

Also, it was one of the greatest conquests, because the people began to mix freely and exchange opinions and (as a result of that,) as those whom Allâh willed entered the fold of Islam during this period. And by these conditions Allâh strengthened His Messenger ﷺ and his army and as a result of which, the polytheists were humbled due to a condition from which they had sought strength and the Muslims were strengthened by humbling themselves to Allâh and so strength based upon falsehood became humbleness and true humility became strength.

Another wisdom was the increase in *Eeman* and obedience to a command which they disliked which Allâh brought about in the Muslims and their acceptance of His Decree and their anticipation of His Promise and their experience of the tranquility which He granted them in this situation which shook the mountains.

Also, He, Most Glorified made it a cause of forgiveness for His Messenger ﷺ and for the completion of His Favour upon him, His Guidance, His Help, the opening of his heart thereby and the removal from it of any sense of wrongdoing or injustice. This is why Allâh has mentioned it as a recompense and an objective. And this is only as a result of something which happened to the Messenger ﷺ and his Companions ﷺ.

And observe His description of the hearts of the Believers in this situation in which they (the hearts) were agitated and then through the calmness and tranquility which descended on them, they increased in *Eeman*. Then He confirmed that the oath of loyalty which they made to His Messenger ﷺ was an oath to Him and that whoever breaks it only breaks it to the detriment of Himself and that every Believer has taken the pledge of allegiance to Allâh from the lips of His Messenger ﷺ based upon *Eeman* and the things which it entails. Then He mentioned the belief of the Bedouins and that it was due to their ignorance of Him, Most Glorified, then He informed them of His Pleasure with the Believers and their pledge of allegiance and that then He knew the sincere obedience which was in their hearts and so He sent down the *Sakeenah* (calmness and tranquility) upon them and He rewarded them with the conquest (of Makkah) and abundant spoils, the first of which were in Khaibar and then they

continued without ceasing; and He has restrained the hands from them. It was said that this referred to the hands of the Makkans and it was also said that it referred to the hands of the Jews, when they intended to fight those in Al-Madinah after the Companions ﷺ and it was said that it referred to the people of Khaibar and their allies from Banu Ghatafan and Banu Asad, but the correct opinion is that it includes all of them. And Allâh says:

﴿وَلْيَكُونَ آيَةً لِلْمُؤْمِنِينَ﴾

“That it may be a sign for the believers.”^[1]

It was said that “it” refers to Allâh’s restraining their hands and it was said that it refers to the conquest of Khaibar. Then He added Guidance to all of this.

Then He promised them many spoils and many other victories which were not in their power at that time. It was said that this referred to Makkah and it was also said that it referred to Persia and Rome and it was said that it referred to all that came after Khaibar from the east and the west.

Then He said that if the disbelievers fought against them, they would certainly turn their backs and that is the Way of Allâh. If it was said: Then what of the Battle of Uhud? – the reply would be that it is a promise with a condition attached to it and that condition is that the Muslims are equipped with patient perseverance and fear of Allâh and the Battle of Uhud was lost due to the faintheartedness which negates patient perseverance and the disobedience which negates fear of Allâh. Then He mentioned that He has stayed their hands in Makkh due to the presence of (believing) men and women mentioned and that the punishment had been withheld from them due to their presence, just as He withheld it from them due to His Messenger ﷺ when he was in their midst.

Then he informed them of the pride and haughtiness which was in their hearts whose origin was ignorance and injustice. And He informed them of the calm and tranquility which He sent down to the hearts of His *Awliya’* to counter the pride and haughtiness of the

^[1] *Sûrah Al-Fath* 48:20

disbelievers and how He made them (the Believers) stick to the word of piety and that is a word which encompasses every word by which fear of Allâh is expressed and the highest of them is the word of sincerity: “*La Ilaha Illallah*” (None has the right to be worshipped except Allâh).

Then He informed them that He,

﴿أَرْسَلَ رَسُولَهُ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ﴾

“sent His Messenger (Muhammad ﷺ) with guidance and the religion of truth (Islam), that He may make it (Islam) superior to all religions.”^[1]

So Allâh has undertaken the responsibility to perfect this Religion (i.e. Islam) and to make it victorious over all other religions, so do not think that what happened on the Day of Al-Hudaibiyah indicates otherwise. Then Allâh mentions His Messenger ﷺ and his party with the best of praises, while the *Rafidah*^[2] describe them with the opposite of that.



^[1] *Sûrah Al-Fath* 48:28

^[2] *Rafidah*: Rejectors, i.e. the Shiites.

Chapter

Regarding the Battle of Khaibar

Mûsa Ibn ‘Uqbah said: “When the Messenger of Allâh ﷺ returned to Al-Madinah from Al-Hudaibiyah, he remained for twenty days or thereabouts, then he set out for Khaibar, leaving Siba’ Ibn ‘Urfutah ﷺ in charge of Al-Madinah. At that time, Abu Hurairah ﷺ arrived and he found Siba’ Ibn ‘Urfutah ﷺ reciting *Sûrah Maryam* and *Sûrah Al-Mutaffifeen* in the *Fajr* prayer and he said to himself during his prayer: “Woe to the father of so-and-so, for he has two measures; when he measures out (for others) he is deficient and when he measures for himself, he measures generously. After Siba’ ﷺ had finished the prayer, he supplied him with food, then he went to the Messenger of Allâh ﷺ and he spoke to the Muslims and they made him and his companions partners in their shares.

When the Messenger of Allâh ﷺ reached Khaibar, he performed the morning prayer there, then he mounted his riding beast and the people of Khaibar came out carrying their shovels and baskets in order to work in their fields, being unaware of any danger. The Prophet ﷺ called out:

«اللَّهُ أَكْبَرُ، حَرَبَتْ حَيْبَرُ، إِنَّا إِذَا نَزَلْنَا بِسَاحَةِ قَوْمٍ، فَسَاءَ صَبَاحُ الْمُنْذَرِينَ»

“*Allâhu Akbar!* Khaibar is destroyed! When we arrive in a people’s quarters, the day turns bad for those who have been warned.”^[1]

^[1] Narrated by Al-Bukhari, on the authority of Anas ﷺ.

Then he (Ibn Al-Qayyim) mentioned the *Hadeeth* in which it is reported that the Prophet ﷺ gave the standard to 'Ali ؓ and his single combat with Marhab. And then he mentioned the story of 'Amir Ibn Al-Akwa' ؓ.^[1] Then he besieged them and the Muslims became exhausted and hungry and they slaughtered their donkeys, but the Prophet ﷺ forbade them from eating them. Then he ﷺ made a peace treaty with the Jews in which it was stipulated that they could take away with them all that their riding beasts could carry, but that the gold and silver were his. He also stipulated that anyone who hid anything or carried anything away would have no protection, but they hid a leather bag belonging to Huyai. Then he mentioned the *Hadeeth*. But when the Prophet ﷺ wanted to expel them, they said: "Leave us in the land," so he gave it to them, on condition that they would pay a half of its produce, if he would confirm them in the land. He did not kill anyone except Ibn Abil Huqaiq, who was killed due to his violation of the treaty.

The Messenger of Allâh ﷺ took Safiyyah as a captive and she had been under the guardianship of Ibn Abil Huqaiq and he invited her to embrace Islam and she did so, so he freed her and married her, making her dowry her manumission.^[2] He divided Khaibar into thirty-six shares, each share being subdivided into a hundred shares. He and the Muslims took half and the other half was designated for catastrophes and to cover any exigencies afflicting the Muslims.^[3] Al-Baihaqi said: "This was because half of Khaibar was conquered by treaty and half of it by force." One of the fundamentals of jurisprudence laid down by Ash-Shafi'i is based upon this: That the land which was conquered by force must be shared out (as the remainder of the spoils of war are shared out).

And whoever studied the matter, it will be clear to him that all of the land of Khaibar was conquered by force and this is the truth of which there is no doubt. And the Imam is free to choose regarding the land whether to divide it or to donate it, or whether to divide some of it and donate the other part. The Prophet ﷺ did all of these things: He

[1] Narrated by Al-Bukhari, on the authority of Salamah Ibn Al-Akwa' ؓ.

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

[3] Narrated by Abu Dawûd, on the authority of 'Umar Ibn Al-Khattab ؓ.

divided Quraizah and An-Nadeer, but he did not divide Makkah; and he divided half of Khaibar and left half of it. No one was absnet from those who had been present at Hudaibiyah, except Jabir ؓ and he gave him a share. Ja'far and his companions came to him, along with the Abu Mûsa Al-Ash'ari and his companions ؓ. A woman from among the Jews poisoned him with a leg of mutton which she had given to him, but he did not punish her,^[1] although it was said that he killed her after Bishr Ibn Al-Bara' died.^[2]

Quraish had wagers as to who would win in the battle between the Muslims and the Jews of Khaibar; some of them contended that Muhammad and his Companions would win, while others said that the two confederates (i.e. among the Arab tribes) and the Jews of Khaibar would triumph. When the Prophet ﷺ emerged victorious, Al-Hajjaj Ibn 'Ilat embraced Islam and took part in the Battle of Khaibar, then he (Ibn Al-Qayyim) related his story.

Among the matters relating to Islamic Jurisprudence which may be derived from this story are: The fighting took place in the forbidden months, because he ﷺ had set out for Khaibar in the month of Muharram. Also, the division of the spoils, three shares for the cavalryman and one for the infantryman. Also that it is permissible for individuals in the army to eat food if they find it and there is no need to deduct the *Khumus* from it, based upon the fact that 'Abdullah Ibn Al-Mughaffal took a bag of fat.^[3] Also that if reinforcements arrive after the fighting, there is no share for them in the spoils unless the army permit it and are agreeable to it, because the Prophet ﷺ spoke to his Companions ؓ regarding the people of the ship (i.e. the returning migrants from Abyssinia). Also, we derive from it the prohibition of eating the meat of the donkey; it was said that the reason for this is that it is unclean and this reason is more acceptable than any other reason suggested such as those who said that it is because it had not been included in the *Khumus*, or that it is because it eats excrement. We also derive from it the permissibility of

[1] Narrated by Al-Bukhari and Muslim.

[2] Narrated by Abu Dawûd.

[3] Narrated by Al-Bukhari and Muslim, on the authority of 'Abdullah Ibn Al-Mughaffal ؓ.

making a peace treaty and the fact that the leader may abrogate it whenever he wishes and that there may be a condition attached to the guarantee of safety and that it is permissible to order torture for those who are under suspicion. Also, that one may act upon evidences, according to his words: "It was only a short time ago and the money was more than that." Also, if someone says something and then evidence is established that he is lying, no heed is paid to his words. Also, if those living under Muslim protection break any of the conditions imposed upon them, they will no longer have any protection. Likewise, if anyone takes anything from the spoils before they are distributed, it does not belong to him even if it less than his right, according to the words of the Prophet ﷺ:

«شِرَاكٌ مِنْ نَارٍ»

"It is a shoelace of fire."^[1]

Also that it is permissible to regard something as a good omen, indeed, it is highly recommended, as the Prophet ﷺ regarded the sight of the spades, axes etc. as omens of Khaibar's destruction. Also that the invalidation of the treaty applies also to the women and children, if those who violated it were numerous and strong. However, if it was only one of a group who did not support him, then it does not apply to his wife and his children, like those whose blood the Prophet ﷺ ordered shed who maligned him and he did not take their women or their children captive. This was his guidance in this matter and in that. Also, we derive from it that it is permissible to make the dowry of a slave woman her manumission – without her permission, without witnesses and without a legal guardian and without pronouncing the words of marriage. Also, it is permissible for a person to lie about himself and about others, so long as it does not entail harm to others, if thereby he able to attain his rights, as Al-Hajjaj did. We also derive from this the permissibility of accepting a gift from a disbeliever.

After leaving Khaibar, the Prophet ﷺ set out for Wadi Al-Qura where

^[1] Narrated by Al-Bukhari, Muslim, An-Nasa'i, Abu Dawûd and Malik, on the authority of Abu Hurairah ؓ.

the Jews resided. When they reached it, the Jews met them with arrows and Mid'am was killed. The Companions ؓ said: "Congratulations to him on attaining Paradise." Bu the Prophet ﷺ said:

«كَلَّا وَالَّذِي نَفْسِي بِيَدِهِ إِنَّ الشَّمْلَةَ الَّتِي أَخَذَهَا يَوْمَ خَيْبَرَ مِنَ الْمَغَانِمِ لَمْ تُصِبْهَا الْمَقَاسِمُ، لَتَشْتَعِلُ عَلَيْهِ نَارًا»

"No, by Him in Whose Hand is my soul, the sheet (of cloth) which he took (illegally) on the Day of Khaibar from the booty before the distribution of the booty, has become a flame of fire burning him."

Then the Messenger of Allâh ﷺ prepared his Companions ؓ for battle and he called the people of the valley to Islam, then a man from among them came out to fight and he was met by Az-Zubair ؓ who killed him. Then another came out and he was met by 'Ali ؓ who killed him, until eleven of them had been killed in single combat. And every time one of them was killed, the Prophet ﷺ would call upon the rest of them to embrace Islam. They continued to fight them until the evening, then the morning came upon them and the sun had risen no more than was sufficient to cast a shadow of a spear's length when it was conquered by force. The Prophet ﷺ left the land and the date palms in the hands of the Jews. When news of the fate of Khaibar, Fadak and Wadi Al-Qura reached the people of Taima', they made a treaty with the Prophet ﷺ and they remained on their property. It was considered that from Wadi Al-Qura to Al-Madinah is Hijaz, while what lies beyond it is a part of Ash-Sham.

Then the Prophet ﷺ left for Al-Madinah. They came out of the road to take rest and he said to Bilal ؓ:

«اِحْلَآءٌ لَنَا الْفَجْرَ»

"Keep looking for the *Fajr* time for us."

And he (Ibn Al-Qayyim) mentioned the *Hadeeth*.^[1] It was also reported that the incident took place on the return from Al-Hudaibiyah and it was also said that it took place on the return

^[1] Narrated by Muslim, At-Tirmidhi, Abu Dawûd, Ibn Majah and Malik.

from Tabûk.^[1]

It is derived from this *Hadeeth* that when a person sleeps through a prayer or forgets it, its time is when he wakes up or remembers it. It is also derived from it that the regular *Sunnah* prayers should be made up and that the *Adhan* and *Iqamah* are called for prayers which were missed and that they are made up in congregation and that they should be made up immediately, in accordance with the words of the Prophet ﷺ:

«فَلْيُصَلِّهَا إِذَا ذَكَرَهَا»

“He should make it up as soon as he remembers it.”^[2]

And he only delayed it a little, in order to leave the place where they took rest, as this is the place where Satan abides. There is also a warning against praying in areas frequented by devils, such as bathrooms and toilets in particular.

When they returned, the *Muhajirîn* returned to the *Ansar* the gifts of kindness they had given them (when they first arrived in Al-Madinah).

The Prophet ﷺ remained in Al-Madinah until the month of Shawwal, sending out military expeditions, including that of Ibn Huzafah, who commanded his companions to enter the fire. The Messenger of Allâh ﷺ said:

«لَوْ دَخَلُوهَا مَا نَخَرَجُوا مِنْهَا، إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ»

“If they had entered it (i.e. the fire), they would not have come out of it till the Day of Resurrection. Obedience (to somebody) is required when he enjoins what is good.”^[3]

If it was asked: How can this be, when (if they had entered it) they would have been acting in obedience to Allâh and His Messenger ﷺ

^[1] However, the *Hadeeth* narrated by Muslim, on the authority of Abu Hurairah ؓ mentions specifically that it took place on the return from Khaibar.

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

^[3] Narrated by Al-Bukhari, on the authority of ‘Ali Ibn Abi Talib ؓ.

(according to their understanding)? We should answer: Because they intended to enter the fire, even though they knew that Allâh has forbidden them from killing themselves, they are not excused. And if this is the case regarding one who tortures himself in obedience to those in authority whose commands he is supposed to obey, then what of one who tortures a Muslim, whom it is forbidden to torture in obedience to those in authority? And if after entering it, they would not leave it, in spite of their intention being to obey Allâh, then what may be said of those among the brothers of Satan who entered it and they instilled the delusion in the minds of the ignorant that it was a part of the inheritance of Ibraheem, Allâh’s *Khaleel* ؑ?!



Chapter

Regarding the Great Victory

By which Allâh strengthened His Religion, His Messenger ﷺ and His protected sanctuary and by which the people entered into the Religion of Allâh in crowds. The Prophet ﷺ set out for it in 8 A.H., when ten days of Ramadan had passed. Then he (Ibn Al-Qayyim) mentioned the story.

Included in the matters relating to Islamic Jurisprudence which may be derived from this story are: That if those who have a covenant with the Muslims make war on those who are under the protection of the Muslim leader, they will be in a state of war with him and he may attack them in their homes at night and he may do so without informing them. This is only if he fears betrayal on their part. If betrayal is ascertained on their part, then (they have breached the covenant with him) and there is no need to inform them.

It is also derived from this that the agreements of all parties are invalidated thereby if they accepted it, just as they enter the agreement as a consequence of their allies' entry into it.

Also, in it is the permissibility of making a peace treaty for a period of ten years; and the correct opinion is that it is permissible to do so for longer than that if necessary and there is some benefit for the Muslims in doing so. Also, if the *Imam* is asked something and he remains silent, it is not considered to be an offer, because Abu Sufyan asked him to renew the treaty and he remained silent. Also derived from it is that the enemy messenger may not be killed because Abu Sufyan was one of those who invalidated the treaty. It is also understood from it that the Muslim spy should be killed and that a woman may be stripped in case of need. Also, if a man accuses a

Muslim of hypocrisy or disbelief based on his own interpretation and due to anger for Allâh's sake – not based upon his own whim – he is not guilty of sin. It is also derived from it that a serious major sin may be atoned for by a great good deed, as Allâh, Most High says:

﴿إِنَّ الْحَسَنَاتِ يُذْهِبْنَ السَّيِّئَاتِ﴾

“Verily, the good deeds remove the evil deeds (i.e. small sins).”^[1]

And vice versa, according to the Words of Allâh, Most High:

﴿لَا تُبْطِلُوا صَدَقَاتِكُمْ بِالْمَنِّ وَالْأَذَى﴾

“Do not render in vain your *Sadaqah* (charity) by reminders of your generosity or by injury.”^[2]

And His Words:

﴿أَنْ تَحْبَطَ أَعْمَالُكُمْ وَأَنْتُمْ لَا تَشْعُرُونَ﴾

“lest your deeds should be rendered fruitless while you perceive not.”^[3]

Then he (Ibn Al-Qayyim) related the story of Hatib and the story of Dhul Khuwaisarah and its like. Then he said: And anyone possessing a rational mind understands the importance of this matter. Also, we derived from it the permissibility of entering Makkah in order to wage a permitted fight without entering into the state of *Ihram*. And there is no disagreement regarding the fact that anyone who wishes to perform the pilgrimage rites may only do so in a state of *Ihram*. As for matters other than these two, there is no obligation except that which Allâh and His Messenger ﷺ have imposed. In it, we also find the clear statement that Makkah was conquered by force and that those who maligned the Prophet ﷺ were killed.

As for the statement of the Prophet ﷺ:

﴿إِنَّ اللَّهَ حَرَّمَ مَكَّةَ، وَلَمْ يُحَرِّمْهَا النَّاسُ﴾

[1] *Sûrah Hûd* 11:115

[2] *Sûrah Al-Baqarah* 2:64

[3] *Sûrah Al-Hujurat* 49:3

“Verily, Allâh has made Makkah a sanctuary, not the people.”^[1]

And his words:

«إِنَّ إِبْرَاهِيمَ حَرَّمَ مَكَّةَ»

“Verily, Abraham has declared Makkah a sanctuary.”^[2]

This declaration is one of Divine Decree and is from the Islamic Law. It had already been decreed on the day when Allâh created the world and then it was put into words by Abraham (Ibraheem ﷺ). As for the saying of the Prophet ﷺ:

«لَا يُسْفَكَ بِهَا دَمٌ»

“Blood may not be spilled therein.”^[3]

It refers to the blood which may be legally spilled elsewhere, like the prohibition of cutting trees. In one version, the *Hadeeth* states:

«لَا يُعْضَدُ شَوْكُهَا»

“Its thorn trees may not be cut down.”^[4]

And it is very clear from this that it is unlawful to cut down thorn trees and boxthorn trees, but they (the scholars) permitted that a dry tree may be cut, because it is like the dead tree. And in the version in which it was stated:

«لَا يُخْبَطُ شَوْكُهَا»

“The leaves of its thorn trees may not be removed.”^[5]

is clear evidence that it is unlawful to cut the leaves. As for the words of the Prophet ﷺ:

«لَا يُخْتَلَى خَلَاهَا»

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

[2] Narrated by Muslim, on the authority of Rafi' Ibn Khadeej ؓ.

[3] Narrated by Al-Bukhari, on the authority of Abu Shuraih ؓ.

[4] Narrated by Al-Bukhari, on the authority of Mujahid.

[5] Narrated by Muslim, on the authority of Abu Hurairah ؓ.

“Nor should its vegetation or grass be uprooted.”

There is no dispute that what is intended is that which grows by itself; and *Al-Khala* refers to moist grass; and the exception of *Al-Izkhair* from this prohibition is evidence that the *Hadeeth* is general for all other grasses. But truffles and things hidden in the earth are not included in this prohibition, because they are like fruits.

As for his saying ﷺ:

«وَلَا يُنْفَرُ صَيْدُهَا»

“Its game should not be chased.”

It is a clear forbiddance of all of the causes due to which game is killed and hunted, even including a prohibition of chasing them from their place, because an animal is protected in this place, as it was there first and so it has more right to it. And from this, it is clear that if a protected animal was already in its place, it should not be disturbed from it. As for his saying ﷺ:

«لَا تُلْتَقَطُ سَاقِطَتُهَا، إِلَّا لِمُنْشِدٍ»

“Nor should its lost things be picked up, except by one who makes a public announcement about it.”

It is clear from this that lost property in the Sacred Precincts may not be taken possession of, nor may they be picked up, unless it is in order to inform people about them. This is one of two narrations reported from Ahmad. So he must announce it continuously until its owner come forward. This is the correct opinion and the *Hadeeth* is clear regarding it. The ‘*Munshid*’ (mentioned in the *Hadeeth*) is one who announces it and the ‘*Nashid*’ is the one who is seeking it, such as in the saying:

«إِصَاحَةُ النَّاشِدِ لِلْمُنْشِدِ»

“The listening of the seeker to the announcer.”

As for his not entering the House until the pictures were eliminated from it, it is inferred from this that it is hated to pray in a place in which there are pictures and the dislike of praying there is greater than that of praying in the bathroom, because while the former is the

place of Satan, the latter is a place where one is likely to find *Shirk* and the majority of *Shirk* committed by people has its origins in pictures and graves.

Also in the story there is the permissibility of one or two men accompanying and protecting a woman, such as Umm Hani' ﷺ and also the killing of those whose apostasy was compounded (by other sins) and who did not repent, based upon the story of Ibn Abi Sarh.^[1]



^[1] Ibn Abi Sarh had embraced Islam in Al-Madinah and then apostatized and fled to Makkah. He was brought to the Prophet ﷺ on the day of the conquest of Makkah by 'Uthman Ibn 'Affan ﷺ, who had taken him under his protection; and because he had repented and returned to the fold of Islam, his life was spared.

Chapter

Regarding the Battle of Hunain

Ibn Ishaq said: When Hawazin heard of the conquest, Malik Ibn 'Awf gathered Hawazin and Thaqeef and Jusham gathered and came to him and among them was Duraid Ibn As-Simmah, who was of no use except for his advice; then he (Ibn Al-Qayyim) mentioned the story.

Then he (Ibn Al-Qayyim) said: Allâh promised His Messenger ﷺ that once Makkah was conquered, the people would enter His Religion in great numbers, so when Makkah was defeated, Allâh's Wisdom dictated that He seize the hearts of Hawazin and those allied with them and those who followed them in order that Allâh's Religion and the Help given to His Messenger ﷺ should be manifest and so that their spoils might be a reward for those who took part in the conquest of Makkah and that Allâh make apparent His Might to those the like of whom the Muslims had not previously encountered and so that none from among the Arabs could resist them after that.

At first, He gave them a taste of the bitterness of defeat, in spite of their strength, in order to lower heads which had been raised by the conquest of Makkah and which had not entered Allâh's Sacred Precincts as the Messenger of Allâh ﷺ entered it, with bowed head, riding on horseback, so much so that his beard was almost touching his saddle and (they were given a taste of defeat) in order to show those who said: "We shall not be beaten this day by a smaller force." – that victory comes from Allâh. Then when their hearts had become remorseful, He sent to them support along with news (of victory):

﴿ثُمَّ أَنْزَلَ اللَّهُ سَكِينَتَهُ عَلَى رَسُولِهِ وَعَلَى الْمُؤْمِنِينَ﴾

“Then Allâh did send down His *Sakeenah* (calmness, tranquillity and reassurance) on the Messenger (Muhammad ﷺ), and on the believers.”^[1]

And His Wisdom dictated that the bestowal of His Help only comes to those who are remorseful:

﴿وَنُرِيدُ أَنْ نَمُنَّ عَلَى الَّذِينَ اسْتُضِعُوا فِي الْأَرْضِ وَنَجْعَلَهُمْ أَئِمَّةً وَنَجْعَلَهُمُ الْوَارِثِينَ ﴿١٠١﴾ وَتَمَكَّنَ لَهُمْ فِي الْأَرْضِ وَنُرِيَ فِرْعَوْنَ وَهَامَانَ وَجُنُودَهُمَا مِنْهُم مَّا كَانُوا يَحْذَرُونَ ﴿١٠٢﴾﴾

“And We wished to do a favour to those who were weak (and oppressed) in the land, and to make them rulers and to make them the inheritors. And to establish them in the land, and We let Fir’aun (Pharaoh) and Haman and their hosts receive from them that which they feared.”^[2]

Allâh opened the wars with the Arabs with the Battle of Badr and He closed them with the Battle of Hunain and the angels fought in both of them and the Prophet ﷺ hurled gravel in both of them; and through them both the fire of the Arabs was extinguished, for Badr caused them to fear and disunited them, while Hunain exhausted their strength.

It is also derived from it the permissibility of borrowing weapons from a polytheist and that complete trust in and dependence on Allâh requires that one undertake the necessary measures to achieve one’s objective and that Allâh’s guarantee of protection to him ﷺ does not negate undertaking the causes, just as His informing us that He would manifest His Religion over all others does not negate all forms of *Jihad*.

And he ﷺ stipulated to Safwan that he would guarantee the loan, which raises the question: Is this a guarantee to return them, or a guarantee against damage? Scholars have differed regarding this matter. It is also derived from this story that it is permissible to kill the enemy’s riding beast, if that helps to kill him and that is not

^[1] *Sûrah At-Tawbah* 9:26

^[2] *Sûrah Al-Qasas* 28:5-6

considered torture of animals, which is prohibited. Also we derive from it that he ﷺ pardoned the one who had intended to kill him^[1] and stroked his chest and supplicated for him. Also derived from it is the permissibility of the Imam delaying the distribution of the spoils until after some of the disbelievers have embraced Islam and then returning to them what was taken from them. And in this there is evidence that spoils may only be rightfully possessed through division of them. So if a person died before they were distributed or stored in the Muslim land, his share would be returned to the remaining recipients of the spoils. This is the *Mazhab* of Abu Haneefah. Ahmad declared that the *Anfal* are from four-fifths of the booty and that this gift is from the *Nafl* (which the Messenger of Allâh granted to the chiefs of the tribes in order to strengthen their faith) and this is more fitting than giving a third after the *Khumus* and then a quarter after it. And (had they understood this,) Dhul Khuwaisarah and his like would not have been blind to the wisdom behind it. Their spokesman said to the Prophet ﷺ: “Be fair.”

The *Imam* is the representative of the Muslims and he acts in accordance with what is best for them and with what helps to establish the Religion so if that was set aside in order to attract the enemies of Islam to it, to protect against their evil, it is permissible to do so – indeed it is obligatory to do so, for it is a basic principle of Islamic Law that one permit the lesser of two evils in order to repel the greater of them and in order to attain the greater of two benefits by letting pass the lesser of them; indeed the benefits of the life of this world and the Religion are based upon these two things.

We also derive from it that it is permissible to sell slaves, indeed even animals, exchanging some of them for others by *Nasee’ah*^[2] or by *Tafadul*^[3] and that if the two participants in the sale make a deferment for an unspecified period of time, it is permissible,

^[1] This refers to the story of Fudalah Ibn ‘Umar; however, according to Al-Albani, it is a weak *Hadeeth* reported by Ibn Hisham with a mixed up chain of narrators.

^[2] *Nasee’ah*: Deferred payment.

^[3] *Tafadul*: Immediate payment.

according to the most authoritative opinion, since there is nothing to beware of and no risk.

As for the words of the Prophet ﷺ:

«مَنْ قَتَلَ قَتِيلًا لَهُ عَلَيْهِ بَيِّنَةٌ فَلَهُ سَلْبُهُ»

“Anyone who has killed an enemy and has a proof of that, will possess his spoils.”^[1]

Scholars have differed regarding whether that is according to the Islamic Law, or whether it is a stipulation (of the *Imam*). And the source of the dispute is whether he said this based upon his position as the Messenger of Allâh ﷺ, such as his words:

«مَنْ زَرَعَ بِأَرْضِ قَوْمٍ بِغَيْرِ إِذْنِهِمْ، فَلَيْسَ لَهُ مِنَ الزَّرْعِ شَيْءٌ، وَلَهُ نَفَقَتُهُ»

“Whoever farmed in the land of a people without their permission, he has no share of the crop, but he is entitled to his costs.”^[2]

Or whether it was based upon his position as *Mufti*,^[3] as in his words:

«خُذِي مَا يَكْفِيكَ وَوَلَدَكَ بِالْمَعْرُوفِ»

“Take what is sufficient and reasonable for you and your sons.”^[4]

Or whether it was based upon his position as *Imam*, in which case it would be because there was some benefit in it at that time and it would be incumbent upon those who came after him to bear it in mind, according to what was beneficial. Due to this, the scholars have

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

^[2] Narrated by At-Tirmidhi, Abu Dawûd, Ibn Majah and Ahmad, on the authority of Rafi' Ibn Khadeej ؓ, it contains in its chain of narrators one Shareek Ibn 'Abdillah An-Nakha'i, who was described by Yahya Ibn Ma'een, Abu Dawûd, Abu Hatim Ar-Razi and others as being guilty of mistakes.

^[3] *Mufti*: One who delivers legal verdicts (*Fatawa*).

^[4] Narrated by Al-Bukhari, Ibn Majah, An-Nasa'i, Ahmad and Ad-Darimi.

differed regarding a great number of matters in which there is a statement reported from him, such as his saying:

«مَنْ أَحْيَا أَرْضًا مَيِّتَةً فَهِيَ لَهُ»

“Whoever gave life to dead ground, it belongs to him.”^[1]

It is also derived from this story that in such matters, one witness is sufficient and he does not need to swear an oath, nor is it a condition that he says: “I testify”.

Also, that the arms stripped from an enemy warrior are not subject to the *Khumus*, that they are a part of the spoils, that one who has no share of women or children has a right to them and that he has the right to the arms of all those whom he killed, even if they are numerous.



^[1] Narrated by Al-Bukhari, Abu Dawûd, Ahmad, Malik and Ad-Darimi.