

the person living under the protection of the Islamic State who invalidates the agreement, there is another ruling upon him and that is what is claimed in the works of Ahmad. And our Shaikh Ibn Taimiyyah has ruled accordingly on more than one occasion.

It was a part of his guidance that if he made a peace treaty with a people, then an enemy of his joined them and made a treaty with them, then another people joined with him, the ruling on those disbelievers who made war against the people who had joined him was the same as that on those who made war against him. It was for this reason that he attacked Makkah and thus ruled Shaikh Al-Islam Ibn Taimiyyah regarding the Christians of Al-Mashriq, when they supported the enemies of the Muslims in their war against them and supplied them with money and weapons; he considered that they had thereby invalidated the agreement. So how would it be if those living under Muslim protection helped the polytheists in their war against the Muslims.

And emissaries from his enemies came to him while they were hostile to him and he did not harm them, but when two messengers came to him from Musailamah and said what they said, he said to them:

«لَوْلَا أَنَّ الرُّسُلَ لَا تُقْتَلُ لَضَرَبْتُ أَعْنَاقَكُمْ»

“If it were not for the fact that emissaries may not be killed, I would have cut off your heads.”<sup>[1]</sup>

So his practice was not to kill emissaries; and it was a part of his guidance also not to retain an emissary if he embraced Islam while in his company; instead, he would return him, as Abu Rafi' ؓ said: “Quraish sent me to him and Islam entered my heart and I said: “Oh, Messenger of Allâh! I will not return.” But he said:

«إِنِّي لَا أَحْبِسُ بِالْعَهْدِ، وَلَا أَحْبِسُ الْبُرْدَ، أَرْجِعُ إِلَيْهِمْ، فَإِنْ كَانَ فِي قَلْبِكَ الَّذِي فِيهِ الْآنَ فَارْجِعْ»

[1] Narrated by Abu Dawûd and Ahmad, on the authority of Na'eem Ibn Mas'ûd Al-Ashja'i ؓ, it contains in its chain of narrators one Salamah Ibn Al-Fadl Al-Ansari, of whom Ibn Hajr said: “He is honest, but he makes many mistakes.”

“I will not break an agreement and I will not detain an emissary; go back to them, then if there is still in your heart that which is there now, you may return.”<sup>[1]</sup>

Abu Dawûd said: “This took place during the time when it was a condition (of the treaty between the Muslims and the polytheists) that if any of them came to him, he would return him to them. But as for today, this would not be right.” And in the words of the Prophet ﷺ:

«لَا أَحْبِسُ الْبُرْدَ»

“I will not detain an emissary.”

There is evidence that this applies only to emissaries, but as for his returning a person who came to him as a Muslim, that would only be if the stipulation (of the treaty) were present, while as for messengers, there is a different ruling for them.

It was also a part of his guidance that if his enemies made an agreement with one of his Companions without his consent, which did not harm the Muslims, he would uphold it, as was the case when they made an agreement with Huzaifah ؓ and his father that they would not fight with the Messenger of Allâh ﷺ against them and he said:

«أَنْصَرِفًا نَفِي لَهُمْ بِعَهْدِهِمْ، وَنَسْتَعِينُ اللَّهَ عَلَيْهِمْ»

“Go. We will fulfill their agreement and seek Allâh's Help against them.”<sup>[2]</sup>

And he made a peace treaty with Quraish in which it was stipulated that if anyone came to him (from them) as a Muslim, he would return him, but that if anyone came to them from him, they would not return him;<sup>[3]</sup> and the wording was general, including men and women; then Allâh abrogated that for women and He commanded that they be examined and if they found that a woman was a Believer,

[1] Narrated by Abu Dawûd and Ahmad, on the authority of Abu Rafi' ؓ.

[2] Narrated by Muslim and Ahmad, on the authority of Huzaifah Ibn Al-Yaman ؓ.

[3] Narrated by Al-Bukhari and Muslim, on the authority of Anas Ibn Malik ؓ.

she would not be returned, but her dowry would be returned to her husband.

And He commanded the Muslims to pay the dowry of a woman who had left her husband and gone to them if they were penalized by it being incumbent upon them to return the dowry of the female emigrant, that they should return it to the person whose wife had left him and they should not return her to her pagan husband. That is the penalty and it is not in truth a punishment.

In this there is evidence that when a woman leaves the authority of her husband, the amount paid to him is estimated and that it is in accordance with the dowry which he paid to her, not based upon the amount given to a woman in similar circumstances, and that the marriages of the disbelievers are valid and also that it is not permissible to return a Muslim woman who migrates from the disbelievers to the Muslims, even if it was a condition of the peace treaty and that it is not permissible for a disbeliever to marry or be married to a Muslim woman and that a Muslim man may marry her if she has completed her 'Iddah<sup>[1]</sup> and he gives her a dowry. Here is the clearest evidence that a (Muslim) wife may leave the authority of her (disbelieving) husband and that the marriage is dissolved by her migration. And in it there is a prohibition of marrying polytheist women. These rulings were derived from the two Verses (in *Sûrah Al-Mumtahanah* 60:10-11); there is consensus on some of them and in some of them there exists a difference of opinion. But those who claim that the Verses has been abrogated have no evidence, because if the condition applied only to men, then women are excluded from it, whereas, if it is general for men and women, Allâh has prohibited their return.

And He commanded that the dowry be returned to the husband from whom she had run away; then He informed us that that is His Judgment with which He judges between His slaves and that it emanates from His Knowledge and His Wisdom. And nothing has

<sup>[1]</sup> *Iddah*: The waiting period which a Muslim woman must observe following divorce or the death of her spouse, which is three menstrual cycles. After this, she is free to marry.

come from Him which invalidates this Judgement.

When the Prophet ﷺ made a treaty with them in which it was stated that he would return the men, he made it possible for them to take those who came to him, but he would not force them to return, nor would he order them to do so. And if the person had killed any of them or taken their property, and he had departed from his jurisdiction and did not return to them, he would not rebuke him for this, nor would he indemnify them for what he had done, because he was not under his jurisdiction, nor would he order him to return to them. And the treaty document did not require the safeguarding of lives and property, except for those who were under his jurisdiction, as in the case of Banu Jazimah, when Khalid killed them and the Prophet ﷺ rejected what he had done and declared himself innocent of it.<sup>[1]</sup>

And because Khalid had interpreted the Prophet's words (literally)<sup>[2]</sup> and he had fought them in accordance with the order of the Prophet ﷺ, they were indemnified with half of their blood money, due to the misinterpretation and doubt. And he treated them in this matter as he would have treated the People of the Scripture, who are protected by covenant of protection, not by Islam. And the peace treaty did not necessitate that he help them against those who made war on them, who were not under his jurisdiction, for it was written therein that if they were attacked by those who were not under the *Imam's* authority, even if he was a Muslim, then it was not incumbent upon the *Imam* to return him, nor to indemnify for damage.

And taking the rulings regarding war, peace and diplomatic policies from his ﷺ guidance is more appropriate than taking them from the opinions of others. So based upon this, if there was a covenant of protection between a Muslim ruler and some of those who are

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

<sup>[2]</sup> The Prophet ﷺ ordered Khalid ؓ to fight them if they did not say: "Aslamna" (We have embraced Islam) and they did not say this, but instead said: "Saba'na" (We have changed our religion) and so Khalid ؓ acting upon the literal meaning of the words of the Prophet ﷺ, killed some of them and took some of them captive.

entitled to such protection (i.e. the People of the Scripture), it would be permissible for another Muslim ruler who did not have a covenant of protection with them to make war against them, as *Shaikh Al-Islam* (Ibn Taimiyyah) ruled in the case of the Christians of Malta, citing as evidence the story of Abu Baseer.

Likewise, he made a peace treaty with the people of Khaibar, when he had defeated them, that he would expel them from there and that they might take away with them what their riding beasts could carry and that their gold and silver and weapons would be for the Messenger of Allâh ﷺ and he stipulated that they should not hide anything and that if they did, they would have no protection, but they concealed a *Mask*<sup>[1]</sup> which had belonged to Huyay Ibn Akhtab, which he had taken away with him when *Banu An-Nadeer* were expelled. The Prophet ﷺ asked Huyay's uncle about it and he said: "It was all expended in battles and other expenses." The Prophet ﷺ said:

«الْعَهْدُ قَرِيبٌ، وَالْمَالُ أَكْثَرُ مِنْ ذَلِكَ»

"It was only a short time ago and the money was more than that."

So he sent him to Az-Zubair to ascertain the truth and he tortured him until he said: "I saw Huyay going around in the ruins here." So they looked and found it there. So the Messenger of Allâh ﷺ killed the two sons of Abul Huqaiq, one of whom was the husband of Safiyyah Bint Huyay. And he enslaved their women and children and divided up their property due to their having broken the terms of the treaty and he wanted to expel them, but they said: "Allow us to live here and we shall work on the land, for we know it better." And since neither he nor his Companions ﷺ had sufficient labourers to work the land, they gave it to them on the understanding that they would pay them half of all that it produced, including dates and crops and that he would confirm them therein for as long as he wished.<sup>[2]</sup> And he did not kill all of the men as he did with Banu Quraizah, due to their collaboration with those who violated the covenant.

[1] *Mask*: A leather bag.

[2] Taken from the *Hadeeth* of Abu Dawûd and that of Ibn Sa'd, on the authority of 'Abdullah Ibn 'Umar ﷺ.

As for the people of Khaibar, those of them who knew about the *Mask* and hid it and had agreed with him on the stipulation that if it became evident that they had hidden anything, the covenant of protection would be revoked, he killed them, based upon the condition which they had agreed to, but he did make this a general order for all of the people of Khaibar, because it was known that not all of them knew of about the *Mask* and that is similar to the case of the person living under Muslim protection or the one with whom there is an agreement, if he invalidates it and no one else supports him.

And his giving the land to the people of Khaibar on the condition that they paid him half of the produce is a clear proof that it is permissible to make a sharecropping agreement. And the fact that the trees were date palms has no effect whatsoever, because the ruling on a thing is that of the thing which is similar to it, so the ruling on a land in which there are grapes and other things is the same as that of land in which there are date palms.

It is also understood from this that it is not a condition that the seeds be from the owner of the land, for he ﷺ never gave them seeds – and that is a settled matter. Indeed, some of the scholars said: If it were said that it is a condition that the worker supplies the seeds, it would be stronger. And those who claim that it is a condition that the owner supply the seeds have no evidence, except for an analogy with silent partnership; but in fact, it is nearer to the truth to say that this is an evidence against them, because in the case of silent partnership, the capital returns to the owner (and the remainder is shared between the two). And if that had been stipulated in the agreement, it would have been corrupted for them. So they considered the seeds to be like the rest of the plants. Also the seeds are considered to be like the water and other requirements, because crops do not grow by themselves, but require irrigation and work. Seeds (left alone) will die in the earth, but Allâh brings forth crops from other components along with them, such as water, wind, sun, soil and labour – this requires that the farmer be more liable to provide the seeds; and what has been reported in the *Sunnah* is in agreement with the analogy.

And in the story, there is evidence for the permissibility of making a

covenant of non-hostility without any set time limit; rather, it is in accordance with the wish of the Imam; and absolutely nothing has been reported after it which would abrogate it. However, he would not make war against them without prior warning being given to both sides at the same time, so that they and he would have equal knowledge of the ending of the treaty.

There is also evidence in the story for the permissibility of chastising the accused by torture, for Allâh was Able to inform His Messenger ﷺ of the whereabouts of the treasure, but it was His Will that it be made a *Sunnah* for the Muslims to torture the accused and to expand for them the means of judgements and make them easier for them, as a Mercy from Him.

There is also evidence in it for the permissibility of using factual evidence, based upon the saying of the Prophet ﷺ:

«الْعَهْدُ قَرِيبٌ، وَالْمَالُ أَكْثَرُ مِنْ ذَلِكَ»

“It was only a short time ago and the money was more than that.”

And likewise the Prophet of Allâh, Solomon (Sulaimân ﷺ) dealt with the matter of identifying the child's mother. And the Prophet ﷺ did not relate it to us, i.e. the story of Solomon (Sulaimân ﷺ) in order simply to pass the time; rather, so that we should take account of it when passing judgements; indeed, ruling by *Qasamah*<sup>[1]</sup> and the priority given to the oaths of the accusers of murder is derived from this, based upon the clear evidences; and in fact, the stoning of a woman accused of committing adultery is taken from this, based upon circumstantial evidence which was obtained as a result of his accusation and her refusal to swear that she was innocent.

Also derived from this is the acceptance of the testimony of the People of the Scripture upon the Muslims, if they make a will while traveling (and do not find any Muslims to witness it) and that if the next of kin of the deceased come to know that the witnesses have committed

<sup>[1]</sup> *Qasamah*: An accusation of homicide made in an oath sworn by fifty of the kinsmen of the deceased against another tribe or group of people of whose guilt they feel certain.

deception, it is permissible for them to swear to that and they will have the right to that which they have sworn. And material evidence in financial matters is like material evidence in matters of murder and has more right to be accepted than it. For this reason, if a person from whom property was stolen finds some of it in the hand of a known cheat and there is no evidence that he bought it from another, it is permissible for him to swear that the rest of his property is in that person's possession and that it was he who stole it, based upon the clear material evidence; and this is like the oath sworn by the next of kin of a murder victim in *Qasamah*; indeed the matter of money or property is a less serious one. This is why it is confirmed by a male witness and an oath, or a male witness and two female witnesses, as opposed to murder; and the Qur'ân and *Sunnah* prove the former and the latter. And those who claim that it is abrogated have no evidence at all, because it is mentioned in *Sûrah Al-Ma'idah* and that was one of the last *Sûrahs* to be revealed and the Companions ﷺ ruled in accordance with it after him ﷺ.

Also from this is the evidence of Yusuf's *Qamees*, (which was torn from behind, thus proving that it was his master's wife who had attempted to seduce him and not vice versa); and Allâh related the story in order to confirm it and as an example to be followed, not simply for the sake of narrating it.

And after the Prophet ﷺ established the people of Kahibar on the land, he would send every year a person to estimate their harvest (by looking at the amount of dates on the trees) and then he would see how much was collected from it and he would fix for them the Muslims' share and they would arrange it. And he would suffice himself with one assessor. And in this there is evidence that it is permissible to estimate the harvest in accordance with what appears to be sound on the date palms and to estimate the distribution based upon the number of date palms, after which the yield of either of the two partners will be known, even if it is not clear later and this is for the benefit of the crop.

And it proves that the distribution is collection, not sale and that it is permissible to suffice oneself with one assessor and one distributor and that the person who has the yield in his possession may dispose

of it after the assessment and that he may guarantee the share of his partner (who carried out the assessment).

Then in the time of 'Umar ؓ his son, 'Abdullah ؓ went to his property in Khaibar and they met him with enmity and threw him from the top of a house, breaking his hand, after which 'Umar ؓ expelled them to Ash-Sham and distributed it between those who had taken part in the Battle of Khaibar.



## Chapter

As for his ﷺ guidance regarding the covenant of protection and the taking of the *Jizyah*, he did not take the *Jizyah* until after *Sûrah Bara'ah* was revealed in the eighth year; then when the Verse of the *Jizyah* was revealed, he took it from the Magians<sup>[1]</sup> and the People of the Scripture, but he did not take it from the Jews of Khaibar; and some mistakenly thought that it was specially for the people of Khaibar, but was due to their lack of understanding, because he made the peace treaty with them before the Verse was revealed and then Allâh commanded him to fight the People of the Scripture until they pay the *Jizyah*, so they were not included in that. This was because the covenant between him and them was made before it, so he did not request anything else from them, but he requested from others who had not made a covenant with him that they pay the *Jizyah*. Then when 'Umar ؓ expelled them, that covenant was changed and the ruling for them became the same as that for others among the People of the Scripture. Then in some countries where knowledge of the *Sunnah* was scanty, a group of them (i.e. the Jews) produced a book which they had forged, in which it was said that the Prophet ﷺ had lifted from Khaibar the obligation to pay the *Jizyah*; and in it there was a testimony from 'Ali Ibn Abi Talib, Sa'd Ibn Mu'adh and a number of the Companions ؓ, and it spread amongst those who were ignorant of the *Sunnah* and thought that it was authentic and implemented its ruling until it was submitted to *Shaikh Al-Islam* (Ibn Taimiyyah) and he was requested to support its implementation and he spat on it and proved that it was a lie by mentioning ten evidences, including that:

<sup>[1]</sup> Narrated by Al-Bukhari and Ash-Shafi'i, on the authority of 'Amr Ibn Deenar ؓ

- (i) Sa'd ؓ died before Khaibar.
- (ii) The (Verse of) *Jizyah* had not yet been revealed at the time of Khaibar.
- (iii) He ؓ removed from them the obligations of *Al-Kulaf*<sup>[1]</sup> and *As-Sukhar*<sup>[2]</sup> and these did not exist in the time of the Prophet ؓ, but were imposed by unjust rulers and have continued to be implemented.
- (iv) This book was not mentioned by any of the scholars, neither by the compilers of the Prophet's *Seerah*,<sup>[3]</sup> nor by the scholars of *Hadeeth* nor anyone else and they (the Jews) did not reveal it during the time of the *Salaf*, because they knew that they would have known it to be a lie; but when knowledge of the *Sunnah* had decreased, they forged it and some perfidious traitors to Allâh and His Messenger ؓ assisted them. But this only continued until Allâh revealed the truth of the matter and the successors of the Messengers made clear its falseness.

He did not take the *Jizyah* from idolaters, and it was said: It is not taken from any disbeliever other than these (the Jews, the Christians and the Magians) and those who followed their religion, following the example of the Prophet ؓ in taking it or not taking it. And it was said: It is taken from the non-Arab idolaters, but not the Arabs. The first opinion is that of Ash-Shafi'i and Ahmad in one narration attributed to him and the second opinion is that of Abu Haneefah and Ahmad in another narration. They said that the Prophet ؓ did not take it from the Arabs, because it was made obligatory after they had embraced Islam and no polytheist remained in the land of the Arabs. For this reason, after the conquest of Makkah, he made war on Tabuk (whose inhabitants were Christians); and if there had been any polytheists in the land of the Arabs, they would have been closer to him and it would have been more fitting to make war on them before fighting those who were further away. And whoever contemplates this will know that the matter is so. They said: But he took it from the

[1] *Al-Kulaf*: A tribute or tax.

[2] *As-Sukhar*: A tax.

[3] *Seerah*: Biography.

Magians and there is no authentic evidence, or anything attributed to the Prophet ؓ to prove that they have a Scripture. And there is no difference between an idolater and a fire worshipper; indeed, the idolaters adhered to the Religion of Abraham (Ibraheem ؑ) to an extent, unlike the fire worshippers. In fact, the fire worshippers were enemies of Abraham (Ibraheem ؑ). And the *Sunnah* proves this, as in '*Saheeh Muslim*':

«إِذَا لَقِيتَ عَدُوَّكَ مِنَ الْمُشْرِكِينَ، فَادْعُهُمْ إِلَىٰ إِحْدَى ثَلَاثٍ»

"If you encounter your enemies from among the polytheists, then call them to one of three things."<sup>[1]</sup>

Up to the end of the *Hadeeth*.

And Al-Mugheerah said to Kiswa's representative: "Our Prophet has ordered us to fight you until you worship Allâh or pay the *Jizyah*."<sup>[2]</sup>

And the Prophet ؓ said:

«هَلْ لَكُمْ فِي كَلِمَةٍ تُدِينُ لَكُمْ بِهَا الْعَرَبُ، وَتُوَدِّي الْعَجَمُ إِلَيْكُمْ  
الْحُرِّيَّةَ؟»

"Do you desire a word which will subdue the Arabs and will cause the non-Arabs to pay the *Jizyah* to you?"

They said: "What is it?" He said:

«لَا إِلَهَ إِلَّا اللَّهُ»

"*La Ilaha Illallah*"

"None has the right to be worshipped except Allâh".<sup>[3]</sup>

He made a peace treaty with the people of Najran on the understanding that they would pay two thousand garments – half in the month of Safar, and the rest in Rajab, and they would lend (the Muslims) thirty coats of mail, thirty horses, thirty camels, and thirty

[1] Narrated by Muslim, on the authority of Buraidah ؓ.

[2] Narrated by Al-Bukhari, on the authority of Jubair Ibn Hayyah, who narrated from An-Nu'man Ibn Muqrin and Al-Mugheerah Ibn Shu'bah ؓ.

[3] Narrated by Ahmad and At-Tirmidhi, on the authority of 'Abdullah Ibn 'Abbas ؓ.

weapons of each type used in battle and that the Muslims would stand surety for them until they returned them in case there is any plot or treachery in Yemen, on the understanding that no church of theirs would be demolished and no clergyman of theirs would be turned out and there would be no interference in their religion until they bring something new or take usury.<sup>[1]</sup>

And when he ﷺ sent Mu'adh to Yemen, he ordered him to take from every person who had reached the age of puberty one *Deenar* or its value in *Ma'afiri*, which are the garments of Yemen.<sup>[2]</sup> In this there is evidence that the form and quantity of the *Jizyah* are not fixed; rather it is in accordance with the needs of the Muslims and the situation of those from whom it is taken. And neither the Prophet ﷺ nor his Caliphs distinguished between the Arabs and the non-Arabs; he took it from the Magians of Hijr and they were Arabs. This was because every group among the Arabs followed the religion of the peoples who were next to them: The Arabs of Bahrain were Magians and Tanookh, Bahrah and Banu Taghlib were Christians; so the Prophet ﷺ did not consider their forefathers, nor when they embraced the religion of the People of the Scripture. And it has been authentically reported from him ﷺ that there were some among the Ansar whose sons had embraced Judaism after the Law of Moses had been abrogated and their fathers wished to force them to embrace Islam, then Allâh revealed:

﴿لَا إِكْرَاهَ فِي الدِّينِ﴾

“There is no compulsion in religion.”<sup>[3]</sup>

And the words of the Prophet ﷺ:

[1] Narrated by Abu Dawûd, on the authority of 'Abdullah Ibn 'Abbas ؓ, it contains in its *Sanad* one Isma'eel Ibn 'Abdir-Rahman Al-Qurashi, of whom Yahya Ibn Ma'een said: “There is weakness in his *Hadeeth*.” It also contains one Yûnus Ibn Bukair, of whom Ibn Hajr said: “He is honest, but he makes mistakes.”

[2] Narrated by the compilers of the '*Sunan*' and by Ahmad, it was declared authentic by Ibn Hibban and Al-Hakim and Az-Zahabi confirmed this.

[3] *Sûrah Al-Baqarah* 2:256

«نُخَذُ مِنْ كُلِّ حَالِمٍ دِينَارًا»

“Take from every (male) person who has reached puberty one *Deenar*,”

is evidence that it is not taken from children or women. As for the version narrated in which it says:

«مِنْ كُلِّ حَالِمٍ أَوْ حَالِمَةٍ»

“(Take) from every person who has reached the age of puberty, both male and female.”

It does not have a complete chain of narrators connected to the Prophet ﷺ; its chain is broken and this addition was not mentioned by the other narrators; possibly it is from the explanatory notes of one of them.



## Chapter

### Regarding His ﷺ Guidance in Dealing With the Disbelievers and the Hypocrites – From the Start of His Mission Until He Met Allâh, the Almighty, the All-Powerful

The first thing which his Lord, Most Blessed, Most High revealed to him was to recite in the Name of his Lord, Who created him and that was the start of his Prophethood. Then it was revealed to him:

﴿يَا أَيُّهَا الْمَدِينُ ﴿١﴾ قُمْ فَأَنْذِرْ ﴿٢﴾﴾

“O you (Muhammad ﷺ) enveloped in garments! Arise and warn!”<sup>[1]</sup>

So He announced (his Prophethood) to him by the former Verses and sent him forth as a Messenger by the latter Verses. Then He commanded him to warn his close kin and he warned his people, then he warned those around them from among the Arabs, then he warned all of the Arabs without exception, then he warned all of mankind. He remained for thirteen years warning the people, without fighting and he was commanded to patiently persevere. Then it was permitted for him to migrate to Al-Madinah and then it was permitted for him to fight. After that, he was commanded to fight those who fought him. Then Allâh commanded him to make war on the polytheists until all and every kind of worship was for Allâh Alone.

<sup>[1]</sup> *Sûrah Al-Muddaththir* 74:1-2

After the Command came to undertake *Jihad*, the disbelievers who were with the Prophet ﷺ in Al-Madinah were of three kinds: (i) Those with whom there was a peace treaty, (ii) those with whom they were at war and (iii) those who were living under Muslim protection. As regards to those who had treaties with the Muslims, Allâh commanded his Messenger ﷺ to implement them so long as they abided by them, but that if he feared that they would act falsely, to repudiate the treaty with them and He commanded him to fight against anyone who broke their covenant and *Bara'ah* (*Sûrah At-Tawbah* 9:1) was revealed, making clear the three groups and commanding him to fight the People of the Scripture until they agree to pay the *Jizyah*; and He commanded him to undertake *Jihad* against the disbelievers and the hypocrites. He made *Jihad* against the disbelievers with the sword and against the hypocrites by argument. And He commanded him to declare himself free from the covenants with the disbelievers and He declared them (the disbelievers) to be of three types: (i) Those whom Allâh had commanded him to fight – and they were those who had broken their covenants, (ii) those who had a covenant lasting for a fixed period of time and who had not violated it; Allâh commanded him to complete the covenants with them until they expired and (iii) those who had an unlimited covenant or who had no covenant and did not make war against him ﷺ. Allâh commanded him to give a respite to such people lasting for four months, then once they had passed, to fight them – and they are the months mentioned in the Words of Allâh:

﴿فَإِذَا انسَلَخَ الْأَشْهُرُ الْحُرُمُ﴾

“Then when the Sacred Months (the 1st, 7th, 11th, and 12th months of the Islamic calendar) have passed.”<sup>[1]</sup>

And the first day of it was the tenth of Dhul Hijjah, *Yawm Al-Adhan*<sup>[2]</sup> and the last day of it was the tenth of Rabe' Al-Akhar. And they are not the four months mentioned in the Words of Allâh, Most High:

﴿مِنهَا أَرْبَعَةٌ حُرُمٌ﴾

<sup>[1]</sup> *Sûrah At-Tawbah* 9:6

<sup>[2]</sup> *Yawm Al-Adhan*: The day on which the call to *Hajj* is made.

“Of them four are Sacred (i.e. the 1st, the 7th, the 11th and the 12th months of the Islamic calendar).”<sup>[1]</sup>

And he did not make the polytheists travel during them, because that was not possible, since they are not consecutive months and Allâh only gave them a respite of four months. After the passing of these four months, Allâh commanded him ﷺ to fight them so he fought those who had violated their covenants and gave a respite of four months to those without any covenant and those with an unlimited covenant. And Allâh commanded him ﷺ to complete the duration of the covenant of those who had fulfilled their agreements and all of them embraced Islam and they did not remain disbelievers until the end of the time period. For those living under the protection of the Muslims state (*Dhimmis*), he imposed upon them the *Jizyah*. After *Bara'ah* was revealed, the disbelievers continued as three types: (i) Those who were at war, (ii) those who had covenants and (iii) those who lived under Muslim protection. Then those who had covenants became Muslims and they became two groups: (i) Those who were at war with the Muslims and (ii) those who lived under Muslim protection, which meant that the people living in the land were of three types: (i) Muslims (ii) those granted safety and security by the Prophet ﷺ and (iii) those who were in fear and at war with him ﷺ.

As for the Prophet's treatment of the hypocrites, he was commanded to accept their declarations and to make *Jihad* against them with argument and evidence; and he was commanded to avoid them, to speak harshly to them and to speak to them with words which would affect their hearts. And he was prohibited from offering funeral prayers over them or from standing at their gravesides (to supplicate for them) and he was informed (by Allâh) that it was the same whether he sought forgiveness for them or he did not, for Allâh will not forgive them.

[1] *Sûrah At-Tawbah* 9:36

## Chapter

As for his conduct towards his Companions ﷺ, he was commanded to be patient with those who called upon their Lord morning and evening seeking His Countenance and not to let his eyes overlook them<sup>[1]</sup> and to pardon them, seek forgiveness for them, consult them<sup>[2]</sup> and pray for them.<sup>[3]</sup> And He commanded him to cut off relations with those who disobey him and stay away from him, until they repented to Allâh, as he did with the three who were left behind. And He commanded him to implement the legal punishments upon them, regardless of whether they were eminent or humble.

And He commanded him to repel his enemies among the devils from mankind by that which is better and to answer a bad deed with a good deed and to respond to ignorance with gentleness and to injustice with pardon and to cutting off relations by mending them and He informed him that if he did that, his enemy would become as though he was a close friend.<sup>[4]</sup>

And He commanded him to repel his enemies among the devils from the *Jinn* by seeking protection with Allâh from them; and He combined both of the Commands for him in three places in the Qur'ân: (ii) *Sûrah Al-A'raf*, (ii) *Sûrah Al-Mu'minûn* and (iii) *Sûrah Fussilat*. And He listed for him in the Verse in *Sûrah Al-A'raf* all noble traits of character, for the one placed in authority over the Muslims has three ways with regard to those in his charge: There are rights upon them which they must discharge and there are commands which he orders them to implement and it is inevitable that there will

[1] See *Sûrah Al-Kahf* 18:28.

[2] See *Sûrah Âl 'Imrân* 3:159.

[3] See *Sûrah At-Tawbah* 9:103.

[4] See *Sûrah Fussilat* 41:34.

be remiss or neglectful with regard His rights upon them. So he was commanded to take from the obligations which were upon them those things which they did willingly and which were easy for them and which were not a hardship for them and that is the (aforementioned) pardon. And Allâh commanded him to order them to observe *Al-'Urf* (kindness) – and that is what is understood by the rational mind and the sound *Fitrah*<sup>[1]</sup> – and not *Al-'Unf* (harshness). And he was commanded to respond to their ignorance with avoidance. This was his manner of conduct towards those who live in the earth – both the humans and the jinn among them and the Believers and the disbelievers among them.



<sup>[1]</sup> *Fitrah*: The innate sense of what is true and right.

## Chapter

### Regarding the Conduct of His ﷺ Battles

The first military expedition sent out by the Prophet ﷺ was undertaken by Hamzah Ibn 'Abdil Muttalib ؓ in the month of Ramadan, at the end of the seventh month after the migration to Al-Madinah. He sent him out with thirty men picked from the *Muhajirûn* to attack a caravan belonging to Quraish which was returning from Ash-Sham in which Abu Jahl was present with three hundred men. When they met, Majdi Ibn 'Amr Al-Juhani interceded between them, for he was friendly towards both sides.

Then the Prophet ﷺ sent 'Ubaidah Ibn Al-Harith ؓ to a place called Batn Rabigh in the month of Shawwal, with sixty of the *Muhajirûn* and they encountered Abu Sufyan who had two hundred men with him. An exchange of arrow shooting took place between them, but swords were not drawn; and the first one to shoot an arrow in Allâh's Cause was Sa'd Ibn Abi Waqqas ؓ. Ibn Ishaq placed this expedition chronologically before that of Hamzah ؓ.

After that, he ﷺ sent out Sa'd bin Abi Waqqas ؓ to Al-Kharrar, in the month of Dhul Qa'dah after nine months with twenty riders to attack a caravan belonging to Quraish, but they found that the caravan had passed by the day before.

Then he himself took part in the expedition of Abwa', which was the first expedition in which he personally took part. He went out with men picked from the *Muhajirûn* to attack a caravan belonging to Quraish, but he did not find it.