

# **The Riyadh Bombings**

## The Rulings and The Consequences

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To the blood of those innocents victims killed in Riyadh and elsewhere, in bomb attacks where the perpetrators knew not who they killed and the victims knew not why they were killed...

To that blood thus spilt, we offer this book, hoping that it will contribute to putting an end to the killing of the innocent which has neither a religious nor a rational basis.

In the Name of God, the Compassionate, the Most Merciful

## Introduction

All praise be to God, whose succour and forgiveness we seek, and in whom we take refuge against the evils of our souls and those ensuing from our ill-guided actions. Indeed, whoever God has guided to the truth, no one will be able to cause him to err, and whoever God has led astray, no one save Him will be able to bring back to the straight path. I hereby proclaim: There is no God save God, the Unique who has no associates, and Muhammad is His servant and Messenger.

*“O you who have believed, fear God as He should be feared and do not die except as Muslims [in submission to Him]” (3: 102)*

*“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear God, through whom you ask one another, and the wombs. Indeed God is ever, over you, an Observer” (4:1)*

*“O you who have believed, fear God and speak words of appropriate justice. He will [then] amend for you your deeds and forgive you your sins. And whoever obeys God and His Messenger has certainly attained a great attainment” (33:71-2)*

Certainly, the most truthful speech is the speech of God, and the most excellent guidance is the guidance of the Prophet Muhammad (pbuh). The most evil matters tend to be those associated with the newfangled issues, for every new matter is an innovation and every innovation is a misguidance and every misguidance leads to hellfire.

Just as the population of the whole world in general and Muslims in particular had been shocked by the events of the 11<sup>th</sup> of September [2001], Muslims were again taken aback by the bombings of Riyadh and Casablanca which occurred almost on the same day. Indeed, the foreign minister of Saudi Arabia, Saud al-Faysal was right in describing the Riyadh bomb attacks as a micro version of 9/11 taking place on Saudi soil for they were, for all intents and purposes, really of the proportions of those attacks in the context of that country, just like the bomb attacks of Casablanca and those of Bali were in the context of Morocco and Indonesia respectively.

9/11, it needs to be said however, have not led just to the destruction of the towers of the World Trade Centre, they have also led to the destruction of two other towers, namely, Taliban and Afghanistan; for it was following those events that we witnessed the end of the former and the invasion of the latter. Also, following the events of 9/11, the Islamic movement as well as the Islamic and Arab countries found themselves dragged into a confrontation in which they were neither interested nor prepared for: they were not only

pitched against America but virtually against the whole world. The aftermaths of the Riyadh bomb attacks were not much different: in this case too, both the Islamic countries and the scholars who preach Islam found themselves in a predicament so hard, they have hardly been able to figure out the best ways to get out of it.

The fact that some Muslim commoners have reacted with joy to what had happened to the Americans on 9/11 Bombings or in the wake of the Riyadh or the Casablanca Bombings does in a way amount to a legal proof for the validity of these violent attacks. Hence, Islamic movements which have in the past refused to succumb to the lures and pressures of power and influence so as not to attract the wrath of God, must not succumb today to the lure of popularity by acquiescing to the trend of the commoners, particularly if that too is bound to attract the wrath of God and undermine the position of Islam itself.

Indeed, those preachers who call people to God must orient Muslims to the most ethically sound standards of behaviour, instead of giving in to the passions and whims of the masses, without taking in consideration the benefit and the good of Islam.

Agreed America is a transgressor that has acted unjustly towards Muslims on many occasions, but even that does not warrant the expression of gloating over their misfortunes and it certainly does not warrant our transgression of the Sharia or killing those whose killing it forbids, as we shall explain. The Qur'an has certainly dealt with this issue most decisively when it has said: "And do not let the hatred of a people for having obstructed you from al-Masjid al-Haram leads you to transgress" (5:2). Also: "And do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness" (5:8).

We need to recall that the heavenly books and the Prophets were sent but for the implementation of justice and equality even among those who do not share our faith or transgress us: "How great your faith will be if you were to obey God when dealing with those of us who have not obeyed God", used to say, the most wise, rightly-guided caliph, 'Umar Ibn al-Khattab.

Some Muslims react gleefully and begin to chant upon hearing the news of the death of one single American citizen, and they hardly seem to care about the fact that alongside him a hundred Muslims had actually died as well. As if Muslim blood has become cheaper than water, not only in the sight of our enemy but in ours too: what matters most is American blood. There is indeed a sense that American blood is so valued that some would readily trade the death of one American for the death of a hundred Muslim lives. As for the perpetrators of these attacks, if you ask them about the loss of Muslim lives in these carnages, they simply reply, 'they will be sent according to their intentions on the

Judgement Day'.<sup>1</sup>This hadith does certainly not constitute ample proof for the spilling of Muslim blood, nor does it give licence to anyone to violate its sanctity. Due to the confusion around this issue, this book has dealt with it at length, examining in detail the position of the jurists particularly in relation to the issue which became known in Islamic jurisprudence as the issue of *tatarrus*.<sup>2</sup>

The bomb attacks have put all Islamic activists on the back foot: suddenly they were at war with not only the West, but also with the governments of their own countries, as well as their own people. Thus they were driven into a war which they had no intention of entering into and for which they did not particularly want. Indeed, most Islamic activists deplore and condemn these attacks, but that was to no avail, as they were still getting the brunt of it all. Our fear is that just as the 9/11 events have been the harbinger for the invasion of Iraq and Afghanistan, these recent bomb attacks may very well serve as a precursor to more bad news for the Muslim world. It is still too early to know what that would be, but whatever is, it would most certainly not be to the advantage of our countries, our people and our religion.

No doubt, the attacks of Pearl Harbour had been a source of joy for the Japanese for a few days, but no sooner were they hit with an atomic bomb, they found themselves aggrieved for years. Japan capitulated and was obliged to surrender most unconditionally and most disgracefully. Equally, the 9/11 attacks have made the joy of those who have yet acquired life experience, but notice how we all suffer as a result of them: the invasion of Afghanistan and Iraq and a humiliation of Muslims everywhere. Indeed, to this day these attacks continue to hurt Muslims, particularly those who after in-depth analysis have come to realize that they were absolutely forbidden, from the point of view of Islamic law and jurisprudence.

No doubt, all the good reside in this Sharia, even though some people might think that it prevents from numerous opportunities of retaliation against the aggression of others, and of inflicting a bad beat to those who have harmed them and harmed their nation.

We should take note of the fact that if Japan was in the end able to awake from its slumber to stand back on its feet only after a short time, it will not be necessarily the case for the Arabo-Islamic states: they are heavy sleepers, and have great trouble waking up again. Indeed, history always repeats itself. Just consider for a moment the uncle of Shah Khawarizm who ruled over a country known today as Afghanistan: he killed the Mongol traders on very shaky grounds. But what were the consequences of such a frivolous act? Did

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<sup>1</sup> This is part of a long hadith related by Bukhari, No: 2118, Muslim (8/2884), on the authority of Aisha- may God be pleased with her. Also, it is related by Tarmidhi, No: 2171, Ibn Majah No: 4065, Ahmed in his *Musnad*(6/285), and Abu Ya'la, No: 6826, on the authority of Umm Salama- may God be pleased with her.

<sup>2</sup>*Tatarrus* (Lit., shielding) refers to the legal principle which permits, in some extreme situations during armed conflict, the killing of both non-Muslim and Muslim non-combatants when these are used by the enemy as human shields. (Translators Note)

not Hulagu Khan then invade the land of Shah Khawarizm and occupy it? Did he then not also occupy Baghdad, albeit with the help of treason and proceeded to torture its population, destroying in the process its great cultural heritage the majority of which was housed in its ancient library? Had the perpetrators of 9/11 taken stock of these lessons of history, they would have certainly spared all of us the anxiety and the sadness that we are suffering from today. We really see the door open now for another Mongol scenario with the difference of course that this time we will not be facing myriads of swords, but an array of cruise missiles instead.

The Riyadh Bombings and the like will certainly hurt our countries more than America. I venture to say that they have already benefited America, have empowered it and strengthened its position in the region more than ever before. As a result of these bombings, the Saudi rulers have found themselves in a very precarious situation, and so have the Islamic movements in the countries where such attacks have occurred: they are all now experiencing unprecedented pressure and they all now face the same fate, regardless of whether they support these attacks or condemn them.

Many among the Muslim masses, particularly the commoners, react with joy at the misfortune that befalls America and its allies, and thus tend to celebrate such bombings, but little do they know of the legal implications of such attacks and of the position of Islam in the matter. For if they knew, they would realise that their reactions of joy are animated by nothing more except the feeling of vindictiveness.

For all of these reasons, and given that we have already dealt amply with the events of 9/11 in a previous work entitled 'The River of Memories' (*Nahr al-Zikrayat*), the aim of this book has been to discuss the Sharia rulings concerning the Riyadh Bombings, in particular.

We have written this small book for the sake of every young Muslim who is keen to know the Sharia rulings concerning these bombings, and to every Muslim person who in spite of his sincere devotion to Islam is overwhelmed by religious fervour and may end up repeating such heinous acts of violence, due mainly to his lack of knowledge and grounding in jurisprudence, especially in these areas. Indeed, we have also written this book to all those who think that these bombings are for the benefit of Islam, and we have certainly written to absolve ourselves from such a crime: we do not want Muslim blood to be spilt without the realisation of a lawful public interest and without the preclusion of the harms recognised in the Sharia. We have written this book to anyone who wants to know the answers to questions like why was the jihad decreed and what are the aims behind it? Is it permitted to do jihad for the sake of jihad? Is the killing of Muslims when they are used as human shields by the disbelievers permissible? Does the Sharia permit the killing of those who do not or cannot take part in fighting, like women, children, the elderly, the peasants, the workers, and basically the civilians to use today's terminology?

No one can deny that questions such as these are always on the mind of many Muslims. This book, though concise, deals with these sorts of recurring issues most succinctly and delivers answers which are all backed by clear proofs from the Qur'an and the Sunna, and the statements of the jurists of the pious salaf.

I have long sought God's guidance before publishing this book in its present form and I have had also the support of many respected brothers, may God reward them for their deed. I have prayed to God to bless this work and accept from me- may He be exalted, just as I have prayed it would aid Muslims to practice an Islam without blemish and one that is truly based on a sound understanding of its great message.

Finally, I would like to affirm that whatever good is contained in this book emanates solely from His sheer benevolence, and I am most thankful to Him for that- may He be exalted. As for any negligence or any evil which may be found therein, they solely emanate from Stan and my evil-commanding soul; "And I do not acquit myself. Indeed, the soul is a persistent joiner of evil, except those upon which my Lord has mercy" (12:53). I take refuge in God from such acquittal imploring Him to accept from me what right I did, and to forgive me my trespasses.

Dear reader, I beseech you through this book to pray for me and for my family.

**Najeh Ibrahim** *Jumada al-Ula*, 1424 AH/ July 2003, Cairo

## **Some Essentials Introductory Remarks**

There are some introductory remarks which need to be mentioned before we embark on the topic of the rulings and the consequences related to the Riyadh and Casablanca Bombings. We feel that these, brief as they are, would help the reader gain the necessary grounding from which he can proceed smoothly towards the various chapters of the book. They are as follow:

### **1. As we Condemn the Riyadh Bombings, We Do Not Necessarily Doubt the Sincerity of their Perpetrators**

All along our aim in this book has been to follow our conscience and what we believe to be in accord with our illustrious Sharia. Thus, our criticism of actions carried out by the brothers who were behind the bombings of Riyadh and Casablanca should not lead anyone to think that we necessarily doubt their intentions, or wish to spite them or impugn their moral integrity. How can we dare take such steps towards such brothers when we know full well they have sacrificed everything they have for the sake of this religion? No, we could not do that especially after they have given their lives for it, and that is certainly the most valuable thing one ever has. All we have aimed to do is give advice and guidance to Muslims, explaining to them the position of our illustrious Sharia regarding those issues. With this, we hoped to assist the members of the Islamic movement in becoming the most exemplary Muslims, and a shining example of probity and purity in the court of nations. This we have focussed on because it is the Islamic movement which carries the banner of Islam and spreads its rulings. If this movement fails to rise to that leading role, and proves unable to implement Islam in its own circle of activity, God will certainly not grant it the success of implementing it on earth.

As an Islamic movement, we need to have the courage and the moral strength to acknowledge our errors with the same courage and moral strength with which we denounce the errors of others<sup>3</sup>. Self-criticism is so crucial that when ‘Abdullah Ibn Jahsh- may God be pleased with him- and his companions killed the disbelievers during the inviolable months, God revealed: “They ask you about the sacred month - about fighting therein. Say, "Fighting therein is great sin" (2:217). And did not the Prophet (pbuh) raise his hands during the event of Banu Judhayma and said: “O God! I beseech you to absolve from the deed of Khalid”. No one doubts that Khalid had a very special place in the Prophet’s heart, but that did not prevent him (pbuh) to stand by the truth and show the ruling of the Sharia vis-à-vis Khalid’s action. In compliance with the examples like these, we have not hesitated put forward the religious position which we abide by and pass on to our brothers the advice which we consider their rights over us, in spite of the fact that we hold them in high esteem in our hearts.

It is our view that the defence and protection of the pristine image of Islam, ensuring that his Sharia rulings are clear and manifest is incomparably better than improving the image of the Islamic movement at the detriment of Islam and keeping silent over the Truth.

## **2. American Aggression is no Ground for Killing People on the Basis of their Nationality**

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<sup>3</sup> We actually should be harsher towards ourselves because we represent Islam, and because it is very easy for the Muslim masses to confuse our errors with the rulings of the Islamic Sharia, and keep perpetuating them, thinking that by doing so they are only obeying God and worshipping Him- may He be exalted

One of the most fundamental teachings of Islam to its followers is not meet injustice with injustice and aggression with aggression, and to that effect, God- may He be exalted- has said: ““And do not let the hatred of a people for having obstructed you from al-Masjid al-Haram leads you to transgress” (5:2). Never have the crimes of the enemies constituted a legal ground for the violation of the prohibitions of Islam or for altering any of its rulings. Islam upholds justice for better or for worse, thus the Prophet (pbuh) has said: “O God! I implore you to guide me to justice when I am pleased and when I am overcome by my ire”<sup>4</sup>. This is because when we are pleased with someone, we tend to grant him more than his right, and when we are upset with someone, we tend to slacken to give him his full right, if not deprive him of it altogether. And the Qur’anic verse: “Do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness” (5:8) goes to the heart of this issue.

Indeed, in spite of all of the aggression, trampling over the sacred, plundering of resources, invasion, killing of children in Iraq and Afghanistan that America commits against Islam, in addition to its supporting Israel for the massacre of Muslim children and violating the sanctity of the Aqsa Mosque in Palestine, Islam continues to refuse to employ all of that wrong as a legal proof for killing an American person, whether he is a male a female or a child, a civilian or a soldier, with whom there is peace treaty or not, on the sole basis of his nationality.

The recent fatwas giving permission to kill people on the basis of their nationality is a first in the history of Islam, and that is because our religion does not generalise the punitive measures and does stand for collective punishment, in conformity with the Qur’anic verses:

“And no bearer of burdens will bear the burden of another” (17:15)

“They are not alike...”(3:113), which was revealed about the People of the Book.

And also:“ And among the People of the Scripture is he who, if you entrust him with a great amount [of wealth], he will return it to you. And among them is he who, if you entrust him with a [single] silver coin, he will not return it to you unless you are constantly standing over him [demanding it]” (3:75). Notice how the Qur’an has said ‘among’ as it mentions the People of the Book in order not to make a blanket appraisal of those of other faiths.

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<sup>4</sup>This is part of a hadith related by Nisai in the *Mujtaba* (3/54/1305), on the authority of ‘Ata’ Ibn al-Sa’ib who narrated it on the authority of his father- may God be pleased with him. Also it is related by Ibn AbiShiba in his *Musannaf* (6/45/29348), on the authority of Malik Ibn al-Harith, and by al-Tabrani in his *Mu’jam al-Awsat* (5/328/5452), on the authority of Anas Ibn Malik- may God be pleased with him- in gist, and al-Albani has deemed it sound.

Now when the Qur'an invites us to make a distinction between people of the same faith so as not to wrong those who have rectitude, at a time when one's faith usually constitute the basis for the permissibility of killing, that distinction should apply even more to nationality because in one nationality we may indeed have many faiths and many creeds. Some Americans are Muslims; does that mean that we are actually permitted to kill them? Clearly, the analogy of the nationality as a basis for this kind of ruling is consistent with neither Sharia nor reason<sup>5</sup>. Another example of this discernment from the Sunna may be gleaned from the events which followed the oppression of the Prophet (pbuh) and his Companions at the hands of the People of Quraysh who had chased them out of their houses and were wont of seizing or plundering their properties. Despite this injustice, during the Battle of Badr, the Prophet (pbuh) proclaimed to his Companions: " Let whoever among you encounters al-'Abbas, not kill him... and let whoever among you encounters Abu al-Bahtari Ibn Hisham not kill him"<sup>6</sup>, because Ibn Hisham, for instance, had never hurt the Prophet (pbuh), and was among those who chose to break the boycott against the Banu Hisham. Indeed, the Prophet (pbuh) has aid on one occasion: "I am aware that some of the men from Banu Hisham have been coerced to confront us, so we do not need to fight them". He even went further: concerning the prisoners captured in the wake of the Battle of Badr, he (pbuh) has said: "Had al-Mut'im Ibn 'Adiyy been alive and he pleaded with me to release these prisoners, I would have certainly done so"<sup>7</sup>, just because that man had offered to the Prophet (pbuh) protection in Mecca upon his return from *Thaqif*. It is clear that by expressing this wish, the Prophet (pbuh) had hoped to offer the gains of the Battle of Badr, which were the prisoners, to al-Mut'im Ibn 'Adiyy, in honour of him and as a show of gratitude, in spite of the fact that he was a disbeliever. Having said all this, there may still be some of us who might ask: have you forgotten what America is doing to Islam and to Muslims? I say to those that I have not forgotten that and it is impossible for me to forget that. No doubt, any Muslim who is truly devoted to his faith and his country is well aware of what is taking place around him and can observe the extent to which America is abusing

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<sup>5</sup>We need to be aware of the differences between the various intellectual and political trends that are inside America itself. For just as you have on the one hand a Christian collation comprising of the right wing Christians, the Christian Zionists, and the Jewish lobby, which openly declared war on Islam and the Muslim world, you have on the other hand, other political forces which may very well be aligned to Islam or is at least ready to be neutral. Catholics are not the same as the Protestants, and not all the Protestants in America are actually inclined to join the right wing Christians and the Christian Zionists. Equally the secularists in America are the same as the religious fundamentalists, and the blacks are not the same as the whites, not to mention the Arab-Muslims among that population. If we take in consideration this brief overview of the differences that characterise the American people, would it not be too simplistic to bundle them up all in one category, and call for their killing on the basis of their nationality?

<sup>6</sup>This was narrated by Ibn Hisham, in the *Seera al-Nabawiyya*, vol. p, 177, on the authority of Ibn 'Abbas- may God be pleased with him

<sup>7</sup>Related by Bukhari, No: 3139, Abu Dawud, No: 2689, Ahmed in his *Musnad*(4/80), AbyYa'la in his *Musnad*(13/412/7412), and by al-Tabarani in his *Mu'jam al-Kabir* (2/117/1504), on the authority of Jubayr Ibn Mut'im- may God be pleased with him

the rights of Muslims and degrading their countries. How can any Muslim be oblivious to the manoeuvres of the American congress, such as its passing of the Sudan Peace Act, the Iraq Liberation Act, and the Syrian Accountability Act which was adopted, at least, by some of its members, at a time when that same congress, with its four hundred members, sign a memorandum demanding the American president George Bush junior not to even pressure Israel to accept the Road Map for peace, even though this Road Map is an Israeli proposal through and through in the first place?

We know that America looks to the Arab world as if it were a world outside history but it looks to Israel as if it were leading history again, and so unsurprisingly the Americans are keen to consider it their best allies for the construction of the present and the future. However, this fact should distract our attention from another fact: the weakness, the misfortune, and the dismemberment of the Muslim nation that we now witness is not necessarily the result of the Judeo-American conspiracy against Islam, as some proponents of the conspiracy theory would have us believe. This theory is the refuge of the losers and is at variance with true faith. If we want to understand how and why we got to where are now, we certainly need to acknowledge that we are in this predicament as a result of our own actions and our carelessness. Did not God- may He be exalted- say: "Why [is it that] when a [single] disaster struck you [on the day of Uhud], although you had struck [the enemy in the battle of Badr] with one twice as great, you said, "From where is this?" Say, "It is from yourselves." Indeed, God is over all things competent" (3:165)?

Indeed, who can really maintain today that Saddam Hussein and the Baath Party are an American invention? Why not see the catastrophe of Saddam and the Baath as nothing more than the natural outcome of the Muslim nation's longstanding neglectfulness of its faith, including its inviolable boundaries, which had come to the fore in order that a possible equilibrium may take place and we may start the task of putting things back on track? To begin the task of reconstructing the nation with the idea that every conception or vision adopted by us is one which has been conspired by others and is not the fruit of our own thinking, constitute the worse possible start for such an endeavour, because such erroneous logic would make every subsequent step bound for failure.

### 3. The Good of Religion and the Nation First

Since the events of 9/11 the world has changed radically in more than way. The Islamic movement needs to be well aware of that, and should move quickly to make a very good and sound analysis of the reality which surrounds it today, and then deal with it wisely and attentively. Indeed, it is high time the jurisprudence of reality and the jurisprudence branching from Islamic law become complementary to one another: just as deep understanding of the foundational texts of the Sharia is essential for understanding religion and its rulings , so is deep understanding and analysis of the reality essential for the correct application of these religious rulings. As a matter of fact, when legal errors or misinterpretation occur in relation to a given issue or event, the sources of their deviation are commonly traced back to one of three reasons at least. They are:

- a. Inadequate understanding of the legal text
- b. Inadequate analysis of the context in which the text is applied
- c. Inadequate choice of the legal text for the situation at hand

These three points are important to bear in mind for anyone imbued with the ideas of the Islamic movement.

In addition to this, the Islamic movement must fully comprehend the immense challenges which now the Islamic nation faces, putting the good of the nation and the country above its own good and interests, particularly if these clash with the former.<sup>8</sup>

Thus, it needs to develop the capacity to put the ‘essential’ public interests ahead of those interests that are ‘supplementary’ and those which are ‘desirable’. To this end, the Islamic movement ought to turn to the guidance of the great scholar, Dr Yusuf al-Qaradawi<sup>9</sup>, especially in those areas which concern the balancing of the public interests by comparing their dimensions, their depth, their impact, their durability and their permanence, and then working out in light of these which of them ought to be brought forward and given primacy, and which of them deserves to be relegated and dropped.<sup>10</sup>

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<sup>8</sup>We say this, though we firmly believe that essentially the good and interests of the Islamic movement do not clash with anything that is for the good of Islam and its nation.

<sup>9</sup>Yusuf al-Qaradawi. *Awlawiyyat al-Haraka al-Islamiyya fi al-Marhala a-Qaadima*

<sup>10</sup>One of the indications for the balancing of the public interests found in the glorious Qur’an may be gleaned from Aaron’s plea to his brother Moses (pbuh). Speaking on his behalf God- may He be exalted- says: “‘O son of my mother, do not seize [me] by my beard or by my head. Indeed, I feared that you would say, ‘You caused division among the Children of Israel, and you did not observe [or await] my word.’ ” (20:94

Equally, the Islamic movement needs to develop the capacity to balance between the various social harms, also by comparing their dimensions, their impact and their durability and permanence, so as to work out which of these social harms need to be precluded first, while the possibility of others which are relatively smaller, less consequential or less durable may be allowed to exist<sup>11</sup>. Then it needs to balance with precision between the public interests and the social harms when they clash, such that it is in a position to know when to prioritise the preclusion of social harm over the realisation of public interests or when to accept certain social harms of limited impact for the sake of a public interest which have greater and lasting impact, for instance.

Obviously, neither the interests nor the harms which we are here discussing pertain to personal interests or harms: we have thus far only referred to those that pertain to religion. But, it is not uncommon that public interest and social harms as they are understood in their religious context coincide with those interests and harms which pertain to nations and even individuals, for the simple reason that Islam came to protect all of these types of interests and to ward off all of these types of harms.

Whenever public interests collide, it is prescribed that the one lower in the scale gives way to the one which is higher, and the one which is fortuitous and incidental be annulled for the sake of the public interest which is permanent and long term. Indeed, in situations like these the superfluous public interest is dispensed with for the sake of the one which is essential, and so is the one which is clear-certain put above those interests which are either hypothetical or unpredictable. The same prescriptions should apply to social harms when they collide with one another and present themselves as inevitable: in this regard also the position of the Sharia is clear, opting consistently for the least harmful and distressful alternative.

When we develop the capacity to understand these principles and implement them, we as members of the Islamic movement in particular, will have taken a giant step towards solving many longstanding problems, and avoiding many perilous pitfalls.

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<sup>11</sup>One of the indications for the balancing of social harms found in the glorious Qur'an may be gleaned from al-Khidr's justification for damaging the ship. Speaking on his behalf God- may He be exalted- says: "As for the ship, it belonged to poor people working at sea. So I intended to cause defect in it as there was after them a king who seized every [good] ship by force" (18:79). The idea is clear: it is far better that the ship remains in the hands of its owners, albeit damaged, than losing it altogether.

## **The Riyadh and Casablanca Bombings**

A timeline of Key Events and their Evolution

## **The Bombings of Morocco**

### A Timeline of Key Events

#### **Friday, May 16<sup>th</sup>, 2003**

- On that day, the city of Casablanca was the scene of five bomb attacks, which claimed forty one lives, including the ten perpetrators, and injured more than a hundred people, according to the local law enforcement and security services.
- Three of these were car bomb attacks. They targeted five vital and sensitive location: the Spanish Social Club, a Jewish cemetery, a Jewish nightclub, the Belgian Consulate, and one major hotel
- The vast majority of the victims and all of the perpetrators were Moroccan Muslims
- One of the assailants was caught after he succumbed to his wounds

#### **Saturday, May 17<sup>th</sup>, 2003**

- After the bomb attacks, the Qatari TV channel al-Jazeera announced that these have taken place only days after George Tenet, the head of the CIA, had travelled to Morocco on a secret visit in order to negotiate with his counterparts ways to effectively combat terrorism
- Three suspect are arrested, and among them one of the culprits who was on the verge of mounting another attack
- Twenty seven Moroccan Islamists believed to have links with the perpetrators of the bomb attacks are arrested
- Spain announced that the bombings had claimed the lives of two of its nationals, following the attacks on the Spanish Social Club
- France announced the death of three of its nationals as a result of the bomb attacks
- After the bomb attacks, American high officials announced that the White House was now following the evolution of events closely
- Colin Powell, the American chief of staff, condemned the Bombings and declared: “The terrorists who carried those attacks aim to hinder the progress that is being achieved in the Arab world

- The Organisation of the Islamic Conference issued a statement in which it condemned the operations and declared that they were only serving to entice the world superpowers against Islam
- The Moroccan Islamic Party for the Development and Justice condemned the operations, describing them as “ a terrorist, and barbaric criminal act”.
- The Belgian foreign ministry announced that its consulate had suffered substantial losses as a result of the bomb attack which targeted a restaurant nearby
- The European Union condemned the attacks and offered to assist in the efforts to arrest the perpetrators
- Spanish high officials announced that the interior ministers of Spain, Germany, France, Britain and Italy were going to meet the next day in the south of Spain to discuss cooperation against international terrorism, illegal immigration and explore the possibility of adopting a unified policy vis-à-vis migration and political asylum

### **Monday, May 19<sup>th</sup>, 2003**

- The Moroccan minister of justice announced that the names of eight individuals who took part in the bomb attacks had been established, confirming that all of them were Moroccan nationals who had recently returned to Morocco from a foreign country which he did not identify. In this announcement, he said: “All of the individuals who partook in the attacks had been killed except one. This individual had disclosed information regarding his aids and confessed their names”. Then he went on to add that the investigations have established that the perpetrators had link with the Moroccan group *al-Sirat al-Mustaqeem*
- The number of people arrested under suspicion of having a link with the perpetrators had reached thirty three
- Security campaigns were launched by forces specialised in the combat of international terrorism in all of the major Italian cities. These campaigns focussed on foreign residents, particularly the North Africans, ensuring that their residential status was legal.
- Large scores of Moroccan Islamists were arrested in Italy
- Italy, which was then poised to occupy the presidency of the European Union, declared that it was committed to reinstate the combatting of international Terrorism to the top of the priorities of European cooperation during the coming six months

- The Moroccan minister of transport who was also the government spokesperson affirmed that there was now close cooperation between the law enforcement and security agencies of his country and those of other countries, particularly the American FBI
- Experts on security from France and Spain had arrived to Casablanca to check on the progress of the investigations, while a team of American security experts from the CIA headed for Gibraltar
- Large scale security operations were launched in Morocco, leading to the arrest of scores of Islamists across Morocco
- Large public demonstrations were launched in many Moroccan cities in which people expressed their condemnation of the bomb attacks
- It transpired that a Jewish delegation had visited the Jewish cemetery, but that it had left that location one day before the attack. Thus none of them were killed or injured.

### **The Passing of the Moroccan Anti-terrorism Law**

Only a few months before the bomb attacks of Casablanca, certain political forces in Morocco had put forward a bill to combat terrorism, but the majority of the parliament refused to pass it. It appeared that the king Muhammad VI had also expressed reservation about such a law proposal.

That bill contained a number of articles which would have allowed the Moroccan authorities to exercise extensive powers. Among these powers, it is possible to list, for instance:

1. The creation of special courts, notwithstanding all the legal and practical implications that follow from such a step
2. The toughening of the sanctions related to certain intellectual activities, leading to the significant curtailment of religious freedom
3. The power to arrest, incarcerate people for long periods, and to conduct searches without having to abide by normal legal procedures
4. The restriction of freedoms such as the freedom of movement, travel, expression and assembly

This bill which had only been met with a lukewarm reception when it was first proposed became, after the bomb attacks, readily acceptable to politicians of all persuasions and a wide section of the public. Indeed, in the wake of the bombings of Casablanca, the bill had been hastily resubmitted and was overwhelmingly approved by parliament, the thing which had obviously delighted the hard line secularist forces and the old guard of the previous

king of Morocco. The political atmosphere was so intense in the parliament that not one member dared to oppose it for fear that they would be accused of sympathising with terrorism at the moment the country was going through such a critical phase.

With this the perpetrators of the bomb attacks of Casablanca had finally managed to fasten the chord around the neck of the Islamic movement in all of Morocco, and only God knows when it will be saved from this guillotine, if it ever will!

# **The Bombings of Riyadh**

## **A Timeline of Key Events**

### **Prior to the Event**

- The withdrawal of America from the Emir Sultan Base is announced
- Colin Powell comes to Saudi Arabia and proposes a road map for the withdrawal
- Documents are found which cast suspicion on the activities and affiliation of nineteen Saudis, among them a Yemeni and a Kuwaiti of Canadian origin. A search is being conducted to find them and arrest them.

### **Saturday, May, 3<sup>rd</sup>, 2003**

- The United States sends the deputy Director of the FBI, Stephen Headley, to Riyadh in order to convey to the Saudi officials America's fear about an impending terrorist attack. These warnings came after the American foreign ministry had advised its citizens against travel to Saudi Arabia, except for highly necessary reasons

### **Monday, May, 12<sup>th</sup>, 2003, at 11:00 PM**

The city of Riyadh is under the shock of four bomb attacks, three of which have targeted residential compounds in the Granada district, the Seville District, and the Al Nahda District, and one which targeted SIANCO, a Saudi-American company specialising in building maintenance.

Seven cars have been used for the bomb attacks on the three residential compounds (Alambra, al-Jadawil and al-Balhid), and one of the bomb attacks has targeted an administrative and residential compound belonging Vinnell, the company responsible for the training of the Saudi Arabian National Guard. The attacks have claimed twenty nine lives, including seven Americans, according to the Saudi government sources. Dick Cheney, the vice-president of George Bush, has later declared that the number of the people dead as a result of these attacks has reached ninety one, and a short time after his announcement, the American foreign ministry has revised down his estimates to fifty one people dead. According to the communiqués issued by the Saudi foreign ministry, the list of the dead include one British, one Irish, one Australian, one person whose citizenship remain unknown, five Jordanians, including two children, seven Americans, and the rest are virtually all Saudis.

## **Tuesday, May, 13<sup>th</sup>, 2003**

- A team of American high officials and senior agents in the CIA and the FBI flies to Saudi Arabia to take part in the investigations
- The American company Northrop Grumman, and Vinnell, which is one of its affiliates, announces that nine of its employees have died, including seven Americans, and that fifteen of its employees are still undergoing treatment in hospital, as a result of the bombings

## **Wednesday, May, 14<sup>th</sup>, 2003**

- The number of the dead is raised to forty three
- President Bush affirms that his country stands shoulder to shoulder with Saudi Arabia, and after praising the relations between the two countries, declares his willingness to fully support the kingdom in its fight against terrorism
- The American foreign ministry has announced the withdrawal from non-essential staff from its embassy and its consulates in Jeddah, and Dahran, urging them to leave the country, following the deterioration of the security situation and the possibility of others attacks to occur
- The speaker for the British foreign ministry has announced that two of its citizens are still missing and that fifteen of them have been injured lightly
- During a press conference, the Saudi foreign minister, Saud al-Faysal, has announced that fifteen Saudi nationals had partaken in the attacks and that the bodies of nine of them had been recovered. However, he has not identified the other six perpetrators and has given no indication as to whether they had been caught or had been able to flee
- Saud al-Faysal has denied the allegations of the American ambassador in Riyadh, in which the latter has claimed that the Saudi authorities had taken seriously the American warnings about the high probability for an attack on its soil
- President Bush has declared that America will not rest until it has caught the individuals responsible for the bomb attacks and has brought them to justice
- A spokesperson for the White House has announced that president Bush is satisfied with the level of cooperation between his country and Saudi Arabia on the fight against Terrorism
- The Senior Ulema Council in Saudi Arabia has issued a statement in which it condemns the bomb attacks. The statement reiterates Islam's prohibition against the killing of people who are protected by law, but it has also affirmed that: "these sorts

of attacks only give ammunition to the enemies of Islam, opening for them the way to dominate the peoples of Islam, and taking advantage of their resources. Therefore, we consider a criminal, anyone who assists in providing the enemies with these pretexts.”

#### **Thursday, May, 15<sup>th</sup>, 2003**

- Dr Ayman al-Zawahiri has issued an audio recording broadcasted by many satellite television channels. In it he has said: “Be decisive, and strike at the embassies of America, England, Australia and Norway, including the interests, the companies and the nationals of these countries; they have neither a contract of protection nor a covenant or a pledge of security...”
- His highness, prince Abdullah Bin ‘Abdul-Aziz declared: “Anyone who has taken part in these terrorist acts whether by offering collaboration, or through direct involvement in their execution, planning, and financing, or by giving them legitimacy through fatwa, refusing to disclose information about them or abetting people not to cooperate with the government in their efforts to fight terrorism, will be heavily dealt with
- Emir Nayef Abdullah Bin Abdul-Aziz, the Saudi interior minister, has also declared that: “the Kingdom is not about to cancel the activities of the Committee for the Promotion of Virtue and the Prevention of Vice, because it has an important and beneficial role. But we shall consider introducing reforms to its orientation”
- Paul Wolfowitz, the U.S. Deputy Secretary of Defence, and a well-known hardliner, has declared: “ Contrary to expectation, the bomb attacks of Riyadh, Casablanca, in Morocco and Bali, in Indonesia, have been a harbinger of good: these three countries are now ready to combat terrorism with resolve and power, after they had only dealt with it timidly before”.

## **Chapter One**

### **Jihad for the Sake of Jihad and Jihad for a Purpose**

Islam as a religion was revealed to bring order to the lives of the human race not the angels. Hence, it looks to deal with human beings in respect of both their predilection for good as well as evil.

From the beginning, Islam has always had an objective view of the realities of human life, human nature and human society. From the outset, it has acknowledged war as a fact of life, because it knows that human nature and the nature of human society is often prone to belligerence, tyranny, turning away from the truth, and aggression against the Islamic world in particular.

If not for that acknowledgement, the factors of evil and corruption would have destroyed Islam in its embryonic stages, and Muslim lands would have remained under the occupation of the Mongols and the Crusaders to this day. Indeed, if it were not for that acknowledgement, the like of Saladin and Sayf al-Din Qotz would not come to the fore to liberate the lands of the Islamic world. God- may He be exalted- says: And if it were not for God checking [some] people by means of others, the earth would have been corrupted, but God is full of bounty to the worlds” (2:251)

Although Islam has acknowledged war, it is also important to remember that it has also erected a high fence out of its sense of justice, mercy, and goodness, in order to protect the swords of jihad from succumbing to the desire of tyranny and aggression. The Prophet (pbuh) has certainly held a sword, but it is crucial to acknowledge that he held it with a total commitment to the truth and to justice, ensuring that his sword of jihad was always bedecked with mercy, magnanimity, and goodness. Yes, even when he had the upper hand and he could strike, he would say: “You may go; you are free”. And who does not recall how he entered Mecca after years of struggle and exile? Although victorious on that momentous occasion, he was not triumphant: he was humble, bowing his head down in reverence to the sacred rites of God, his beard almost touching the mane of his horse from such humility before his Lord. How true are the words of that author who said:

“And don’t ever think that he subjected his people through tyranny.

Nay! Before he pulled his sword and threw his lances, He had already conquered their hearts through his noble character and generosity

Having taken their example from the Messenger (pbuh), the Companions conducted themselves following the pattern set by him in their jihad. Indeed, their jihad was not only an honour for them; it was also an honour for their nation and one which elevated the rank of jihad in the eyes of the entire world. There is no doubt that when the likes of Khalid Ibn al-Waleed took up the sword of the truth, they have honoured that sword, but they were by the same token honoured by that sword.

To this day, lovers and enemies of Islam alike, continue to extol the virtues of Saladin. Let us try to inquire why?

What did this great Muslim commander do to the Crusaders after God had granted him a clear victory over them in Jerusalem? They were then over a hundred thousand, and he could have killed at least some of them in retribution for their acts? If he had done so, no one would have blamed him because the Crusaders had by then committed the worse acts of treason, atrocity and aggression against Muslims. But did he finally do so?

No, he did not, and this is why people continue to pay tribute to him: instead of retribution, he, in his capacity of sultan, had pledged to those who wished to stay in Jerusalem that their lives and property would be protected and he had allowed those who wished to leave to do so on condition that a tokenistic fee be paid by those who have the means. He gave those forty days to leave the city, and so eighty four thousands of them left. Saladin had also released many of the poor from the Frankish army without ransom while his brother al-Malik al-'Adil paid the ransom for twenty thousands of them.

As for Saladin's most striking stance in the aftermath of this war, and the one which highlighted his nobility and compassion, it would have to be his treatment of the women of the Crusaders. These women met with him and said: "All of us here are either widows, mothers or daughters of either the prisoners or the knights and soldiers who were deceased in this war, and thus we have neither income nor shelter". Seeing them crying, the sultan was affected by their plight, and ordered for the immediate release of their men. Those who had lost their guardians, he granted them large sums of money, and allowed them all to leave, and so they left singing his praised wherever they went.

Know that the jihad that God has decreed was never intended for its own sake, for the Sharia did not come with the objective of merely putting an end to people's lives. Rather, the aim of jihad is to serve as a means for the realisation of the noble objectives of Islam, and to serve as a rampart against the aggressions aimed at the faith, the country and honour of Muslims.

It is for this reason that the jurists from among our pious salaf have always considered that the spilling of blood, regardless of whether it is Muslim or non-Muslim blood, is but a great social harm in itself. Hence, the illustrious Sharia has permitted such killing only in those situations where a public interest of an ostensibly higher order was in sight, namely, when the dignity of Islam and the defence of Muslim land were at stake. So it needs to be clear that whenever we are unable to achieve those objectives and whenever that public interest evades us, the appropriate thing to do would be to return to that original position whereby the spilling of blood in defiance of right is prohibited.

To this effect, Ibn Daqiq al-‘Id stated: “The original position regarding the spilling of blood is prohibition, only it was permitted whenever it became the only means through which a social harm may be precluded”. As for Ibn ‘Abidin, he affirmed that: “Jihad is strictly obligatory only for the sake of faith and for the sake of implanting the prayers; for any other objective, it is fair to a reasonable degree”.

Also, know that whenever there a fair probability that jihad will not lead to the realisation of the public interests for which it was decreed, it would automatically lose cease to be legitimate and become not required by law; meaning that those whom the law consider as morally accountable, would no longer be addressed by the Sharia in this regard. Based on this, those who chose to continue to embark on jihad in these circumstances, in spite of their prior knowledge of these legal restrictions, cannot hope to be included among those about whom the Prophet (pbuh) has said: “Those of you who fight in order that the Word of God remain most high, [their jihad] is for the sake of God”. This is proof that when there is a fair likelihood that jihad is not going to lead to the furtherance of God’s word and His Sharia, it becomes forbidden for anyone to engage in it, and that any fighting beyond these norms is either to show one’s valour, or sheer heat and cant, or for the sake of prestige and the like, which are all abhorred by the Sharia.

Al-Shatibi stated: “Given that the rulings are determined with the public interests in mind, actions are also valued in their light, because in these reside the objectives of the Law-Giver. Hence, whenever the legality of a matter is both implicitly and explicitly stated, there is no issue there. However, in the situation where the action is in keeping with the explicit sense of the text, but at variance with the public interest, then that action would be deemed misguided and unlawful, in that legality is not achieved in the actions themselves, rather it is achieved in their meanings and the much sought after public interests, which are the reasons why those actions were enjoined in the first place”<sup>12</sup>.

The fact that jihad belongs to the category of the means rather than the category of the objectives, results in a number of serious issues, which are as follows:

1. Jihad is a means whereby a specific objective is attained. Thus, whenever it is established that that objective can no longer be attained through it, it ceases to be lawful to have recourse to it.
2. As soon as there are means, other than jihad, by which the objectives of the faith and the Sharia are secured, and the legal public interests are procured and the social

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<sup>12</sup>Al-Shatibi. *Al-Muwafaqat*, vol. 3, p, 120

harms precluded, it becomes obligatory to relinquish jihad and have recourse to these means instead of others. Thus, when Khalid Ibn al-Walid went to fight Taliha al-Asadi, 'Adiyy Ibn Hatim asked Khalid to not hasten to the fighting for fear that the Tribe of Tay' may meet their demise with Taliha before he had had the chance to call them back to Islam. Khalid Ibn al-Walid accepted 'Adiyy's request, and following this they came back to the fold, including their ally Jadila<sup>13</sup>. Islam has never given primacy to military confrontation and has never considered it as the cornerstone of its policy. On the contrary, it has given to Muslims the permission to adopt many other policies with their non-Muslim counterparts, such as forging relations based on mutual cooperation, allegiances, peaceful cohabitation and the like.

God has decreed jihad and fighting until there is no more tumult or oppression and there prevail justice and faith in God. That is precisely the ultimate aim behind jihad. For clearly, the minute jihad itself becomes the very source of tumult in religion, and an impediment to people's devotion to God, hindering many from calling others to the truth, causing thousands of young Muslims to be thrown in jail, and striking fear in the hearts of all those who support Islam with their lives, their wealth, their efforts and their influence, then in that case it has certainly veered off the ultimate aim for which it has been destined. When that happens, it is imperative to take a decisive stand to correct its evolution; otherwise, we may be led to a situation where the entire Muslim world is occupied again, due to lack of sincere and genuine religion.

No public interest achieved, but only unlawful killing, the dismemberment and weakening of the Muslim nation, and the sewing of fear in the hearts of the pious youth, thousands of whom are thrown in jails where they are tortured, degraded and humiliated. Can a jihad with such disastrous results be called jihad? Know that the fighting which only result in causing people to fear anything that is related directly or indirectly to Islam, is surely the fighting of the fitna from which we all ought to refrain, and which we all ought to put a stop to and reorient before it is too late.

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<sup>13</sup>According to one account, 'Adiyy Ibn Hatim, who had kept his faith, pleaded with Khalid Ibn al-Walid to wait a few days before attacking the Tribe of Tay' which had turned back from Islam and of which he was the chief. He got what he wanted, and was thus able to return to the fold five hundred horsemen from the moiety of al-Ghawth, one of the subdivisions of the tribe. Then, Khalid asked him: "Should we not now march towards Jadila (where the other subdivision of the Tribe of Tay' was)?" 'Adiyy said: "O father of Salman! Let's not do that. Do you prefer that I fight alongside you with one hand or two?" Khalid replied: "With two of course!", then 'Adiyy said: "Jadila is one of my hands", and Khalid obliged again and left them alone. However, soon after, 'Adiyy went to Jadila and invited its people back to Islam and they accepted, praise be to God. In the end, 'Adiyy was the source of much blessing for his people, who now have rallied behind Khalid, pledging: "We shall never leave you alone"

The jihad for the sake of jihad and fighting for the sake of fighting are wrong models of jihad. They reflect but an awful distortion of that most lofty duty of Islam and of its great objective. Sadly, that way of thinking about jihad we have seen and we continue to come across in many quarters. We have seen it in the 9/11 bombings, we have seen it in the Bali bombings, and now we see it in the bombings of Riyadh and Casablanca, just as we saw it in the events of Luxor in Egypt before, not to mention other places.

Apart from chaos, destruction, the loss of the Islamic state of Afghanistan and the Taliban, which withstood even Soviet occupation, and finally the invasion of Iraq, what have Muslims gained from the 9/11 attacks?

Also in Indonesia, apart from great setbacks for Islam there, to the extent that hundreds have been thrown in jail, and everything that bares any relationship with Islam has become banned, what have Muslims gained from the Bali Bombings?

The same is happening now in Riyadh and Casablanca: these bomb attacks are certainly not going to bring any benefit to Muslims. On the contrary, all they will achieve is yet another reversal of fortune and further setbacks for Muslims, while benefiting the enemies of Islam and its detractors. Indeed, acts like these only serve to give the enemies of Islam one pretext after another to commit gross interference in the internal affairs of our countries. This is what the hardliner Paul Wolfowitz, the U.S. Deputy Secretary of Defence, had to say recently: “The recent bomb attacks of Indonesia, Riyadh and Rabat, were beneficial rather than harmful, because they have enticed these countries to take decisive action against terrorism (by which he means Islam). After they had been reticent to face up to this challenge and carry out that duty, they now combat it relentlessly”.

Indeed, no sooner had the Riyadh bomb attacks occurred than America stuck its nose again in the Saudi internal affairs: it is now talking about the necessity to review the education system for the Saudi schools in general and for the religious schools in particular. America is also questioning the publications of many Saudi religious scholars, claiming that their content constitute an enticement for extremism and violence, and it is now also pushing to cancel the Committee for the Promotion of Virtue and the Prevention of Vice, on the pretence that its activities contradicts the principles of personal freedom. All in all, America is at present causing many hassles to our governments on issues about which it did not even raise an eyebrow before, and that is certainly not favourable to Muslims and their public interest.

Yet, some of the commentators on these bomb attacks often say: “ what matters most is to kindle the flame of jihad everywhere, and then it burn by itself”, or “ what matters is to set in motion jihad everywhere, and then let the wheels turn by themselves”. People who hold such views hardly realise that the fires they set off end up burning them and the Islamic movement, with all its various trends and predilections, well before it burns the enemies of

Islam, and that once this fire is set off, there will be no sympathisers rushing to extinguish it, leading thus to the total destruction of our countries, youth and the Islamic movement altogether.

Those who engage in jihad for the sake of jihad are wrong, because jihad has never been considered a project unto itself. Rather, it is a means whereby it is possible to consolidate the position of Islam, ward off against tumult and protect Muslim land.

Now the damage of this jihad for its own sake and fighting for its own sake does not stop at the failure of realising neither the slightest social benefit nor a clear legal objective. This jihad also revels in achieving the greatest social harms, which affect Islam itself, the land of Islam and the call of Islam and the integrity of its message. And it tends to end in another tragedy: now the Islamic movement is stillborn, because some its sons harm it more than they benefit it, nay they harm it more than its enemy does.

It is high time we grasp the higher objectives of this great duty, and be aware of the nature of the terrain on which we stand to know exactly where to put our feet when we take our next step. We need to understand that these types of bombings that are inspired from the model 'jihad for the sake of jihad' will in the end only shatter our lives, our unblemished mission and the message of Islam, and we will inevitably be their first victims before others.

Certainly, religious fervour and good intentions are important but they are not sufficient to ensuring that the Islamic movement is indeed carrying out its legal obligations vis-à-vis the Islamic nation which now faces a number of great challenges, particularly the attacks on its identity and on its land.

No one would dare impugn real jihad, and whoever attempts to annul it only undermine himself. However, jihad can be wronged by those who understand it wrongly, those who strike with their sword where it is not appropriate or declare jihad in the wrong place, at a wrong time and with the wrong method. In fact, both those who want to annul jihad and those who do it wrongly misconstrue Islam and its message and neither of them is actually following the example of the Prophet Muhammad (pbuh).

Jihad for the sake of God, we need to remind ourselves, cannot be declared before certain of its conditions are fulfilled and certain of its legal impediments are overcome. Indeed, it has also a number of principles controlling its legitimacy, which need to be abided by everyone who engages in it, and in addition to this, it involves the balancing of the public interests and the public harms which ensue from it. Thus whenever, for instance, a public harm prevails over a public interest, or some of the conditions for its implementation are not fulfilled or some of its legal impediments are not alleviated, jihad will simply have to be suspended, and it will not be lawful to proceed with it. We need to realise that to refrain from jihad in circumstances like these is much closer to God's pleasure and to

righteousness, earning much more reward to those mujahedeen on the Day of Reckoning, than going ahead with it without all of the above having been fulfilled.

Islam regards the outcome of our actions just as important as our actions, and its Sharia rulings are decreed with the aim of securing the benefit of mankind and their wellbeing. Hence, every single ruling has to realise or aim to procure a lawful public interest and at the same time preclude what the law recognises as a social harm: whenever an action leads only to harm without realising any public interest, it become unlawful in the eyes of the Sharia.

It is for this reason that a good deed may be abandoned in two contexts, as Ibn Taymiyya has shown: 1) when it prevents the occurrence of a better outcome 2) when it would entail the occurrence of a wrong the evil of which would outdo its god benefit.

Conversely, a wrong deed may be tolerated in two contexts, according to Ibn Taymiyya: 1) when it would constitute the only possible means by which to avert a worse evil 2) when it would constitute the only possible means which a good is secured.<sup>14</sup>

Have you noticed my dear Muslim brother that in spite of the fact that the implementation of the legal punishments (*hudud*) is a legal obligation, many of the jurists had forbidden their implementation in the Abode of War, which is the land of the enemy, for fear that such a step would entice the culprit to join the ranks of the enemy in order to avoid the penalty? They issued such a ruling because in their judgment the need to protect the faith of the believers far outweighs the need to implement a legal punishment, and thus they have given the protection of the faith of the Muslim subject prior importance.

We are not embarrassed to draw the attention of our loved ones and our brothers everywhere to the legal blunder, which these bombings have brought to the fore. We believe that it is better to confront these errors than to keep quiet about them, because failing to do so threatens to engulf the whole nation in a pitch dark tunnel with no light at the end of it.

Some of us believe that any pious Muslim doing jihad for the sake of God is infallible, and that if he happens to err, it would not be permitted to anyone to show where he erred, on the pretence that such a step constitute a hindrance on the path of God, and serves only to weaken the resolve of the mujahedeen and sully their reputation.

This thesis is certainly untrue: Although Khalid Ibn al-Walid was known as the ‘Sword of God’ and is considered as one of the greatest fighters for the cause of God that history has ever witnessed, the Prophet (pbuh) wasted no time in saying: “My Lord, I implore you to absolve me from the actions of Khalid”. He (pbuh) said such a prayer, because he had sent Khalid to the tribe of Judhayma to invite them to Islam but he, Khalid, killed a number of them because instead of saying, “Aslamna (i.e. we have embraced Islam)”, they said “Saba'na! Saba'na (i.e. we have come out of one religion to another)”.

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<sup>14</sup>*Fatawa Ibn Taymiyya*, p, 48

We have also the example of Usama Ibn Zayd with whom the Prophet (pbuh) was furious when he had killed that disbeliever, in spite of the fact that he had proclaimed that there was no god save Allah<sup>15</sup>. Acknowledging one's errors and taking steps not to repeat them is certainly not an indication that one's faith has weakened or waned; on the contrary it is proof that one's faith is strong. So let us do that before its too late, before the demise of the countries of Islam, one after the other, as has already occurred in Afghanistan and Iraq, and before the obliteration of the Islamic movement and the imprisonment of scores of young Muslims in other countries.

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<sup>15</sup>Related by Bukhari, No: 4269, Muslim (96/159) and Ahmed in his *Musnad* (5/200), on the authority of Usama Ibn Zayd- may God be pleased with him

## **Chapter Two**

### **Good Intentions and Bad Objectives**

## **Good Intentions and Bad Objectives**

Before embarking on this second chapter, we would like first to shed some light on a very important truth, namely that the elements who were behind the bomb attacks of Riyadh, Rabat and Indonesia are devotedly committed to Islam and are dedicated to its furtherance. Why should there be any doubt about that when many of these people have made the ultimate sacrifice for the sake of Islam? Indeed, many of them would most certainly rank amongst the most enthused and the most good-intentioned people of our nation. However, religious enthusiasm and good intentions towards Islam alone cannot sufficiently guarantee that the actions the Islamic movement takes either regarding the pressing issues facing the Islamic nation or achieving its great objectives are actually in keeping with the obligations of the Sharia.

The recent bomb attacks of Riyadh and Rabat have almost taken place simultaneously; it appears their perpetrators wanted to send a message to America: We can hit you in the east as well as in the west of the Muslim world. Before that we had witnessed the Bali bombings in Indonesia, which were preceded by the 9/11 attacks on the World Trade Centre. All of these attacks relied on virtually the same deadly weapon system, and following a method which produced very similar results. The question is have the objectives sought by those who were behind these attacks been achieved?

The elements who were behind these attacks aimed at punching America and its coalition hard on the nose and thus force them to revise their inadequate international policy, particularly in the Middle-East and to give up resorting to double-standards when dealing with the Palestinian issue. With these attacks they also wanted to pressure America to leave the Gulf region, and above all they wanted it to be ever so mindful and considerate of Muslims when it deals with their causes, submitting to their requests and acting in favour of the just demands of the Arab and Islamic counties, particularly those related to the Arab-Israeli conflict.

A cursory look at the objectives sought by those who were behind these attacks does certainly suggest that these were valid, but have they been achieved, or is it the contrary of these objectives which has actually occurred? In other words, have they secured the aims they sought or have these attacks the beginning of a series of unprecedented setbacks and deterioration of the affairs of the Islamic nation?

Sadly, those among us who have a very superficial outlook about these matters, predicted that the government of W. George Bush would be so taken aback by the events of 9/11 that

it move swiftly to revise its foreign policy vis-à-vis the Arabs and Muslims, particularly in relation to Palestine, and that it would abandon its policy of blind support to Israel. But what actually has happened following those attacks was totally opposite to their predictions: no sooner had the attacks occurred, America did everything to absorb the shock waves ensuing the attacks of the 11<sup>th</sup> of September, and then spared no effort in deploying its colossal mass media against the Arabs and Muslims who were in its eyes the main culprit behind this momentous event. Indeed, in no time America has been able to rally all of the influential forces in the world against the Muslims, brandishing across the globe the motto: “You are a Muslim= You are a Terrorist”. It then destroyed al-Qaeda and the Taliban in Afghanistan, occupying that country in less than a month, while it took the Soviet empire several years, and then it proceeded to invade Iraq. Clearly those who banked on the subjugation of America after 9/11 are not familiar with important aspects of our pre-modern history, particularly with those events which gave rise to the Mongol invasion: were not the unjustified execution of the Mongol traders in Khawarizmid land or what is known today as Afghanistan, the main reason behind the Mongol invasion of that country; an invasion which caused the death of hundreds of thousands Muslims, and preparing the ground for the invasion of Baghdad, which caused the death of over a million Muslim and the devastation of the whole cultural Islamic heritage, after the contents of the library of that city was tossed in the Euphrates River? Is not history repeating itself: America has occupied Afghanistan and Iraq and is now threatening to gobble Iran at any moment?

Indeed, the recent Riyadh bombings do nothing to push the American forces to leave the Gulf; on the contrary these attacks only serve to prolong their stay and give support to that idea more than ever before. It is in fact worth recalling that the bombings of Riyadh had occurred just as America began to seriously consider dismantling its military bases in Saudi Arabia. Indeed, it is as if these bombings, which have definitely occurred in the wrong place at the wrong time, came to say to the Americans: “You have no choice but to stay, so don’t think of leaving!” Besides, the bombings of Riyadh benefit America much more than it harms it: whether these bombings take place in Saudi Arabia or elsewhere, it is hard to imagine how they would bring America to abandon the Gulf region or the Middle-East; unless we chose to adopt a simplistic view that completely defies the rules governing politics and strategy. It is also important to remind those who arrive at these conclusions based on analogy to ensure that they are actually comparing between two situations which are truly analogous, because if they were to draw judgments based on analogy which is not between analogous situations, what they arrive at would be fallacious as it would be based on a false analogy. For instance, the Gulf region is not Somalia, and so the strategic interests in the Gulf are not the same as those in Somalia. Somalia does not have oil, whereas the Gulf region is regarded as one of the most important of oil in the world. Furthermore, America of ten years ago is not the same as America today, and so is today’s world

radically different from that of a decade ago. Indeed, America after the 11<sup>th</sup> of September, 2001 is not the America prior to that day. The argument itself applies to Lebanon<sup>16</sup>.

This simplistic analysis of the events casts a significant doubt over the leadership qualities of those who head the Islamic movement, particularly the level of their wisdom and rationality, and this in turn makes us lose confidence in its ability to secure the major interests of our countries and makes us question whether we should leave our youth and their future in its care.

The bomb attacks of Riyadh, Rabat, Indonesia and the like are bound to fail in both the long and the short terms, as they have scarcely impacted on the balance of power and on the policies of America and the West in general: just as highjack does not cause air traffic to come to a standstill, and a bank holdup does not cause the end of banking activity everywhere, so are bomb attacks unable to affect in any way American policy or pressure it to change its course. Rather, these attacks only serve to undermine the objectives and the ideas which the perpetrators seek to propagate and achieve. In fact, if these attacks had done anything, they have added to the confusion and the ambiguity surrounding a most central issue, namely the issue of terrorism and how we define it. As a result of this semantic chaos, which is obviously what America and Israel wanted all along, we began to ask all of a sudden whether the lawful national jihad and the operations carried out by organisations like Hamas, the Islamic Jihad, and the Aqsa Brigades against the Israeli army and settlers would be best described by that term. If only that confusion stopped there! Even the struggle of the Hezbollah against the Israeli occupation of Lebanon, and the resistance operations in Chechnya and Iraq, whose legality had never been questioned by the sensible people of this world, not to mention the Muslims, now stand condemned because of this distortion.

Indeed, these attacks and others like have only served as fuel to that tremendous media engine of the west which has used it to level all of the differences between jihad, lawful resistance and Islam on the hand and terrorism on the other, and bundled them in the same category: Islam is all about terrorism, all Muslims are terrorists, and they all kill innocent civilians, women and children. Is this situation in any way helpful and contributing to drawing international support and sympathy for our most pressing issues and those causes

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<sup>16</sup> When America left Lebanon in 1982, it was not the only world superpower, and it did not have significant interests to fight for in that country, and it was seen that Israel could easily look after those interests on its behalf. Hence, the events in Lebanon had never triggered the kind of anti-Muslim sentiments and the strong desire to taking revenge from Islam and the Arab countries which the 9/11 attacks did. Therefore, America after the 11<sup>th</sup> of September, 2001 was like a wounded lion that was not going to be healed except after it had avenged seven fold, and refusing to be appeased except after it had swallowed Baghdad. Only, no sooner had its pride been restored and its wounds began to heal, so much that it began taking steps towards resolving the Palestinian issue, the bombings of Riyadh and Rabat occurred, to remind America again of its pains and heartaches, and rub salt on its old injuries, resulting in purulence. Unfortunately, the ensuing pus has been dropping on the countries of the Muslim world and on Muslims ever since.

that are closest to our heart such the issue of Palestine, Chechnya and Iraq to name but three?

Not only have these attacks with the confusion that ensued in the mind of many undermined the legality of jihad against the occupiers and the invaders, they have served to confuse jihad with terrorist operations against foreign civilians. As a consequence of this perversion, the western man in the street is no longer able to differentiate between the two, particularly in view of the relentless anti-Muslim propaganda disseminated by the western and Israeli media, and in view of the unjustified killing of many of his fellow countrymen and women from among the civilian population.

There is no doubt that suicide bomb attacks, which cause the death of women, children and the elderly, stirs the feeling of revenge and animosity against Islam itself, and it leads people to view religion as a source of killing, violence, blood and severed limbs.

These bomb attacks and others like it assist those who actively engage in confusing jihad, whose purpose is to fend off aggression, with terror, which is synonymous with aggression, and as this perversion in the meaning takes hold, it may takes years before we are able to restore to each of antonyms their proper meanings. No one has felt more the impact of this confusion as did perhaps those of us who reside in the west, as they came under enormous pressure, particularly after the violent event of Luxor in Egypt, 9/11 and the like. But this situation is rather telling, and contains a great insight into one of the wisdoms, among many of course, behind the Sharia's ruling against the killing of civilians, women, children and the elderly even if they count among the population with whom Islam is at war.

We must remind anyone who has carried such attacks and anyone who has the intention to carry them, with the aim to kill from among the foreigners those the killing of whom the Sharia clearly forbids, that actions such as these end up only providing America and its coalition with a strong alibi that they will use expediently to invade another Muslim land, and that they are in fact offering their country as a booty to the enemies of Islam.

Do they need to be reminded that for their occupation of Egypt in 1882, the British had used the pretext of the protection of its citizens? Did not the British at that time stated that they were only going to stay in Egypt for one week, and that they would be gone as soon as their citizens were returned? Well, that was not the case: the powers that be decided somehow that one week should be extended to seventy years! Remember also that the occupation of Afghanistan took only three months and God alone knows now when it is going to be liberated and how it is going to be liberated

Know that by attacks such as these, which are always likely to lead to the occupation of one Muslim country after another, we would the transgressors against our country and our religion before that. It is high time we understand that the Interest of the nation is above the

interests of the groups; we cannot go again down the path of al-Qaeda Organisation which has caused its own demise and the demise of the demise of its only safe heaven.

Those who carry the type of bomb attacks we are discussing will often justify them saying: “We do this to defend the various Islamic movements which are being oppressed across the world”. Now if that is their objective, it is certainly noble in itself, but little do they realise that these sorts of attacks are behind the incarceration of thousands of their Muslim brothers in the most horrific detention camps, and the deprivation of hundreds of Muslim families of their source of income and their source of education. Indeed, many families who become deprived of the financial support of the father, and of his religious guidance due to imprisonment lose control of their kids, who more often than not are left to their own devices to face the corruption of the outside world, of bad company and satellite TV.

We, therefore, say to those who have carried out such attacks or are intending to carry them; have these attacks really achieved their objective, namely the defence of the Islamic movements? Or have they, instead, added insults to their injuries by adding thousands of prisoners to the thousands already incarcerated and by putting the scholars of Islam in a position that can only be described as humiliating, mortifying and embarrassing, and adding to the number of destitute Muslim families hundreds upon hundreds? Have they not by these attacks enticed the Islamic movement at large to enter into a war it does not want and for which it has made no provisions? Has not this war which was thrust upon the movement in these circumstances pushed many of its sons to the brink, so much that many of them had their faith shaken following the severity of the trials they were going through?<sup>17</sup>

Those who carry the type of bomb attacks we are discussing here will also often justify them saying: “We take no responsibility for the consequences of these attacks; our duty consists of making the endeavour and of carrying out our religious obligation irrespective of the consequences that will follow”. In this very statement we come across a very grave misinterpretation of the Sharia, which has not been detected by numerous good hearted young Muslims, who unfortunately is not aware that Islam accords the same importance to the consequences of our actions as it does to the actions themselves. Are these young people aware that some of our jurists have actually forbidden the implementation of the legal punishments- a definite Sharia obligation- in the Abode of War for fear that those given

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<sup>17</sup>How striking are the words of the Prophet (pbuh) in his saying: “It is not befitting of a believer to humiliate himself”. “How does he humiliate himself”, they asked. He replied: “when he is exposed to a trial which is beyond his capacity”. The hadith is related by Tarmidhi (No: 2254), and Ibn Maja (No: 4016), and this transmission is fair according to al-Albani. It is also related by Ahmed in his *Musnad* (5/405), and this transmission has been deemed weak by al-Arna’ut due to the transmission of Ali Ibn Zayd Ibn Jad’an from Hudhayfa- may God be pleased with him. In addition to this, it is related by Abu Ya’la in his *Musnad*(No: 14411) on the authority of Abu Saeed al-Khudri- may God be pleased with him- and by al-Tabarani in his *Mu’jam al-Kabir* (12/ 312/13507) and his *Mu’jam al-Awsat* (5/294/5357) on the authority of Ibn ‘Umar- may God be pleased with him

such sentences would join the enemy to avoid their chastisement? Notice how in their eagerness to protect the faith, our jurists have put that benefit before the benefit of the implementations of the punishment; can you after this that consequences have no value and that all that matters is the implementation of the legal obligations?

Whoever decides to sow his seeds in farm manure and then does not reap the fruits he expected to reap or ploughs the sea instead of the land and then does not succeed to grow the crop he expected to harvest, or decides to face a missile with his sword but fails to get results; all of these people are not to blame their Lord or their Islam for their failures, they have got only themselves to blame because their obstinacy has led them to collide with the laws which God has embedded among His creation and in the universe, and God Almighty has certainly spoken the Truth when He had said: “ But you will never find in the way of God any change, and you will never find in the way of God any alteration” (35:43). Equally, should you clash with the divine laws that God has set in the cosmos, and then were defeated, do not turn against these laws, you have got only yourself to blame.

how can we claim that we are not to give any consideration for the consequences of our action, when God Himself has clearly highlighted their importance: Did not God in the Qur’an warn us against insulting the deities of the polytheists, however legitimate that action might be, because as a consequence the polytheists would have reciprocated those insults and directed them towards God- may He be exalted- in enmity?

Indeed! Ponder the Qur’anic verse: “And do not insult those they invoke other than God, lest they insult God in enmity without knowledge.” (6:108)

Furthermore, total reliance on God, and the total disregard of the consequences, should only be observed once all the means and the causes which are necessary for the realisation of our legal objectives have been exhausted. Also, it is important to remind ourselves that all of the issues surrounding the circumstances of our actions need to be weighed by the scales of the illustrious Sharia: if after a course of action which is essentially unlawful, not supported with the means ensuring the realisation of its noble objective, and oblivious to the context of its application, we are led to disastrous consequences, it is certainly we who will be responsible in view of the Sharia before God. For as the old adage says: “God may make up for our shortcomings but not for our carelessness”.

Shortcomings pertain generally to circumstances and conditions which are beyond human control, and they may apply to us even after we have fulfilled all of the legal and material avenues open before us. We do have indeed a good example of that in the Battle of Uhud, when Muslims suffered from a significant shortcoming at the level of material means. As for carelessness, it pertains to our overlooking, either wholly or partially, of the causes and the possibilities of success open before us, as a result of negligence or ignorance and the like. And a good example of that is the lancers who failed to obey the instructions of the

Prophet (pbuh) in the Battle of Uhud.<sup>18</sup> I close this chapter with a great illustration from an illustrious scholar, and the king of the scholars, al-'Izz Ibn 'Abdu-Salam, particularly his rare exposition on the after-effects of things and how the Sharia has given to the end results and consequences of our actions, the same great importance it has given to the actions and the principles controlling their legitimacy.

Dear brother, I will now leave you with the king of the scholars, so pay attention:

“It may indeed be permissible, in some circumstances, to lend support to inequity hostility, and moral transgression, but not because these are instances of sin, rather because in some contexts these may be conducive to the realisation of a public interest. Here are some examples:

- When ransoms are being paid for the sake of freeing prisoners, you have a situation where the payee commits haram and the payer has acted within the realm of permissibility
- In the case where an aggressor wants to kill a person to take away his money, it is incumbent on that person to part with his money the moment he senses that he would be killed if he acted otherwise
- In the same vein, should a woman find herself in a situation where she is obliged to fornicate, and is left with only the option of parting with hers or someone else's money to get out of her ordeal, she is to take that option if that money is available.

There is definitely nothing in these examples suggesting an outright support for inequity, hostility and moral transgression; rather, we have in these instances measures which serve to preclude social harms. In other words, that support is not directed to inequity, hostility and moral transgression as such; if anything, that support given to them in view of the inevitable consequences which invariably follow in circumstances like these.<sup>19</sup>

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<sup>18</sup>Related by Bukhari (No: 4043), Abu Dawud (No: 2662), al-Nisai in the *Sunan al-Kubra* (5/189/8635), and Ahmed in his Musnad (4/293), on the authority of al-Bara' Ibn 'Azib- may God be pleased with him

<sup>19</sup>Al-'Izz Ibn 'Abdul-Salam, *Qawa'id al-Ahkam fi Masalih al-Anam*, 1/95

## Chapter Three

*“Those people should have never been Fought Against...”*  
Verily, the Prophet, peace and blessings of God be upon him, has spoken the truth

*“Those People should have never been fought against”<sup>20</sup>*

Verily, the Prophet, peace and blessings of God be upon him, has spoken the truth

The religion of Islam boasts of distinctive values and very noble morality. As such it is part of the character of those who adhere to this religion to be base or mean. These qualities belong to those who follow the law of the jungle, those who mercilessly and unscrupulously kill the innocent from among the elderly, the women and the children in Palestine, Iraq and Chechnya these days, and have done so before that in Bosnia Herzegovina and Kosovo. Indeed, it is Islam that put an end to the savagery which used to characterise the wars before nations before its advent, providing humanity instead with the most honourable code of conduct in fighting for the sake of God- may He be exalted. The late Mustafa Sadiq al-Rafi ‘iyy expressed this truth most poignantly when he wrote: “The Muslim swordsmen have morals”.

By God the pious swordsmen from among the Muslims have morals, because they do not use their weapon indiscriminately and haphazardly. Indeed, it is not befitting of their noble character to kill nor aim their weapons against those who do not fight them nor aggress them. Thus, the swordsmen of Islam do not fight against nor kill the civilians, because civilians are not actively engaged in fighting against Muslims, and as they do not count among the warring forces, there would be no ground in the Islamic Sharia for fighting them. To that effect, God-may He be exalted- says: “Fight in the way of God those who fight you but do not transgress. Indeed, God does not like transgressors” (2:190)

What is meant by transgression in this context, as the commentators have shown<sup>21</sup>, pertains to the killing of women, children, the elderly and other such categories of people whose killing the Sharia has forbidden, even if they are associated with a state who is at war with Islam and counts amongst its enemies. As for those people who are at war with Islam, the prohibition against their killing goes without saying.

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<sup>20</sup>Abu Dawud related that Rabbah Ibn Rabi ‘- may God be pleased with him- had said: “We were in the company of the Messenger (pbuh) during one of the conquests and then he suddenly saw a crowd gathering at a distance. So he decided to send over one of the men to inquire about it. He said to him: Find out why have the people gathered? The man returned and said: They have gathered around a woman who has been killed. The Messenger then said: “She should have never been targeted by the fighting”. The hadith according to al-Albani is fair to sound

<sup>21</sup>In commenting on the Qur’anic expression ‘but do not transgress’, Ibn ‘Abbas said that this command means: do not kill the women, the children, the elderly, particularly those advanced in age, and do not kill the chronically ill, the blind, and the monks. Commenting on the same Qur’anic expression, Hassan al-Basri said that this command means: “do not transgress to the extent that you will make licit that which God has clearly forbidden. Hence there are two reprimands contained in this Qur’anic command, for it also means do not be severe to the point of forbidding a halal and do not take liberties to the point of making licit that which God has clearly forbidden

Indeed, there is not a single rite prescribed in this glorious religion nor is there a single one of its religious duties, which does not ultimately inspire its adherents to rise to the highest standards of ethics, and that is not surprising since the Prophet (pbuh) has said: “I was sent but to perfect morality”.<sup>22</sup> Now among these noble religious duties is the duty of jihad, which is the epitome of Islam<sup>23</sup>, one that represents the worship of the brave and the chivalrous, and the obedience of the high-minded. Islam has regulated this most noble duty with a code of practice and a code of ethics which neither the swords and nor the arrows of the Mujahedeen can transgress or transpire.

Take, for instance, the case of Abu Dujana- may God be pleased with him- when he saw during the pitched Battle of Uhud a cloaked horseman ardently enticing the enemy fighters to combat. Did he not launch to kill that person with the sword of the Prophet (pbuh) that was in his hand, but when he discovered from that person’s ululation it was Hind Bint ‘Utbah, he pulled the sword back, saying: I had to honour the sword of the Prophet (pbuh), it is too noble to strike a woman with”<sup>24</sup>.

Now if this Companion did not dare use the sword of the Prophet (pbuh) for fear of dishonour even when this weapon was aimed at a woman who was doing her utmost to urge the disbelievers to fight against the Muslims, is it conceivable that Muslims can today aim their weapons at an ordinary civilian woman, or an elderly or a child from the civilian population? And what would Abu Dujana’s reaction be when that happens, I wonder?

More than ever before, we, the sons of the Islamic movement, need to tone down the rattling of sabres lest it prevents us from listening to the voice of the Revealed Law, justice and the truth, and we need not let the constant exchange of arrows between us and our enemies lead us to forget the values of this great religion. We should not forget that this religion has never permitted to kill any of the living beings in this world, unless it is for the sake of realising a public interest of vital necessity or for the sake of precluding a looming social

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<sup>22</sup>Related by al-Bayhaqi in the *Sunan al-Kubra* (10/191/20571) and al-Qudha’iyy in his *Musnad-al-Shihab* (2/192/1165), on the authority of Abu Hurayra- may God be pleased with him. Also, it is related by Ahmed in his *Musnad*(2/381), on the authority of Abu Hurayra- may God be pleased with him- that the Prophet (pbuh) has said: I was sent but to perfect morality”. Al-Arna’ut qualified the hadith as sound and maintained that this transmission of Ahmed is solid, and that its transmitters are those of the *sahih*, to the exception of Muhammad Ibn ‘Ajlan, who is still an exceptional source of hadith and one from whom Muslim narrated from by way of *mutaba’ah*. In addition to these sources, this hadith is also related by al-Hakim in his *Mustadrak* (2/670). According to al-Hakim the hadith is sound in accordance with the conditions of Muslim, and that is also the view of al-Dhahabi in his *Talkhis*)

<sup>23</sup>Related by Ahmed in his *Musnad*(2/235), on the authority of Mu’az Ibn Jabal- may God be pleased with him- who narrated that the Prophet (pbuh) has said: “ The epitome of Islam is jihad for the sake of God”. According to al-Arna’ut, this hadith is sound because it is corroborated by various transmissions and by various *shawahid*, as for this above transmission it is weak. In his *Mu’jam al-Kabir* (8/223), al-Tabarani relates this hadith on the authority of Abu Umama- may God be pleased with him. In his *Majma’ al-Zawa’id* (5/277) highlights that this transmission of al-Tabarani contains Ibn Yazid who is weak

<sup>24</sup> Related by al-Hakim in his *Mustadrak*(3/256), on the authority of al-Zubayr Ibn al-‘Awam- may God be pleased with him. Al-Hakim deemed sound, though neither Bukhari nor Muslim established that. Al-Hakim was joined by al-Dhahabi who also qualified this hadith as sound in his *Talkhis*

harm. Indeed, even cattle, which this religion has permitted us to slaughter for the sake of our livelihood; it has obliged us to treat with mercy and according to a code of ethics even during the act of slaughter itself. The Prophet (pbuh) has said: “God has prescribed impeccable conduct in every matter. When you kill, do so in a fashion that is in keeping with the requirements of perfection, and when you slit the throats of your animals do so most subtly: sharpen well your blades and give your sacrifice the time to die”.<sup>25</sup>

If this is the mercy that this religion accord to an animal which is about to be slaughtered, how much more merciful it would be towards a fragile woman who is not engaged in fighting, a small child who is unaware of what is happening around him, a frail old man who is unable to do a thing, and a civilian who is neither fighting Muslims today nor intending to fight them tomorrow?

More than ever before, we need to raise our voice high enough to be heard by the brothers who carried out the suicide bombings of Indonesia, Riyadh, Rabat and other operations like them which cause the death of civilians. How important it is to remind them with the glorious words of Abu Dujana and say all in chorus: *‘In honour of the Law which the Messenger, peace and blessings of God upon him, has brought, we shall kill neither woman nor child’*. We also need to stand by every woman, every child and every civilian killed as a result of these bomb attacks, and say to our brothers: “These people should have never been the target of our fighting!”. Indeed we should emulate the example of the Prophet (pbuh) who upon witnessing a gathering of a crowd around the body of a woman killed during battle said: “She should have never been the target of our fighting”, and then said to one of his men: “[Go to Khalid] and convey to him my order not to kill any woman nor bondsman!”.<sup>26</sup>

Also, Ibn ‘Umar- may God be pleased with him- has narrated that in one instance “a woman was found dead following one of the conquests of the Prophet (pbuh), so he (pbuh) warned against the killing of women and children”.<sup>27</sup>

We wish to advice any Muslim who wants to perform jihad for the sake of God, with the very words the Prophet (pbuh) used to say to every single one of his armies before battle, namely: “Make your way in the name of God: Do not kill a decrepit old man, o a young

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<sup>25</sup>Related by Muslim (1955/57), Tarmidhi (No: 1409), al-Nisai in his *Mujtaba*(7/227/4405), Abu Dawud (No: 2715), Ibn Maja (No: 3170), al-Nisai in his *Sunan al-Kubra* (3/62/4494), and Ahmed in his *Musnad* (14/123), on the authority of Shaddad Ibn Aws- may God be pleased with him

<sup>26</sup>Related by Abu Dawud (No: 2669), on the authority of Rabbah- may God be pleased with him, and by Ibn Maja (No: 2842). In view of both of these transmissions, Al-Albani has regarded the hadith as fair to sound. Also, it is related by Ahmed in his *Musnad* (4/178), on the authority of Hantala al-Katib- may God be pleased with him, and in view of this transmission, al-Arna’ut has deemed the hadith sound by virtue of another transmission whose transmitters are all trustworthy

<sup>27</sup>Related by Bukhari No 3014, Muslim (1744/24), and Abu Dawud No 2668, on the authority of Abd Allah- may God be pleased with him. Also the hadith is related by Tarmidhi No 1569, Ibn Maja No 2841, and Ahmed in his *Musnad*(2/32), on the authority of ‘Abd Allah Ibn ‘Umar- may God be pleased with him

child, or a woman; do not be excessive and dishonest about booty, just collect your spoils, and do right and act well, for God loves those who do good”.<sup>28</sup>

In the commentary on the Sahih of Muslim, Imam al-Nawawi reported the consensus of the scholars regarding the impermissibility of killing women and children who do not engage in fighting<sup>29</sup>. The consensus of the scholars regarding this ruling was also reported by Ibn Hajar in his *Fath al-Bari*. It is clear that the only scholar, who has defied this consensus, is al-Hazimi, but his position has been invariably ignored due to the amount of proofs supporting the position adopted by the overwhelming majority of the scholars.

These are indeed the Islamic values which control the swords and govern the armies of this religion. Islam has even safeguarded the blood of all the disbelievers whose state is at war with Islam so long as they are found to be blind, chronically-ill, an elderly, a monk, a bondsman, a peasant, a worker or occupying any of the roles in society which does not qualify him as an enemy fighter against Muslims: Umar Ibn al-Khattab- may God be pleased with him- said: “ Fear God in the peasant who do not stand in your way to fight you”. It has also been reported that the Prophet (pbuh) has said: “Do not kill the people of the monasteries”<sup>30</sup>, referring to the monks who are usually absorbed in worship.

We have already made reference to the commentary of Ibn ‘Abbas on the Qur’anic command, ‘And do not transgress’ in which he had shown that transgression pertained to the killing of women, children, the elderly, the chronically-ill, the blind, the monk and the like. This section of the population that Ibn ‘Abbas pointed to is what we may call in our modern parlance, the civilians. They too cannot be fought on the ground that they also are neither trained in fighting nor are they called to join it for that matter. Indeed, in today’s world, the skills necessary for fighting and the means for it require a special training run in particular places: for that people need to join a regular army and be trained in a military base, and that section of the population who joins such training and such bases is called the military, it is not the civilian population. Today the situation is indeed unlike before when a civilian during the time of the Companions and the Successors, for instance, could own various instruments of fighting, but who from among the civilian population anywhere owns a tank, an armoured vehicle, a fighter aircraft, a missile or even a rifle, nowadays?

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<sup>28</sup>Related by Abu Dawud No 2614, on the authority of Anas Ibn Malik- may God be pleased with him. Al-Albani has deemed the hadith weak.

<sup>29</sup>What is meant by civilians in this chapter pertains to the civilians from among the populations of the disbelievers, whose states are at war with Muslims or Muslim countries. As for the Muslim civilians, their killing is forbidden in all cases, and the *dhimmi*s who live in their midst must enjoy all the rights which protect their lives, their assets and their honour. (Adapted from Nawawi’s commentary of Muslim, 6/292 )

<sup>30</sup>Related by Ahmed in his *Musnad* (1/300), and deemed fair by Al-Arna’ut by virtue of other transmission. Also, it is related by Abu Ya’la in his *Musnad* (4/422/2549), though its investigator has deemed weak, and by al-Bayhaqi in his *Sunan al-Kubra* (9/90/12933), and al-Tabarani, in his *Mu’jam al-Kabir* (11/223/11562), on the authority of Ibn ‘Abbas- may God be pleased with him

Understand from this, dear reader, that the ruling mentioned earlier which forbids the killing of women, children, peasants, and the bondsmen contains the very *ratio legis* which forbids the killings of civilians nowadays, in that in the present circumstances, fighting is a particular occupation, requiring a particular weaponry, a particular location and concerns a particular section of society.

Ibn Taymiyya- may God have mercy on him- wrote: “If the legal basis for lawful fighting is jihad, which entails that fighting is performed for the sake of furthering the religion of God and making it triumph, then the Sharia, by consensus, makes it incumbent on us to fight against anyone who stands on the path of achieving that objective. Should there be however [among the enemy population], those who choose not to fight, or are unable to fight, like women, children, monks, the perishing elderly, the blind and the chronically-ill, then these are to be left alone according to the consensus of the scholars, except if they lend support to armed opposition with their sayings and their deeds.”<sup>31</sup>

Let us not forget that Islam does not engage in war except with the aim of bettering the condition of mankind: killing is thus allowed only in so far as it guarantees the realisation of that objective, and no more. Anyone approaching Islam with sound logic and with rationality will conclude that this religion cannot permit the killing of the civilians from among the disbelievers; if permission there is, it is directed to those who choose to fight against it.

Beware sons of the Islamic movement who are eager to implement this great religion! Do not be ensnared in the web of the unjust wars which the Crusaders are waging today against the Muslim world, and the dirty and unprincipled wars which have engulfed the whole planet recently. Sons of the Islamic movements! Do not hasten lest you find yourself pursuing personal vengeance instead of the higher meanings of jihad and its lofty objectives. Indeed. Do not allow the swords of Islam to be used for vengeance and all of what that entails. Do not substitute the rulings of jihad with the rulings of vengeance: the rulings of vengeance are fuelled with passions, whereas the rulings of jihad are inspired from the Law of the Merciful, His justice and His compassion.

Do not entice Muslims and non-Muslims alike to loath jihad and its rulings, nay Islam and its rulings, for that is what is bound to happen if you do not put your sword in the proper place.

And know that the Muslim who is truly alert in his jihad is he who brandishes his sword and aim his arrows in the direction which secures the interests of Islam and the higher benefits of the Muslim countries, but then he sheathes his sword the moment he realizes that its use dishonours his religion, country, nation and his Islamic cause.

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<sup>31</sup>Ibn Taymiyya, *Majmu ‘ al-Fatawa*, vol. 28, p, 195

Recall that Khalid Ibn al-Waleed- may God be pleased with him- had not earned the sobriquet of ‘the sword of God’ before the Battle of Mu’tah. On that occasion, he was teased by the kids of Medina: ‘Deserters! Deserters, for the sake of God, you are!’<sup>32</sup>. But on that day a leader of the most far-reaching vision, the Messenger of God (pbuh), had conferred on him that honorary title which no one in history has earned after he had retreated his army. But that is what happens when you have a great tactician like Khalid – may God be please with him- on the one hand, and a most adroit visionary like the Prophet-peace and blessings of God be upon him- on the other.<sup>33</sup>

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<sup>32</sup>Related by al-Hakim in his *Mustadrak*(3/45/4355), on the authority of Umm Salama- may God be pleased with her. According to al-Hakim, the hadith is sound based on the conditions of Muslim, and his derivation was supported by al-Dhahabi

<sup>33</sup>For a full account of these events, please refer to the *Seera of Ibn Hisham*, 6/30, and also *al-Bidayawa al-Nihaya*, vol. 4, p, 127, and p, 203)

## **Chapter Four**

### **The Rights and Duties of Those Admitted to our Countries on the Basis of a Temporary Security Pledge**

Islam has always shown great wisdom as well as awareness in dealing with humanity's need for a modicum of freedom of circulation and residence, irrespective of the state of the relations prevailing between the governments of the various countries of the world, such that people's movement did not get affected in times of peace and in times of conflict. Islam has indeed established that human beings cannot but travel between countries and temporarily reside along their way to their final destination: in some situations our needs are such, we have no choice- if we want to address them- but to reside somewhere, at least temporarily. Hence, war, for instance, should not be a hindrance to our ability to circulate and reside. Islam understood that even during difficult conditions such as war these freedoms should be maintained otherwise life as we know it would stop.

We can think of many types of human needs that would warrant travel and temporary residents. Perhaps the most obvious would be the need for medical treatment. It is not uncommon indeed that people who face very urgent health difficulties are unable to find the right cure for their health problem in their native or countries of residence, but are able to seek treatment elsewhere. And the same applies to education and commerce: no country is entirely self-sufficient to the degree that it does not need to have trade relations with the rest of the world, or to the extent that it does not need the assistance of experts, technicians and surgeons from other countries for the running of various public resources and facilitating various aspects of human life.

Indeed, Islam, and right from its beginnings, had been conscious of the need to ensure the safe movement of at least some members of the warring parties who are instrumental in bringing armed conflicts to an end; such as the correspondents, the ambassadors, the messengers and the members of the peace councils. Hence, we find that from the earliest history of Islam, we have in the Sharia what is called a pledge of security, which guarantees to those admitted in Islamic land from the Non-Muslim in particular, safety and protection against any harm during the entire length of their stay. Islam had also benefited greatly from such a practice, as it too had allowed Muslims to move freely and mix with people of other cultures, Muslim and non-Muslim alike: the pledge of security, by allowing Muslims to travel safely through and reside in non-Muslim lands, and by allowing non-Muslims to enjoy the same right in Muslim land, has greatly contributed to the propagation of Islam, its majesty and high morality. Indeed, through mutual contacts and interactions between Muslim and non-Muslims which this legal practice allowed and encouraged, Islam had been able to enter the hearts of many people, becoming their new guidance.

So what is a pledge of security as such and what are some of the legal issues implied in it?

If we take a look at some of the major sources of Islamic jurisprudence, we shall find that many of them contain rulings about the pledge of security, which are indispensable,

particularly to those who want to ascertain the legality of the successive violent events of recent times.

### **1. What is a Pledge of Security?**

A pledge of security is a pledge which guarantees the protection of one's life, property and honour against harm. To enter into a pledge is to accept to give with another party or individual guarantees which protect those rights, and be able to receive reciprocal guarantees in return. Its ruling is based on the Qur'anic verse:

“And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of God. Then deliver him to his place of safety. That is because they are a people who do not know” (9:6)

### **2. Who has the Authority to Grant a Pledge of Security?**

Any Muslim person, whether he belong to nobility or is just an ordinary citizen, and regardless of whether he is male or female, may be in a position to grant or enter into a pledge. What this means in real terms today is that it is possible for any Muslim to invite one of the foreign civilians to our countries as long as he or she assiduously apply themselves to fulfilling the conditions of entry which the government has put into place for that purpose. Once, it is established that the invitation in question is in keeping with the government's guidelines and a permit of entry is issued, it would automatically become forbidden to all Muslims to harm that guest or violate his rights.

It should be made clear that it is in fact the Prophet (pbuh) who had granted that right to all Muslims, when he has said: “ Muslims have equal bloodlines: anyone of them, even if he were of the most humble status, can grant a pledge and have the rest of the community observe it”.<sup>34</sup> The Prophet (pbuh) also said: “The covenant of the Muslims is one and indivisible”<sup>35</sup>

Commenting on this last hadith, Ibn Hajar said that: “The unity and indivisibility of the covenant means that the pledge of security that Muslims grant to others is one which holds true and is binding for all other Muslims even if they had not been expressly involved in that pledge, such that if one of them grants a pledge of security to a disbeliever, for instance, it becomes forbidden for anyone else in the Muslim community to harm that disbeliever.”<sup>36</sup>

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<sup>34</sup> Related by Abu Dawud, No 2751, on the authority of ‘Amr Ibn Shu‘ayb who heard it from his father who had in turn heard it from his grandfather- may God be pleased with all. Al-Albani has deemed the hadith via their transmission fair to sound. Also it is related by Ibn Maja, No: 2683, on the authority of Ibn ‘Abbas- may God be pleased with him, and this transmission al-Albani deems sound.

<sup>35</sup> Related by Bukhari, No: 1780, and Tarmidhi, No: 1579, on the authority of ‘Ali Ibn Abu Talib- may God be pleased with him.

<sup>36</sup> *Fath al-Bari*, vol. p, 86

Indeed, the Prophet (pbuh) had actually given Muslim lady permission to grant a pledge of security to a man, and then he (pbuh) forbade anyone who wanted to harm that man from doing so due to that pledge. Thus, we read in Bukhari and Muslim that Umm Hani'- may God be pleased with her- had approached the Prophet, saying to him: 'O Messenger of God! My brother maintains he is going to kill a man to whom I have given pledge of protection. It is so-and-so, the son of Hubayra.' The Prophet, may God bless him and grant him peace, said, "We give protection to the one to whom you have given protection, Umm Hani'"<sup>37</sup>. Here is also another story which highlights the commitment Muslims have always had towards their pledges. In this example, we see the length to which a caliph and his army would go to honour a pledge granted by a single slave. Fudayl Ibn Yazid al-Ruqqashi narrates that he was part of an army unit that 'Umar Ibn al-Khattab had organised and sent in an operation. Fudayl says: "We managed to surround the enemy and were in complete control of the situation. Such was our grip; we believed we were going to conquer that area on that same day. But while we were roaming around the enemy waiting for it to fall, one slave in our midst wrote to them a pledge of security on a piece of paper, attached to his arrow and shot it towards them. They got hold of it and we had to lift the siege and let them go. Contacted about this issue, 'Umar Ibn al-Khattab- mat God be pleased with him- said: 'He may be a slave, but he is still one of the Muslims: whatever protection he pledges becomes their pledges of protection and security' "<sup>38</sup>.

Now, it may argued that these instances which occurred in the past are not quite relevant to our present situation, which has become much more complicated and has witnessed a rise and a widespread of military ruses. Our intention in putting forward these examples, however, is not to replicate them without taking in consideration the changes which have affected human society. After all, the Law-Giver has given the state the right, nay He has made it incumbent upon the state to regulate these issues to the degree that the application of these principles fulfil the aim for which they are intended without putting in danger the Muslim community and their safety. What we wanted to highlight through these examples is something else, namely that any Muslim has the right to grant a pledge of security so long as it does not contravene government regulations, and that once granted that pledge is binding for all Muslims. This, incidentally, also demonstrate the greatness of Islamic law-making, particularly the way in which it elevates the status of the Muslim individual among his community on the one hand, and on the other, the way in which it enforces respect, commitment and loyalty vis-à-vis a pledge by the rest of the Muslim community, even while the pledge in question has been granted by a single member of that community.

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<sup>37</sup>Related by Bukhari, No: 357, Muslim (82/336), on the authority of Umm Hani'- may God be pleased with her.

<sup>38</sup>Related by al-Bayhaqi (9/94/17949), and attributed to Umar- may God be pleased with him.

### 3. How is a Pledge Contracted?

A pledge is contracted upon agreement on terms which may be either explicit or implicit, and it may take a form of a document, a correspondence or even a gesture<sup>39</sup>, as in when a Muslim says to a disbeliever: “Come to us!”; for by addressing that person in that fashion he has given a pledge of security. Indeed, it is as he had said to him, ‘I promise you my protection’ or ‘you are protected’ or ‘you have nothing to be afraid about’<sup>40</sup>. To be more to the point and clear about this, we say that “a pledge may take the form of a statement or a gesture through which the enemy is led to believe that they have been given a pledge of security, even when it may very well be the case that Muslims, in that instance, had never intended to contract one, or had actually intended to do the opposite and cause the enemy harm. Indeed, even if we Muslims were to open our copies of the Qur’an and swore by it that we would kill our enemy; this swearing, regardless of our intention, would still constitute a pledge of security so long as our enemy was led to believe that it was and understood it as such.”

From the definitions above and the previous precedents we have cited, it is clear that we can apply a number of them to our present situation, such that it is possible to regard in their light various types of visas, such as the entry visa, the working visa, the residence visa, or those visas that are issued to visiting scholars, conference participants, and doctors who are invited by public or private hospitals, as constituting a contract not unlike the pledge of security which is recognised in Islamic law. Indeed, the doctor who has come to the country following a request of one of our hospitals is in the eyes of the public a person who is protected by a pledge of security, and thus must not be harmed. The same applies to an expert who is contacted by one of our firms, to the businessman who is invited by one of our business people for the purpose of doing trade, and even to the non-Muslim family who come as guests to one of our families. These instances too ought to constitute in the eyes of the public pledges of security which all Muslims need to honour and fulfil, precisely because their ‘covenant is one and indivisible’ and because anyone of them, “even one of the most humble status can grant a pledge and have the rest of the community observe it”, as the Prophet (pbuh) has said.

### 4. The Limits of the Pledge of Security Granted to Individuals

We read in the *Mughniyy* the following:

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<sup>39</sup>*Fath al-‘Aziz*, vol. 16, pp, 99-100.

<sup>40</sup>*Al-Mughniyy* and *al-Sharh al-Kabir*, Vol. p, 560

“The pledge of security granted by the Imam<sup>41</sup> applies to the disbelievers both as a community and as individuals because the realm of his authority over the Muslims is comprehensive. As to the pledge of security granted by the Emir<sup>42</sup>, it applies only to the disbelievers who have been admitted to his realm, for in relation to other disbelievers his pledge is similar to any ordinary Muslim, and because his authority in matters of fighting are confined to his realm and hence he cannot grant more than a personal pledge outside its borders. Moreover, it is absolutely legitimate for a Muslim individual to grant a pledge of security to another individual, or to a group of up to ten individuals; he may also grant it to small caravan and even a fort as long as it is small. We have seen the proof for this last point above in the incident which saw the caliph, ‘Umar Ibn al-Khattab- may God be pleased with him- accept to abide by the pledge of security granted by a Muslim slave to enemy fighters who were under siege. It is worth noting, while we are at this juncture, that a pledge of security of an individual Muslim may not be extended to a whole city, a province or a large population, because such protection would cause jihad to fall into abeyance and the authority of the Imam to be encroached upon.”<sup>43</sup>

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<sup>41</sup> Imam here refers to the post of head of state, and thus his authority in matters like these may be conferred to his ministers such as the interior minister, or the head of the passport division, or the consuls and ambassadors.

<sup>42</sup> Emir here refers to the leader of an army or any military post with similar responsibilities.

<sup>43</sup> *Al-Mughniyy* and *al-Sharh al-Kabir*, vol. p, 434

## **5. Practices Associated with the Implementation of Pledges of Security**

It is typical of Islamic law not to give much attention to the formalities particularly if these do not express the intent of the Sharia and do not have a palpable effect or practical end. It is for this reason that, even when it has been expressed implicitly, once the intent of the law has been determined, it is considered explicit and whatever legal effects follow from that will be based on that consideration. Bearing this in mind, we can understand how traders of neighbouring countries used to travel to each other lands without having to contact a pledge of security: the mere fact that a person was involved in trade was enough to secure his protection, even without an explicit pledge or covenant of protection.

In this context, Ibn Qudama wrote:

“When a person from the Abode of War enters into the Abode of Islam, you need always ascertain if he has not brought along with him goods which he intends to sell, because people of that abode, as has been the custom for a while now, have often entered our land as merchants and were not harassed”.

we understand, from this citation, that the existence of goods is proof enough for the practice of trade, and for the fact that travel was done for that very purpose, and that based on this a disbeliever may be allowed to enter Muslim territory and granted a protection, which forbids all Muslims to inflict any harm on him or her. Now this procedure which has been followed in the past, may appear to us simple today, but if we look closely at the intent which animated such a ruling, we can easily find that they apply to any historical period during which certain indications or considerations are commonly understood as proof for the practice of trade. Indeed, nowadays, we may regard such identification cards as personal business cards, or membership company cards and the like as proofs that their holders are businessmen or traders and thus must be treated as such, in accordance with the government’s guidelines which govern the conditions and the grounds of their permission to enter the country.

## **6. The Pledge of Security by Dependency**

This means that once a pledge of security has been contracted with one individual, it automatically extends to those who are dependent on him or cannot be separated from him, such as his children of minor age. Anyone in this category, will not required in the eyes of

the Sharia to contact a separate pledge to be assured of protection. Indeed, we read in *al-Fathal'Aziz*:

“Once a disbeliever enters the Abode of Islam with a pledge of security or covenant of protection, it will extend to his property and children as a matter of course. Should he desire to have their protection expressly stated in the terms of the pledge, it will only serve as an additional emphasis.”

A mere affirmation was sufficient proof for filiation in the past; today every traveller needs to have their own travel documentation. The Sharia obviously has no issue with that or any other regulations followed to establish people’s identity, so long as the rights of the dependents are not violated, and that is the crux of the matter.

### **7. The Nullifiers of the Pledge of Security**

What are the issues that nullify the pledge of security, and give the government ground for annulling it after it had been granted?

a. The exit of the individual protected by the pledge from the Abode of Islam and his return to his country. Should that person wish ulteriorly to rerun to the Abode of Islam, he would be required to contact a new pledge of security, according to the Hanafis.

More elaborately the Hanbalis stated: “If that individual has returned to his country for the purpose of trade or settle a matter, while always intending to return to the Abode of Islam, his initial pledge of security would still be valid, in that he has never returned to his country with the express intention of residing there. However, in the case where he has returned to the country to settle for good, or take up arms, then his pledge would void so far his own protection is concerned, though it would continue to obtain in relation to his property”<sup>44</sup>. Meaning that any property that he would have left behind in the Abode of Islam would continue to be protected and it still would be forbidden to Muslims to seize it or abuse it.

b. If it is established at a later time that the pledge contracted contains a social harm or has the potential to lead to it, or it was feared that it may lead to it, then the Muslim ruler or those who are qualified to act on his behalf in these matters, may decide to annul that pledge, and understandably so. Facilitating the movement of people across the Muslim world is very laudable, but it should not be done at the expense of the security of the Islamic

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<sup>44</sup>*Kash al-Qina* ‘, vol. p, 698, and *SharhMuntaha al-Iradat*, vol. 1, p, 737

state and the social wellbeing and safety of Muslim society. This is well attested to by the hadith of the Prophet (pbuh) in which he has said: “There should no harm nor should there reciprocating of harm”<sup>45</sup>. Indeed, it is owing to this hazard that the jurists have said: “ In the case where a Muslim makes a pledge of security to a spy or individuals who enter the country on a reconnaissance mission or to anyone intent on causing harm to Muslims, his pledge will not be binding.

Nowadays, it is not uncommon that the government refuses to grant entry to people coming from certain countries and even from certain regions of the world when it is confirmed that a certain epidemic is widespread in those places. In these circumstances, governments are in their full right to refuse entry; nay refusal in that case is the right that citizens have over their governments. It is also the responsibility of the government to investigate the integrity of the citizen who proposes to host a foreign visitor and ensure that he or she is not a traitor, for if it is proven that citizen has been involved in dubious relations or that he or she has indeed already committed acts of betrayal towards his nation, then the government is in its again not to accept that proposal and not grant that foreign visitor a pledge of security based on the harm that his or her visit is would most likely cause if it were given the go ahead, and in that case the grant of visa would simply be refused. In case where the visa had been granted, however, and doubts about the integrity of host emerged only later, the government must to cancel it and order that visitor to leave the country to prevent harm from occurring.

### **8. Concerning the Nonconforming Pledge of Security**

The Ruling concerning a pledge which has been granted to a person without conforming to the established rules of Islamic law- as happens when a party chooses to grant protection to some individual when the Imam has expressly rejected it or has put certain conditions, which were not fulfilled by the party offering the pledge of security- it would be the right of the Imam not to execute the terms of that contract and send that person back. However, it is important to note that if the Imam takes that decision, it still remains that no Muslim would have the right to inflict any harm to that foreign person on the basis that his pledge of security has been made void: they are only entitled to send him back to his country.

Indeed, we read in the commentary of al-Zarqani on the *Mukhtasarof* Khalil that: “in the situation where the Imam has warned the people against granting the pledge of security, but they had still gone ahead with it and acted contrary to his advice, that pledge they have

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<sup>45</sup>Related by Ibn Majah, No: 2340, on the authority of ‘Abada Ibn al-Samit- may God be pleased with him- and deemed sound by al-Albani. Also the hadith has been related by al-Tabarani in his *Mu‘jam al-Kabir* (11/182/11576), on the authority of Ibn ‘Abbas- may God be pleased with him, and in his *Mu‘jam al-Awsat* (1/307/1033), on the authority of Aisha- may God be pleased with her.

contracted would continue to be effective so long as the Imam has not formally sealed his rejection.”<sup>46</sup>

### **9. Concerning Treason Committed by the Individual Granted Protection**

The pledge of security is a contract between two parties, the Muslim and the disbeliever, for the sake of mutual peace, and so following this contract, it is not permissible to either party to inflict harm on the other. Also in conformity with this pledge, it is not permissible for a Muslim to be treacherous in his dealings with the disbeliever with whom he has entered into the pledge, taking advantage of his unstable situation outside his country to inflict harm on him. Whenever that happens, it is the prerogative of the Imam to reserve to that Muslim person the punishment that he deems fit. Equally, the person who has been granted security and protection as stipulated in the pledge is not to inflict harm on Muslims. The rights of protection which he has been granted are not to be taken advantage of and used in a fashion that hurts them, usurp their rights and trample on their feelings either. The issue is what ruling applies to him if he were to commit such infringements?

The eminent scholar, Ibn al-Qiyam- may God have mercy on him- wrote:

*“As for His words- may He be exalted: “How can there be for the polytheists a treaty in the sight of God and with His Messenger” all the way up to: “And if they break their oaths after their treaty and defame your religion, then fight the leaders of disbelief, for indeed, there are no oaths [sacred] to them; [fight them that] they might cease” (9: 7-12), they clearly demonstrate that God has disaffirmed the claim that the disbelievers who had previously entered into a covenant with the Prophet (pbuh) enjoyed any treaty with him, except a people He has mentioned, [the people with whom the Prophet entered into a treaty at al-Masjid al-Haram] whose treaty He has recognised as long as they continue to be upright towards us. From this, it is understood that disbelievers who enter into a pledge of security with Muslims, will see their protection annulled as soon as they violate its terms and will see it maintained so long as they continue to honour it<sup>47</sup>. It is also clear from this that when the disbeliever who has been granted protection inflict harm on Muslims or violate their Sharia overtly, he takes the responsibility of bringing upon himself the punishment that the government sees fit, which, following the cancellation of his pledge, invariably includes the possibility of deporting him back to his country.*

Also, it worth pointing out that in the case where the disbeliever under protection commits an infringement which normally calls for the implementation of the legal punishments (*hudud*), like the crime of fornication, the Muslim legal schools and their Imams have put

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<sup>46</sup>*Sharh al-Zarqani ‘ala Mukhtasar al-Khalil*, vol. p, 122

<sup>47</sup>Ibn al-Qiyam al-Juziyya, *Ahkam Ahl al-Dhimma*, vol. p, 217

forward different rulings. Thus according to Abu Hanifa and the Shafiites, there is no need to implement the legal punishments because these are part of the rights that God has over his servants and they do not see that the pledge of security entails them, whereas Imam Abu Yusuf maintains that they should upheld even in the case of a disbeliever. The Malikites and the Hanbalites come to an entirely different ruling, as they maintain both that the disbeliever in that case ought to be killed, pursuant to the automatic cancellation of his pledge of security, resulting from his infringement of the Sharia.<sup>48</sup>

Now that we have gone through the various rulings related to the pledge of security, we look back in their light to the bombing attacks of Riyadh, Rabat and Indonesia and say the following:

Commitment to the treaties pledges and covenants are one of the most important and silent features of the characters of Muslims, and treason is one of the most significant characters of the hypocrites. Addressing the believers, God- may He be exalted- has said: “O you who have attained faith, fulfil [all] contracts” (5:1). Also about the characteristics of the hypocrites, the Prophet (pbuh) has said: “...Whenever they make a pledge, they betray it”<sup>49</sup>.

Indeed, all contacts or covenants must be fulfilled even if these are contracted with a disbeliever, or one who is a enemy to Muslims and the Islamic state. Did you not lend an ear to His words- may He be exalted- as He reminded the Muslims to honour their treaties even with their enemies, when He revealed to them: “so complete for them their treaty until their term has ended” (9:4)?

Know that the upright Muslim person does not know how to be treacherous: in the wake of the treaty of Hudaibiyya, the Prophet faced his first test of credibility. He had to return Abu Jundab to the disbelievers, asking him to be patient and correct, and told him: “We are certainly not going to commit treason against them!”<sup>50</sup>.

A Muslim person who has rectitude does not know how to commit treason because when it listens to those words of the Prophet, he experiences them with all of his subtle faculties and of his limbs at the same time.

No doubt that the topic of the pledges and the treaties counts among the most important topics of the Sharia and to which it has devoted extensive study. Nowhere in this field has the illustrious Sharia ever allowed the treason of the disbeliever under protection, regardless of his or her nationality, and of the actions of the country where he or she comes from. That is because the pledge of security and protection is a mutual peace bond against any harm, so

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<sup>48</sup>Al-Shawkani, *Nayl al-Awtar*, vol. p, 93

<sup>49</sup>This is part of a hadith related by Bukhari, No: 34, Muslim (58/106), Abu Dawud, No: 3688, and Tarmidhi, No: 2632, on the authority of Ibn ‘Umar Ibn al-‘As- may God be pleased with him.

<sup>50</sup>Related by Bayhaqi (9/227/18611), on the authority of al-Musawwar Ibn Makhrama- may God be pleased with him.

it is not right to kill him or her so long as they are protected. Also it is not permitted to abuse the property of the disbeliever under protection or take it away from him, nor even harass him. For the life of me, I cannot fathom how it is possible that virtually the whole world can wake up one morning and sees through the millions of television screens across the globe, body parts of these, supposedly, protected people flung in every direction, as if to say through that horrible spectacle: 'look at what Muslims have done to us in their country... no one can be safe from their carnage...no covenant contracted there can be trusted to last and be binding... no foreigner who enters those countries with a pledge of security can ever feel safe! Have not these non-Muslim foreigners come to our countries believing they were going to the safest places on the planet and that Muslims are among the most observant of and committed to their pledges and their covenants?

Know that these foreigners, be they tourists, doctors, experts and the like, have come to our countries with not one but with many forms of pledges of security: they have entered the territory with valid passports, and these were stamped with a permission of entry, called a visa, and in addition to this they have also held a work permit, or a residence or an invitation letter, as is the case with the majority of the experts, the doctors, the scholars and the businessmen. Indeed, all of these forms are valid, well-intended and well-documented pledges of security.

Based on this, killing any of these foreigners constitute a colossal error in the eyes of the Sharia, because such killings are in flagrant defiance of what is right and have no legal grounds whatsoever. Hence it is incumbent on every Muslim who abides by the Sharia to refrain from committing such crimes, advise others to do so, and condemn such acts in every opportunity and with every possible means. Treason is abominable but it becomes even more abominable when it is committed by those who affiliate themselves to Islam. We sincerely like to think that the brothers who have been behind these bomb attacks were earnest and did not have a prior knowledge of these rulings. Thus we like to also believe that all they wanted was to realise what is good, but were induced into error, and that they wanted to achieve what is right, but they failed to do so due to their lack of life experience and knowledge.

All of the discussion in the chapter so far has demonstrated that the killing of those who have contracted a protection pact with us constitute a complete disregard of the pledge of security and its related Sharia rulings, because by committing such acts, the perpetrators have ended up killing those whose killing the Sharia has forbidden, and those whose lives it has protected with the high palisade of this towering pledge. Furthermore, the killing of those who have been granted a pledge of security on our soil exposes the great short-sightedness of the perpetrators of these bomb attacks: have they ever considered that the targeting of foreigners under our protection in our countries can actually jeopardise the lives

of many Muslims, particularly the pious among them, who reside in the countries of these victims? Have they pondered on the consequences of their actions, particularly on those Muslim women who reside in these foreign countries and were the hijab? There is no doubt that their actions have put all of these categories of Muslims in a very precarious situation, such that they may now easily become the target of violence, assassination and deportation. I am sure that many of our readers, through all sorts of media reports, are already familiar with the high volume of prosecution and witch hunting that many devout Muslims have been subjected to recently in various places in the world, not to mention the relentless distortion of Islam and Muslims produced by the media machine of the anti-Islamic countries, and the calls for reciprocal treatment that some have raised against the Muslim minorities, which are truly in the most dicey situations, and often in countries where people hardly know anything about Islam, or if they know anything, it is through the anti-Islamic propaganda dished out in the media.

Islamic law has always sought to spread in the entire world a comprehensive security system based on mutual pledges of security and covenants between host nations and t foreigners, and on a mutual commitment vis-à-vis those pledges and covenants by the parties involved. This is because whenever any part of that system becomes defective, it leads to the breakdown of all the constituent parts of the system: Muslims, particularly those who are markedly devout, will be under threat in the whole world, because the world today is like a village in which many relations, interests, and alliances are all interconnected.

Now some might object to our argument, and say: “Have you forgotten that those American and British foreigners who were killed on our soil, are the same ones who have actually invaded Afghanistan and Iraq, causing the death of many Muslims in the process?”

We say to those who raise those objections, no, we have not forgotten that, but it still remains true that those foreigners were granted a pledge of security which protects their lives, properties, honour and any other sort of harm. Hence we have two solutions before us and not three:

- Either we refuse them a pledge of security right from the beginning, and that to our eyes is far more honourable than granting them one and then killing them treacherously
- Or we grant them and promise them that security and we fulfil our pledge

Also this idea which purports to generalise the penalty, calling for the collective punishment of the foreigners and their killing based on their nationality, is one which the Sharia strongly rejects, because it has always limited the punishment to the person of the perpetrator, and

this long before it became evident in positive law. Thus, as it addresses its followers, the Qur'an says: "That no bearer of burdens will bear the burden of another. And that there is not for man except that good for which he strives" (53:38-9). What is really striking, however, is that the al-Qaeda Organisation, is the only one among the many that the Islamic movement has known in various times and various places, which calls for the killing of people on the basis of their nationality, targeting specific ones and discarding others. Now this is certainly a monumental legal error, because Islam has not once throughout its long history upheld the idea of collective punishment or stood for the extermination of a whole nation without due respect to the various convictions, identities, ideas and visions, of the population of that nation. Thus Islam does not support the blanket punishment of the American nation, a nation whose citizens hold some the most diverse ideas, beliefs and persuasions: a person may very well carry an American citizenship, but that does not necessarily make him or her, an American who is ready to give blanket support to his or her government.

How is it really permissible to kill anyone solely on the basis of his nationality, and excluding all other considerations? Is an American soldier akin to a woman in that case? Is he to be considered as if he were a perishing elderly, or a chronically-ill, or a small child, or a visiting friend or scholar, or an American Muslim who is totally devoted to Islam and works tirelessly to spread the religion in his country? Whoever believes in these sorts of things and utter such nonsense can never be followed in matters of religion and not even in matters of this world, because he is certainly not fit to give advice in neither of these.

## Lurking Questions

### Question One

The reader will probably come across, if he has not already, some people who would support acts of violence against foreign nationals from non-Muslim countries, based on the fact that the legality of the pledge of security granted to those foreigners is contested: in the eyes of these people, some of the governments that are issuing these contracts of protection do not enjoy the legal authority to grant such protection, because they do not rule in accordance with the Sharia or due to some other factors. Whatever the case may be, they maintain that as a result of this lack of authoritativeness, those foreign nationals may not be regarded as people who are legally protected by the pledge of security, and that as a consequence of that loophole in the contract, it is permissible to assault them. How true is this claim?

The answer to this lurking question may actually be gleaned from the many positions of the jurists that we have reviewed together so far in this book. If you just go back to the previous section and review that part which came under the subheading '*How is a Pledge of Security Contracted?*', it will become clear to you that one of the most decisive factors in the legal interpretation of the pledge of security hinges on what the incoming international traveller has actually assumed when he was granted that pledge. And it so happens that today, following the norms and standards that now prevail in international travel, the moment the incoming traveller is granted an entry visa to our countries, he or she would, as matter of course, consider himself safe and protected in the host country. The jurists have made that point crystal clear when they agreed that:

“A pledge may take the form of a statement or a gesture through which the enemy is led to believe that they have been given a pledge of security, even when it may very well be the case that Muslims, in that instance, had never intended to contract one, or had actually intended to do the opposite and cause the enemy harm. Indeed, even if we Muslims were to open our copies of the Qur'an and swore by it that we would kill our enemy; this swearing, regardless of our intention, would still constitute a pledge of security so long as our enemy was led to believe that it was and understood it as such.”

Sheikh Muhammad Mustafa al-Maqri has given a very circumspect answer to these sorts of questions, in his book, 'The Ruling Concerning the Killing of Civilians in the Islamic Sharia'. He asks: Is the pledge of security granted by Muslim governments nowadays one that the Sharia considers as such? The following is his answer:

“Given that many Muslims, nay many Islamists themselves, consider this visa as either a valid or most likely valid pledge of security or see it least as a one akin to it, how is it possible for the travellers coming from the Abode of War to distinguish between the legal in the eyes of the Sharia and between the authoritative government and the one which is not? These incoming international travellers as they go about their trips across many countries come to our lands on the basis of the prevailing norms of travelling which guarantee to everyone the freedom of movement, once certain administrative procedures are met. Hence, the crucial and decisive factor in considering the pledge of security granted to them as one which should be regarded as such, does not hinge on the authoritativeness of the authorities issuing the visa; rather it is on account of what they assume it means”.<sup>51</sup>

Based on this we can safely say that the promise and grant of protection offered by governments, whatever they are, does indeed constitute a pledge of security which is recognised by the Sharia, and that also is recognised as a pledge of security the pledge which is given by a Muslim person, regardless of his piety or lack thereof. Sheikh al-Maqri has also dealt with this same question in another book by the title *Tasleet al-Adwaa’ ‘al-ma Waqa’a fi al-Jihad min Akhtaa’*. There he wrote:

“Those tourists who enter our countries with a visa issued to them by the government, and with an invitation from tourist agencies, private individuals or any other organisation, have all been effectively been granted a pledge of security. Hence, it would be forbidden to kill them or abuse their property and their honour. We need to say to those who are arguing about whether the pledge of security issued by the government is valid or not, that the crucial factor in this case and the one that needs to be taken in consideration is whether the tourist has understood that as a pledge of security or not. Today, *Jama’at al-Takfirwa al-Hijra*, for instance, regards the government as heathen, and it excommunicate all of the other Islamic groups, but there are also those groups who ex-communicate everyone else including members of the *Jama’at al-Takfirwa al-Hijra* itself. Now the tourists have no knowledge of these tensions and who can blame them? They have no ability to get their heads around such issues.”

Again, the same point is made, namely that the decisive factor in this point of law is what the tourists understand to mean a pledge and a promise of protection. We have already highlighted that even if we were to swear on the Qur’an that we would kill them, and they understood it to mean a commitment and a pledge for their protection and safety, it would be regarded as such in the eyes of the law, regardless of our intention.

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<sup>51</sup>*The Ruling Concerning the Killing of Civilians in the Islamic Sharia*, P, 178

## Question Two

Some of you may also here this lurking question:

“In reality, those civilians and tourists are no more than spies disguised as professionals. Besides, some of them are given to destructive sins, and they contravene the Islamic Sharia overtly. Is not that enough ground to cancel their pledge of security and making their killing permissible?

There is ample clarification for that question in what we have already said under the subheading, *Concerning Treason Committed by the Individual Granted Protection*, in the previous section. Indeed, there are in the texts provided in that discussion several truths which are useful and they are as follows:

1. Should there be an impediment to continuing with the protection of an individual who has been granted a pledge of security, then what is required by law is to cancel out that pledge, but without harming that individual, in any way, under the pretext that the pledge which was protecting his rights has become void. All that can be done to him in that situation is deport him back to his country, or ‘return him to his safehold’ as they say in jurisprudential parlance.
2. Should the person who has entered into a pledge of security with us commit a treason, he has to be meted a punishment commensurable with his crime. However, it needs to be made clear that not all crimes make his killing licit or annul his covenant of protection.

Moreover, proving that a criminal act has been committed by such an individual and establishing, for instance, whether he is a spy or not is part of the prerogatives of the government and not private individuals: the application of some of the Sharia rulings necessitate power, authority and a high standard of ability and skill such that they may be executed in a fashion that is in keeping with the requirements of Islamic law, without causing harmful after-effects. Indeed, many of these rulings and others like it would lead to the spread of chaos if their execution became the privilege of private citizens. Even if the government fails to enforce those rulings, there is no doubt that their enforcement by private individuals is far more harmful than their abandonment nowadays

3. Even if we accept that there may a few spies among this huge number of tourists and civilians, it would not be permissible kill of all of them or the majority of them, for the sake of one or two spies: the Sharia regards the original status of all these foreigners as people who were all granted pledges of security. Based on that certainty, it looks to protect all of them, unless proven otherwise. The mere existence of a probability that there may be one or two spies among them does not take anything away from that certainty and from that legal standpoint.

We say by way of conclusion that has brought us to write this book and clarify these rulings is nothing but our grief over what has happened during and following the recent series of bomb attacks, and our resolve not to see overseas nationals being the target of assassinations ever again. Indeed, we wrote this book because such acts of violence have highly negative consequences: not only they distort the image of Islam and Muslims in the eyes of the rest of the world; they also jeopardize the livelihood and wellbeing of Muslims who are after all the ones getting the brunt of it all.

Finally, it is God's pleasure that we have sought all along, and it is He who guides whomsoever He wants to the right path.

## **Chapter 5**

### **Bomb Attacks and the Killing of the Human Shield**

The Decisive Answer

How hard and excruciating it is for a believer to discourse on the violation of any of the divine sanctities, let alone on one of the most important and gravest of these in the Islamic Sharia, namely the inviolability of Muslim life. Indeed, the violation of such a sanctity is greater in the sight of God than the destruction of the whole world, for as the Prophet (pbuh) has said: “To God, the demise of the world is far less significant than the in the killing of a believer unjustifiably”<sup>52</sup>. A Muslim life is even is even greater and more sanctified than the House of God, the Masjid al-Haram, towards which we turn to pray five times, every single day and every single night: Ibn ‘Umar- may God be pleased with him- narrated: I saw the Messenger, may God bless him and grant him peace, circumambulate the Ka’ba and say, ‘How sweet are thee and how sweet is thy scent.. How great are thee and how great is thy sanctity...But I swear by Him, He who holds the life of Muhammad is in His hand, that the sanctity of believer’s property and blood are greater than thine”.<sup>53</sup>

This gives you an indication as to the peril of this sin in Islam, and why it cannot be extenuated even by mountains of good deeds and countless acts of devotion: did not the Prophet (pbuh) say: “The believer will continue to enjoy the largesse of his religion as long as he does not spill forbidden blood.”<sup>54</sup>, and “All sins may be forgiven by God, except the premeditated killing of a Muslim or dying as a disbeliever”<sup>55</sup>

It is also related that 'Abdullah Ibn 'Umar said, "Among the predicaments from which there is no escape for anyone who falls into it, is the shedding of sanctified blood without a lawful justification”<sup>56</sup>. Most certainly, there is no sin Islam that is greater than the sin of killing a Muslim and spilling his blood in defiance of right. Indeed, it is for this reason that the Prophet (pbuh) has said: “If the heavens and the earth were to partake in the spilling of a blood of a believer, God would certainly send them to hellfire.”<sup>57</sup>

It is indeed in account of all of these evidences and others that Usama Ibn Zayd- may God be pleased with him- said that when he had stabbed a man with his spear during battle and killed him, despite the man’s declaration of ‘there is no God but Allah’, the Prophet (pbuh)

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<sup>52</sup> Related by Ibn Majah, No: 2619, on the authority of al-Barra’ Ibn ‘Arib- may God be pleased with him- in his words, and been deemed sound by al-Albani. Also, it is related by a-Nisai in the *Sunan al-Kubra* (2/285/3449), on the authority of ‘Abdullah Ibn ‘Umar- may God be pleased with him.

<sup>53</sup> Related by Ibn Majah, No: 3932 and deemed weak by al-Albani

<sup>54</sup> Related by Bukhari, No: 6862, on the authority of Ibn ‘Umar- may God be pleased with him, and by Ahmed in his *Musnad* (2/93)

<sup>55</sup> Related by al-Nisai in the *Sunan al-Sughra* (7/81/3984), on the authority of Mu‘awiya, and deemed sound by al-Albani

<sup>56</sup> Related by Bukhari No: 6863 and by al-Bayhaqi in the *Sunan al-Kubra* (8/21/15637)

<sup>57</sup> Related by Tarmidhi, No: 1398, on the authority of Saeed al-Khudri and Abu Hurayra- may God be pleased with them. Also, it is related by al-Bayhaqi (8/22/15642) and al-Tabarani in the *Mu‘jam al-Kabir* (12/133/12681), on the authority of Ibn ‘Abbas- may God be pleased with him. Al-Tabarani extracts this hadith again in his *Mu‘jam al-Saghir*(1/341/565), on the authority of Abu Bukra- may God be pleased with him- as well as in his *Mu‘jam al-Awsat* (2/112/142331), on the authority of Abu Hurayra- may God be pleased with him

did not hasten to pardon him, and did not think that the sweat and labour he deployed in jihad, great as they were, were enough to atone for his crime: Usama narrates that he (pbuh) asked: ‘O Usama! Did you kill him after he had said ‘there is no god save Allah?’, and Usama replied, ‘Yes, but he was only trying to save himself.’ He (pbuh) again said, ‘Did you kill him after he had said, “There is no god save Allah?”’. Usama narrates that: “he (pbuh) continued to repeat it to me until I wished that I had not become Muslim until that day.”<sup>58</sup>

Notice with me dear Muslim brother how this Companion- may God be pleased with him wished he had not become a Muslim until that day when he had done that deed only to express his desire to benefit from the forgiveness that Islam grants to those who newly embraced Islam. For indeed, only repentance and the blessings of reverting back to Islam can redeem such a grave sin, and it is due to the gravity of killing and spilling the blood of a Muslim without lawful justification that God- may He be exalted- will begin the Day of Reckoning with it: the Prophet (pbuh) has said: “The first thing that will people will be judged upon on the Day of Judgment is their murderous acts.”<sup>59</sup>

Although the aforementioned hadiths and adages provide the wider Muslim community with a clear moral deterrent against the spilling of Muslim blood, it is primarily the hearts of those who are engaged in jihad for the sake of God who should take heed of them the most because they are simply among the most exposed to the peril of that destructive sin and the ones most likely to succumb to it.<sup>60</sup>

Henceforth, every person that truly desires to do jihad for the sake of God must really engrave in his mind the golden maxim, ‘At the origin, the spilling of the blood of Muslims is forbidden’. For indeed, this golden rule is not only one over which there has been agreement between the scholars of the anteriority and posterity, but also one that directly emanates from the prophetic hadith: “The spilling of the blood of a Muslim person who has proclaimed ‘there is no god save Allah, and that I am the Messenger of Allah’, can only be deemed lawful in three instances: if he commits adultery, commits a murder, or leaves his religion and becomes disloyal to the community of Muslims”. Besides, it is also important to remember that the glorious Qur’an has severely rebuked the Companions- may God be

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<sup>58</sup>This hadith has already been referenced

<sup>59</sup> Related by Bukhari, No: 6864, Muslim (28/1878), al-Nisai in the *Sunan al-Sughra* (7/83/3994), Ibn Majah, No: 2615, al-Nisai in the *Sunan al-Kubra* (2/285/3455), Ahmed in his *Musnad* (1/388), Abu Ya’la in his *Musnad*, No: 5099, and al-Tabarani in his *Mu’jam al-Kabir* (10/191/10425), on the authority of ‘Abdullah- may God be pleased with him.

<sup>60</sup> Indeed, every type of worship and act of devotion is fraught with a specific satanic deception. Thus the devout usually give in to arrogance, the scholars to vanity, the mujahedeen to insouciance, particularly in relation to the spilling of blood that God has prohibited, and the traders to greed and illicit gains. Thus for every category of people the devil tends to find a weakness from which to launch his deceiving assault. Being most familiar with our psychological makeup, which usually struggles to find moderation, he brings the soul unawares to the pitfall of slackness and neglectfulness if he depicts looseness in it, and similarly he brings it unawares to the pitfall of fanaticism and zealotry, as soon as he detects in it a weakness for excess

pleased with them- when they decided to fight against a man even after he had offered peace: in relation to that incident, God- may He be exalted- has said:

“O you who have attained faith, when you go forth [to fight] in the cause of God, investigate; and do not say to one who gives you [a greeting of] peace “You are not a believer,” aspiring for the goods of worldly life; for with God are many acquisitions. You [yourselves] were like that before; then God conferred His favour upon you, so investigate. Indeed God is ever, with what you do, Acquainted” (4:94)

Now that the original status of the inviolability of Muslim blood has been made manifest, and the doubts surrounding it have been removed, such that all the people of intellect have surrendered to its compelling reality, it is incumbent on every Muslim, and those who aspire to do jihad in particular, to know that such a conclusive certainty, namely the inviolability of Muslim blood, is not shaken by the mere existence of doubt, for as the legal maxim makes it amply clear: “ Inherent certainty cannot be voided by extrinsic uncertainty”. We need to hold on fast to this golden rule otherwise there is mounting fear that these recent bomb attacks and other similar violent acts may turn into a punishment against Muslims as a recompense for their lack of resolve in the face of such deviance. For indeed, this violence will only orphan their children, widow their women and deprive their mothers of their sons, under the pretence of jihad, but without any proof that may be found in this divine religion nor any indication from the Qur’an and the Sunna, except perhaps the oft repeated, “They will be resurrected according to their intentions”<sup>61</sup>, which is usually the only solace the perpetrators of these crimes can give them.

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<sup>61</sup>On the authority of Aisha, Bukhari related that ‘Aisha said, “The Messenger of God, may God bless him and grant him peace, said, ‘An army will invade the Ka’ba, and as soon they are at the plain ground, the earth will swallow them up from the first to the last of them.’ She said, “I said, ‘Messenger of God, how will it swallow them up from the first to the last of them when their traders are among them as well as others who are not really part of them?’ He said, ‘It will swallow them up from the first to the last of them and then they will resurrected according to their intentions’.”

This hadith is also related in Muslim, No: 8/2884 with a different transmission and a slightly different wording. In the Sahih of Muslim, it is related that:

“Harith Ibn AbiRabi’a and ‘Abdullah b. Safwan both went to Umm Salama, the Mother of the Faithful, and they asked her about the army which would be sunk in the earth, and this relates to the time when Ibn Zubair (was the governor of Mecca). She reported that Allah’s Messenger (may peace be upon him) had said that a seeker of refuge would seek refuge in the Sacred House and an army would be sent to him (in order to kill him) and when it would enter a plain ground, it would be made to sink. I said: Allah’s Messenger, what about him who would be made to accompany this army willy-nilly? Thereupon he said: He would be made to sink along with them but if he would be raised on the Day of Resurrection on the basis of his intention. Abu Ja’far said. ‘This plain, ground means the plain ground of Medina’.”

Also, in the *al-Jami’ al-Sagheer* is a version which reads: “If when the wrath of God descends upon the people of His displeasure, it also reaches the devout so that they also meet their death, they will be resurrected according to their intentions and their deeds”. It is also related by al-Bayhaqi in his *Shu’ab al-Iman* on the authority of Aisha, and has been deemed sound by al-Suyuti.

In the Musnad of Ahmed Ibn Hanbal (2/392), we read that Abu Hurayra narrated that the Prophet (pbuh) said: People will be sent (*yub’athu* )-and Sharik might have said resurrected (*yuhsharu*)- according to their intentions. Thus, Sheikh al-Arna’ut has deemed this hadith sound by virtue of other transmission, regarding this one as weak owing to the weakness of Sharik and Layth.

BELOW IS A SUMMARY OF THAT LONG FOOTNOTE BECAUSE MUCH OF IT REVOLVES AROUND ARABIC LANGUAGE TECHNICALITIES, AND THUS IS RECONDITE IN THE MAIN.

But is not this too meagre to harness the sword and too weak an argument and a justification for violating the sanctity of Muslim blood? Do people really think that one of us can kill tens of Muslims by simply saying ‘they will be resurrected according to their intentions? This way of thinking certainly makes light of the legal sciences, and the legal maxims based on that hadith and shows little consideration towards the inviolability of Muslim life. Unwittingly, whoever goes down that path will have only contributed to distorting Islam instead of promoting its pristineness, and to sullyng it instead of promoting its purity, and to terrorising Muslims instead of promoting their safety, and finally to killing them instead of promoting their protection.

We obviously cannot imagine that any Muslim would want to kill another Muslim intentionally and through ill will, but we definitely believe that a Muslim may very well do that as a result of errors and misconceptions. We certainly believe that to be the case in many of the incidents which we will tackle in this brief book, because we have no doubt that his Islam, his religious commitment and his fear of God prevents him from committing a premeditated murder the unlawfulness of which he knows only very well.

Indeed, recent times have seen a rise in the spilling of Muslim blood, and an unprecedented maiming and dismemberment of their body parts under the pretext of jihad in the name of God. The violent and indiscriminate bomb attacks which occurred lately in Riyadh, Rabat and Indonesia are some of the most striking examples. During these bomb attacks and others, Muslim blood was spilt without the slightest reverence shown towards their inviolable sanctity. Yet, whenever people have sought to find answers and asked to be given the legal basis of this carnage, it is not uncommon to see the perpetrators of these attacks and those who defend their deed resort to the fatwa of *tatarrus* issued by certain scholars to absolve themselves from such a violation of the Sharia. Often this fatwa is presented as a legal argument for the permissibility of shedding Muslim blood, however, those who brandish it have hardly taken the time to study it carefully and examine the conditions which the scholars have laid down for its practice. It is due to this lack of in-depth study and due to the widespread of the grave misinterpretation of this fatwa in parts of the Muslim world that I have decided to devote this topic the attention it deserves, providing detailed explanations of its issues, in a simple style which hopefully will assist every young Muslim dedicated to his religion in avoiding the pitfalls of spilling the blood of others without clear knowledge and solid justification.

It is indeed my sincere hope that all young Muslims undertake with me the study of this very serious issue, and that they do so with heart cleansed of preconceived ideas, a presence of mind and insightfulness. If this condition is fulfilled, I have no doubt that every one of them will come to know what is the legal status of the human shield and will be clear about what the reality and the conditions of principle of *tatarrus*, and will be satisfied that the jurists among the *salaf* had in fact dealt with this topic most definitively and exhaustively.

Now the fatwa of *tatarrus* came to the fore in Islamic jurisprudence in the wake of the invasion and the subsequent occupation of Islamic lands by the Mongols. These were in the habit of capturing Muslims, chaining them and then putting them in the frontline during their battles with Muslim fighters. As a result of this practice, Muslim fighters could not confront them for fear that their arrows, lances and their catapults would kill the Muslim prisoners who were forced to be aligned with them in their military campaigns. Because these prisoners were used as a shield (Ar., tars) this practice became known as *tatarrus* (the use of people as human shields). Seeing that the threat of the Mongol was a serious one on the future of Islam, the jurists of the time, and among them the leading scholar Ibn Taymiyya, issued a fatwa calling for the necessity of killing the Mongols and permitting the spilling of the blood of the Muslim human shield. But they did so not without laying down a number of conditions, which they detailed. Since this issue was of the gravest importance during the period of the Mongol invasion, Ibn Taymiyya, for instance, was not the first to issue a fatwa on *tatarrus*; there were many other jurists who had dealt with it before him aptly and amply. Among these are the great Qur'an commentator al-Qurtubi, and the towering figure of Hanbali Jurisprudence, Ibn Qudama, the author of *al-Mughniyy*. However, because the fatwa of *tatarrus* issued by Ibn Taymiyya coincided with one of the most momentous events in Islamic history, it has been often associated with him, more than it has been with others.

When some Islamic movements began to carry operations targeting foreigners, and as a result of which Muslims feel victims, the issue of *tatarrus* gained currency again because the perpetrators of these violent deaths saw in it a fatwa they could rely on to argue the permissibility of killing those Muslims; though as it will be made clear, there is hardly any analogy between the circumstances surrounding their deed and those which gave rise to the fatwa at the time of Ibn Taymiyya.

The issue of *tatarrus* is indeed a complicated one, suffice to say that it is briefly mentioned in the books of Imam Malik, but he completely rejects it because he does not accept that the human shield may be killed in any circumstances.

Now let us review together dear Muslim brother a sample of the positions advocated by the pious *salaf* regarding this issue.

In one of the most comprehensive works on Hanbali jurisprudence, Ibn Qudama says:

“... In the event where they have taken a Muslim as human shield, and there was need to attack them, either because armed confrontation has not started yet or because it has been established that there is a way of securing victory without having recourse to their attack, or because their harm has abated, it would be impermissible to shoot at them, and whoever does so and end up hitting a Muslim, he would be liable to pay him compensation. In the event, however, where it is firmly established that the threat of the enemy is imminent, and it is feared for the Muslims, then there would be no harm in shooting at them- and by ‘them’ is meant the disbelievers- because in that case it has become a necessity, and shooting has proven to be the last resort. However, in the event where there is no fear for Muslims, but it was felt that the enemy forces could be overcome by being shot at, Al-Awza ‘iyy and al-Layth wrote:

“It would not be permissible to shoot at them, following His words- may He be exalted: “And if not for believing men and believing women whom you did not know” (48:25)”

Al-Layth stated: “Abandoning the idea of crushing a fort which can be conquered is far better than killing a Muslim without solid justification.”

Elsewhere, al-Awza ‘iyy stated: “How can they shoot at a people they cannot see? Whoever does that is but targeting at the children of Muslims.”

Al-Qadi and al-Shafi’i declared: “It is permissible to shoot at them if the war is in full swing and because failing to do so would cause jihad to be annulled.”<sup>62</sup>

Next we have the stated position of al-Qurtubi. He says:

“Abu Zayd says: I said to Ibn Qasim, ‘In the event where the people of Islam besiege a fortress belonging to the people of disbelief and among whom there are some Muslim prisoners, should that fortress be burned down or not?

‘He said: I heard Malik say something about that when he was asked whether it would be right to set fire to the caravans of the disbelievers when they had prisoners with them. He said that Malik has said: ‘I do not see that it is right to do so, in conformity with the words of God- may He be exalted- addressed to the People of Mecca: “If they had been apart [from them], We would have punished those who disbelieved among them with painful punishment” (48:25)’.

Abu Hanifa and his followers, including al-Thawri saw that it was permissible to shoot at enemy strongholds even if among them there are Muslims prisoners along with their children. As for my position, it is as follows:

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<sup>62</sup> Ibn Qudama, al-Mughniyy, vol. p, 675

“It may be possible to regard the killing of Muslim captives used as shields by the enemy as permissible and reach an agreement on this ruling, God willing. This is particularly the case if we are able to argue that this killing is for a ‘vital necessity’ and ‘universal’ interest of ‘clear-cut certainty’. By vital necessity, we mean that the public interest being sought cannot be secured except through the killing of the Muslim captives who are being used as shields, by universal, we are referring to a benefit deemed important for the entire Muslim community, and in his context, to the situation in which the entire Islamic territory and the entire Muslim population come under threat, and can only be secured through the killing of the Muslim captives as collateral damage, as for clear-cut certainty, what is meant by it is that the killing of the captives used as shields will inevitably lead to the realisation of that public interest.”

About this deliberation on *tatarrus*, our Ulema concluded that there should be no confusion over the assumption upon which a public interest with restrictions such as these is based: the killing of the human shield in these circumstances is deemed ineluctable; either he is killed at the hands of the enemy, and this is understood to lead to a situation of great harm, namely one where the enemy is enabled to gain the ascendancy over all the Muslims, or he is killed at the hands of the Muslims, and this is understood to lead to the enemy being defeated and all Muslims being saved. Faced with the choice between the former and the latter, no rational person would opt for not killing the human shield because that would entail not only the demise of Islam and Muslims; including naturally the human shield himself. Only, because this public interest cannot be secured without the occurrence of a modicum of harm, there are some who find it morally repugnant, but that is due to a shortcoming in their deliberation and a lack of in depth analysis of the situation. For in reality that harm which so inhibits their judgement is totally insignificant or at least quasi-insignificant by comparison to the interest achieved. And God knows best.”<sup>63</sup>

Now we come to the position of Ibn Taymiyya. He says:

“As for him, who has been dragged along their forces by coercion, he will be sent according to his intention; for during battle, we must fight all the enemy soldiers, and under those circumstances it is not possible to differentiate between the one who is coerced and the one who is not.”

Elsewhere, he added:

“We have no means of separating those who are coerced from those who are not... But, we will be rewarded and pardoned so long as we killed them following God’s command, and they in turn will be sent according to their intentions: whoever has been coerced and had no other option will certainly be resurrected in accordance with his intention on the Day of

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<sup>63</sup>*Tafsir al-Qurtubi*, vol 7. P, 108

Judgement. We need to remember though that the killing of the Muslim human shield for the sake of religion is not greater than the killing of a Muslim at the hands of the enemy”.

Also, commenting on the hadith of ‘the seeker of refuge in the Sacred House’, he stated:

“God- may He be exalted- destroyed the whole army that wanted to violate the sanctity of His Sacred House, without making any distinction between those who were coerced to fight alongside that army and those who were not, sending each dead person according to his intention, in spite of His limitless knowledge and ability to distinguish between them, and destroy only to those who deserved His wrath. How can the mujahedeen from among the believers be blamed for not separating the coerced from the non-coerced when they are not in a position, nay when they do have the qualities, to do that?”. He then went to say: “Even if the most pious people were taken as human shield, it would still be permissible to kill them, so long as the fight against the enemy dictates it. The leading Imams are in agreement that in the event where the people of disbelief use Muslims as human shields during war, and it is estimated that the situation of Muslims would be highly precarious if they do not confront their enemy, then it would be permissible to attack and shoot at the disbelievers, even when there are Muslim shields in their midst, and according to one scholar, it would be permissible to shoot at the disbelievers in those circumstances even if Muslim face no looming danger”.

Now dear brothers; these were the statements of the Ulema regarding the ruling of the killing of the human shield who is a Muslim. If you have examined them carefully, you will have noticed that the original status (*al-asl*) concerning the killing of the human shield who is a Muslim is prohibition: no such act may be made lawful, except after the fulfilment of all the conditions enumerated by those great jurists; conditions which we, God willing, shall deal with independently, to ensure that they are clearly conveyed and well understood.

Before we embark on tackling those conditions without which the killing of the human shield may not be permissible, we conclude this chapter by clarifying that many outstanding scholars of the salaf, among whom one finds the most accomplished jurists have refrained from permitting the spilling of the Muslim human shield, among these are Imam Malik- may God have mercy on him. Imam Qurtubi- a Maliki himself- may have very well referred to him when he wrote: “because this public interest cannot be secured without the occurrence of a modicum of harm, there are some who find it morally repugnant.”

## **The Necessary Conditions for the Permissibility of Killing the Human Shield**

Dear reader, please find below the conditions laid down by the jurists of the salaf and which need to be fulfilled before the killing of the killing of the human shield who is a Muslim is deemed permissible.

### **1. There Needs to be Two Warring Armies**

One of the conditions is the existence of two warring armies; a Muslim one on the one hand and one for the disbelievers on the other, which are engaged in battle. In the event where the battle between them is not in full swing this condition would be voided, in that this situation is akin to a state of truce or a peace covenant or a ceasefire, for instance. The details of this condition become clearer from this quote of Ibn Qudama, where he stated:

“Should they take Muslims as human shields, but there was no need to shoot at them, because the war is not on...”

And also from this quote of Ibn Taymiyya who stated:

“ We fight against all of the members of the army of the enemy [when the battle is at fever pitch] and it becomes impossible then to differentiate between those have been coerced and those who have not”.

It is worth noting that this statement of Ibn Taymiyya pertains to the Mongol army, which was then not only an assaulting army, but one of the worst armies that have invaded Muslim land across the centuries: the Mongols were notorious for being ruthless, savage and uncivilised. He also said in his comments on the hadith about ‘the seeker of refuge in the Sacred House’:

“God has destroyed the entire army that sought to violate the sanctity of His House”.

### **2. The Human Shield Must be a Muslim whom the Disbelievers have Captured**

It is a condition of the principle of *tatarrus* that the human shield be a Muslim and that he is also a prisoner who is used by the disbelievers as a human shield. Muslim people who happen to live next to the disbelievers are not prisoners and hence the rulings related to *tataruus* do not apply to them.

This condition becomes clearer from this statement of al-Qurtubi in which he said:

“...the people of Islam besiege a fortress belonging to the people of disbelief and among whom there some Muslim prisoners...”

Also his saying:

“...Abu Hanifa and his followers, including al-Thawri saw that it was permissible to shoot at enemy strongholds even if among them there are Muslims prisoners...”

### **3. The disbelievers who Take Prisoners as Human Shields are Shot at when the Realisation of Public Interest and the Preclusion of Public Harm is Assured**

Scholars were not always in agreement regarding which public interest and which public harm would make the assault on the human shield permissible.

According to Imam al-Ghazali, it would not be permissible to attack the disbelievers while there are Muslim prisoners in their midst, except in the situation where there is a genuine fear that avoiding their confrontation would inevitably lead to the total destruction of the Muslim army.

The majority of the Hanbalis and the Hanafis permitted the assault on the disbelievers who have Muslim captives with them, if it is feared that as a result of their non-confrontation Muslims might suffer a public harm.

As for Imam Malik, he categorically rejects the permissibility of killing the human shield, as we saw earlier.

But notice that despite the existence of nuances among them, all of these scholars are in agreement that it would not be permissible to assault the disbelievers in those circumstances, when it becomes clear that there would no impending harm and substantial losses to Muslims as a result of avoiding their confrontation. Equally none of them has permitted the assault of the disbelievers in these circumstances in the even where it becomes clear that by opting against their attack, there is a gain to be had and no harm to incur.

### **4. The Killing of the ‘Muslim’ Human Shield is the Only Way to Deflect the Impending Threat of the Enemy’s Army**

Ibn Qudama stated: “In the event, however, where it is firmly established that the threat of the enemy is imminent, and it is feared for the Muslims, then there would no harm in shooting at them... because in that case it has become a necessity”.

But he also stated: “However, in the event where there is no fear for Muslims, but it was felt that the enemy forces could be overcome by being shot at, both Al-Awza‘iyy and al-Layth maintain that: “It would not be permissible to shoot at them”.

As for al-Qurtubi, he stated: "...the killing of the human shield in these circumstances is deemed ineluctable; either he is killed at the hands of the enemy, and this is understood to lead to a situation of great harm, namely one where the enemy is enabled to gain the ascendancy over all the Muslims, or he is killed at the hands of the Muslims, and this is understood to lead to the enemy being defeated and all Muslims being saved."

##### **5. The Public Interest Sought Behind the Killing of a 'Muslim' captive used as Shield Must be of Vital Necessity, Universal and of Clear-Cut Certainty**

About this al-Qurtubi stated:

"It may be possible to regard the killing of Muslim captives used as shields by the enemy as permissible and reach an agreement on this ruling, God willing. This is particularly the case if we are able to argue that this killing is for a 'vital necessity' and 'universal' interest of 'clear-cut certainty'. By vital necessity, we mean that the public interest being sought cannot be secured except through the killing of the Muslim captives who are being used as shields, by universal, we are referring to a benefit deemed important for the entire Muslim community, and in his context, to the situation in which the entire Islamic territory and the entire Muslim population come under threat, and can only be secured through the killing of the Muslim captives as collateral damage, as for clear-cut certainty, what is meant by it is that the killing of the captives used as shields will inevitably lead to the realisation of that public interest."

Again Ibn Qudama stated:

"If, however, it is firmly established that the threat of the enemy is imminent, and it is feared for the Muslims, there would be no harm in shooting at them (the disbelievers), for in that case, it has become a necessity".

## **What does a Public Interest of Vital Necessity, Universal and Clear-cut Certainty Mean?**

Now dear Muslim brother, let us delve a little into what is meant by a public interest that is at once of vital necessity, universal and clear-cut certain:

1. The public interest recognised by the Sharia is the one whose outcome is clear-cut certain or at least very likely to occur. Thus their resulting in a benefit or in precluding harm must be firmly established. Public interests which are hypothetical or whose realisation is uncertain are not considered.
2. Public interests in the Sharia are either of vital, supplementary, desirable necessity. Only if the public interest in question is of a vital necessity, is it permissible to kill Muslims used as human shields
3. A public interest is by definition one that is universal; it is for the good of all the community or at least the vast majority of them, whereas special or personal interests benefit only a section or a group and even less than that.

After this overview, let us now apply this definition and conditions of public interest on the indiscriminate bomb attacks which have shaken the Muslim world lately, including the Riyadh, Casablanca and Bali Bombings, and see what we can make of the killing of innocent Muslims who fall victims to these attacks.

Any Muslim who reads well these conditions and is well aware of what has taken place in these bombings as well as of the circumstances in which those innocent Muslims have died, knows unequivocally that their killing constitutes an absolute haram, which can, under no circumstances, be made permissible pursuant to the principle of *tatarrus*. Were there two warring armies battling it out, when these innocent lives were taken? Were the Muslims killed on those occasions captives held by the enemy or were they ordinary Muslims leaving side by side with foreigners who were, to the best of their knowledge, mainly civilians, residing with their families, wives and children under the protection of the law? Recall that it is not permitted to kill anyone with whom Muslim have entered into a pledge of security, nor is it permissible to kill Muslims who happen to reside next to non-Muslims. And as these Muslims were killed, have they been taken as human shields by these foreigners or have they simply resided next to them, walked in the streets where they walked, or have opened a shop in the district where they happen to live? Above all, what public interest has been gained through the killing of these Muslims? And what major harm or danger was looming which only the taking of these innocent lives would have averted? Does their killing secure a public interest which of vital necessity, universal and of clear-cut certainty as the jurists stated?

Indeed, do these bombings achieve or at least help achieve the interests of Islam or do they only incur losses and harm?

Besides, the fatwa of *tatarrus* clearly presupposes an army of disbelievers among whom a handful of Muslims are captives used as shields. But the contexts of the bomb attacks we are addressing here is totally different: the bombings occur in a country where the population comprises mainly of Muslims among whom live foreigners who may reside in their neighbourhoods and so forth. Let us suppose for a minute and counterfactually that one is permitted to kill one of these foreigners on the basis that they are disbelievers, would it be permitted to take the innocent lives of a hundred Muslim to do that?

In conclusion we say that the taking of Muslim innocent lives in cold blood has nothing to do with neither Islam nor manliness. It is, moreover, one of the most important factors behind the opposition of the Muslim masses against the Islamic movement, and their shunning it and cutting even their emotional link with it. Indeed, these sorts of violent acts have driven many of them to now question its credibility in its sincerity in pursuing a better future for their societies.

As we said on many occasions throughout this book, the taking of innocent lives, particularly those Muslims, is not a simple matter indeed. We certainly cannot kill a Muslim person, and then think that we can sweep it under the rug by simply saying, “He will be sent according to his intention”. Know that if this hideous logic was to prevail, we would soon find ourselves in a world engulfed in chaos, a world in which everything goes. Do you think that the illustrious Sharia, which cannot even permit the spilling of animal blood without a distinctly lawful interest, would aspire to creating such a world? How can it? Did not the Prophet (pbuh) say: “A woman was punished because she held a cat until it died: She was doomed to Hell because while she held it, she did not give the cat food or drink, nor did she free it to eat the insects of the earth”?<sup>64</sup> And did he also not say: “A harlot was forgiven who passed by a dog which was gasping for water at the door of a well. She said, ‘it is dying of thirst.’ So she removed her shoe and tied it to her scarf and brought out water for it. She was forgiven on account of that.”<sup>65</sup>

This majesty that is Islam demands of us more erudition, more moral responsibility and more acts of piety. Indeed, God- may He be exalted- says: “whoever honours the sacred ordinances of God- it is best for him in the sight of his Lord” (2:30). Finally, all Muslims, particularly the youth, who have a tendency to act hastily and recklessly, ought to remember His words:

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<sup>64</sup> Related by Bukhari, No: 2365, Muslim (2242/151), Nisai in his *Mujtaba*(3/137/1482) and by Ahmed in his *Musnad* (2/188)

<sup>65</sup> Related by Bukhari, No: 3321, on the authority of Abu Hurayra- may God be pleased with him and by Ahmed in his *Musnad* (2/510)

“whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely” (5:32), for in this verse they have unparalleled constitution valid for all mankind in this regard.

## **Chapter Six**

### **The Negative Impacts of the Bomb Attacks on our Country**

## **The Negative Impacts of the Bomb Attacks on our Country**

Undoubtedly, the bomb attacks of Riyadh, Casablanca, and Bali have not only led to the death and the injury of so many people and the destruction of so many residential buildings, they also have led to lasting negative effects which are not limited to our country but extends to the rest of the Muslim world. However much we have tried to gather and reveal these effects, we have not been successful in confining these because we have been discovering new ones every day, just as we have been able to witness that many side effects were themselves engendering new ones constantly as in a vicious circle. Indeed, the present state of affairs strongly suggests that the Muslim world, Saudi Arabia in particular, is looking to face increasing difficulties and that the Islamic nation is about to face colossal challenges.

The recent position taken by Saudi Arabia in relation to the American invasion of Iraq this year has been good for many of the neighbouring Gulf countries. It is our belief that anyone who is willing to assess the recent Saudi stance in view of the whole strategic and political contexts and away from all the hubris and whims, will come to the conclusion that this Saudi position is the best it could have taken under the circumstances: it has refused to take part in the war on Iraq, it has declined to give any logistical or any other form of military support the invading forces, and it has consistently opposed the idea of changing the regime in Iraq by force, in spite of the fact that it certainly did not want Saddam to rule a day longer there. This obviously did not go down well with its ally, America, but America had no other alternative but to suffer it quietly. Suddenly, only a few months the invasion of Iraq, in came the Riyadh Bombings, and against the odds, America was presented with a golden opportunity to pressurise Saudi Arabia, and it came charging at it with a vengeance: it reprimanded it for adopting that stance on Iraq, and gave it a dressing down over, what it perceived to be, its hardening positions vis-à-vis Israel.

Since the beginning of the Muhammadan Message, Saudi Arabia has represented the backbone of the entire Muslim world. It is the land from Islam has emerged, and from where the light of faith and the belief in the unity of the divine principle has expanded, it is the land where Islam has fallen back to in times of adversity, and where Muslims have taken refuge in times of hardship and calamity.

In this section, we will endeavour to highlight some of the negative effects of the bomb attacks of Riyadh on Saudi Arabia, and not all of them for the reasons given above:

1. As soon as the attacks had taken place, and almost immediately after presenting its condolences to the families of the victims, America wasted no time in skinning alive the Saudi government and police in particular, for not preventing these bomb attacks and for paying heed America's warning about them not long before they occurred. Bemused and

angered, the Americans kept asking, “How come the guards of those compounds were eliminated by the attackers in just two minutes? Thus, a large delegation from the FBI was flown in a jiffy to take part in the investigations. No one would have thought the members of such a delegation came only to stand on the side while watching the members of the Saudi security services going on about their work; they obviously would have had to interfere directly in their activity, and not only in relation to that investigation, but also in many other dossiers which represented one of the most salient features of Saudi sovereignty. Indeed, one of the most negative impact of the attacks is the undermining of Saudi sovereignty.

Some might object to our assessment on the pretence that global security is a measure that was in place well before the occurrence of these attacks, and hence there is no need to be alarmed. Granted that a global security policy was in place before, it needs to be acknowledged that never before has the world witnessed global security measures as intense as the ones we have seen in the aftermath of the recent bomb attacks, beginning from 9/11 and through to the ones under discussion in this book. Indeed, global security nowadays has become a tool allowing powerful nations to interfere in the sovereign affairs of many countries of the world: any country that refuses to yield to their extortionate demands will find itself subjected to either political or economic sanctions, not to mention of course military threat. Some of the American commentators on the bomb attacks went even as far as to declare in the studios of every media channel that certain members of the Saudi police and security forces follow a very extremist brand of Islam. Little did they care that by doing so, they would have not only enticed a whole country against its security forces, but they would have also allowed for a dangerous climate of distrust to be installed between the various elements of the government, be they official or public.

2. Few days after the Riyadh Bombings many American officials and non-officials spoke about the need to shut down the operations of the Committee for the Promotion of Virtue and the Prevention of Vice, even though this is a governmental committee that is not only legal but plays a vital role in implementing order and religious values in the Saudi street and in preventing the spread of crime and vice, not to mention the fact that it is responsible for overseeing a longstanding traditional Islamic institution, namely, the institution of *Hisba* who has always occupied a central place in Saudi society. America has certainly used the pretext of these bomb attacks to pressurise Saudi Arabia to relinquish this committee and this social institution on the pretence that its activities and purpose collide with the principles of personal freedom, but thank God, Saudi Arabia did not succumb to the pressure, it just promised that it would look into reforming the methods by which this committee has been operating so far.

3. Recently, Saudi Arabia has been under immense pressure to normalise its relations with Israel. Despite this, it has always maintained a firm stance vis-à-vis that issue, demanding consistently that Israel withdraws from Arab lands seized in the wake of the 1967 War, and for a just and peaceful settlement in Syria, Lebanon and Palestine, as was stated in the Saudi Arabia Peace Initiative. However, in the aftermath of the recent bomb attacks America intensified its efforts to pressure Saudi Arabia to immediately normalise its relations with Israel, because both America and Israel give utmost importance to such a development. Indeed, such a normalisation would not only help Israel achieve an old dream, namely the opening of the markets of the Gulf wide open before its goods and services, it would also put it in an ideal position to be the leading economic powerhouse of the region, at least according to the formula of ex-prime minister Perez who looked to merge (Gulf Capital+ Israeli Technology and Know-how+ Egyptian Manpower). Indeed, years ago, while in Morocco, Perez had clearly expressed this hope when he said without mincing his words: “You have been led by Egypt for the last fifty years, and all you gained is war and destruction. Why not try Israel at the helm and let it lead the region for the next fifty years?”

It is quite possible that America may be attempting to set this formula into concrete through its participation in the Middle East Partnership Initiative (MEPI). It is important to remember that among the Arab and Islamic countries, Saudi Arabia and Egypt are the most significant supporters of the Palestinian cause politically, economically and morally.

4. Both America and its allies have been for a while trying to bring Saudi Arabia to abandon its support of the Palestinian Uprising, arguing that its support for such a cause is tantamount to lending support to terrorism. These types of extortions have actually had a success, albeit limited, owing to a number of considerations, chief among them 9/11 among other bomb attacks. Thus Saudi Arabia decided to stop supporting the family of the martyrs and the injured of the Palestinian Uprising, confining them to the Palestinian National Authority in such a way that they would not jeopardise its strategic relations with the United States.

5. Following the Riyadh Bombings, Saudi Arabia has found itself obliged to retrench one thousand and seven hundred preacher who had been officially appointed initially. These preachers have apparently enticed the masses against western foreign policy in the Middle East, particularly the American foreign policy, or have critiqued them in a way that was no longer considered tolerable after the Riyadh Bombings.

6. The United States of America has launched an official vicious media attack against Saudi Arabia after the Riyadh Bombings: the mass media kept hammering the idea that the perpetrators of the attacks were the fruit of a religious discourse accentuated on the hate of America, the west and Israel, and bent on abetting people to mount such attacks, albeit indirectly. They also kept on repeating that the perpetrators of these attacks as well

as those who carried out 9/11 are Saudi youth. Following this media campaign, many American and western circles began to insist that religious discourse be reformed and they were joined by several Arab secularist.

It is worth pointing out at this conjunction that 'reform' is rather a fluid term. Muslims do not take to it easily because to them it conjures up change spurred on by human desires and whims, and that threatens to undermine the very immutable principles of Islam. No one denies the fact that religious discourse must truly engage reality, showing an awareness of things as they are, for if it is too idealistic, it will fail to guide people towards the things which are within the bounds of possibility: Muslim youth, particularly those affiliated with the Islamic movement will be asked to meet unrealistic expectations and achieve targets beyond their means, and as a result of this impracticality everything balks or is lost. It is also clear certain forms of preaching and certain religious attitudes need to change: preachers should avoid spreading ideas that lead to the occurrence of social harm rather than social benefit, and they should shun from giving those emotionally charged speeches and sermons, which tickle their audience's fancy momentarily but have no lasting ethical effect in reality; for emotions and fervour, even if they are of a religious nature, are transient and their flame no matter how strong tends to extinguish quickly. Indeed, good educators are those who strive to inculcate faith in such a way it is engraved in the heart and in the soul, and thus remains unshaken even during the most difficult and trying times. It is equally a fact that we need to see our preachers refrain from using the pulpit as place from which to launch ad hominem slurs against individuals and organisations alike, and instead use that sacred place as a podium from which to launch constructive criticism and profound teaching. Indeed, our religious discourse should not be marked by precipitation and haste: the great caliph, 'Umar Ibn 'Abdul-'Aziz once said: "I fear compelling people to comply with the whole Truth at once, for fear that they will all decide to abandon it at once".

One can also fully appreciate that religious discourse need to move away from that approach whose sole aim reside in ex-communicating Muslims, pronouncing them disbelievers for a sin they have neither committed nor legitimised in the first place. Religious discourse has to also set its priorities right, such that it gives importance to the universals before the particulars, and to the obligatory acts of worship before the supererogatory ones, the bases of the law before its branches. Indeed, Preachers must not only highlight the uncompromising nature of the Truth, they must also remind people of its mercy and compassion towards His creation: they somehow need to find a way of sugar coating their discourse on the truth, in order to make it palatable, because the truth is by definition bitter. Sweet talk does not inevitably mean changing the reality of the truth, but if truth is bitter already there is no need to make it even bitterer with unnecessary obstinacy, brusqueness and toughness, rather we should strive to make it

agreeable by bringing to it compassion, forgiveness, magnanimity and clemency: Does not God- may He be exalted- say: “forgive with gracious forgiveness”? (15:85).

Agreed, these qualities among others should be the hallmark of our religious discourse nowadays, but that is not what America is really seeking when it demands that our religious discourse be reformed, and what it has in mind is not necessarily for our own interest. On the contrary, what it seeks to achieve through this change is its own interest and the interest of Israel, all it wants to increase its hegemony and that of Israel in the region, no more.

The renewal of religious discourse which ensures that religion remain relevant to Muslims across the various historical and cultural contexts of human history is indeed a religious necessity, which is both inevitable and realistic, but the task of renewal is the responsibility of the *ulema* and the jurists of Islam, for it is they who ultimately determine its nature, its conditions, its principles and its scope; if not than we run the risk of undermining the very essence of religion and its fundamentals.

We also had better be the initiators of this renewal and envisage it according to the norms of the Sharia, before it is imposed on us from outside in an erroneous fashion which will weaken our religion and collide with our illustrious Sharia. Thank God that renewal does not pertain to the fundamentals, the final objectives and the pillar of religion, but is only limited to the means, the methodologies, the branches of religion and the legal rulings which relate to the branches of the law! Renewal is confined to these areas, and this precisely the domain which is restricted to the striving of the sincere and faithful scholars of Islam. Therefore, the task of renewal is none of America’s or Israel’s business; it is our business, end of story.

American today is not only talking about the necessity for us to reform our religious discourse, it is also taking issue with a number of books authored by Saudi scholars: it argues that these books are conducive to terrorism and that it is books like these which have enticed the Saudi youth to carry out 9/11, the Riyadh bomb attacks and other terrorist attacks. Mind you this complaint that America is raising, is not confined to Saudi Arabia, it applies to all of the countries of the Muslim world.

7. America has spared no effort and continues to spare no effort in restricting the role of the Saudi philanthropic organisations at the local, Arab and international levels. The Riyadh Bombings have given it a new excuse to broach this issue again, and to question vehemently the role of these charities, which it accuses of lending support for international terrorism, as it likes to call it. Now every Muslim knows that these Saudi organisations are one of the major contributors to the wellbeing of millions of Muslims in special need worldwide; whether they are Muslim orphans from Asia, Africa, Europe and from the Arab world or are poor, disabled or orphaned persons from Bosnia Herzegovina and Kosovo, they all know that the source of the aid was mainly from the countries of the

Gulf, Saudi Arabia in particular. Indeed, many hospitals and clinics in various parts of the Muslim world are funded by grants coming from these charities and philanthropic organisations. That applies also to the constructions of mosques: in many parts of the world such as Asia, Africa and Europe, we would not have witnessed the number of mosques we witness today had it not been for the Saudi charitable donations in particular. The best example of this are the Grand Mosque of Sarajevo and that of Tuzla, which can house thousands of worshipers, and are equipped with clinics, centres for Qur'an memorisation, libraries, conference halls and the rest of it.

The good works of these organisations are also known to every Palestinian family whose guardian has been severely injured or killed during the Uprising. We should under no illusion that in the event where these Saudi charities and those of the Gulf were to see their social role ended, this would have a severe impact on millions of orphans, of students, poor and underprivileged people, miserable victims of war, and the sick, from every part of the Muslim world, at a time when the green light is given to all sorts of Christian organisations to conduct missionary work. In Iraq, nowadays, these activities of such Christian organisations have intensified, and are being given all kinds of material, social and moral support by the American forces on the ground and the international intelligence agencies which use them as a smoke screen for their own activities.

Indeed, should the great contributions of these Islamic organisations come to an end, the void they would leave behind would be so significant, Muslims will face unsurmountable difficulties in mitigating its effects, at least in the short term.

We need to acknowledge that the Riyadh Bombings and before that 9/11 have played a major role in America's decision to freeze the funds of a considerable number of these Islamic charitable organisations, and to pressure a number of countries to curtail the role of many of them, if not to shut them down altogether. While all this is taking place, the missionary activities of Christian organisations, be they open or clandestine, have witnessed a sharp rise in many countries of the Muslim world, without an eyebrow being raised.

8. Western human rights organisations, the American ones in particular, have been wont in attacking the Saudi Kingdom, constantly accusing it of violating the basic human rights of its citizens, particularly as a result of its insistence on implementing the Islamic legal punishments, such as the punishment of theft and the like. These organisations have always demanded that the kingdom abandons the application of various Sharia rulings under the pretext of human rights, as if there were no protections for the thief or the highway robber in these rulings, and as if the victim of theft who lost his property, whose family may have been traumatised, and who may have lost a limb in the process of fending off for himself, has also no protections either. These organisations ignore or rather feign to ignore that if it had not been for the implementation of these legal

punishments, it would have been impossible for a vast country like Saudi Arabia to enjoy such levels of safety and security; levels which you can hardly find in its western counterparts in particular. If you are unsure of this claim, just carry any object of value in your hand and walk at night in New York or any other American city. Conversely, a driver in Saudi Arabia may drive his car for hundreds of kilometres across the open desert, without having fear from anyone except His Maker. How truthful and clairvoyant are the words of the Prophet (pbuh), in his hadith, “A rider will travel from Sana to Hadhramout without any fear, except from God and perhaps the wolf if he happens to have a flock of sheep”<sup>66</sup>.

This prophecy of the Messenger (pbuh) had indeed materialised during the just reign of the Islamic caliphate, and we are also able to witness today in Saudi Arabia, by the grace of God, and thanks to the implementation of these legal punishments. One of the most compelling qualities of the Saudi kingdom is certainly its diligence in implementing these punishments, and it would not be surprising at all if this diligence counts among the reasons why the country has been continuously showered with blessings and wealth. Why would it be, when the Prophet (pbuh) has said: “Applying one of the prescribed punishments on earth is better for people than thirty or forty nights of rain”<sup>67</sup>?

After the Riyadh Bombings, Saudi Arabia was under renewed attack from American officials and non-officials who led propaganda campaigns against it, denouncing its implementation of the prescribed punishments of the Sharia under the pretence that it was an affront on human rights. But Saudi Arabia and for nth time has refused to give in to such pressure, reminding its detractors that it has embraced the Islamic Sharia as a constitution for its governance and its way of life irrevocably.

Now the question that begs to be asked is what steps do we need to take to spare our countries, governments, our faith and our movement these sorts of pressures? Certainly, relentless pressure, even if mild, will end up having an impact sooner or later: rivers are no more than rain drops at the beginning, and most fires are set off by trivial sparks.

Know that America today is not simply asking for the annulment of the punishments prescribed by the Shari, it is also asking Saudi Arabia and the rest of the Arab and Islamic countries to completely separate religion from the state, without realising that while these sorts of measures may apply to Christianity, which does not have a Sharia, they do not apply to Islam. For in Islam things are totally different: neither is it possible to separate religion from politics nor is it possible to separate religion from the social sphere of life.

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<sup>66</sup> Related by Bukhari, No: 3612, and Ahmed in his *Musnad* (5/109), on the authority of Khabab Ibn Al-Arat-may God be please with him. Also the hadith is related by Abu Ya'la in his *Musnad*, No: 7213, and by al-Tabarani in his *Mu'jam al-Kabir* (4/62/3638)

<sup>67</sup> Related by Ibn Maja, No: 2538, Nisai in his *Mujtaba* (8/75/4904), also in his *Kubra* (4/335/7391), and by Ahmed in his *Musnad* (2/402), on the authority of Abu Hurayra, may God be pleased with him, through a weak transmission according to al-Arna'ut

Astonishingly, it does not make those same demands on Israel which is run by the extremist Likud Party and a cohort of religious extremist parties that Israel boast about. Bush himself has had no qualms calling Israel the Jewish state, and by so doing he recognises that it is a religious state in the strict sense of the word, that is to say a state which governs according to the values of Judaism, abides by its religious law and its principles. As a matter of fact all of the leaders of Israel, regardless of their political affiliations, are very proud to show their commitment to their religion, though the level of that commitment may vary between one political trend and another.

Bearing in mind that truth and justice are not the hallmarks of the globalised world of the twenty first century, I beseech Muslim youth not to give American and its allies the opportunity to push our governments into a corner and bring them to abandon everything and anything that has to do with Islam, and I also would like to urge them not to provide them with alibis which they could use to interfere in the internal affairs of our countries, and our religious affairs, especially that such interferences may very well undermine the high interests of our religion and our nation.

9. The famous millionaire, Usama Bin Laden, has used his wealth to bring to the world al-Qaeda Organisation. Owing to the fact that he is a Saudi and from a renowned and reputable family, he knows hundreds of Saudi youth and he has been able to enrol many of them in his organisation. Indeed, some of them took part in the attacks of 9/11, which shattered America just as they have shattered the towers of the World Trade Centre, and others took part in many other bomb attacks such as those of al-Khobar and al-Riyadh among others. Following such attacks, Americans, at the official, academic, and even at the street level, became convinced that the Saudi educational curriculum, which gives primacy to religion in its approach, has to be the one responsible for the advent of these scores of people who loath America and the west and are bent to destroy them<sup>68</sup>. All of these voices agreed on one thing: the educational system in the Arab and other countries of the Muslim world must change as a first step towards ensuring that the coming generations of Muslims entertain a different conception of the west, America and Israel in particular; though they tend not to mention the latter, for fear it may stir the sensitivities of certain people before their project is accomplished.

All of the American analysts, whether academicians or politicians, maintain that the radical solution to these sorts of bombings reside in altering the cultural content of the Arab and Muslim person, and that these cannot be altered except through bringing radical change to the educational and cultural systems, particularly those discipline which relate to the teaching of religion, Arabic, history, moral and national education and the like.

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<sup>68</sup> This was not limited to Saudi Arabia; many other countries were also believed to have the same problems in their educational systems, and were thus pressurised to reform it, particularly the discipline of Religion of Islam, which they insisted should be called Ethics

Politicians and strategic experts are absolutely right when they say that the issue of education is in fact an issue of national security for every responsible government. That is why we need to be aware that any change to our identity which will ensue from such educational reform, will certainly have grave consequences on the Arab and Muslim world, both in the short and long term.

## **Conclusion**

God knows that our intention in this book has not been to malign or impugn the good name of anyone, nor have we sought to achieve any personal gains; we take refuge in God from all that.

It is only that our brothers are dearest to us than our families and relatives: our families and relatives drags us back into the quagmire of this world, whereas our brothers remind us of God and the Last Day. But despite our sincere and deep attachment to them, it behoved us to give them advice and show them their wrong in order to bring them back to the correct path, in compliance with that high prophetic principle, "Religion is sincere advice"<sup>69</sup>.

If some people think that we have been harsh, and that our critique is untimely because it comes at a time when our region is facing the rampant hegemony of America's political, military and economic and even religious influence; to them and those who share their reasoning we say the following:

To begin with, let us ask: is it ever possible that a lover be harsh on his beloved? Can we say that the Qur'an has been harsh on the Prophet (pbuh), when he and his Companions were told, after the Battle of Uhud: "Why [is it that] when a [single] disaster struck you [on the day of Uhud], although you had struck [the enemy in the battle of Badr] with one twice as great, you said, "From where is this?" Say, "It is from yourselves." Indeed, God is over all things competent"? (3:165) Or is it rather an advice, a guidance, a purification for the hearts, and admonition even while Muslims were still leaking their wounds and mourning their deaths? Indeed, it is the latter, because the truth is above any other consideration, and the then Muslim community whose task was to lead the propagation of the truth had required that it should be the first one to abide by the truth and its obligations. It is worth recalling that those who did not pay heed to the advice of the Prophet (pbuh) during that battle were among the most accomplished Companions of the Messenger (pbuh), and yet they were admonished in order that the nascent community of Islam be put back on track.

We in turn have found ourselves obliged to give advice, and convey our earnest reproof to all of the Muslim youth in order that we may protect this great religion of ours from all the

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<sup>69</sup>This is part of a hadith related by Muslim (55/95), Abu Dawud, No: 4944, Nisai in his *Mujtaba* (7/156/4197), as well as in his *al-Sunan al-Kubra* (4/432/7820), and by Ahmed in his *Musnad*(4/102), on the authority of Tamim al-Dari- may God be pleased with him

distortions and our nation from further devastation and ruin. As for America, we are not oblivious to its crimes in the Arab and Muslim world; on the contrary, we know them full well and we are very distressed by them. What we are trying to convey, however, is that the enmity of Quraysh did not prevent the Qur'an to orient the Muslims, giving them councils on a number of issues, and that all we are aspiring to do is in fact follow the example of the Qur'an and endeavour to guide and advise. It is also important to note, as we have highlighted on more than one occasion in this book, that it would be most unthoughtful to use the crimes of America and its hostile policies towards the Muslim world as ground for the justification for actions which are only going to weaken our Muslim nation and give America the right to interfere in our internal affairs. For fear of repeating ourselves, let me reiterate that it is absolutely impermissible to pit the Organisation of the Islamic Movement or indeed the whole Islamic nation against their enemies in a confrontation that it does need and is not prepared for, regardless of the arguments, and the motives that may call for the opposite: without any exaggeration, our Muslim nation is going through the worst periods of its entire history. This period that we are going through requires that we act wisely and rationally, and that we plan for the great political economic, social and educational challenges that are ahead of us so as to awaken the nation from its deep slumber. There are some of us today who despite their good intentions create more problems than solving them: the 9/11 attacks and those that shook the world after that like the Bali, Riyadh and Casablanca Bombings have actually inflicted the nation with unprecedented and unsurmountable challenges, which were sadly brought about by its most sincere sons. Hence, in this period the Islamic movement needs to show some clairvoyance and objectivity, rather than yield to the pressures of the masses that often follow their emotions. Indeed, it would not befit its role in society to simply appease the feelings of the commoners, becoming hostage to their moods and desires. We all need to remember that emotionally charged speeches and sermons, which tickle the audience's fancy, do not contribute to nation building. So let us take the path which consists of calling people to the true religion and explaining its major teachings as a basis for our religious reform and ultimately awakening, instead of fuelling the passions of the masses with mantras that cause more harm than do any good. Certainly, anyone who has reflected on history well is in a position to draw a number of valuable lessons from it, particularly regarding those who did not look beyond their nose and rushed to appease the feelings of the crowds. Just think of the Japanese, they were very excited about their actions in Pearl Harbour, but they were soon crying and they still are. This is because following their attack, their country was utterly destroyed. Today, the 9/11 attacks may have initially overjoyed some simple-minded Muslims, but Muslims have lamented and continue to lament the calamity those attacks have brought them, particularly as they saw Afghanistan fall like a house of cards in the hands of the Americans, though it had resisted the Soviets for many years.

There are some simple-minded Muslims who may have gloated over the misfortunes of the victims of the Bali, Riyadh and Casablanca Bombings, but the wise ones did not, because they are fully aware of the dangerous consequences of such actions on Indonesia, Saudi Arabia, Morocco, and indeed on the entire Muslim world. So enough is enough, this is the straw that broke the camel's back, as they say; our nation cannot handle anymore calamities and suffering.

I hope that I have been able in these preceding pages to acquaint you with the many aspects of this thorny issue, which has become one of our worst nightmares of recently. In conclusion, I would like to urge everyone of us to watch out where and when they step; let us weigh all of our actions according to the illustrious Sharia, let us unite and strengthen our internal front, and discard that which disunite us and disperse our efforts. Indeed, let us support one another and act in concert against the great challenges facing us internally as well as externally.

May God bless our nation with safety, and protect us against the evils of the tumult, be they manifest or non-manifest. And may God bestow on us His guidance, and may He see to it that we are endowed with the insight which will direct our steps and reveal to us where we stand. O God! Protect the Islamic lands with its perfect protection, Amin, and my last cry is praise be to God, the Lord of the worlds.