most perfect of peace. This is because, he upon him be peace said: "Whoever is not grateful to people is not grateful to Allah." He also said: "The most grateful of people to Allah are those who the most grateful to people." For, there is no human or *jinn*, that is more deserving of our gratitude than our master Muhammad, may Allah bless him and grant him peace. Allah ta`ala says: "There has come to you and Messenger from yourselves, dear to him is what afflicts you, deeply concerned for you, and who is to the believers kind and merciful." The most superior form of showing gratitude with the limbs is acting in accordance with the *Sunna* of our master Muhammad, may Allah bless him and grant him peace. Allah ta`ala says: "Whoever obeys the Messenger has obeyed Allah." Allah ta`ala says: "If indeed you love Allah, then follow me, Allah will then lover you and forgive you of your sins." Allah ta`ala says: "For, no! By your Lord, they will never truly believe until they take you as the criterion of what occurs between them, who do not find in their souls any problem with what you

decide; and surrender completely.” Allah ta`ala says: “There is in the Messenger of Allah for you an excellent example.” The most superior form of showing gratitude with the heart is by believing in him upon him be peace and behaving in accordance with his noble character. Allah ta`ala says: “We have not sent you except as a mercy to all the worlds.” Allah ta`ala says: “If you were to attempt to enumerate the blessings of Allah, you could not calculate them.” *Shaykh* Abdullahi ibn Fuduye` said: “The blessings of Allah referred to here are those which have come about as a result of Muhammad, may Allah bless him and grant him peace.” *Shaykh* Ali ibn Sultan Muhammad al-Qaari said in his commentary upon the as-Shifa: “Indeed the Messenger of Allah, may Allah bless him and grant him peace is a mercy to the entire creation of Allah ta`ala...If it were not for the light of his existence, the appearance of his nobility, and generosity, then Allah would not have created the universal orbits nor brought the Angels into existence. For, he is the place of the manifestation of Divine mercy which encompasses everything of the realities of existence which first require the blessing of being brought into existence, and then the gift of assistance.” If you devote yourself to this understanding this meaning by behaving in accordance with his noble character, upon him be peace, with this objective in your heart; by sending blessings upon him with this intention with your tongue; and by adhering to his *Sunna* with this purpose with your limbs; then there is no doubt this will be the most superior form of showing gratitude to Allah the Benefactor. This is the station of gratitude that the *Shehu*, may Allah ta`ala be merciful to him reached. Then the *Shehu* concluded this book with the best and most beloved of supplications with Allah ta`ala by his words, may Allah ta`ala be merciful to him: “O Allah! Be merciful to the *Umma* of Muhammad with an all-encompassing mercy by his rank with you-Amen!” It has been related by al-Haakim in his Tarikh on the authority of Abu Hurayra who said that the Messenger of Allah, may Allah bless him and grant him peace said: “The most superior supplication is your saying: ‘O Allah be merciful to the *Umma* of Muhammad with an all encompassing mercy’.” In the narration of al-Khateeb on the authority of Abu Hurayra also who said that the Messenger of Allah, may Allah bless him and grant him peace said: “There is no supplication which is more beloved to Allah than the servant saying: ‘O Allah be merciful to the *Umma* of Muhammad with an all encompassing mercy’.” After the completion of this supplication, there are transcribed the following words: “The transcription of the book Sawq’l-Umma was completed on a Friday, at the time of forenoon in the land of Ghadaari in a town called Kunaari in the house of Bakheet Shalabi underneath the garden square. At the time Abu Bakr Sokoto, Ahmadu Yureeji, Ahmadaaki and Abu Bakr Tuwuughu were present. O Allah, forgive its scribe: Muhammad ibn Adam, his parents, those present, and all those not present from the Muslims – Amen; in the year **shasakizu** (1327) from his *hijra*, may Allah bless him and grant him peace. Allah is enough for us and He is the best of Guardians.” I, myself, initially completed the typing of the book: Sawq’l-Umma Ila Ittiba`’s-Sunna with the best help of Allah and His success on Tuesday, the 27th (**zakin**) of the month of *Ramadan* in the year **shabakat** (1422 A.H. – December 13, 2001). I completed its first commentary on Friday before the *juma`* prayer on the 21st (**akin**) of *Jumad’l-Akhir* in the year **shajatuka** (1423 – August 20, 2003) from his *hijra* may Allah bless him and grant him peace. I then completed a second commentary upon it along with an editing, annotation, and review on Thursday, the 27th (**zakin**) from the month of *Jumad’l-Awwal* in the year **talaashin** or **ashalat** (1431 – May 11, 2010) from his *hijra*, may Allah bless him and grant him peace. It was in the year that Allah ta`ala answered our supplications against the governments of the European Romans from among the Jews and Christians, by ruining (**talaashiy**) their national economies which marked the beginning of the decline (**ushilat**) of their sovereignty over the world; all praises are due to Allah for that. I named the commentary: Tawq’l-Lum`a wa Itmaam`n-Ni`ma Fee Sharh`Ala Sawq’l-Umma Ila Ittiba` as-Sunna: (The Desire for Illumination and Completion of Blessings through a Commentary upon the Mobilization of the *Umma* towards Following the *Sunna*). I took license in this blessed book from the learned jurists, *Imam* and *Khateeb*, *Shaykh* Muhammad al-Amin ibn Adam Kariangha al-Khateeb ibn Muhammad Tukur ibn Muhammad Sanbu ibn Muhammad Leeli ibn Abu Bakr ibn Muhammad Sanbu Darneema the *Amir* of Hadijiya. He gave me absolute license in it has he took it from his father *Shaykh* Adam Kariangha al-Khateeb; and he from *Shaykh* Musa al-Muhajir, and he from the *Imam* *Shaykh* Ali ibn Abu Bakr, and he from the author, the Light of the Age, the *Mujaddid* of the religion, the *Amir’l-Mu`mineen* *Shehu* Uthman ibn Muhammad ibn Uthman, known as Ibn Fuduye`, may Allah ta`ala be merciful to all of them. I have in turn given license to everyone who reads this blessed text to me with the same chain of authority back to its author, or who listens to it from me; or anyone who comes upon this text; since transmitting license in this manner is permissible with some of the scholars as *Sultan* Muhammad Bello ibn *Shehu* Uthman ibn Fuduye` said in his Turjumaat; in order to continue this miraculous connection which has been specified for this *Umma* as an honor to our Prophet Muhammad, may Allah bless him and grant him peace. O Allah send blessings upon our master Muhammad, Your servant, prophet and messenger; the

Unlettered Prophet, the source of existence, the causative factor for every existing thing, the essence of the essences of Your creation, extracted from the light of Your Effulgence; with a blessing which unties the knots of our difficulties, relieves our anxieties, and fulfills our needs; with a blessing which pleases You and pleases him, and results in You and he being pleased with us – O Lord of the worlds, with a blessing that is equal to the number of all things Your knowledge encompasses; equal to what Your Book embraces; what Your Angels witness; what Your Primordial Pen transcribes; to the number of the rain drops, the trees, stones and the Angels; to the number of what our Lord has created from the beginning of time to the end of time; and upon his family, Companions, wives, descendents, the people of his House, who are the sea of Your illuminations; the mines of Your secrets; the translators of Your proofs; the bridegrooms of Your kingdom; the treasures of Your mercy, who take enjoyment from Your direct witnessing, and give them abundant peace to the extent of Your knowledge which is multiplied with Your eternity. O Allah forgive me, my parents, my children: Alfa Umar, Abd'r-Rahman, Modibo Muhammad, Ahmad Mazin, *Shehu* Uthman, *Nana* Tasneem, Fatuuma Mo'ina and Musa Jokolli, as well as their mothers, our teachers and their teachers, those who are present and those absent from among the Muslims, by the rank of Muhammad, the Prophet of Mercy, may Allah bless him and grant him peace. O Allah we direct our faces towards You by means of Your Prophet, Muhammad, the Prophet of Mercy. O Messenger of Allah! verily we direct ourselves by means of you to our Lord regarding these needs of ours. O Allah make him our intercession! O Allah indeed we take as intermediacy to You, Your love for Your beloved Muhammad, may Allah bless him and grant him peace, by means of his love for You, by means of his nearness to You, and by means of the causative factor which is between You and him, that you revive in us the determination to adhere to his *Sunna* and his love; that You conceal us by the coat tail of his sanctity; that You make us die upon his religion; that You gather us on the Day of Judgment among his faction; that You let us drink from his fountain; and that You enter us into Paradise by means of his intercession. O Allah indeed we ask You for the same good which Your Prophet Muhammad asked for, may Allah bless him and grant him peace; and we seek refuge from the same evils which Your Prophet Muhammad, may Allah bless him and grant him peace sort refuge from. You alone are the Helper. It is for You alone to deliver. There is no power or might except with Allah, the Exalted the Mighty. O Allah be pleased with the spirit of the Light of the Age, the Sword of Truth, the Reviver of the Muhammadan *Sunna*, the Destroyer of Satanic heretical innovation, the Reviver of the religion of Islam, the Saintly Spiritual Pole, the Enduring Redeemer, the *Amir'l-Mu'mineen* Uthman ibn Muhammad ibn Uthman, known as Ibn Fuduye`, may Allah engulf him in His mercy Amen. And be merciful to Your shade on Your earth: *Sultan* al-Hajj Abu Bakr ibn Muhammad at-Tahir ibn Muhammad Bello Maiurno ibn Muhammad Attahiru ibn Ahmad Zaruuku ibn Abu Bakr Atiku ibn *Sayf'l-Haqq Imam'l-Awliyya Nuur'z-Zamaan Mujaddid'd-Deen* Uthman ibn Fuduye`, his children, wives, brothers, sisters, faction, and *jama`at* on the Nile of the Sudan, in Nigeria along with their *Sultan*, in Niger along with their *Sultan*. O Allah forgive and be merciful to our *jama`at* in the United States of America, in the United Kingdom, in South Africa, and all those *jama`at* who have confederated with us; their *amirs*, *wazirs*, men, women, their elderly and young. O Allah be merciful to the *Umma* of Muhammad, with an all encompassing mercy. O Allah be merciful to the whole of Your creation, and suffice them where they are unable. O Allah make us among those who adhere to the religion of Your Prophet Muhammad, may Allah bless him and grant him peace; among those who extol his sanctity, among those who exalt his teachings, among those who preserve his covenant and trust; among those who assist his party and invitation; among those who increase his followers and faction; among those who accord with his group; and among those who do not conflict with his Way and *Sunna*. O Allah we ask You to make us adhere to his *Sunna*, and we seek refuge from whatever alters what he came with. O Allah open for us Your Book, and the *Sunna* of Your Prophet, exoterically and esoterically; and provide us with the ability to act in accordance with them by means of Your Inestimable Essence. O Allah show us the Truth as Truth, and provide us with the ability to follow It; and show us falsehood as falsehood and provide us with the ability to avoid it; revive us among those who revive the *Sunna* of Your Prophet, make us die among them; and resurrect us among their faction by the rank of Muhammad the Prophet of Mercy, may Allah bless him and grant him peace. O Allah exalt the Banner of the True Belief, the *Sunna* and obedience above the Throne, and eradicate disbelief, heretical innovation and disobedience; eradicate every enemy who does not desire the exaltation of Islam; suffice us against the evils of every disbeliever, in the east, west, south and north, and all locations between them by the sanctity of everything we have taking as intermediacy with to You, and by the rank of Muhammad, the Prophet of Mercy, may Allah bless him and grant him peace. O Allah destroy them, shake them, and plunder them by means of Your victory; fill their hearts with horror, break their structures, blind their vision, make their surveillance deaf; seize them by their hands and feet and make them overcome from the sweat of their own bodies. O Allah enumerate them



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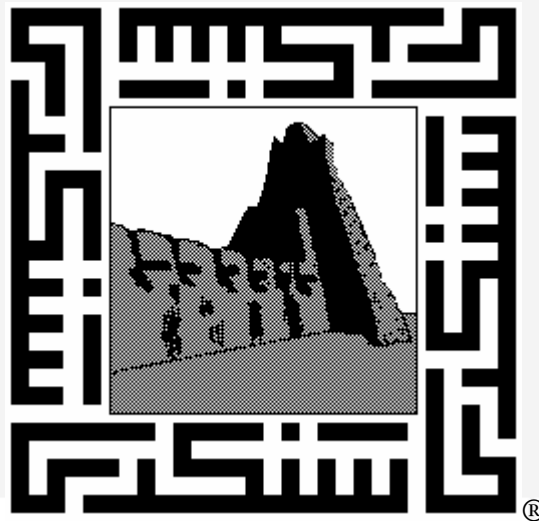


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precisely, divide their unity, and let none of them remain. Let us inherit their lands, homes and dependents; revive us and the friends of the *Sunna* in these lands, by the rank of Muhammad, the Prophet of Mercy, may Allah bless him and grant him peace. O Allah send blessings upon our master and chief Muhammad, and the family of our master Muhammad; with a blessing which redeems us from every kind of intimidation and destruction; by which You will fulfill for us every need; by which You will purify us from every evil; by which You will raise us up to the highest spiritual ranks with You; and by which You will make us realize the utmost limit of all good in this life and after death. And the last of our supplication is: “*All praises are due to Allah the Lord of the worlds.*” Here ends facsimile 53 of the Arabic manuscript.

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