

and the earth; so if you ask Allâh, ask Him for *Al-Firdaws*, for it is the best Paradise and it is the highest Paradise; above it is the Throne of the Most Beneficent and from it originate the rivers of Paradise.”<sup>[1]</sup>

And he ﷺ said:

«مَنْ أَعَانَ مُجَاهِدًا فِي سَبِيلِ اللَّهِ، أَوْ غَارِمًا فِي غُرْمِهِ، أَوْ مُكَاتِبًا فِي رَقَبَتِهِ، أَظَلَّهُ اللَّهُ فِي ظِلِّهِ يَوْمَ لَا ظِلَّ إِلَّا ظِلُّهُ»

“Whoever helped a *Mujahid* in Allâh’s Cause, or helped a debtor with his debts, or helped a slave to obtain his freedom, Allâh will shade him with His Shade on the Day when there will but no shade but His.”<sup>[2]</sup>

And he ﷺ said:

«مَنْ اغْبَرَّتْ قَدَمَاهُ فِي سَبِيلِ اللَّهِ، حَرَمَهُمَا اللَّهُ عَلَى النَّارِ»

“Anyone whose feet became covered in dust in Allâh’s Cause, Allâh will forbid the Fire to him.”<sup>[3]</sup>

And he ﷺ said:

«لَا يَجْتَمِعُ شُحٌّ وَإِيمَانٌ فِي قَلْبِ رَجُلٍ، وَلَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللَّهِ، وَدُخَانُ جَهَنَّمَ فِي وَجْهِ عَبْدٍ»

“Miserliness and *Eeman* cannot be combined in the heart of a man, nor can dust obtained in Allâh’s Cause and smoke from the Hell-fire be combined in the face of a slave.”<sup>[4]</sup>

And he ﷺ said:

«رِبَاطُ يَوْمٍ وَلَيْلَةٍ خَيْرٌ مِنْ صِيَامِ شَهْرٍ وَقِيَامِهِ، وَإِنْ مَاتَ جَرَى عَلَيْهِ الَّذِي كَانَ يَعْمَلُهُ، وَأُجْرِي عَلَيْهِ رِزْقُهُ، وَأَمِنَ الْفِتَانَ»

“Keeping watch for a day and a night is better (in point of

<sup>[1]</sup> Narrated by Al-Bukhari, on the authority of Abu Hurairah ﷺ.

<sup>[2]</sup> Narrated by Ahmad, on the authority of Sahl Ibn Hunaif ﷺ.

<sup>[3]</sup> Narrated by Al-Bukhari, At-Tirmidhi and Ahmad.

<sup>[4]</sup> Narrated by An-Nasa’i and Ahmad, on the authority of Abu Hurairah ﷺ and this is the wording of Ahmad.

reward) than fasting for a whole month and standing in prayer every night. If a person dies (while, performing this duty), his (meritorious) activity will continue and he will go on receiving his reward for it perpetually and will be saved from the torture of the grave.”<sup>[1]</sup>

And he ﷺ said to a man who had been guarding the Muslims sitting on his horse, from the start of the night until the morning, without getting off except to pray or to answer the call of nature:

«فَدَأَوْجَبْتَ، فَلَا عَلَيْكَ إِلَّا تَعْمَلَ بَعْدَهَا»

“You have merited Paradise, so there would be no sin upon you if you did nothing else after it.”<sup>[2]</sup>

And Abu Dawûd reported that he (ﷺ) said:

«مَنْ لَمْ يَغْزُ، وَلَمْ يُجَهِّزْ غَازِيًا، أَوْ يَخْلِفَ غَازِيًا فِي أَهْلِهِ بِخَيْرٍ، أَصَابَهُ اللَّهُ بِقَارِعَةٍ قَبْلَ يَوْمِ الْقِيَامَةِ»

“Whoever did not fight and did not prepare a warrior or take the place of a warrior in caring for his family, Allâh will afflict him with destruction before the Day of Resurrection.”<sup>[3]</sup>

Abu Ayyûb Al-Ansari explained that throwing oneself into destruction is by abandoning *Jihad*.

And it has been authentically reported from the Prophet ﷺ that he said:

«إِنَّ النَّارَ أَوَّلَ مَا تُسْعَرُ بِالعَالِمِ وَالْمُنْفِقِ وَالْمَقْتُولِ فِي الْجِهَادِ إِذَا فَعَلُوا ذَلِكَ لِقَالَ . . .»

“The first people to be consumed by the Fire will be the scholar, the one who spends in charity and the one killed in *Jihad* – if they did so in order to be spoken well of.”<sup>[4]</sup>

<sup>[1]</sup> Narrated by Muslim, on the authority of Salman ﷺ.

<sup>[2]</sup> Narrated by Abu Dawûd, on the authority of Sahl Ibn Al-Hanzaliyyah ﷺ.

<sup>[3]</sup> Narrated by Abu Dawûd, Ibn Majah and Ad-Darimi, on the authority of Abu Umamah ﷺ.

<sup>[4]</sup> Narrated by Muslim and At-Tirmidhi, on the authority of Abu Hurairah ﷺ.

## Chapter

The Prophet ﷺ used to prefer to fight at the start of the day, just as he preferred to set out on a journey at the start of the day. If he did not fight in the early part of the day, he would delay the fighting until the sun had passed its meridian, the winds blew and (Allâh's) Help came down.<sup>[1]</sup>

He used to take an oath from his Companions ﷺ in war that they would not run away and he might take an oath from them upon (fighting to) death and he would take an oath from them upon *Jihad* as he did upon Islam and he took an oath from them upon the *Hijrah* and upon *Tawheed* and the obligation to obey Allâh and His Messenger ﷺ. He also took an oath from some of his Companions ﷺ that they would not ask the people for anything: A whip would fall from the hand of one of them and he would descend and pick it up himself and he would not say: "Pass it to me."<sup>[2]</sup>

He would consult his Companions ﷺ regarding *Jihad*, engaging the enemy and choosing the campsites and he used to keep to the rear when traveling and urge on the weak. He would take someone who had no mount up behind him and he was the kindest of traveling companions to them on the journey.<sup>[3]</sup> And when he wished to do battle, he would allude to something else and he said:

«الْحَرْبُ خَدَعَةٌ»

"War is deception."<sup>[4]</sup>

[1] Narrated by At-Tirmidhi, Abu Dawûd and Ahmad.

[2] Narrated by Muslim and Abu Dawûd, on the authority of 'Awf Ibn Malik Al-Ashja'i ﷺ.

[3] Narrated by Abu Dawûd, on the authority of Jabir Ibn 'Abdillah ﷺ.

[4] Narrated by Al-Bukhari, Muslim, Abu Dawûd and At-Tirmidhi, on the authority of Jabir Ibn 'Abdillah ﷺ.

He would send out spies and they would bring him news of the enemy and he would send out advance parties and post guards.<sup>[1]</sup> And when he encountered the enemy, he would stand and supplicate and seek Allâh's Help and he and his Companions ﷺ would remember Allâh much and they would lower their voices.<sup>[2]</sup>

He would order the troops and the fighting and would place in charge of each wing a capable leader and fighters would engage in single combat in front of him at his command. He would put on his equipment for battle and sometimes, he might don two coats of chain mail<sup>[3]</sup> and he had flags and banners.<sup>[4]</sup> And when he defeated a people, he would stay in their town for three days, then he would return home.<sup>[5]</sup> And when he wished to raid a town or village, he would wait and if he heard the *Adhan* in the area, he would not attack, but if he did not, he would attack.<sup>[6]</sup> Sometimes he would attack his enemy by night and sometimes he would surprise them by day. He liked to depart early on a Thursday morning<sup>[7]</sup> and when the army camped, they would remain close together, so much so, that it was said that if a cloth had been spread over them, it would have covered them all.<sup>[8]</sup>

He would order the ranks and prepare them for battle with his hand, saying:

«تَقَدَّمْ يَا فُلَانُ، تَأَخَّرْ يَا فُلَانُ»

"Stand forward, so-and-so, stand back, so-and-so!"

And he preferred that a man should fight under the banner of his people. Upon engaging the enemy, he would say:

[1] Narrated by Muslim, Ahmad and Abu Dawûd.

[2] Narrated by Al-Bukhari, Muslim, Abu Dawûd and Ahmad.

[3] Narrated by Abu Dawûd, At-Tirmidhi, Ibn Majah and Ahmad.

[4] Narrated by Abu Dawûd.

[5] Narrated by Al-Bukhari, At-Tirmidhi, Abu Dawûd and Ibn Majah.

[6] Narrated by Al-Bukhari and Muslim, on the authority of Anas ﷺ.

[7] Narrated by Al-Bukhari, on the authority of Ka'b Ibn Malik ﷺ.

[8] Narrated by Abu Dawûd and Ahmad, on the authority of Abu Dawûd Al-Khushani ﷺ.

«اللَّهُمَّ مُنْزِلَ الْكِتَابِ، وَمُجْرِي السَّحَابِ، وَهَازِمَ الْأَحْزَابِ  
أَهْزِمَهُمْ، وَأَنْصُرْنَا عَلَيْهِمْ»

“Allâhumma, Munzil Al-Kitabi, Wa Mujriyas-Sahabi, Wa Hazimal-Ahzabi, Ihzimhum Wansurna ‘Alaihim”

“Oh, Allâh, Who sent down the Book, Who moves the clouds and Who vanquishes the clans (of disbelievers)! Vanquish them and make us victorious against them.”<sup>[1]</sup>

And sometimes he might say:

﴿سَيَرُّهُمْ لَجْمَعٌ وَيَوَلُّونَ الدُّبُرَ ﴿٥٠﴾ بَلِ السَّاعَةُ مَوْعِدُهُمْ وَالسَّاعَةُ أَدْهَىٰ وَأَمَرٌ ﴿٥١﴾﴾

“Their multitude will be put to flight, and they will show their backs. Nay, but the Hour is their appointed time (for their full recompense), and the Hour will be more grievous and more bitter.”<sup>[2]</sup>

And he used to say:

«اللَّهُمَّ أَنْزِلْ نَصْرَكَ»

“Allâhumma, Anzil Nasrak”

“O, Allâh! Send down your help.”

And he used to say:

«اللَّهُمَّ أَنْتَ عَضُدِي وَأَنْتَ نَصِيرِي، بِكَ أَقَاتِلُ»

“Allâhumma, Anta ‘Adudee Wa Anta Naseeree Bika Uqatil”

“Oh, Allâh! You are my Strength and You are my Helper and in Your Name I fight.”<sup>[3]</sup>

And when the fighting became fierce and the enemy made straight for him, he announced himself, saying:

«أَنَا النَّبِيُّ لَا كَذِبَ، أَنَا ابْنُ عَبْدِ الْمُطَّلِبِ»

[1] Narrated by Al-Bukhari, on the authority of Salim Abu An-Nadr ؓ and by Muslim, on the authority of ‘Abdullah Ibn Abi Awfa ؓ.

[2] *Sûrah Al-Qamar* 54:45-46.

[3] Narrated by Abu Dawûd, on the authority of Anas Ibn Malik ؓ.

“I am the Prophet and that is no lie, I am the son of ‘Abdul Muttalib.”<sup>[1]</sup>

And when the fighting became fierce, they would protect him.<sup>[2]</sup>

He was always the closest of them to the enemy and he used to make a watchword for the Companions ؓ in battle by which they would be known if they spoke. One time, their watchword was: “Amit, Amil” (Put to death, put to death)<sup>[3]</sup> and another time, it was: “Ya Mansûr!” (Oh, Mansûr [One who is helped by Allâh])<sup>[4]</sup> and another times, it was: “Ha Meem, La Yunsarûn” (Ha Meem, They [i.e. the disbelievers] will not be helped).<sup>[5]</sup>

He used to wear armour and a helmet and he would wear a sword and carry a spear and an Arabian bow and he would protect himself with a shield. He loved pride in battle and he said:

«إِنَّ مِنْهَا مَا يُحِبُّ اللَّهُ، وَمِنْهَا مَا يُبْغِضُ اللَّهُ، فَأَمَّا الَّتِي يُحِبُّ اللَّهُ،  
فَاخْتِيَالُ الرَّجُلِ بِنَفْسِهِ عِنْدَ اللَّقَاءِ، وَاخْتِيَالُهُ عِنْدَ الصَّدَقَةِ، وَأَمَّا الَّتِي  
يُبْغِضُ اللَّهُ عَزَّ وَجَلَّ، فَاخْتِيَالُهُ فِي الْبَغْيِ وَالْفُجُورِ»

“Verily, there is pride which Allâh hates and pride which Allâh loves. That which Allâh loves is a man’s pride in himself when fighting and when giving charity and that which Allâh, the Almighty, the All-Powerful hates is pride shown by injustice and oppression.”<sup>[6]</sup>

On one occasion, he fought with a mangonel against the people of Ta’if. He prohibited the killing of women and children. He would examine the (enemy) combatants and those of them who had begun to grow

[1] Narrated by Al-Bukhari and Muslim, on the authority of Al-Bara’ Ibn ‘Azib ؓ.

[2] Narrated by Muslim, on the authority of Al-Bara’ Ibn ‘Azib ؓ.

[3] Narrated by Abu Dawûd, on the authority of Salamah Ibn Al-Akwa’ ؓ, it was declared authentic by Al-Hakim and Az-Zahabi confirmed this.

[4] Narrated by Abu Ash-Shaikh in ‘*Akhlaq An-Nabi*’, on the authority of Yahya Al-Hamani, its chain of narrators is incomplete.

[5] *Sûrah Fussilat* 41:1, 16.

[6] Narrated by Abu Dawûd, on the authority of Jabir Ibn ‘Ateek ؓ.

pubic hair were killed, while those who had not were spared.<sup>[1]</sup>

When he sent out a military expedition, he would advise them to fear Allâh and he would say:

«سِيرُوا بِسْمِ اللَّهِ وَفِي سَبِيلِ اللَّهِ، قَاتِلُوا مَنْ كَفَرَ بِاللَّهِ، وَلَا تُمَثِّلُوا  
وَلَا تَعْدُوا وَلَا تَعْلُوا وَلَا تَقْتُلُوا وَلِيدًا»

“Go forth in Allâh’s Name and in Allâh’s Cause; fight those who disbelieve in Allâh, do not mutilate the enemy dead, do not break treaties, do not embezzle the spoils of war and do not kill children.”<sup>[2]</sup>

He prohibited traveling with the Qur’ân to the lands of the enemy and he ordered the commander of his expedition to call the enemy before engaging in fighting – either to Islam and migration or Islam without migration, in which case, they would be like the Bedouins among the Muslims, who had no share in the spoils of war, or to pay the *Jizyah*.<sup>[3]</sup> If they acceded to the call, it was accepted from them; if it was not, he would seek help from Allâh and fight them.

If he vanquished an enemy, he would order a caller to gather all of the spoils and he would start by sharing the booty with those who had a right to it, then he would deduct the *Khumus*.<sup>[4]</sup> from the remainder and he would use it in the manner which Allâh deemed appropriate and commanded, for the benefit of the Muslims. Then he would give a small amount from the remainder to those who had no share, such as the women and children and the slaves; and then he would divide what remained into equal-sized shares and give three shares to the cavalryman and one to the infantryman. This is what has been authentically reported from him ﷺ.<sup>[5]</sup> He would also give extra from the spoils according to what he considered beneficial: He combined

[1] Narrated by Abu Dawûd, on the authority of ‘Atiyah Al-Qurazi ﷺ.

[2] Narrated by Muslim, the compilers of the ‘*Sunan*’, Ahmad, Malik and Ad-Darimi.

[3] *Jizyah*: A tax paid by Jews and Christians living under Muslim protection.

[4] *Khumus*: One fifth, which is deducted from the spoils of war.

[5] Narrated by Al-Bukhari and Muslim, on the authority of ‘Abdullah Ibn ‘Umar ﷺ.

for Salamah Ibn Al-Akwa’ ﷺ on one campaign the share of a cavalryman and the share of an infantryman, so he gave him four shares, due to the great use he had been in that particular battle.<sup>[1]</sup>

He used to give the strong and the weak equal shares, aside from the aforementioned extra. When he was fighting in the land of the enemy, he would send an expedition ahead of him and whatever spoils they collected, he would take the *khumus* from it, then from the remainder he would take one quarter and give it to them as extra shares, then he would divide what remained between the members of the expedition and the rest of the troops. And he would do likewise upon returning, giving them one third.<sup>[2]</sup> In spite of this, he disliked giving extra shares, for he said:

«لِيرَدَّ قَوِيٌّ الْمُؤْمِنِينَ عَلَى ضَعِيفِهِمْ»

“The strong Believer and the weak Believer should receive an equal share.”<sup>[3]</sup>

The Prophet ﷺ had a share in the booty which was known as *As-Safiyy*.<sup>[4]</sup> If he wished, a slave and if he wished, a horse and he would choose it before the *Khumus* was taken from the spoils.<sup>[5]</sup>

‘A’ishah ﷺ said: “Safiyyah ﷺ was from *As-Safiyy*.” (Narrated by Abu Dawûd)<sup>[6]</sup> And his sword, *Zul Fiqar*, was from *As-Safiyy*. He used to

[1] Narrated by Muslim and Abu Dawûd.

[2] Narrated by Abu Dawûd, on the authority of Habeeb Ibn Maslamah Al-Fihri ﷺ.

[3] Narrated by Ahmad, on the authority of ‘Ubadah Ibn As-Samit, but the *Hadeeth* is weak due to the presence in the *Sanad* of Abu Ishaq, of whom Muhammad Ibn Sa’d said: “He makes many mistakes in his *Ahadeeth*.” Also in the *Sanad* is Sulaiman Ibn Mûsa, of whom Abu Hatim Ar-Razi said: “There is *Idhtirab* (contradiction) in some of his *Ahadeeth*.” Ibn Hajr said of him that he was lax regarding some of his *Ahadeeth* and that towards the end of his life, he mixed things up.

[4] *As-Safiyy*: The Pure.

[5] Narrated by Abu Dawûd, on the authority of Ash-Sha’bi, who was a *Tabi’i*, so it is a *Mursal* narration.

[6] Narrated by Abu Dawûd, on the authority of ‘A’ishah ﷺ and declared authentic by Ibn Hibban.

give a share to those who had been absent from the fighting due to some benefit to the Muslims, as he gave to 'Uthman ؓ after the Battle of Badr, when he nursed his (i.e. the Prophet's) daughter and he said:

«إِنَّ عُثْمَانَ انْطَلَقَ فِي حَاجَةِ اللَّهِ وَحَاجَةِ رَسُولِهِ»

“Verily, 'Uthman has left on business of Allâh and of his Messenger.” And he gave him his share and his reward.”<sup>[1]</sup>

They used to buy and sell in his presence when in battle and he did not prohibit them from doing so. They used to hire people to fight and such hiring was of two types: (i) That a man would go off to fight and he would hire someone to serve him on the journey; (ii) that he would hire from his wealth someone who would go out for *Jihad* and this was known as *Al-Ja'a'il*; regarding this practice, the Prophet ﷺ said:

«لِلْغَازِيِ أَجْرُهُ، وَلِلْجَاعِلِ أَجْرُهُ وَأَجْرُ الْغَازِيِ»

“The warrior gets his reward, and the one who equips him gets his own reward and that of the warrior.”<sup>[2]</sup>

And they used to share the booty in two ways also: (i) Physical participation (i.e. each one fighting and then combining what they had got and sharing it equally ) and (ii) that a man would hand over his camel or his horse to another man so that he could do battle on it, on the understanding that he would give him half of his share; they might even divide up the share so that one of them received an arrow shaft and the other the arrow head and the flight; 'Abdullah Ibn Mas'ûd ؓ said: “Ammar, Sa'd and I became partners in what we would receive on the Day of Badr and Sa'd brought two captives, while 'Ammar and I brought nothing.”<sup>[3]</sup>

[1] Narrated by Abu Dawûd, on the authority of 'Abdullah Ibn 'Umar ؓ.

[2] Narrated by Ahmad and Abu Dawûd, on the authority of 'Abdullah Ibn 'Amr ؓ.

[3] Narrated by Abu Dawûd, An-Nasa'i and Ibn Majah, on the authority of Abu 'Ubaidah, who reported on the authority of 'Abdullah Ibn Mas'ûd ؓ, but it is a *Munqati'* narration, because Abu 'Ubaidah did not hear from his father, 'Abdullah Ibn Mas'ûd ؓ.

Sometimes, he would send out an expedition on horseback and sometimes on foot and he did not give a share to anyone who arrived after victory had been achieved.<sup>[1]</sup> He used to give blood relatives from Banu Hashim and Banu Al-Muttalib, but not their brothers from Banu 'Abdi Shams and Banu Nawfal and he said:

«إِنَّمَا بَنُو الْمُطَّلِبِ، وَبَنُو هَاشِمٍ شَيْءٌ وَاحِدٌ»

“Banu Al-Muttalib and Banu Hashim are one thing.”

And he interlocked his fingers and said:

«إِنَّهُمْ لَمْ يُفَارِقُونَا فِي جَاهِلِيَّةٍ وَلَا إِسْلَامٍ»

“They neither left us in the *Jahiliyyah*, nor in Islam.”

The Muslims used to acquire with him in their battles honey, grapes and food and they would eat it and they would not include it in the war booty; Ibn Abi Awfa ؓ was asked: “Did you use to take *Khumus* from the food?” He replied: “We acquired food on the day of the Battle of Khaibar and any man would come along and take from it what sufficed him, then leave.”<sup>[2]</sup> One of the Companions ؓ said: “We would eat a camel on an expedition without dividing it, even though we were returning to our camp and our saddle-bags would be full with its flesh.”<sup>[3]</sup>

The Prophet ﷺ forbade pillaging and mutilation<sup>[4]</sup> and he said:

«مَنْ انْتَهَبَ نُهْبَةً فَلَيْسَ مِنَّا»

“Whoever pillaged is not one of us.”<sup>[5]</sup>

[1] Narrated by Al-Bukhari, on the authority of Abu Hurairah ؓ.

[2] Narrated by Abu Dawûd, on the authority of 'Abdullah Ibn Abi Awfa ؓ.

[3] Narrated by Abu Dawûd, on the authority of Al-Qasim, the freed slave of 'Abdur-Rahman, it has in its chain of narrators one Ibn Harshaf Al-Azadi, who is unknown, according to Az-Zahabi, thus the *Hadeeth* is weak.

[4] It is reported on the authority of Anas Ibn Malik ؓ that he said: “The Prophet ﷺ encouraged charity and prohibited mutilation.” (Narrated by Al-Bukhari).

[5] Narrated by Abu Dawûd and Ahmad, on the authority of Anas Ibn Malik ؓ.

He also forbade that a man should ride an animal which is part of the war booty and then when he has emaciated it, return it, or to wear a garment from the war booty, then when he has worn it threadbare to put it back.<sup>[1]</sup> He did not forbid that something should be utilized at the time of battle, but he was extremely strict about embezzling the spoils of war and he said:

«عَارٌ وَنَارٌ وَشَنَارٌ عَلَى أَهْلِهِ يَوْمَ الْقِيَامَةِ»

“(Embezzling the spoils of war is) disgrace, fire and ignominy on the Day of Resurrection for those who do it.”<sup>[2]</sup>

And when his slave, Mid'am was killed, some of the Companions ؓ said: “Congratulations to him (the slave) for gaining Paradise.” Allâh's Messenger ﷺ said:

«كَأَنَّ الَّذِي نَفْسِي بِيَدِهِ، إِنَّ الشَّمْلَةَ الَّتِي أَخَذَهَا يَوْمَ خَيْبَرَ مِنَ الْغَنَائِمِ لَمْ تُصِبْهَا الْمَقَاسِمُ، لَتَشْتَعِلَ عَلَيْهِ نَارًا»

“No! By Him in Whose Hand is my soul, the sheet which he stole from the war booty before its distribution on the day of Khaibar, is now burning over him.”

When the people heard that, a man brought one or two leather shoe straps to the Prophet. The Prophet said:

«شِرَاكٌ أَوْ شِرَاكَانِ مِنْ نَارٍ»

“A strap of fire,” (or he said:) “Two straps of fire.”<sup>[3]</sup>

And the Prophet ﷺ said regarding the man who looked after his belongings (whose name was Kirkirah) when he died:

«هُوَ فِي النَّارِ»

[1] Narrated by Abu Dawûd and Ahmad, on the authority of Ruwaifi' Ibn Thabit Al-Ansari ؓ.

[2] Narrated by Ahmad and Malik, on the authority of 'Abdullah Ibn 'Amr Ibn Al-'As ؓ.

[3] Narrated by Al-Bukhari, Muslim, Abu Dawûd, An-Nasa'i and Malik, on the authority of Abu Hurairah ؓ.

“He is in the Fire.”

The people then went to look and found in his place a cloak which he had stolen from the war booty.<sup>[1]</sup>

And they used to say in some of their battles: “So-and-so is a martyr and so-and-so is a martyr,” until they passed by a man and they said of him: “He is a martyr.” But the Prophet ﷺ said:

«كَأَنَّ إِيَّيَ رَأَيْتُهُ فِي النَّارِ فِي بُرْدَةٍ غَلَّهَا أَوْ عَبَاءَةٍ»

“No! I saw him in the Fire wearing a *Burdah*<sup>[2]</sup> or a cloak (the narrator is unsure what it was) that he stole from the war booty.”

Then he ﷺ said:

«يَا ابْنَ الْخَطَّابِ اذْهَبْ فَنادِ فِي النَّاسِ إِنَّهُ لَا يَدْخُلُ الْجَنَّةَ إِلَّا الْمُؤْمِنُونَ»

“Oh, Ibn Al-Khattab! Go and announce to the people that none will enter Paradise except the Believers.”<sup>[3]</sup>

And once, when he acquired war booty, he ordered Bilal ؓ to announce to the people and they came, bringing their booty and he deducted the *Khumus* from it and distributed it; then a man came after that with a camel rope made of hair. The Prophet ﷺ said to him:

«أَسَمِعْتَ بِلَالَ لَا يُنَادِي؟»

“Did you hear Bilal calling?”

He said: “Yes.” The Prophet ﷺ asked him:

«فَمَا مَنَعَكَ أَنْ تَجِيءَ بِهِ؟»

“Then what prevented you from bringing it?”

[1] Narrated by Al-Bukhari, Ibn Majah and Ahmad, on the authority of Abu Hurairah ؓ.

[2] *Burdah*: Outer garment.

[3] Narrated by Muslim and Ahmad, on the authority of 'Abdullah Ibn 'Abbas ؓ and by Ad-Darimi, on the authority of 'Umar Ibn Al-Khattab ؓ.

The man made some excuses and the Prophet ﷺ said:

«كُنْ أَنْتَ نَجِيءٌ بِهِ يَوْمَ الْقِيَامَةِ فَلَنْ أُقْبَلَهُ عَنْكَ»

“Be (as you are), for you may bring it on the Day of Resurrection and I will not accept it from you.”<sup>[1]</sup>

And he ordered that the property of the embezzler of war booty be burnt and that he be beaten and the two Caliphs who came after him (Abu Bakr and ‘Umar ﷺ used to beat the embezzler of war booty and burn his property also.<sup>[2]</sup> It was said that this is abrogated by all of the *Ahadeeth* which I have referred to, because burning was not mentioned in any of them. It was also said – and this is the correct opinion – that it is a form of financial rebuke and punishment which fall under the *Ijtihad* of the Imams,<sup>[3]</sup> like executing the drinker of alcoholic beverages after the third or fourth time.<sup>[4]</sup>

<sup>[1]</sup> Narrated by Abu Dawûd and Ahmad, on the authority of ‘Abdullah Ibn ‘Amr Ibn Al-‘As ﷺ.

<sup>[2]</sup> Narrated by At-Tirmidhi and Abu Dawûd, on the authority of ‘Umar Ibn Al-Khattab ﷺ, it contains in its chain of narrators one Muhammad Ibn Salih Ibn Za‘idah, who is weak; Al-Bukhari said: “No one narrated this *Hadeeth* except Muhammad Ibn Salih Ibn Za‘idah and he is Abu Waqid Al-Laithi, who narrated *Ahadeeth* which are *Munkarah*. Abu Dawûd also narrated something similar on the authority of ‘Abdullah Ibn ‘Amr Ibn Al-‘As ﷺ, but it contains in its *Sanad* one Zuhair Ibn Muhammad Al-Khurasani, of whom Ad-Darimi said: “He is honest, but he has many mistakes.” According to Ibn Hajr, *Ahadeeth* narrated from him by the people of Ash-Sham (such as this one) are weak.

<sup>[3]</sup> This would only be the case if the evidence was authentically reported from the Prophet ﷺ. However, if it was weak – as in this case – it would not be so.

<sup>[4]</sup> In fact, executing the drinker of alcoholic beverages after the fourth offence is mentioned in an authentic *Hadeeth*: “Whoever drank alcohol, flog him; and if he repeats the offence, flog him a second time; if he repeats it a third time, flog him again and if he repeats it a fourth time, kill him.” (Narrated by At-Tirmidhi, Abu Dawûd, An-Nasa‘i, Ahmad, Al-Hakim, At-Tabarani and others.

## Chapter

### Regarding His ﷺ Guidance With Respect to Prisoners of War

He would pardon some of them, he would kill some of them, he would ransom some of them for money and some of them for the release of Muslim prisoners. He did all of these things in accordance with what was beneficial (to the Muslims). On one occasion, the *Ansar* ﷺ sought permission from him not to pay the ransom of his uncle, Al-‘Abbas ﷺ and he said:

«لَا تَدَعُوا مِنْهُ دِرْهَمًا»

“You will not leave a single *Dirham* of it!”<sup>[1]</sup>

And he returned the captives from Hawazin to them after the distribution of the war booty and the hearts of those who had gained spoils were positively affected by this (and they gave up their captives) and he compensated those who did not forsake their captives with six shares for each captive.

And Ahmad has reported on the authority of ‘Abdullah bin ‘Abbas ﷺ that some of them had no money and so the Messenger of Allâh ﷺ declared that their ransom would be that they should teach the children of the *Ansar* to write.<sup>[2]</sup> This proves the permissibility of accepting work as a ransom. And the correct opinion which is based upon his guidance and that of his Companions ﷺ is that the Arabs

<sup>[1]</sup> Narrated by Al-Bukhari, on the authority of Anas Ibn Malik ﷺ.

<sup>[2]</sup> Narrated by Ahmad, on the authority of ‘Abdullah Ibn ‘Abbas ﷺ, it contains in its *Sanad* one ‘Ali Ibn ‘Asim Ibn Suhaib Al-Wasiti, who was declared weak by Ibn Hajr, while Yahya Ibn Ma‘een and Yazeed Ibn Harûn called him a liar.

may be taken as slaves and it is permissible to have sexual intercourse with the slave women from among them without it being conditional upon their embracing Islam. And he prohibited parting a mother slave from her child and he used to give the children who were brought to him to their families, hating that he should split them up.

It has been authentically reported from him that he killed a spy from the polytheists,<sup>[1]</sup> but he did not kill Hatib ؓ when he spied on them, calling to mind the fact that he had fought in the Battle of Badr. Those who held that a (Muslim) spy should not be killed<sup>[2]</sup> cited this as evidence and those who held that he should be killed also cited it as evidence, such as Malik, due to his proffering an excuse which prevented him being killed and he reasoned that if Islam prohibited killing a Muslim spy, he would not have proffered an excuse; and when a ruling is affected by something more general, the more specific is devoid of effect.

It was a part of his guidance to free the slaves of the polytheists if they went out to the Muslims and embraced Islam.

It was also a part of his guidance that when a person embraced Islam and he had something in his possession, it belonged to him and he did not return to the Muslims their personal property which had been taken by the disbelievers when they embraced Islam. And it has been confirmed from him ؓ that he distributed the land of Quraizah and An-Nadeer and half of Khaibar between the recipients of the war booty and he set aside half of Khaibar for those who came there, such as arrivals from afar, unexpected matters and the problems or disasters affecting the Muslims, but he did not divide Makkah; some scholars said that this was because it is the House of Pilgrimage Rites and so it is an endowment from Allâh to His slaves. Others said that the *Imam* has the choice of whether to distribute the land or to endow it, based upon the action of the Prophet ﷺ and they said that the land is not included in the war booty, the distribution of which is commanded, because Allâh has not permitted it for anyone except this nation (i.e. the Muslims), but He has made permissible for them the homes and the lands of the disbelievers,

[1] Narrated by Al-Bukahri and Abu Dawûd, on the authority of Salamah Ibn Al-Akwa' ؓ.

[2] Ash-Shafi'i, Ahmad and Abu Haneefah.

according to the Words of Him, Most High:

﴿كَذَلِكَ وَأَوْرَثْنَاهَا بَنِي إِسْرَائِيلَ﴾

“Thus [We turned them (Pharaoh’s people) out] and We caused the Children of Israel to inherit them.”<sup>[1]</sup>

And the Prophet ﷺ sometimes distributed land and sometimes he did not and ‘Umar ؓ did not distribute it, instead he placed a permanent land tax upon it, which he paid to the (Muslim) combatants (who had fought to conquer it). This is the meaning of endowment (*Waqf*), not the kind of endowment whose ownership may not be transferred; indeed, it is permissible to sell it as practised by the (Muslim) people. And the scholars in absolute agreement that it may be inherited; Ahmad declared that it is permissible to make it a dowry, whereas it is not permissible to sell *Waqf* due to the fact that it invalidates the right of those upon whom it is endowed. And the right of the fighters is in the tax on the land, so it is not invalidated by selling the land. Similar to this is the selling of a slave who has entered into a written agreement to purchase his freedom (*Mukatab*), because the means for obtaining his freedom has already been agreed upon in the contract and so he is transferred to the purchaser as a *Mukatab*, just as he was with the seller.

The Prophet ﷺ forbade a Muslim from living among the polytheists, if he has the ability to migrate; he said:

«أَنَا بَرِيءٌ مِنْ كُلِّ مُسْلِمٍ يُقِيمُ بَيْنَ أَظْهُرِ الْمُشْرِكِينَ»

“I am innocent of blame for any Muslim who lives among the polytheists.”

It was said to him: “O, Messenger of Allâh! Why is that?” He said:

«لَا تَرَأَى نَارَاهُمَا»

“Their fires should not be visible to each other (i.e. they should live far apart).”<sup>[2]</sup>

[1] *Sûrah Ash-Shu'ara'* 26:59

[2] Narrated by Abu Dawûd and At-Tirmidhi, on the authority of Jareer Ibn ‘Abdillah ؓ.

And he ﷺ said:

«مَنْ جَامَعَ الْمُشْرِكَ وَسَكَنَ مَعَهُ فَهُوَ مِثْلُهُ»

“Anyone who associates with a polytheist and lives with him is like him.”<sup>[1]</sup>

And he ﷺ said:

«لَا تَنْقَطِعُ الْهِجْرَةُ حَتَّى تَنْقَطِعَ التَّوْبَةُ، وَلَا تَنْقَطِعُ التَّوْبَةُ، حَتَّى تَطُوعَ الشَّمْسُ مِنْ مَغْرِبِهَا»

“*Hijrah* (migration for Allâh’s sake) will not end until repentance ends and repentance will not end until the sun rises in the west.”<sup>[2]</sup>

And he ﷺ said:

«سَتَكُونُ هِجْرَةٌ بَعْدَ هِجْرَةٍ، فَخِيَارُ أَهْلِ الْأَرْضِ الَّذِينَ هَجَرُوا مَهَاجِرَ إِبْرَاهِيمَ عَلَيْهِ السَّلَامُ، وَيَبْقَى فِي الْأَرْضِ شَرَارُ أَهْلِهَا تَلْفِظُهُمْ أَرْضُهُمْ تَقْدِرُهُمْ نَفْسُ اللَّهِ وَيَحْشُرُهُمْ اللَّهُ مَعَ الْقِرَدَةِ وَالْخَنَازِيرِ»

“There will be one *Hijrah* after another and the best of people will migrate as did Abraham, while those who remain in the land will be the most evil of people; their lands will reject them and Allâh will despise them and He will gather them on the Day of Resurrection with the apes and swine.”<sup>[3]</sup>

<sup>[1]</sup> Narrated by Abu Dawûd, on the authority of Samurah Ibn Jundub ؓ, it contains in its *Sanad* one Ja’far Ibn Sa’d Ibn Samurah Ibn Jundub, who is weak, according to Ibn ‘Abdil Barr, while Ibn Hajr says that his status as a narrator is unknown, as does Ibn Al-Qattan. It also contains one Khubaib Ibn Sulaiman, who is also unknown, according to Ibn Hajr and Az-Zahabi. Likewise the status of Sulaiman Ibn Samurah, from whom Khubaib reports is unknown, according to Ibn Al-Qattan.

<sup>[2]</sup> Narrated by Abu Dawûd, Ahmad and Ad-Darimi, on the authority of Mu’awiyah ؓ, but it contains in its *Sanad* one Abu Hind Al-Bajli, who is unknown, according to Az-Zahabi and Ibn Al-Qattan.

<sup>[3]</sup> Narrated by Abu Dawûd and Ahmad, on the authority of ‘Abdullah Ibn ‘Amr Ibn Al-‘As ؓ.

## Chapter

### Regarding His ﷺ Guidance in Peace and in Treaties, Treatment Accorded to Messengers From the Disbelievers, Taking the *Jizyah*, Treatment of the People of the Scripture and the Hypocrites and His Fulfillment of Agreements

It has been authentically reported from the Prophet ﷺ that he said:

«ذِمَّةُ الْمُسْلِمِينَ وَاحِدَةٌ يَسْعَى بِهَا أَدْنَاهُمْ، فَمَنْ أَخْفَرَ مُسْلِمًا، فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يَقْبَلُ اللَّهُ مِنْهُ يَوْمَ الْقِيَامَةِ صَرْفًا وَلَا عَدْلًا»

“The protection granted by the Muslims is one and must be respected by the humblest of them. He who violated the covenant with a Muslim, there is upon him the curse of Allâh, the angels and all of mankind. Neither an obligatory act nor a supererogatory act would be accepted from him as recompense on the Day of Resurrection.”<sup>[1]</sup>

And it has been authentically reported from him ﷺ that he said:

«مَنْ كَانَ بَيْنَهُ وَبَيْنَ قَوْمٍ عَهْدٌ، فَلَا يَحِلُّنَّ عُقْدَةً، وَلَا يَشُدُّهَا حَتَّى يَمْضِيَ أَمْدُهُ، أَوْ يَنْبَدَ إِلَيْهِمْ عَلَى سَوَاءٍ»

<sup>[1]</sup> Narrated by Al-Bukhari and Muslim on the authority of Abu Hurairah ؓ and by Ahmad on the authority of ‘Ali Ibn Abi Talib ؓ.

“When one has a covenant with people he must not loosen or strengthen it till its term comes to an end or he brings it to an end in agreement with them (to make both the parties equal).”<sup>[1]</sup>

And he ﷺ said:

«مَنْ أَمَّنَ رَجُلًا عَلَى نَفْسِهِ فَقَتَلَهُ، فَأَنَا بَرِيءٌ مِنَ الْقَاتِلِ»

“Whoever guaranteed the safety of a man and then killed him, I disavow the killer.”

And it is reported from him ﷺ that he said:

«مَا نَقَضَ قَوْمٌ الْعَهْدَ إِلَّا أُدْبِلَ عَلَيْهِمُ الْعَدُوُّ»

“Whenever a people violate an agreement, the enemy will triumph over them.”<sup>[2]</sup>

When he arrived in Al-Madinah, he found the disbelievers to be of three types: (i) Those with whom he made a treaty that they would not make war against him, nor side with others against him; (ii) those who fought against him; (iii) those who did not enter into any treaty with him, neither did they make war against him; instead, they waited to see what would happen to him; then there were among them those who secretly hoped that he would defeat his enemies, while others among them wished for him to be defeated. And among them were those who appeared to join him, while secretly, they were his enemy. And he treated each group in accordance with the Commandments of his Lord, Most High.

He made an agreement with the Jews of Al-Madinah, but Banu Qainiqa' fought against him after the Battle of Badr, going over to the east (i.e. to the polytheists forces of Makkah) after it took place, revealing their injustice and envy. Then Banu Nadheer invalidated their agreement and the Prophet ﷺ fought them and laid siege to them, cutting down their date palms and burning them, after which they descended from their forts, on the understanding that they

<sup>[1]</sup> Narrated by At-Tirmidhi, Abu Dawûd and Ahmad.

<sup>[2]</sup> Narrated by Al-Hakim, on the authority of Buraidah ؓ, it contains in its chain of narrators one Basheer Ibn Al-Muhajir, who was deemed as lax by scholars of *Hadeeth*.

would leave Al-Madinah, being allowed to take with them what could be carried by camel, but excluding their weapons. Allâh mentioned their story in *Sûrah Al-Hashr*. After that, Banu Quraizah broke their treaty, and they were the worst of the Jews in disbelief, this is why what befell them did not befall their brothers (i.e. their men were put to death and their wives and children enslaved). This was his judgement on the Jews of Al-Madinah. And each battle with the Jews took place following a major battle (with the polytheists): Banu Qainuqa' following the Battle of Badr, Banu An-Nadeer following the Battle of Uhud and Banu Quraizah following the Battle of the Trench; as for Khaibar, we shall mention their story shortly.

It was a part of his guidance ﷺ that when he made a peace treaty with a people, if some of them invalidated it, while others of them abided by it and accepted it, he would make war against all of them, as he did in the cases of Ban An-Nadeer, Banu Quraizah and the people of Makkah; this was his practice regarding those with whom he had made agreements. And accordingly the People of the Scripture should be treated, as correctly stated by the companions of Imam Ahmad and others; however the companions of Imam Ash-Shafi'i differed with them on this, for they said that the invalidation of the agreement applies only to those who broke it; and they distinguished between the two based upon the fact that a treaty of protection is firmer; but the first opinion is more correct. And this was the legal ruling given by us to the Ruler when the Christians burnt the property of the Muslims in Ash-Sham and some of the Christians knew of this and agreed to it and they did not inform the Ruler about it and (we ruled) that the punishment for it was a mandatory sentence of death and that the Imam has no choice in the matter, as with a prisoner of war; indeed killing for him becomes a legal punishment. And Islam does not withhold killing if it is a legal punishment from one who is living under the protection of the Islamic State, as it is a duty to impose the Judgements of Allâh, as opposed to the person who is at war with the Muslims and then he embraces Islam; there is a ruling upon such a person.<sup>[1]</sup> And as for

<sup>[1]</sup> His life and his property are protected by the Islamic State and he may not be killed for what he did prior to embracing Islam.