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Jihadist Website Posts Al-Libi's 'Guidance on the Ruling of the Muslim Spy'

GMP20090708342001 Jihadist Websites -- OSC Summary in Arabic 30 Jun 09

[Corrected version: removed multiple hyperlinks from text]

Terrorism: Jihadist Website Posts Al-Libi's 'Guidance on the Ruling of the Muslim Spy'

On 30 June, "Murasil al-Fajr" posted to the Islamic Al-Fallujah Forums website several links to a 149-page book entitled "Guidance on the Ruling of the Muslim Spy." The book discusses in detail the religious rulings concerning Muslim spies working for "the vicious Crusader campaign that is launched by the United States and its allies against Muslims and Islamic countries." The book contains an introduction by Ayman al-Zawahiri, Al-Qa'ida's second in command, who emphasizes the importance of the topic of the book and praises Al-Libi's "valuable, serious, scientific, and practical research on the Islamic judgment on spying." In the book, Al-Libi discusses in extensive detail all religious rulings concerning Muslim spies, emphasizing that they are "apostates" and therefore should be killed as they disclose "the shortcomings of Muslims." He also warns of their danger, saying: "One single piece of information transmitted to them, by one of their spies, is able to exasperate spirits, honor, and possessions in a way that thousands of their mobilized soldiers cannot do." The book was released and published by the Al-Fajr Media Center.

The Islamic Al-Fallujah Forums website, formerly known as Al-Fallujah Islamic Minbar, at al-faloja.org/vb/ is a jihadist forum containing discussions and statements in support of the insurgency in Iraq and global jihad in general.

A translation of the book follows:

"Guidance on the Ruling of the Muslim Spy

"Author: His Eminence Shaykh Abu-Yahya al-Libi (Hasan Qa'id), may God protect him

"Introduction by: His Eminence Shaykh Ayman al-Zawahiri, may God protect him

"Dedication

"This book is dedicated to those who died with steadfastness in their path and were raised to their Lord of our chosen leaders and righteous soldiers.

"This book is dedicated to every mother whose heart was torn out for losing a child, to every wife who is in pain over losing a husband, to every orphan whose eyes were sore from crying over a parent, to every captive thrown in the darkness of the prisons of the unjust tyrants, and to everyone who was harmed because of the meanness of the spies and the lowness of the soldiers of Satan.

"And they ill-treated them for no other reason than that they believed in Allah, Exalted in Power, Worthy of all Praise!" [Koranic verse, Al-Buruj, 85:8]

"I dedicate this humble effort to all of them.

"Introduction

"By: Shaykh Ayman al-Zawahiri, may God glorify him.

"In the name of God and praise be to God. Prayers and peace be upon God's messenger, his household, companions, and followers.

"Thereafter, I have read this valuable, serious, scientific, and practical research on the Islamic judgment on spying that was prepared by my honorable brother, His Eminence Shaykh Abu-Yahya al-Libi Hasan Qa'id. I found it a balanced scientific research in which the author adopted his usual style in inspection and scrutiny.

"He has also added his experience in the arenas of immigration, jihad, and encampment. Undoubtedly, this experience is a valuable addition that gives the research a practical dimension. Other research that was prepared behind closed walls and between shelves of libraries away from the arenas of jihad, fighting, and confrontation of the fierce Crusader campaign against Islam and Muslims lacks such a dimension.

"Shaykh Abu-Yahya al-Libi referred to one of the fatwas that are separated from the reality of Muslims. The fatwa sets a condition to punish the spies in the occupied Palestine saying: 'The ruler is solely responsible for applying the punishment of spying after presenting the convicts before a fair religious judgment; either the convict admits the crime or there was clear evidence against them. However, the people of the nation should not apply the judgment themselves.' Is this an answer that has any relation whatsoever to the reality of Muslims, their problems, and tragedies?

"The shaykh of Islam, the mujahid scholar Ibn Taymiyyah, may God have mercy on him, turned the attention to this critical meaning when he said: 'Jihad-related affairs must be based on the opinions of the men of true religion who have experience with the affairs of life. As for the opinions of the people of the world who are only aware of the surface of religion and the opinions of the inexperienced men of religion, they should not be taken into consideration.'

"The reader will feel this practical dimension in the book. In addition to its rich jurisprudential material, the book tries to simplify the problem to the reader with its details so that the reader will be acquainted with this critical theme of the book. Only Shaykh Abu-Yahya, may God protect him, and those like him possess this talent, ability, experience, and privilege.

"Al-Libi immigrated, encamped, and performed the jihad since the communist rule in Afghanistan. He is still bearing the changeable conditions of jihad and the mujahidin. He was detained in Pakistan and Afghanistan and was put in the prisons of the Crusaders and their aides. After that, God blessed him and enabled him to escape captivity in defiance of his prisoners.

"Therefore, he returned to the arenas of jihad and preparations. He became a companion of the lion martyr, we consider him so, Abu-al-Layth al-Libi, may God have mercy on him, who was killed by the US rockets that were launched based on the betrayal of the spies and the treason of the hypocrites.

"During all this time, Shaykh Abu-Yahya has never been tired or bored of seeking knowledge, studying, or teaching. Moreover, he also traveled to Mauritania to learn from the knights of the language and jurisprudence.

"When Shaykh Abu-Yahya speaks about the problems of jihad and the mujahidin, he speaks as a well experienced veteran scholar, which is a blessing from God, who gives whomever He wants for He is the Lord of abundant grace.

"In my opinion, the most important topic in the book is the issue of proving the crime of spying amid the current circumstances of the mujahidin. It is such a valuable topic that deserves the attention of and discussion by the people of knowledge and jihad.

"In such affairs, there is no space for those who are not experienced in jihad or those are sensitive about handling the jihad-related issues out of fear to ignite the anger of the agents of the United States, who are falsely called legitimate rulers.

"There is also no space for those who permitted the shedding of the blood of Muslims in Afghanistan and allowed their killing by what they claimed to be Muslims in the US Army out of fear for their professional future.

"However, our call is directed to the active scholars who sympathize with the jihad and the people of jihad, who are keen on the victory of jihad in its fierce violent battle against the current Crusader-Zionist campaign.

"The book is rich in its jurisprudential material and marked by thorough inspection and scrutiny of the sayings of the deceased imams and scholars, may God have mercy on them, and the current ones. It is also distinguished by clear details presented to the reader to be able to have a real image of the problem in the book. However, in spite of all this, Shaykh Abu-Yahya, may God protect him, did not tend to say that his opinion is the final one on this topic, out of his humbleness and his appreciation of knowledge.

"On the contrary, he said at the end of his research: 'Yet, what I have written is submitted before the people of knowledge, religion, and consultation. They are free to take what they see worthy and to add what they want. They have to bear in mind that this issue cannot be delayed because its agitating flames rise every moment to burn what it reaches of the principles of Islam and the best of the mujahidin and the wronged men, women, and children who are helpless and unguided.'

"Such humbleness in the arena of scientific research obliges us to praise Shaykh Abu-Yahya and ask God to use this humbleness to dignify him and grant him a sublime status in this world and in the afterlife.

"This also shows a side of the behavior, attitude, and virtues of the mujahidin. I do not recommend them before God who blessed them with these characteristics. In spite of their sacrifices and their unquestionable scientific knowledge, they submit what they do before the people of knowledge and religion to accept what they see as true and reject what they see as untrue.

"Shaykh Abu-Yahya al-Libi, may God protect him, did not only present his findings before the people of knowledge and religion, but the shaykh, may God protect him, also called on the scholars to take part in the arenas of jihad. He said: 'This is what I have achieved in the topic in question. This topic shows that the arenas of jihad need hardworking scholars who combine between the religious science and the jurisprudence of the reality and are able to sail deeper in its details by living it, not only by imaginations and assumptions that might be very far from the reality and its events.'

"Will this honest call by the mujahidin receive any responses? Will the scholars rise to the arenas of jihad to breathe the fragrance of the facts of monotheism, which they studied theoretically, and perform them practically? Will the scholars rise to live the truth of relying on God, be proud of Him, have confidence in His victory, and prefer to please the Creator and choose what He has for us in the mortal life? Will they rise to perform loyalty to the believers and rejection of the infidels and their aides? Will they rise to see with their own eyes the common and illiterate Muslims, who neither studied the details of the doctrine nor reached high levels in it, protecting their mujahidin brothers, providing them with shelter, clothes, and food, and offering their lives, families, houses, and villages to be killed, imprisoned, burned, and destroyed with steadfastness, satisfaction, and tranquility.

"I still remember dozens of stances by simple Muslims, which revealed a deep-rooted doctrine as steady as mountains in being loyal to the believers and supporting them and rejecting and confronting the infidels.

"I still remember the stance of this aged shaykh who looked at me and my brothers in a very difficult situation and told us steadily: 'Put all your burdens on my shoulders, be confident, and do not worry about anything.' He, may God reward him, was honest in all

that he said.

"I still remember this lame shaykh, whose son hosted me in his house, who asked to meet me. When he saw me, he looked at me carefully and told me: 'We realize how much you suffered, but we are all with you. I thank God that he gave my son the courage to host you.'

"These situations and hundreds similar, in which the mujahidin passed through, prove that the ummah [Muslim community] is still fine and has plenty of righteousness in it. The saying of the beloved prophet, peace and prayers be upon him, really applies for this nation when he said: 'A Muslim is the brother of a fellow Muslim. He should neither commit oppression upon him nor ruin him, and he who meets the need of a brother, God would meet his big needs, and he who relieved a Muslim from hardship, God would relieve him from the hardships to which he would be put on the Day of Resurrection, and he who did not expose the follies of a Muslim Allah would conceal his follies on Resurrection Day.' There is also His, may peace and prayers be upon him, saying: 'One section of my ummah is still fighting for righteousness and will stay fighting until Judgment Day.'

"I cannot but mention the hard-working pious scholars who rushed to the jihad battlefields and urged the whole nation to join. Such scholars combined the honor of hard-work and the honor of knowledge. Scholars like the shaykh of the mujahidin, Shaykh Abdallah Azzam, the captive mujahid and scholar Shaykh Umar Abdul Rahman, may God grant him freedom, Shaykh Abdallah al-Rashud, Shaykh Abu Umar al-Sayyaf, and the martyr of Kandahar, Shaykh Abu Yusuf al-Muritani. God said: 'Among the Believers are men who have been true to their covenant with Allah. of them some have completed their vow (to the extreme), and some (still) wait: but they have never changed (their determination) in the least' [Koranic Verse, Al-Ahzab, 33:23]

"At the end, I thank the brother Abu Yahya al-Libi for his blessed efforts, if God wills. I ask God to make this book beneficial for the readers, the writer, and all Muslims.

"Our last prayer is praise be to God, Lord of all creation. Peace and prayers be upon our lord Muhammad, his household, and his companions.

"In the Name of God, the Merciful, the Compassionate.

"Praise be to God, and peace and prayers be upon the messenger of God, his household, companions, and all those who followed him.

"We would not be exaggerating if we said that the frontline of the Crusader's campaign, which is carried out by the US and its allies against the Muslims and their lands, is the spying networks in all its types, shapes, and forms. These networks are the basic resource that the enemy relies on for its small and large military operations. The spying networks are their eyes to see the hidden things that they cannot see and are their hands that are still extending inside the houses, in the forests, up the mountains, into the valleys, and inside the dark caves in order to catch a target that their developed technology was not able to reach. The spies are the brigades, the soldiers, and they are present and absent at the same time. They were sent to penetrate the ranks of the Muslims generally, and the mujahidin specifically, and spread all over the lands like locusts.

"Although the spies are busy day and night carrying out their duties in an organized and secret manner and taking directions, even orders like soldiers, still you never feel their presence. You can see their influence like killing, destroying, imprisoning, and tracking, but you do not see them. They are like Satan and his followers; they see us but we can never see them. How many heroic leaders have been kidnapped at their hands? How many houses have been destroyed by planes that do not know anything except the information and the directions of the spies? How many major mujahid were surprised to be imprisoned or traced? 'Even the military and financial supply roads of the mujahidin, which are far from the enemy's surveillance, were found by the spies. They even reported the mujahidin's movements, times, number, and equipment.

"The danger of these brigades is not limited to their ability to penetrate the people, but it exceeded that to reach the variety of

nationalities, types, and descriptions of these hidden aggressive soldiers. They have among them old hunchbacked men who cannot even walk, strong young men, weak women inside their house, young girls, and even children who did not reach puberty yet.

"Among those listed, the spy might be a doctor, nurse, engineer, employee, student, preacher, scholar, runner, or a taxi driver. The spy can be anyone because there is no limitation or conditions to choose a spy. He should only be able to deliver the information to the people with whom he is working.

"This shows why the enemy depends on them more than depending on their own military army. It is known that to choose a soldier for an army or any section in this army, the soldiers have to meet fixed and precise requirements that will qualify him to be a member of that army. These requirements might be mental, physical, or intellectual.

"The spy should only have the ability to find the required information and deliver it to those concerned. After that, it does not really matter if he was healthy or retarded, man or woman, mature or not, or have the same ideology or not. The more his features do not arouse suspicion the more qualified he will be to perform the duty and achieve the goal.

"This issue is hazardous on Islam and the Muslims because it is the greatest destructive weapon that has been used and is still being used by the enemy in its worldwide battles. Although this issue is related to the Shari'ah, especially when we go into its details and work directly with it, it never took its share from the religious research and never got enough attention and care from the scholars and knowledgeable people to go in its tiny details, the same way they studied different issues related to the new Crusader campaign.

"Taking into consideration the importance of the issue and the vital need to clarify its details, I found myself obliged to write about it however God enables me to write. When a man has to do something, there is no choice but to do it. Although I admit what I wrote is insufficient, I hope to be excused. In addition to all the calls which no one answered, the issue cannot be delayed anymore. This issue cannot be solved by hiding or eliminated by neglecting. It cannot be stopped if we don't talk about it because wickedness is overwhelming, the situation is dangerous, the damage is massive, the war fires are growing, and while reality asks day and night; the answer is certainly!

"Although I sent many important questions related to this subject to some of our noble scholars, which I will show in the end, never the less days and months passed and no one answered. I do not blame them because the barriers are many, but if they wrote back I would not have to carry the load and write this.

"It is not a proper situation where we can afford to wait because blood has been shed, houses have been destroyed, righteous people have been killed, and ordeals have increased. We rely on the Generous All-Forgiving [God]; He is the best to support and the best on whom to depend. There is no might, no power except from God.

"I point out that 13 years ago I wrote a research paper entitled 'Guidance on the Ruling of the Muslim Spy,' and it was published in Al-Fajr Magazine in three series. I do not have a copy of the research and I did not find any old copies of Al-Fajr Magazine. Years have passed and the distance has increased. If anyone might have a copy of those volumes of Al-Fajr magazine, send it to me, and may God reward him and I will be thankful.

This is the time to start with the subject and we seek guidance from God.

"Chapter One: Definition of 'Spy'

--"First: [Arabic] Language Definition:

"The scholar Ibn-Mandur, may God's mercy be upon him, said on the definition of the verb 'Jassasa': 'The root of the word means

touching with hands and a second meaning is used when talking about hunting or looking for news. Al-Lihyani said: 'Tajasastu' [I looked for] a person, means that I tried to set his position, just the same meaning as 'Tahasastu.' It is irregular to say that 'they spied on Yusuf and his brothers.' Both 'Tahassasa' and 'Tajassasa' [looked for the news] have the same meaning. It was mentioned in a Hadith: 'La Tajassasu' [do not look] profoundly in things, and much of the talk is on malice. Al-Jasus [spy] is someone who holds evil, while the Al-Namus is someone who holds good. It was said that Al-Tajassus is to spy for somebody else's interest, while Al-Tahassus is to search for intelligence for one's own interest. The first means to breach the shortcomings in the Muslim ranks, while the second means to listen to people. However, both terms have one meaning which is seeking to get information.

"Al-Jasus [spy], also means 'an eye.' He is the person who looks for information and then gets hold of it. Al-Jasus means a person who tries to get information, as defined in (*Lisan al-Arab*, volume 6, page 38).

"The origin of the term 'Jassa' [root of the verb Tajassasa, to spy] means in the language to touch by hand. Some scholars used this verb, meaning to touch, only for a figurative meaning. Al-Zubaydi, may God's mercy be upon him, said: 'The term 'Jassa' is used for a metaphoric purpose, meaning to seek or to look for an information. Al-Lihyani said: 'Tajasastu' [I looked for] a person, means that I tried to set his location. It was said that Al-Tajasus is to spy for somebody else's interest, while Al-Tahasus is to search for news for one's interest. The first means to breach the shortcomings in the Muslim ranks, and the second means to listen to people. Both terms have one meaning, which is seeking to get information. It is said on the Al-Jasus and the Al-Jasis: He who holds the secret of evil is a spy, who seeks to obtain information and report it, while Al-Namus is he who holds the secret of good' (*Taj al-Arus*, volume 1, page 3879).

"Abu Bakr al-Anbari, may God's mercy be upon him, said: 'On the term 'spy': Al-Jasus in Arabic is defined as being a person who tries to get information on people's affairs. A man 'Tajassasa' or 'Tahassasa' have the same meaning, which is agreed upon unanimously by the professionals of linguistics' (*Al-Zahir Fi Ma'an Kalimat al-Nas*, volume 1, page 319).

"Thus, a spy is he who seeks to get information secretly in order to report it. He is also known as an 'eye,' the term which is commonly used by scholars and others. This is aimed to serve a general meaning or the metaphor. When a spy makes the shortcomings in the Muslim ranks the focal point of his eyes, he uses them to unveil every hidden thing. This spy is called an eye, whose focal point of activity is on everything. The Imam Ibn-Hajr, may God's mercy be upon him, said: 'A spy is called an eye, because all of his activity is centered in his eyes; through a spy's concentration and thorough visualization, all his body seems to be an eye' (*Fath al-Bari*, volume 6, page 168).

"Abd-al-Rahman al-Maydani said: 'A metaphor is used in a singular form, as the use of 'an eye' to mean 'a spy,' who is assigned the task of getting information on the enemy's conditions and report them, given that the eye is the major tool used in this matter' (*Al-Balaghah al-Arabiyah, Ususuhha wa Ulumuha*, page 666).

--"Second: The Terminological Meaning

"In fact, there is not any specific definition of the term 'spy' in the words of scholars, apparently because of the clarity of the meaning and the general understanding of its significance. The words they used to define the term 'spy' are not different from the linguistic definition of the term. However, I will recall a few words by some scholars in which appears a definition of the term 'spy,' most of which are explanatory phrases that are different from the known norms and jurisprudential ways of defining words.

"It was said in the *Al-Sharh al-Kabir* by Al-Dardir al-Maliki, may God's mercy be upon him: 'It is permissible to kill 'an eye,' i.e. a spy, who detects shortcomings in the Muslim ranks and reports them to the enemy (*Al-Sharh al-Kabir*, volume 2, page 182). The Shaykh Muhammad Bin-Ahmad Bin-Muhammad Alish al-Maliki, may God's mercy be upon him, said: "An eye,' pronounced as 'Ayn' is someone who spies on Muslims, reports the shortcomings in their ranks to the warriors, and provides them with their news. He is the messenger of evil, while the Al-Namus is the messenger of good' (*Minah al-Jalil*, volume 6, page 35).

"Al-Kharshi al-Maliki, may God's mercy be upon him, said: 'The spy who is defined as an eye here is he who spies on the Muslims shortcomings and reports them to the enemy. The spy is the messenger of evil, while the Al-Namus is the messenger of good' (*Sharh Mukhtasar Khalil*, volume 9 , page 493). The scholar Umar bin-Sulayman Jamal al-Shafi'i, may God's mercy be upon him, said: 'The eye of the infidels is the person who spies on the shortcomings in the Muslim ranks to report their news to them' (*Hashiyat al-Jamal*, volume 10, page 322). It was said in the *Hashiyah Hashiyat Al-Bijayrami al-Shafi'i*: '[The spy] is he who spies in the perilous areas' (*Ali al-Khatib*, volume 13, page 48). It appears that he meant by the 'perilous areas' that which the Muslims fear that the enemy may use to break through. These are the areas of awareness and vigilance, like the frontlines and the like.

"Some Shafi'i scholars used to frequently use the term 'traitor' to call a spy. This is a straight description applicable to him, for reversing things, as he was ordered by God to be of help to Muslims and keeping their secret, but he betrays his religion and becomes a source that reports the shortcomings in the Muslim ranks to the enemy. The scholar Al-Khatib al-Shirbini, may God's mercy be upon him, said regarding those whom a leader does not allow to be with him in the conquests: 'The traitor too is kept home: He is the one who spies for them and informs them of the shortcomings in their ranks through letters and correspondence' (*Mughni al-Muhtaj*, volume 4, page 221).

"The Shaykh Abdallah Azzam, may God's mercy be upon him, said: 'The spy is he who gets to know the people's secrets and faults and reports them. The term 'spy' herein means the person who reports the Muslims' secrets to their enemies.' It was narrated in the *Mu'jam Lughat al-Fuqaha*, volume 1, page 158, by Dr Qal'ah Ji and Hamid Qanibi: 'A spy is the holder of evil who obtains people's talk and conditions secretly.'

"The definitions given by scholars are close and their meanings are very clear. These allow us to show that the meaning intended, after this research, is not the person who gets to know the shortcomings in the Muslim ranks only, but also the one who develops, examines, and delivers the reports he gets to their enemies. The significance of spies is multiple and there are different motives; this could be envy, hatred, hostility, intrusiveness, curiosity, care to inflict harm on others or attempt revenge, and love or money, among other motives. Yet the ensuing results of such motives all aim to send news to the enemy and this activity is very apparent, regardless of the motives. Hence, the definition, as we have seen, is related to what is apparent, not the hidden reasons, motives, and drives. Almighty God knows best. Therefore, we can set a definition of 'spy' subject to the above-mentioned search and say: 'He is the person who detects the shortcomings in the Muslim ranks and news to report to their enemies.'

"The term 'spy' itself, as understood from the linguistic meaning, gives a sense of research, scrutiny, and endeavor to obtain news and the conditions clandestinely.' The scholar Abu al-Sa'ud, may God's mercy be upon him, said: 'Do not spy' means not to search for the shortcomings in the Muslim ranks. The grammatical form of the verb gives a sense of a demand and request' (*Tafsir Abu al-Sa'ud*, volume 6, page 187).

"According to the definition, someone who obtains news unintentionally or by accident, not deliberately or purposefully, cannot be called a spy, because the act of research and examination and the attempt to detect is missing. However, the fact of the absence of intent to research does not exonerate him from this attribute along with the ensuing provisions because the meaning of the word was based on specific consideration; either we consider the prevailing, or the most detrimental and injurious, or others. It is said that this is the source of the term in language, but it was then used to include all that means 'reporting news secretly to the enemy,' whether the perpetrator had the intent to collect and inspect the information or not, but he got it by coincidence and then reported it to the enemy.

"This is common in many languages. The core of the issue lies in the release of the news that harms the Muslims for the benefit of their enemies, not in the way or the method it was collected. A person can pick up a few words he hears somewhere, but his soul, which is certainly prone to evil, pushes him to report some important news to the enemies of Islam, which will itself cause harm and mischief, 10 times the ensuing results of those who spy intentionally and deliberately.

"The story of Hatib, may God be pleased with him, which will be recounted later, is proof of this. Hatib did not intend to look into

what the prophet, God's prayers and peace be upon him, hid, nor did he try to find out about the prophet's secret. Hatib, however, used what he had known and did his best to report what he had learned, whether the prophet, God's prayers and peace be upon him, revealed to him his intention to head for Mecca, as reported in some accounts, or he knew it from another source. Conversely, the spies almost certainly try to find out the news, search for it, and seek to learn it. The spies' intention to deliver the news to their masters is a priority. Regarding the accidental knowledge, it is rare, Almighty God knows.

"To find the ruling for a spy, it should contain several points:

"First: To locate the person or persons who actually do the spying.

"Second: That the spy intentionally and deliberately seeks to learn about the news to reveal it, regardless of how he does it or the means he uses, whether he hides, disguises, watches, follows, or uses advanced technology such as cameras, taping devices, etc.

"This, as I mentioned earlier, is mostly the case and anyone who finds out about a piece of information as a result of a deal and then reports it to the enemy should be punished just the same.

"Third: That the spying be specifically to hunt Muslims' shortcomings and news. To look for their weak points through which they can be harmed or the whereabouts of their leaders and amirs or getting to know the way they follow to get arms and supplies, among other things. Hence, the news that the spy reports is news of Islam, Muslims, their country, and situations.

"Fourth: To seek to report the news he gathered for the Muslims' infidel enemies, whether they are apostates or true infidels, and regardless of the means he follows to report the information he obtained, whether by phone, writing, photography, or any other various means.

"In his defining of the spy, Mr Muhammad Rakan al-Daghmi says: 'The spy is the person who secretly looks into Muslims' shortcomings and reports their news to the enemy, whether he is a Muslim or non-Muslim, and whether this news is of a military nature or non-military, in time of peace or time of war' (*Spying and its Rulings in the Islamic Shari'ah*: 31).

"Chapter Two: Ruling of Spying in General

"As I mentioned earlier, the spy we mean here is the one who finds out about Muslims' shortcomings and reports them to their enemies. The talk in this regard, however, is not specifically about this type of spies, but rather general ruling.

"It was completely forbidden and absolutely punishable if anyone spies on Muslims and tracks their shortcomings, because spying is greatly harmful to them, whether to their religion or to their life. Spying on Muslims violates their privacy, reveals their secrets, and opens the door for their evil and wicked people to slander them.

"Almighty God says: 'O ye who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: And spy not on each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, ye would abhor it...But fear Allah. For Allah is Oft-Returning, Most Merciful' [Koranic verse, Al-Hujurat, 49: 12].

"This verse completely forbids Muslims from spying on each other, whether this spying is by eavesdropping to learn the news, or by peeping to check on what goes on behind the doors. All of this is forbidden and must be avoided and shunned. Spying profoundly fills the hearts with malice and hatred. It causes dissention within groups, ruins societies, drives away trust and safety, propagates false suspicions, and spreads fake accusations. Spying also loosens people's tongues to gossip, slander, defame, demean, and lie until Muslims have no privacy, homes have no protection, and societies have no defense. Deceptive eyes then prevail and sharp tongues criticize everyone, causing rift and discord among people, and spoil their relations with each other until the unified Muslim body is shredded into pieces. As a result, Muslims would have no union, kinship, or bond and then they become an easy target for

their enemies, the human and demonic devils. Thus, one of Satan's main goals is to instigate Muslims against each other, just as the prophet, God's prayers and peace be upon him, said: 'Satan gave up being worshipped by Muslims in the Arabian Peninsula, but he did not give up instigating them against each other,' cited by Muslim, who reported Jabir, may God be pleased with him, as saying this.

"Hudhayfah, may Almighty God be pleased with him, said: 'I heard the prophet, God's prayers and peace be upon him, saying: 'No qattat [one who conveys false information] enters paradise,' cited by AL-Bukhari, Muslim, and others. Imam Bin-al-Athir, may God have mercy on his soul, explained the meaning of qattat as: 'He is the gossiper, the one who fakes, devises, and formulates the speech. It was also explained as follows: the gossiper is the one who talks about people after being with them, and the qattat is the one who eavesdrops on people without their knowledge and then gossips about them' (*Al-Nihayah fi Gharib al-Athar*: 4/18).

"Gossiping about Muslims behind their back is totally forbidden. Scholar Tahir Bin-Ashur, may God have mercy on his soul, said: 'Spying is a secret behavior toward the one being spied on. It was forbidden because it is considered malicious and detecting shortcomings. The spy may find faults in the one who is spied on, and subsequently show hostility and malice and become self-conscious and apprehensive after his conscience was clear; all this would make life miserable. This smears the Islamic kinship because it is a cover up. Also, when the one being spied on finds out about the other one spying on him, the hostility in his heart arises toward him and their kinship is smeared again, as I described in the case of the spy. This drives the two to take revenge on each other' (*Al-Tahrir wa Al-Tanwir*: 14/27).

"Just as the Koran forbids spying, the prophet, God's prayers and peace be upon him, also forbid it. Abu-Hurayrah, may God be pleased with him, said: God's prophet, God's prayers and peace be upon him, said: 'The prophet, God's prayers and peace be upon him, said: Beware of suspicion, suspicion is the worst speech. Do not sneak, spy, fight, envy, hate, or argue; be brothers and servants of God.' This is an agreed upon Hadith.

"Abu-Barza, may God be pleased with him, reported the prophet, God's prayers and peace be upon him, said: 'Oh people who believe with their tongue but faith is not in their heart: Do not gossip about Muslims or expose their shortcomings. He who exposes his Muslim brother, God exposes his shortcomings, and when God exposes his shortcomings, He disgraces him even when he stays inside his house,' cited by Ahmad, Abu-Dawud, Al-Bayhaqi, and Abu-Ya'li.

"To show how the Muslim's privacy is deemed great by God, the Shari'ah sanctioned without reservation plucking out the eye of anyone who peeps at someone's house through a hole or a window without his permission. In addition, Al-Bukhari and Muslim cited Abu-Hurayrah as quoting the prophet, God's prayers and peace be upon him: 'Whoever peeps at some people's house without their permission, then they have the right to pluck out his eye.'

"Anas, may God be pleased with him, said: 'A man peeped at one of the rooms of the prophet's house, God's prayers and peace be upon him. The prophet, God's prayers and peace be upon him, charged at him with one or more arrows as if he was going to stab the man,' cited by Al-Bukhari and Muslim.

"This Koranic verse and Hadith in general dealing with all kinds of spying on Muslims, primary including those who work hard day and night and spend their time to gather a minor or vital information to convey it to the enemies of Almighty God from the Jews, Christians, and apostates or other infidels to please them and get their cheap rewards in return for enjoyment for a limited time period. Those people never worry about the misfortunes and disasters that will be suffered by Muslims, in addition to humiliation and killing as a result of their conveyed information and spying.

"A Hadith narrated by Al-Mustawrid Bin-Shadad, on the authority of the prophet, prayers and peace be upon him, said: He who talks about a Muslim from his back, God will make him suffer in hell. He who has insulted a Muslim, God will retaliate with hell. He who talks bad about Muslims to please another one, God will reciprocate on Judgment Day, narrated by Ahmad and Abu-Dawud and Al-Hakim and others.

"The great scholar Shams-al-Haq al-Azim Abadi said: He who said anything against a Muslim, aiming to uncover a defect in him or harm him, God will make him taste the flame of hell. He who insults a Muslim, God will respond in hell. Finally he said: The Hadith means if a friend of a Muslim goes to his enemy and says bad things about him to be rewarded by his enemy, God will never reward this (*Awn-al-Ma'bud*).

"Let the spies and eyes of idols expect the bad tidings, those who run like dogs after a small piece of food to enjoy or a torn cloth to dress in return for what they offer from information to their masters or what they hunt from shortcomings that were suffered for its gathering. Let them expect the bad tidings coming from hell, including the food and dress of hell. When it is time for Judgment Day, all enemies will gather. Almighty God said: 'These two antagonists dispute with each other about their Lord: But those who deny (their Lord), - for them will be cut out a garment of Fire: over their heads will be poured out boiling water. With it will be scalded what is within their bodies, as well as (their) skins. In addition there will be maces of iron (to punish) them. Every time they wish to get away therefrom, from anguish, they will be forced back therein, and (it will be said), 'Taste ye the Penalty of Burning'!' [Koranic verses, Al-Hajj, 22:19-22]

"Almighty God also said: 'But they sought victory and decision (there and then), and frustration was the lot of every powerful obstinate transgressor. In front of such a one is Hell, and he is given, for drink, boiling fetid water. In gulps will he sip it, but never will he be near swallowing it down his throat: death will come to him from every quarter, yet will he not die: and in front of him will be a chastisement unrelenting' [Koranic verses, Ibrahim, 14: 15-17]

"They must know that their days will be long, their torture will be unbearable, and their Judgment Day will be disastrous. They will be asked for all the blood that was shed, every sanctity that was violated, every house that was demolished, every child that was orphaned, and every Muslim who was captured as a result of their spying. They should prepare an answer for all these questions as their decisiveness and misleading will not be a way out. They still have a chance for repentance. They can still quit this dirty and lowly job that every noble one avoids. These people claim that they belong to our true religion and that they are loyal to the believers. However, if they insisted on continuing their path, then hell is vast enough to contain them along with millions of their kind. God said: 'Verily the tree of Zaqqum Will be the food of the Sinful, - Like molten brass; it will boil in their insides Like the boiling of scalding water. (A voice will cry: 'Seize ye him and drag him into the midst of the Blazing Fire! Then pour over his head the Penalty of Boiling Water, 'Taste thou (this)! Truly wast thou mighty, full of honour! Truly this is what ye used to doubt!' [Koranic verses, Al-Dukhan, 44:43-50]

"Moreover, the scholars excluded some cases and allowed the spying on Muslims when these cases are applied. This is aimed at preventing major corruption that cannot be prevented unless this method is followed. This is mentioned under the general concept of the jurisprudence ruling: if two who corrupt were faced, the one that has the major impact shall be dominant over the minor one (*Al-Ash"bah wal Naza'ir*: 1/161).

"Imam Al-Mawardi, may the peace of God be upon him, said: As for those hidden things that are forbidden, the Muhtasib [government official who is tasked to monitor people] should not spy on it or try to violate the covered up matters, fearing that people hide behind them. The prophet of God, prayers and peace be upon him, said: Those who made these sins should not reveal them and shall seek the covering up of God, as those who reveal this sin will be killed.

"If someone believed that people are hiding a secret, based on some suspicions and traces, then, we have two elements. If this happens to violate a sanctity that can be avoided, such as hearing from a trusted person that a man tried to commit adultery or kill a person. In this case the spying is allowed and the exploration is permissible to avoid being too late in exposing the violation of sanctities and the committing of those things that are forbidden. Based on this, volunteers are permitted to reveal the covered up and explore its consequences. (Al-Ahkam al-Sultaniyah: 2/8).

"It is obvious here that the matter is subject to the Shari'ah rulings and its course and tied to its fundamentals. The whimsy acts here are not tolerable, like those who try to mitigate the case and come up with justifications for the violations of sanctities. Those

people would hunt the awaited falls and would take the chances of exposing the worshipers by plunging into their houses without giving good reasons or a clear excuse or true corruption under the call on the promotion of virtue and prohibition of vice.

"The thing that we care about most is the sanctity of Muslim blood, honor, and money, as the prophet, prayers and peace be upon him, said in his inclusive speech, the farewell speech [the speech which was delivered by Prophet Muhammad in his last Hajj on the day of Arafah]: 'Your blood, money, and honor are holy like the holy day of this month in this country. I have informed you against God,' narrated by Al-Bukhari and Muslim on the authority of Abu-Bakr al-Siddiq, may God be pleased with him.

"Those who care for their religion and fear God shall stay attached to these words and get hold of them. The prophet cared for the grade of Muslims and was committed to the sanctity of their blood, honor, and money. There are numerous Muslims who care for the blood of Muslims. Certainly Muslims deserve that and are concerned over it to the greatest extent until their concern includes the citizen who deserve to be killed according to the Shari'ah. However, you do not find in the hearts of these people any restraint, deterrent, resistant, or repellent from tearing the organs of Muslim's honor with their tongues by backbiting, slandering, defaming, and saying lies.

"They do not know that all these things are equally prohibited and all violations are heavy in God's scales. As Muslims prohibit themselves from killing their Muslim brothers according to the Shari'ah, the latter also prohibit them from backbiting and tearing apart the honor of Muslims. Moreover, Muslims should keep their senses away from following the defects of others and exploring what is not revealed. Almighty God said: 'And pursue not that of which thou hast no knowledge; for every act of hearing, or of seeing or of (feeling in) the heart will be enquired into (on the Day of Reckoning)' [Koranic verse, Al-Isra, 17:36].

"A Hadith on the authority of by Abu-Abbas, may God be pleased with him, on the authority of the prophet, prayers and peace be upon him, said: 'Those who spy on conversations of people who do not know that somebody is listening to their conversation, God will pour boiled white lead into their ears on Judgment Day,' narrated by Al-Bukhari and others.

"Ibn al-Kathir said: The poured material is white lead. It was said to be black lead also and others said pure lead (Al-Nihayah 1/185). We ask God for safety and health for us and for all Muslims. God Knows better.

"Chapter Three: Ruling of Spy in Islam

"Under this title, there are many requirements.

"The First Requirement

"At the beginning of the research, I mentioned a general definition for the spy. Initially, I decided to undergo this research on a military spy, a free non-Muslim under Muslim rules spy, ally spy and Muslim spy. However, when I noticed that the research would be too long, I decided to limit my research on the Muslim spy because he would be the most important and he would be the cause of disasters in the fields of jihad.

"As for the other kinds of spies, I ignored them in this research due to the absence of some of them such as the free non-Muslim under Muslim rules spy and due to the clarity of their rulings in the sentences; however, there are some contemporary concerns over them. We supplicate to God to help us referring to them in other research to add to your knowledge some of its rulings. As for our context, I would mention one of their kind, which is what the jurisprudents call 'Muslim spy.' If we want to extract a definition for Muslim spy, we would say that He is a person who supports Islam from the outside, but gets acquainted with the Muslims' defects to transmit them to their enemies.

"Talking about the spy's presence or absence of apostasy in detail requires a lot of search and cannot be summarized. However, we mention some verses that show that such work as informing the enemy about the Muslims' defects is a support for him and the greatest kind of assistance. The reason is that the enemy will be getting to what his soldiers or techniques cannot reach. One

single piece of information transmitted to them by one of their spies is able to exasperate spirits, honor, and possessions in a way that thousands of their mobilized soldiers cannot do, and he who saw and lived the facts of modern crusade and experienced how much its forces depended on this undercover soldiers, I mean the spy-soldiers, knows the extent of the damage Muslims all over the world encountered because of them. He absolutely also knows that the soldier who wears the military costume, drives his car, tank, or plane, is nothing compared to what the undercover soldier, who transforms like a chameleon, and deceives like a fox, can cause.

"Still, their ravage to Islam and Muslims never ever stops. Yet those massive armies, declared forces, and developed techniques could not perform without those spies.

"Therefore, we must warn in this point that even though we defined the spy according to the above-mentioned linguistic definition, and if we followed the definition of the jurisprudents, the case today, especially in the current Crusade, is only one of many general definitions of modern spies, if not the least definition of them. What those criminals -- and also those who practically participate in the process of committing crimes, along with what the enemies of perfect God commit -- is not restricted to the transmission of the failed information and the search for secrets. The complicated bombing processes, executed through directed rockets and depending on chips, which spies sneak and take risks to throw on the desired targets, as well as the night airdrop, are only accomplished in the company of one or more spies who are familiar with the roads, villages, houses, including their entrances and exits. In addition, infidels depend on recognizing the detainees, their personalities, and the details of their work, on their spy agents. Thus, entering those in the frame of spying is rather by observing their undercover activities upon the accomplishment of these activities, not from the point of view that these activities are just transmission of information and revealing for the Muslims defects, as it is known within the definitions of the jurisprudents. Most of what these modern criminals do, who are supporters of the Jews, followers, and others, is taking practical part in the details of the military activities in which the mujahidin are targeted.

"Therefore, it would be a huge mistake to bring up the controversy of the ancient jurisprudents concerning the definition of a Muslim spy and apply such a definition on entire bodies, which are considered to be a main pillar of nations with their systems, laws, leaders, soldiers, budgets, and expenses. It will be a mistake to bring up that controversy against those who consider themselves part of a comprehensive intelligence body. They have specified tasks to do and are judged whenever they linger and sanctioned whenever they fail to accomplish them. They involve themselves in 'wars' in the full sense of the word. The only difference between any one of those and the combatant soldier is that the first declares his war, his fight, and enmity, while the other keeps his activities, missions, and tasks secret. The goal is one, the aims are common between both soldiers, yet their efforts are complementary. The only difference is the means: one declares, and the other discloses. Since when are hiding enmity and disclosing intentions to plot evil and wage wars excuses for the one to drive him from the stage of criminal to the stage of the innocent?!

"The holy Koran showed us that he who has infidel intentions and hidden ones are much more dangerous than he who reveals evil. This is why the resurrection day was more torturing and sanctioning. As God, to Whom be ascribed all perfection and majesty, said: 'The Hypocrites will be in the lowest depths of the Fire: no helper wilt thou find for them' [Koranic verse, Al-Nisa, 4:145].

"The thing that almost nobody doubts or disputes is that searching for the Muslims defects and hunting their weak points and then transmitting them to the enemy in order to benefit in its war against them, is a kind of help, assistance, and backing that is obviously support or shouldering to the enemy.

"As scholar Al-Zubaydi said on assistance: "The supporter has more than one meaning. One is the liker, who is against the enemy. Thus, if he is favoring, he is a supporter. Another is a granter of victory. Thus, if he grants victory, he is a supporter. Besides, this support that the spy is achieving often does not see its truth because a spy performs in secrecy, and grabbing its outcomes does not change the honesty of describing the assistance, for what is important here is not in revealing or hiding, but in its presence or absence.

"Otherwise, talking about the origin of work and applicability of attribution to it, take a man who wears the usual costume among his people and pretends to be good and respectable as misleading, while he does his best to reach the goals and objectives requested by his 'patrons,' whether this goal was to target a camp, a center, a house, a person, a gathering, or whatever. He searches for whatever he can find of information and delivers it complete to the enemy of Islam.

"Therefore, what is the difference between him and another man who wants to reach the same goals, however, he reaches them in his special military costume and stands with his 'patrons' in public and works as they work, fights like they fight, and shows his assistance to them?!

"Thus, if the act of the latter is an obvious shouldering, a true assistance, and a real support, not to be argued or disputed, then how is the act of that spy not also considered as shouldering, assistance, and support? And what prevents us from attributing his work as such, while allowing us to use it against this military personnel? Do the costumes, chevrons, and organizations have any reason with differentiating between judging in such country? In particular, and as I mentioned before, the act of this military personnel, his planning, his choice of goals, and his proceeding in the attack is based on the information and 'defects' gathered through the efforts of the spies and their 'aid' and participation. They are partners in every plan, every target, every act, and every destruction, and every spirit perishes. Spies are a very essential basis in forming, processing, and planning the armies' affairs. This is why being supporters and helpers for them and for the parties they work for is a very important appearance even though they practice their work in complete secrecy.

"However, hiding and harboring does not change the reality of attribution and not informing people about the truth does not change the attribution. Perfect God said: 'Certain of the desert Arabs round about you are hypocrites, as well as (desert Arabs) among the Medina folk: they are obstinate in hypocrisy: thou knowest them not: We know them: twice shall We punish them: and in addition shall they be sent to a grievous penalty' [Koranic Verse, Al-Tawbah, 9:101].

"Some Evidence on Considering Spying as Infidelity

"The evidence that proves spying on Muslims is considered assistance for infidels is great, and we will we mention some of it.

"The first: Almighty God said: 'O ye who believe! Take not my enemies and yours as friends (or protectors),- offering them (your) love, even though they have rejected the Truth that has come to you, and have (on the contrary) driven out the prophet and yourselves (from your homes), (simply) because ye believe in Allah your Lord! If ye have come out to strive in My Way and to seek My Good Pleasure, (take them not as friends), holding secret converse of love (and friendship) with them: for I know full well all that ye conceal and all that ye reveal. And any of you that does this has strayed from the Straight Path' [Koranic Verse, Al-Mumtahanah, 60:1].

"The interpreters agreed that this Koranic verse was revealed when Hatib Bin Abu-Balta'ah, may God be pleased with him, sent a letter to the polytheists of Mecca. In the letter, Balta'ah informs the polytheists about the prophet's intent to head toward Mecca and invade it. Imam Ibn Jarir al-Tabari, God's mercy be upon him, said: 'It was mentioned that these verses, from the very beginning of this Koranic chapter, were revealed with regard to Hatib Bin Abu-Balta'ah. In fact, Balta'ah had already written letters to the polytheists of Mecca in which he informed them about a matter that the prophet kept dark. The Hadith was narrated by a group of the companions of the prophet, God's prayers and peace be upon him' [Al-Tabari: The Commentary on the Koran: 23:311].

"Scholar Al-Tahir Bin-Ashur, God's mercy be upon him, said: 'The Koran commentators reached an agreement, proved in 'Sahih al-AHadith (The Authenticated Hadith), that this Koranic verse was revealed with regard to the letter that Hatib Bin Abu-Balta'ah, an ally to the people of Asad Bin Abdal'uzzah from Quraysh, had sent. Hatib belonged to the emigrant companions of the prophet, God's prayers and peace be upon him and to the people of Badr' (Al-Tahrir wa al-Tanwir) [Liberation and Enlightenment].

"We will mention the detailed story of Hatib, may God be pleased with him, in the suitable place.

"Meanwhile, Hatib's behavior, i.e. informing Quraysh about the intentions of the prophet, God's prayers and peace be upon him, goes under the theme of spying. Thus, a number of narrators who mentioned this story had categorized it under topics which bear the meaning (of spying). Examples of such categorization follow.

"Imam al-Bukhari, God's mercy be upon him, said: 'The section regarding the topic of the spy. God said: 'Take not my enemies and yours as friends (or protectors)' [partial Koranic verse, Al-Mumtahinah, 60:1]. Then, Imam al-Bukhari mentioned the story of Hatib and said: 'Imam Abu-Dawud, God's mercy be upon him, said: 'There is the section regarding the judgment of the spy in case he were a Muslim.' Imam Abu-Dawud mentioned the story of Hatib under this section. Besides, Imam Al-Bayhaqi, God's mercy be upon him, said: 'A section regarding a Muslim informing the polytheists about the weaknesses of Muslims' and mentioned the story of Hatib, may God be pleased with him, under this section. In his Sharh al-Sunnah [Sunnah Commentary], Al-Baghawi, God's mercy be upon him, mentioned a 'section regarding the judgment of the spy.' Under this section, Al-Baghawi mentioned two prophetic traditions [Hadith], one of which is the mentioned tradition regarding Hatib.

"Thus, we conclude from the story and the Koranic chapter the three following points:

"The first: As the sections concerning the [spying] topic revealed in the works of the imams, Hatib's behavior, may God be pleased with him, is considered spying; added to being guidance for the polytheists to the weaknesses of the Muslims. Based on what was narrated about Hatib's letter, we will discover that it is nothing when compared to the lengthy detailed continuous reports that the spies of this era prepare and often accompany with pictures and documents. The spies of today stay up nights and toil during the days for the sake of collecting details about the gathered information and making sure they conform to the highest degrees of authorization and reliability, as required by their masters and 'friends.'

"The second: Such spying and guidance is regarded loyalty to the enemies of God and Muslims as expressed by the Koranic verse 'Take not my enemies and yours as friends (or protectors)' [partial Koranic verse, Al-Mumtahinah, 60:1]. The behavior of Hatib, may God be pleased with him, was regarded as loyalty (to enemies) when he only sent a letter causing confusion of firm wills, frustration of endeavors, and igniting terror rather than transmitting news. Hatib, may God be pleased with him, was applying jihad upon himself and his money. He so loved God and his prophet, may prayers and peace be upon him. Besides, Hatib so believed in the highness of the believers' ranks and the defeat of the people of infidelity and oppression. If Hatib's behavior was regarded as disloyalty, then what do we say about the one who belongs to a criminal institution based upon launching war on God, his messenger and the believers? What do we say about the one who belongs to the greatest circles of torture and killing, seeks to search for the Muslims' points of weakness, looks for their weaknesses, puts effort and endangers his life just to go deep into the Muslims' affairs in an attempt to hunt their most important news? After all, such a spy submits the harvest for which he endangers his life to the infidel enemies of God who have already asked him to carry out such a task. This spy's heart is to be filled with mistrust in God and vicious intentions toward His holy men and religion, added to his certainty about the victory of the infidels and the defeat of the believers. God said, 'But this thought of yours which ye did entertain concerning your Lord, hath brought you to destruction, and (now) have ye become of those utterly lost!'[Koranic verse, Fussilat, 41:23] How far is the loyalty of Hatib [to the enemies] from that of those criminals!

"Keep in mind that as mentioned, the tasks of the spies of the era do not only include writing reports, transmitting news, and revealing secrets, but they also extend to the actual participation and the practical application of killing, arresting, intimidation, terrorizing, and sudden attacks.

"The scholar Hamad Bin -Atiq, God's mercy be upon him, said: 'This Koranic chapter, together with the reasons behind its revelation, contains various bits of proof about the necessity of bearing animosity towards the infidels and boycotting them.'

"God has forbidden believers from regarding His enemy and their enemy as friends. Thus, this is a clear provocation to regard the infidels as enemies because the animosity toward those who show enmity toward God is a duty.

"God has also said: 'Offering them your love' [partial Koranic verse, al-Mumtahinah, 60:1]. This is a sufficient proof that abolishes

the suspicions of those who have doubts about this matter, i.e. those who when [God] forbids them from loving the polytheists say: ' We have not shown love towards the polytheist.' Those doubters say this while they support the people of injustice with money, defend them verbally, and write about the weaknesses of the Muslims. How far are such deeds from Hatib's letter that caused the revelation of this Koranic chapter! God has even called [the enemy support] 'offering [them] love!' Such meaning is very apparent (Sabil al-Najat wa al-Fikak) [Way Towards Salvation and Ransom].'

"The third: Informing the infidels about the weaknesses of the Muslims means regarding them as supporters, whether when the spy becomes a supporter to [the enemies] or when [the enemies] become supporters for the spy. Both cases are forbidden for the word 'friends' mentioned in the Koranic verse means 'supporters' as considered by Imam Ibn-Jarir.

"God has regarded spying for the infidels equal to making them friends. Thus, every spy for the infidels who spies at Muslims has made the infidels his friends and supporters.

"It is well known that the incident that represents the reason of the verse's revelation can indisputably be generalized. This is the opinion of the majority of the scholars and the opinion if the Hadith scholars in their books as we mentioned before. The author of *Maraqi al-Su'ud* said: 'Be sure that the verses that have reason of revelation can be indisputably generalized. You can also say that Imam Malik said that they can be supposedly generalized and you will be right' [poetic verse].

"Al-Shinqiti, may he rest in peace, said: 'The majority of scholars of the jurisprudence agreed that the incident that represents the reason of the revelation of the verse can indisputably be generalized. Thus, no certain reason can get them out of the generalization rule. It is narrated that imam Malik said that they can be supposedly generalized' (*Adwa al-Bayan*: 6/342).

"In the above-mentioned Koranic verse, Almighty God warns his worshipping believers against being friends with His enemies, the polytheists. When the believers become friends with the polytheists, the polytheists would take advantage of the friendship and get to know the news of the Muslims; thus, believers would cause damage and harm to their brothers. Those believers who become friends with the polytheists have taken them as friends and protectors. And when the believers take polytheists as friends, they stray away from the straight path; that is loss for all to see!

"Imam Ibn-Jarir, God's mercy be upon him, said 'The Almighty God addresses His believers, the companions of the prophet, prayers and peace be upon him by saying 'O ye who believe, take not my enemies' (meaning the polytheists) 'and yours as friends (and protectors)' (meaning as supporters)' [partial Koranic verse, Al-Mumtahinah, 60:1] (Al-Tabari, The Commentary on the Koran, 23/309).

"God said: 'Therefore lend not thou support in any way to those who reject (Allah's Message)' [Koranic verse, Al-Qasas, 28:86].

"The scholar Ibn Ashur, God's mercy be upon him, said: 'Al-dahir [supporter] means the backer and al-mudahara means al-mu'awanah [support]. Al-mu'awanah has degrees of which the highest is advocacy and the lowest is cooperation and tolerance. Hence when cooperation (with polytheists) is carried out, this means that the believers are helping polytheists satisfy their desires. In fact, as forbidding has encompassed all sorts of al-mudahara (support), it has also included forbidding believers from cooperating with and tolerating the polytheists. Such forbidding also includes the opposite of al-mudahara (support) i.e. 'and be firm against them' [partial Koranic verse, Al-Tawbah, 9:73] (Liberation and Enlightenment, 10:451).

"Both the Koran and the Sunnah regard spying for the infidels as support, which God has forbidden. Thus, every Koranic chapter that forbids and warns against taking infidels as friends certainly includes the meaning of spying at Muslims. The kind of the infidel does not really make any difference -- it is the same whether the infidel is a pagan polytheist, a Jew, a Christian, a Magian, a communist, a Hindu, a Buddhist, an apostate or if he belongs to any of the infidel sects that are still here until now. In fact, all these mentioned [kinds] are encompassed in the description 'my enemies and yours' [partial Koranic verse, Al-Mumtahinah, 60:1] and every infidel is the enemy of God, His prophet, and His believers. God said: 'Whoever is an enemy to Allah and His angels and apostles, to Gabriel and Michael,- Lo! Allah is an enemy to those who reject Faith'[Koranic verse, al-Baqarah, 2:98]. God also

said: 'When ye travel through the earth, there is no blame on you if ye shorten your prayers, for fear the Unbelievers May attack you: For the Unbelievers are unto you open enemies' [Koranic verse, Al-Nisa', 4:101]. Almighty God said: 'Such is the requital of the enemies of Allah,- the Fire: therein will be for them the Eternal Home: a (fit) requital, for that they were wont to reject Our Songs' [Koranic verse, Fussilat, 41:28]. God also said: 'Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into (the hearts of) the enemies, of Allah and your enemies' [partial Koranic verse, al-Anfal, 8:60].

"Shaykh Al-Uthaymin, may God have mercy upon him, said: 'The infidel is either Christian, Jew, or agnostic or if he was named Muslim or not, he is an enemy of God, His messenger and all believers, whatever he does, he is an enemy (*Sharh Riyad Al-Salihin* volume 1, page 12).

"The Koranic verse should be considered from the general meaning it bears, not from the particular case it was revealed for as it is decided in the fundamental books and others. Regarding the verse in Al-Mumtahinah Surah which was revealed on the occasion of the writing of Hatib, may God be pleased with him, to Quraysh's infidels, it does not mean that the infidels who are not to be taken as friends and prohibited to spy on Muslims are the only polytheists, but the verdict is applied to all who are friends to infidels at all times. The Koranic verse was revealed declaring not to take all infidels as friends, especially Jews and Christians.

"Al-Durar Al-Saniyah says: 'The verse was revealed on the occasion when Hatib Bin-abi-Balt'ah wrote to Quraysh telling them the path of the messenger of God, God's prayers and peace be upon him, but it was addressing the believers in general saying: 'And any of you that does this' [partial Koranic verse, Al-Mumtahinah, 60:1] all the addressees whoever 'has strayed from the Straight Path'[partial Koranic verse, Al-Mumtahinah, 60:1] and this is applied to all the people of the ummah, people of the present and the past, and Muslim is not to doubt this at all.'

"Scholar Abd-al-Rahman Bin Hasan, may God have mercy upon him says: 'God the Almighty addressed the believers with this speech to warn them, and there is no doubt that it is applied to all who believe in God, His book, and His messenger to whom the Koran revealed, who were at its revelation time, or came after until Judgment Day.

"It's against reason to say that these verses were revealed only for Hatib when he wrote to Quraysh telling them the path of the messenger of God' (Al-Durar Al-Saniyah volume 10, page 195).

"Shaykh Atiyah Muhammad Salim, may God have mercy upon him, said: 'Interpreters agreed that this verse was revealed on the occasion of Hatib Bin-abi-Balt'ah when he moved to Mecca before the conquest telling them that Muslims are preparing for a conquest, which shows who is the enemy here, but if the particular case is considered, however the general meaning is not to be ignored. God the Almighty says: 'My enemies and yours' [partial Koranic verse, Al-Mumtahinah, 60:1] and 'even though they have rejected the Truth that has come to you' [partial Koranic verse, Al-Mumtahinah, 60:1] that include all those who rejected the truth that has come to us like Jews, Christians, hypocrites, modern sects, and upcoming sects. Whoever rejected the truth has come to us from Communists and others like Hindus, Buddhists, and others' (Adwa Al-Bayan, volume 8, page 217).

"Some scholars chose this Surah as a base to prohibit taking infidels as friends as Imam Bin Adil, may God have mercy upon him, said: "This Surah is a base to prohibit taking infidels as friends, and it was preceded by other verses including 'Let not the believers Take for friends or helpers' [partial Koranic verse, Al-Imran, 3:28]. 'O ye who believe! Take not into your intimacy those outside your ranks' [partial Koranic verse, Al-Imran, 3:118] and 'O ye who believe! take not the Jews and the Christians for your friends and protectors' [partial Koranic verse, Al-Ma'idah, 5:51] (Tafsir Al-Lubab, volume 15 , page 224).

"Al-Kurtubi, may God have mercy upon him, said: 'This Surah is a base to prohibit taking infidels as friends' (Tafsir al-Kurtubi, volume 18, page 5).

"The second piece of evidence: God the Almighty said: 'Let not the believers Take for friends or helpers Unbelievers rather than believers: if any do that, in nothing will there be help from Allah. except by way of precaution, that ye may Guard yourselves from them. But Allah cautions you (To remember) Himself; for the final goal is to Allah' [Koranic verse, Al-Imran, 3:28].

"Imam Bin Jarir, may God have mercy upon him said: 'This means, O believers, do not take the infidels as helpers and supporters, you support their religion, stand with them against Muslims and reveal their weaknesses. He who does that 'in nothing will there be help from Allah' [partial Koranic verse, Al-Imran, 3:28] means he was renounced by God as he is an apostate and infidel' (*Tafsir Al-Tabari, volume 6, page 313*). As you see, Imam Bin Jarir illustrated that revealing the weaknesses of Muslims to infidels is mingled with taking infidels as friends. Bin Jarir mentioned in his narration that Al-Saday interpreted the verse saying: "Supporters' support infidels' religion and reveal the weaknesses of believers to them. He who did that is a polytheist and renounced by God (*Tafsir al-Kurtubi, volume 6, page 314*).

"Some modernists went beyond saying that standing with infidels against Muslims is not an infidelity that gets people out of religion unless it is connected with the desire of raising the infidels' religion over Islam. But if the one who stands with infidels wants to enjoy the delights of the world, he is not considered an infidel, and this is a sort of delusion that has nothing to do with knowledge and understanding.

"A lot of the highly respected and most noble [scholars] renounced and defeated these various modernized doubts, lest the tyrants resort to them as a safe-haven when they fight Islam and Muslims, as they stand with the criminal infidels claiming that secular affairs require that.

"Imam al-Baghawi, may God have mercy upon him, said: 'If any do that' [partial Koranic verse, Al-Imran, 3:28] to take infidels as friends, transmit the news to them, and reveal the weaknesses of Muslims for 'in nothing will there be help from Allah' [partial Koranic verse, Al-Imran, 3:28] which means he has nothing to do with God's religion. "*Tafsir Al-Baghawi volume 2, page 25*."

"The words of Al-Baghawi are clear; he whoever transmits news to infidels and reveals Muslims' weaknesses is their friend and has nothing to do with God's religion as he denounced Islam.

"Al-Khazin, May God have mercy upon him said in this verse: ' if any do that,' [partial Koranic verse, Al-Imran, 3:28] to take infidels as friends, transmit the news to them, reveal the weaknesses of Muslims, and loves them 'in nothing will there be help from Allah' [partial Koranic verse, Al-Imran, 3:28] which means he has nothing to do with God's religion, or as it was said: 'It is against God's ordinance,' and this is reasonable as following God's ordinance means to be hostile to his enemies. Moreover, following God's ordinance and infidels' rule are two opposites that can never meet (*Tafsir Al-Khazin volume 1, page 358*).

"Imams said a lot in this regard and they state that transmitting the Muslims' news to infidels and revealing their weaknesses means standing with infidels. Some interpreters mentioned that this verse of Al-Imran was revealed on the occasion of Hatib, may God be pleased with him, and the message he wrote to the polytheists as it was said by the pure scholar Bin Ashur, may God have mercy upon him.

"It is said that the verse was revealed on the occasion of Hatib Bin-abi-Bal'tah, who was one of the best muhajirin and the faithful believers, but he wrote to Quraysh informing them about the preparations of the prophet, God's prayers and peace be upon him, for the conquest of Mecca (*Al-Tahrir wa Al-Tanwir volume 3, page 76*).

"Imam Bin-Atiyah, may God have mercy on him, mentioned that some scholars said the verse was revealed on the occasion of Hatib's story. Bin Atiyah said: 'Some people said: 'The verse was revealed on the occasion of Hatib Bin-abi-Bal'tah and the message he wrote to Mecca.' Then he said: 'The verse is to be generalized.' (*Al-Muharir Al-Wajiz volume 1, page 399*).

"The third piece of evidence: God the Almighty says: 'O ye who believe! Take not for friends unbelievers rather than believers: Do ye wish to offer Allah an open proof against yourselves?' [Koranic verse, Al-Nisa, 4:144]

"Imam Bin-Kathir, may God have mercy upon him, said in this verse that God warns His worshipers the believers not to take infidels as friends rather than believers, which means making friends with them, giving them advice, and revealing the weaknesses

of the believers to them (*Tafsir Bin Kathir, volume 2, page 441*).

"The fourth piece of evidence: God the Almighty says: 'O ye who believe! take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them. Verily Allah guideth not a people unjust' [Koranic verse, Al-Ma'idah, 5:51].

"Imam Bin-Jarir, may God have mercy upon him, quoted Abu Ja'far who said about this verse: When the Most High said, 'And whoever among you takes them for a friend, then surely he is one of them,'[partial Koranic verse, Al-Ma'idah, 5:51]. He means that whoever turns to the Jews and Christians in friendship, in place of the believers, becomes one of them. He adds: 'For whoever allies with them and enables them against the believers, that same one is a member of their faith and community. One seeks not the friendship of another unless he is of the same faith and confession. You will turn back from faith; that is, you will turn away from your faith and the religion to which Allah had led you, to your own detriment' (*Al-Tabari's interpretation: 10/400*).

"Among what Imam Abu-Ja'far al-Tabari, may God grant him His mercy, mentioned in this regard, his aim appears to be clear in reference to what we previously mentioned when he said: 'They allied with them over their religion' to reveal that it is a true eloquent word and not just a saying, which means that whoever takes the infidels for friends and enables them against the believers, he enables them against their religion, since undoubtedly he became with this alliance and victory 'a member of their faith and community.' This fact is clear in the imams' saying since he cannot imagine its separation from what he approved since 'One seeks not the friendship of another unless he is of the same faith and confession.' If what some of the modernists meant that the infidels' support for Muslims in request for life is not considered as infidelity based on Ibn-Jarir's saying, the interpretation which he previously mentioned would be useless, for it is possible that the their adversary is present, allies with them, and enables them against the believers, without being a member of their religion and community. Hence, what was approved here contradicts with what the people understood, and this is a bad way in understanding the sayings of imams and coordination between their words.

"The fifth piece of evidence:

"O ye who believe! take not for protectors your fathers and your brothers if they love infidelity above Faith: if any of you do so, they do wrong' [Koranic verse, Al-Tawbah, 9:23].

"Scholar Al-Baghawi said, may God grant him His mercy, said: 'A fighter said: I was sent down to the nine people who disbelieved in Islam and went to Mecca, so God did not support them. God said: 'O ye who believe! take not for protectors your fathers and your brothers' [partial Koranic verse, Al-Tawbah, 9:23], which means as a cover and friends so that you tell them your secrets and prefer to stay with them rather than to immigrate. 'If they love' they chose 'infidelity above Faith: if any of you do so' [partial Koranic verse, Al-Tawbah, 9:23], hence he would tell them about the shortcomings in the Muslim ranks and prefer to stay with them rather than immigration and jihad. Hence, 'they do wrong.' [partial Koranic verse, Al-Tawbah, 9:23]. This was at a time that only accepted faith from the immigrant, and therefore, this is the meaning of what He said: 'they do wrong' [partial Koranic verse, Al-Tawbah, 9:23]" (*Baghawi's explanation: 4/25*).

"In general, all the Koranic verses that reject supporting the infidels, warn against this, and slander its people include those who report the news of Muslims, show them their defects, and inform them about their secrets. This is the profession of spies. Every spy, who is characterized by the aforementioned is considered a protector for the infidels against the believers and a supporter for them and applies to him every feature or threat that came against those who support the infidels. He is part of what God the Almighty said: 'In nothing will there be help from Allah' [partial Koranic verse, Al Imran, 3:28] and in His saying: 'And he amongst you that turns to them (for friendship) is of them' [partial Koranic verse, Al-Ma'idah, 5:51], and 'Thou seest many of them turning in friendship to the Unbelievers. Evil indeed are (the works) which their souls have sent forward before them (with the result), that Allah's wrath is on them, and in torment will they abide' [Koranic verse, Al-Ma'idah, 5:80]. 'If only they had believed in Allah, in the Messenger, and in what hath been revealed to him, never would they have taken them for friends and protectors, but most of them are rebellious wrong-doers' [Koranic verse, Al-Ma'idah, 5:81].

"He also said: 'And any of you that does this has strayed from the Straight Path' [partial Koranic verse, Al-Mumtahinah, 60:1] as well as other verses that threaten and slander whoever support the infidels and are friends with them. They are certainly part of all these verses, as well as others who spy for them on Muslims. These spies will be helped from God in nothing. These spies are friends with them, they strayed from the straight path, and God was dissatisfied with them. If they died as they are and did not turn to God in repentance, they will abide in penalty forever. We ask God good health.

"Some Spying Features Are Considered Support for Infidels Against Muslims

"It was previously approved that spying by infidels on Muslims to seek help in their war necessarily means taking them as friends and supporters and that from their support and protection, you ought to know that the rule of their support is the greatest infidelity of the group.

"The support that we mean is their assistance in any issue that harms Islam and Muslims, whether this assistance was in opinions, money, weapons, spirit, writing, spying, or others. Therefore, when talking about the support of the sect, it is necessary to be concerned with the important restrictions which determine the meaning clearly, especially when this support is for Islam and Muslims, as the shaykh [Abd-al-Aziz Al Abd-al-Latif] said: 'Supporting infidels against Muslims means that those will support, back up, and assist the infidels against Muslims. Hence, they will join them, defend them with money, weapons, and eloquent language, and this is infidelity that contradicts faith (*Nawaqid al-Iman al-Qawliyah w al-Amaliyah* 2/144 [*Practical and Word Contradictions of Faith*]).

"I do not mean by that talking about the incentive that moves the supporter and the aide. Is it for the sake of their religion or to demand any of the world issues? I indicated that this will be canceled soon and there is no difference between the two issues. The Shari'ah did not look into these hidden incentives of the heart -- and only the knower of the things unseen can see them -- but meant that their support be devoted and directed to causing harm to Islam and Muslims. The support of infidels against infidels is not the infidel support which scholars talk about. Therefore, if they supported no one, it would not be in any case infidel, but according to the specific work to be accomplished. The various expressions by scholars are clear due to the interest in this regard.

"This particular issue is one that was deeply discussed in this epoch, praise be to God, especially after the eruption of the modern Crusader attack due to the intense need for it and the involvement of many who joined Islam in it. It is a knowledge that ought to be known, repeated, and confirmed, and it is not boring to report and publish it especially with the spread of fatwas of liars, getting them involved into their religion, and easing the great issues in their eyes until they rendered the religion cheaper than a fine cloth.

"The proof on the infidelity of the supporter of infidels against Muslims are many. Scholars have written separate books on this and more than one agreed on this judgment, one that Muslims still conspire over it and approve it successively until the defeatists or modern irja'iyyin [delayers of jihad] appeared, so they tried to contradict its openness and deceived its introduction in order to comply with the interests of the tyrants, or craving after bits of remains, or ignorance in the religion of God which the guided people followed the right way. They found suspicions between the lines, revealed mushtabih verses and the muhkam verses, and they mixed the right with the wrong and the interests with cases. Hence, people were troubled and strangled until many of them were unable to distinguish between the light and the dark. They added another ordeal to the nation and destroyed strong, fortified, and tight doors of the basics of religion, eased for people to overcome them, and tempted them to go beyond them. The people of infidelity and tyranny rejoiced at that, and the people of right and faith were sad. The apostates prevailed over their forces and entrusted the people with their followers. Hence, the country was destroyed and the blood of the monotheist people of God was shed. The virtuous and pure women were dishonored, and the book of God [Koran], which only the pure people carry, was impure. The prisons were crowded with the bowing and worshipping people. Their parts were detached with the whips of the hangmen, the friends of infidels. Infidelity was allied and supported with armies, weapons, money, consultation (conferences), policies, and agreements, opening of bases, leading battleships, and using the atmosphere. Yet some of those who are affiliated to knowledge doubt the fact that supporting and helping this 'evil alliance' is infidelity and apostasy, for it seeks every refuge or cave for entry aiming that it wins a suspicion that can spread it among the people and claims that it is the right that is only followed by darkness.

God forbid deception and insanity.

"Almighty God said: 'He it is Who has sent down to thee the Book: In it are verses basic or fundamental (of established meaning); they are the foundation of the Book: others are allegorical. But those in whose hearts is perversity follow the part thereof that is allegorical, seeking discord, and searching for its hidden meanings, but no one knows its hidden meanings except Allah. And those who are firmly grounded in knowledge say: 'We believe in the Book; the whole of it is from our Lord:' and none will grasp the Message except men of understanding' [Koranic verse, Al-Imran, 3:7].

"Lady A'ishah, may God be pleased with her, said: 'The Messenger of God, may peace and prayers be upon him, recited: 'He it is Who has sent down to thee the Book: In it are verses basic or fundamental (of established meaning); they are the foundation of the Book: others are allegorical' [partial Koranic verse, Al Imran, 3:7] and continued recitation until 'and none will grasp the Message except men of understanding' [partial Koranic verse, Al Imran, 3:7]. Then he said, 'When you see those who argue in it, using the mutashabih verses [a mutashabih verse can have many meanings according to the rules of the Arabic language, while a muhkam verse has only one clear meaning], then there are those whom God meant. Therefore, beware of them.'

"Therefore, those who, in their hearts, are deviated from the truth, intend to use the mutashabih verses in order to throw confusion on the muhkam verses. These people keep on claiming that they use the mutashabih verses to try to repel or to reduce discord. However, their acts, arguments, and falsifications denote that they wish for discord, urge the people on it, and entrap them in it, the same as their predecessors as God says: 'How then, when they are seized by misfortune because of the deeds which their hands have sent forth? Then their come to thee, swearing by Allah. 'We meant no more than good-will and conciliation!' [Koranic verse, Al-Nisa, 4:62]. He also says: 'And there are those who put up a mosque by way of mischief and infidelity to disunite the Believers, and in preparation for one who warred against Allah and His Messenger aforetime. They will indeed swear that their intention is nothing but good; But Allah doth declare that they are certainly liars' [Koranic verse, Al-Tawbah, 9:107]. The Muslim has a duty to warn them and to warn against them. He has to fight their suspicious words through clear knowledge and to cling to the plain truth in order to be one of the firm and successful worshipers of God. He has to refer all the mutashabih verses to clear knowledge, otherwise he will fail. We ask God for well-being.

"Imam Bin-Kathir, may he rest in peace, said: 'Allah states that in the Koran, there are verses that are muhkam verses, entirely clear and plain, and these are the foundations of the Book which are plain for everyone. And there are verses in the Koran that are mutashabih verses not entirely clear for many or some people. So those who refer to the muhkam verses to understand the mutashabih verses will have acquired the correct guidance and vice versa' (*Tafsir Bin-Kathir*, 2/6) [Interpretation of Bin-Kathir].

"Allamah Al-Sa'di, may he rest in peace, said: "But those in whose hearts is perversity' [partial Koranic verse, Al Imran, 3:7] which means a deviation from honesty because their intentions were corrupted, their objective converted into spreading temptation and delusion, and their hearts diverged from the path of right guidance, 'follow the part thereof that is allegorical' [partial Koranic verse, Al Imran, 3:7] which means they leave clear knowledge and adhere to the mutashabih verses. They reverse the fact by relying on the mutashabih verses and not on clear knowledge, 'seeking discord' [partial Koranic verse, Al Imran, 3:7]. Discord occurs due to the ambiguity of the mutashabih verses. Clear knowledge is not subject of discord for it contains obvious truth to those who follow it' (*Tafsir Al-Sa'di* :1/122) [Interpretation of Bin-Kathir].

"One of the clear muhkam verses messages that was asserted repeatedly in the Koran is that supporting infidels and taking them as friends is worse than being out of Islam, and this act renders its perpetrator an infidel. If the latter claimed that he hates and antagonizes the infidels, the Koran accuses him of lying and exposes him. The Koranic verses in this issue are clear and plain and I already mentioned above some of them. The ulema's sayings and fatwas asserting that fact are obvious. That is what mind and instinct require to enhance the rule of the Shari'ah. How could a person be friends with someone then help his enemy to defeat him, lead his enemy to the way of hurting him, and support his enemy financially in order to reach his points of weakness? Then he claims that he is his friend and his advocate. Who will believe him? Imam Hamad Bin-Utayq, may he rest in peace, said in another example: 'Let us take for example, God has the utmost example, that you are a property of another person who is your

master. The reason you are a property is that you have personal interests and you will be protected from harm. Your master has enemies. Is it right that you take your master's enemy as a friend even if your master did not forbid you from that friendship? How would it be if he prohibited you severely and imposes upon you as an advocate to be submitted to torture and indignation, to accept what you hate and to be banned from what you love? How would it be if your master's enemy is your enemy? If you supported him, you will be one of the ignorant tyrants!!' (*Sabil al-Najat wa al-Fikak*) [Means of Salvation and Escape]

"The situation reminds of a poet's words:

"You support my enemy and then you claim that I am your friend
"Oh I know you well.'

"Some others said:

"If your friend supports your enemy, he shows enmity toward you and that is it.'

"There are some believers who wonder about those people who supported the enemies of God Almighty for the reason that they fear their community. Therefore, they went with the flow, 'took precautions' and became advocates of God's enemies for their own safety and interest as they claim. People like that are numerous these days. The decease grew in their hearts, the fantasy blinded them, and the illusions of wisdom and interest corrupted their thoughts. Their only truth is 'we fear our community.' If they would have been filled with the light of inspiration and guided by the Koran and would have bound themselves to embed it, they would not have reached this level of falsification and their thoughts would banned them from any manipulation concerning the Almighty God's Koranic verses. God says: 'O ye who believe! take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them. Verily Allah guideth not a people unjust. Those in whose hearts is a disease, thou seest how eagerly they run about amongst them, saying: "We do fear lest a change of fortune bring us disaster.' Ah! Perhaps Allah will give (thee) victory, or a decision according to His will. Then will they repent of the thoughts which they secretly harbored in their hearts. And those who believe will say: 'Are these the men who swore their strongest oaths by Allah, that they were with you?' All that they do will be in vain, and they will fall into (nothing but) ruin' [Koranic verses, Al-Ma'idah, 5:51-53].

"Imam Bin-Kathir, God bless his soul, said concerning the last two Koranic verses: 'Those in whose hearts is a disease, thou seest' [partial Koranic verse, Al-Ma'idah, 5:52] means doubt, suspicion and hypocrisy. 'How eagerly they run about amongst them' [partial Koranic verse, Al-Ma'idah, 5:52] means that they take initiative to advocate and support them inside and out, saying: 'We do fear lest a change of fortune bring us disaster' [partial Koranic verse, Al-Ma'idah, 5:52] means that they support and advocate the infidels because they fear that some harm happens to them if the infidels won over Muslims and in that case they will be spared. Therefore, God says: 'Ah! perhaps Allah will give (thee) victory' [partial Koranic verse, Al-Ma'idah, 5:52]. Al-Suddi said: 'He means victory in Mecca.' Some others said: 'He means the final judgment.' God says: 'Or a decision according to His will' [partial Koranic verse, Al-Ma'idah, 5:52]. Al-Suddi said: 'He means punishment for Jews and Christians.' When He says: 'Then will they' [partial Koranic verse, Al-Ma'idah, 5:52], He means the hypocrites who advocated the Jews and the Christians. When He says 'the thoughts which they secretly harboured in their hearts'[partial Koranic verse, Al-Ma'idah, 5:52], He means their support to the infidels, and when He says 'repent' [partial Koranic verse, Al-Ma'idah, 5:52], He means they repent of their position of supporting infidels, which did not pay them any gain and did not spare them from any harm. That position uncovered their sins; they were exposed and God revealed their offenses to His true worshipers after they were covered. When they were exposed, the true worshipers of God knew their reality and were shocked by their appearance as believers. They used to swear that they are believers, but their lies and falseness were unveiled and that is why God says: 'And those who believe will say: 'Are these the men who swore their strongest oaths by Allah, that they were with you?' All that they do will be in vain, and they will fall into (nothing but) ruin' [Koranic verse, Al-Ma'idah, 5:53] (*Tafsir Bin-Kathir* : 3 / 132, 133) [Interpretation of Bin-Kathir].

"Concerning the phrase 'then will they' [partial Koranic verse Al-Ma'idah, 5:52], Imam Al-Baghawi, may he rest in peace, said: 'He

means those hypocrites' and concerning 'the thoughts which they secretly harbored in their hearts'[partial Koranic verse Al-Ma'idah, 5:52], he said: 'Supporting the Jews and giving them tips' (*Tafsir Al-Baghawi*: 3 / 68) [Interpretation of Al-Baghawi].

"Imam Al-Shanqiti, may he rest in peace, said: 'In this praiseworthy Koranic verse, the Muslim who supports the Jews and the Christians becomes one of them and somewhere else, he explained that this support causes the rage of God, and the eternal torture by Him because if their supporter was a believer, he would not be supporting them. God says: 'Thou seest many of them turning in friendship to the Unbelievers. Evil indeed are (the works) which their souls have sent forward before them (with the result), that Allah's wrath is on them, and in torment will they abide. If only they had believed in Allah, in the Messenger, and in what hath been revealed to him, never would they have taken them for friends and protectors, but most of them are rebellious wrong-doers' [Koranic verses, Al-Ma'idah, 5:80-81]' (*Adwa al-Bayan*: 1/437) [Book written by Imam Al-Shanqiti].

"God also says: 'O ye who believe! take not for friends and protectors those who take your religion for a mockery or sport,- whether among those who received the Scripture before you, or among those who reject Faith; but fear ye Allah, if ye have faith (indeed)' [Koranic verse, al-Ma'idah, 5:57].

"Concerning that Koranic verse, Allamah Al-Sa'di, may he rest in peace, said: 'He forbids His worshipers from being friends and supporters to the Jews and Christians, from revealing for them the secrets of believers, and from helping them in their tasks that harm Islam and the Muslims. The faith of the believers forces them not to be advocates to infidels and to antagonize them. Hence, if the believers follow the fear of God, accomplish His orders, and keep away from His fury, they must treat them as enemies' (*Tafsir Al-Sa'di*: 1/236).

"Almighty God says: 'Why should ye be divided into two parties about the Hypocrites? Allah hath upset them for their (evil) deeds. Would ye guide those whom Allah hath thrown out of the Way? For those whom Allah hath thrown out of the Way, never shalt thou find the Way' [Koranic verse, Al-Nisa, 4:88].

"Among the interpretations of the reason behind the revelation of this verse was what Imam Ibn-Jarir al-Tabari narrated and reviewed on the authority of Ibn-Abbas, may God be pleased with him, who said: 'There were some people in Mecca who spoke of embracing Islam but they were actually backing the infidels. Once they left Mecca, they said: 'If we met the companions of Muhammad, 'peace be upon him,' they will not harm us because they will consider us Muslims.' However, when the believers were told that they left Mecca, a party of them said: 'Let us attack the deceitful. They back your enemy against you.' Nevertheless, another party of believers said: 'How strange! Will you kill people who say what you say? Will you permit shedding their blood and capturing their possessions only because they did not immigrate and did not leave their houses? Thus, there were two parties of believers. The prophet, however, did support any of the two parties. That was why this verse was revealed' (*Tafsir Al-Tabari*: 8/11) [Explanation of Al-Tabari].

"Whoever reflects on Almighty God's Book will realize that the term 'backing' is frequently used in the Koran and is usually bound with some judgments. Backing actually means to support and strengthen a certain party. Thus, those who back the infidels against Muslims have supported and encouraged them to harm Muslims. That was why it was called 'backing.'

"Scholar Ibn-Ashur said: 'Backing means cooperation. For example, he backs someone means he supports and helps someone. The Almighty says: 'Nor aided any one against you' [partial Koranic verse, Al-Tawbah, 9:4]. All the derivations of the word 'backing' are derived from the abstract noun 'back.' Therefore, the meaning of 'backing' refers to the action of covering one's back and strengthening one's position. That is why the verb to back does not have an original abstract verb [in Arabic]' (*Al-Tahrir wa Al-Tanwir* 15/179) [Editing and Enlightening].

"Almighty God says: '(But the treaties are) not dissolved with those Pagans with whom ye have entered into alliance and who have not subsequently failed you in aught, nor aided any one against you. So fulfil your engagements with them to the end of their term: for Allah loveth the righteous' [Koranic verse, Al-Tawbah, 9:4].

"In this verse, the Almighty orders Muslims to remain faithful to their covenants with infidels and not to wage wars against them as long as these infidels did not back anyone against Muslims. However, once they back any party against Muslims, the covenants are annulled.

"Imam Ibn-Jarir, may God have mercy on him, said: 'If the infidels did not 'aide anyone against you' or your enemies with their efforts, bodies, weapons, horses, or men, 'fulfill your engagements with them to the end of their term,' which means that you have to be faithful to your covenants with them and do not wage war against them until the end of the covenant between you and them' (*Tafsir Al-Tabari* 6/318) [Explanation of Al-Tabari]

"Almighty God says: 'Allah only forbids you, with regard to those who fight you for (your) Faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong' [Koranic verse, Al-Mumtahanah, 60:9].

"He, Sublime be He, also says: 'And those of the People of the Book who aided them, Allah did take them down from their strongholds and cast terror into their hearts. (So that) some ye slew, and some ye made prisoners' [Koranic verse, Al-Ahzab, 33:26].

"As I have previously mentioned, the scholars have adopted clear-cut expressions in this respect. Not only this, but many of them have unanimously agreed upon this judgment. Everyone who backs the infidels against Muslims and aided them with whatever means of help, he is an infidel because he committed one of the sins that violate one's Islam. Among these opinions, I mention the following:

"Imam Muhammad Bin-Abd-al-Wahhab, may God have mercy on him, said: 'The eighth violator is the backing of polytheists and supporting them against Muslims. The proof of this saying is the Almighty's words: 'O ye who believe! take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them. Verily Allah guideth not a people unjust' [Koranic verse, Al-Ma'idah, 5:51].

"Shaykh Hamad Bin-Atiq also said: 'Backing the infidels [against Muslims], informing them about their weak points, speaking about Muslims' affairs, or being pleased with the status of the infidels, all of these are considered sins leading to one's infidelity. Whoever willingly commits the mentioned acts is an apostate even if he holds grudge against infidels and loves Muslims (*Al-Difa an Ahl al-Sunnah wa al-Atba*: 30) [Defending People of the Sunnah and the Followers].

"Scholar Al-Sa'di, may God have mercy on him, said: 'Whoever commits these sins is not one of God's people. He means that he was separated from God and has no share in God's religion because backing the infidels cannot be gathered with the true faith in one person's heart. Faith orders us to be loyal to God and His believing followers, who cooperate to apply God's religion and perform the jihad against God's enemies. Almighty God says: 'The Believers, men and women, are protectors one of another' [partial Koranic verse, Al-Tawbah, 9:71]. Thus, whoever allays with the infidels, who wish to obstruct God's light and seduce His followers, is not one of the party of the believers, but he becomes one of the party of the infidels' (*Tafsir Al-Sa'di* 1/127) [Explanation of Al-Sa'di]

"Shaykh Salman al-Ulwan, may God set him free, said: 'Be aware, be aware of backing infidels against Muslims with whatever means that might lead to their victory over Muslims. This is a form of infidelity, hypocrisy, sickness in the heart, and debauchery. To be backer of the infidels, it is not a condition to love their religion or be pleased with it. This is a weak principle. Loving the religion of the infidels is a greater sin than backing them against Muslims. This is a new dimension of infidelity even if the backer pretended to love the religion of God and hate the infidels. Many of the infidels did not abandon the truth out of hatred to the truth or the true religion, but they did so because they sought worldly pleasures and desires of positions. Thus, they preferred infidelity to religion of God. Almighty says: 'This because they love the life of this world better than the Hereafter: and Allah will not guide those who reject Faith' [Koranic verse, Al-Nahl, 16:107].

"The story of Hatib, mentioned in the two authentic books [of Al-Bukhari and Muslim], is an example of the great hypocrisy. He was saved because of the witnesses of Badr in accepting his explanation, which was approved by the messenger, God's prayers and peace be upon him. However, Umar [Ibn-al-Khattab] agreed on calling him a hypocrite.

"Almighty God says: 'And he amongst you that turns to them (for friendship) is of them. Verily Allah guideth not a people unjust' [Koranic Verse, Al-Ma'idah, 5:51]. This is because they pledged alliance to them, obeyed them, and supported them with money and guidance.

"The unanimous sayings in this topic are many. I have mentioned this in another part and showed the difference between the backing and the leading. Leading the infidels is a greater sin. As for backing, it includes synonyms equal to leading and other meanings lower than this level. God is the Most Knowledgeable' (*Fatwa fi Hukm al-Jihad ma'a al-Muslimin fi Afghanistan*) [Fatwa on Judgment of Jihad with Muslims in Afghanistan].

"Imam Ibn-Jarir, may God have mercy on him, said: 'This means that believers must not take infidels as their supporters and must not ally with them in their religion or support them against Muslims. The one who does so has abandoned God and God has abandoned him. He has deserted his religion and embraced infidelity' (*Tafsir Al-Tabari* 6/313) [Explanation of Al-Tabari].

"Imam Ibn-Hazm, may God have mercy on him, also said: 'Muslims inhabiting the lands of India, Sind [former Pakistani province], China, Turkey, Sudan, and the lands of the Romans, who cannot leave these lands because of responsibilities, lack of enough money, physical weakness, or difficulties in the road, they have excuses. However, if they were fighting Muslims from these lands by offering any service to the infidels in their fight against Muslims, they are considered infidels. Nevertheless, if Muslims inhabit these lands for worldly affairs, they would be considered as foreigners to the infidels, but they can still join the crowds of Muslims and live in their lands. We ask God for good health' (*Al-Mahalli* 11/200).

"Reflect on the words of this scholar and compare them with the deceiving religious opinions being issued these days, which permit false Muslims who hide under the banner of the people of the cross to kill Muslims in Afghanistan. They do so out of their fear that their national loyalty is questioned. For God, the entire world to be perished is easier than illegitimately shedding the blood of a Muslim. Thus, where will you hide from God's wrath? We do not know where is the care for national loyalty for those who claim to be weak and oppressed. God revealed this verse especially for them. He says: 'When angels take the souls of those who die in sin against their souls, they say: 'In what (plight) Were ye?' They reply: 'Weak and oppressed Were we in the earth.' They say: 'Was not the earth of Allah spacious enough for you to move yourselves away (From evil)?' Such men will find their abode in Hell,- What an evil refuge!' [Koranic Verse, Al-Nisa, 4:97]

"Imam Ali Ibn Hazam, God have mercy on him, recalled two scenarios and differentiated between them:

"The first scenario is that some of the Muslims reside with the non-believers in the enemy's country and aid these non-believers in their fight against Muslims. He recalled that the most minimal form of support is to serve them and spout their rhetoric, and he warned that maximum for support is to agree with their opinions and fight their battles with them. He who does so is a non-believer and outside of Islam.

"The second scenario is that a Muslim resides in their country, under their laws, in the same manner that the laws of Islam are conducted over the people of the book. Nevertheless, he is able to rid himself of them by immigrating to a Muslim country. However, he neither supports the non-believers nor fights the Muslims. Rather, he is restricted in his movements and is tied down to the land. Ibn Hazam spoke of him: he did not distance himself from non-belief and we do not see an excuse for doing so.

"What differentiates the two scenarios is the ruling. [The Muslim] in the first scenario was determined a non-believer while the second was not. The presence of aid for the non-believers in their fight against the Muslims in the first scenario and not the second may have determined the ruling, but only God knows.

"He [Ibn Hazam], God have mercy on him, stated: 'He who joins the enemy's country or non-belief, deciding to fight Muslims is an apostate and all the laws of apostasy would be applicable toward him. Laws such as killing him when possible, sanctioning the acquisition of his wealth, nullifying his marriage, and other such laws because the prophet, peace and prayers be upon him, does not absolve any Muslim.'

"Joining the country of non-believers [or enemies] that was mentioned by Ibn Hazam does not have a direct effect on the ruling, but the story is typical of the images they have of the existence of the distinction between Islam and non-belief. However, the ruling is dependent on him making the decision to fight the Muslims. What is worse than this person is the one who stays in Muslim countries, living among Muslims, and provides God's non-believer enemies with the secrets and news of [Muslims]. [He] monitors them and bares their faults to the [enemy] and leads them to their hiding places of weakness so that they can overtake Muslims. So therefore, he is doing what the non-believers failed to do themselves because their overt fighting of Muslims and the invasion of their lands can be done by their militaries and supporters and they may triumph over them or be defeated. Reaching the ranks of Muslims, traversing their countries, and observing their secrets and examining the depths of their state of affairs can only be done through the 'soldiers' of the spies who feign Islam. Because of this, they are in a dangerous state and subject to greater harm. [God stated]: 'They are the enemies; so beware of them. The curse of Allah be on them! How are they deluded (away from the Truth)' [partial Koranic Verse; Al-Munafiqun; 63:4].

"It is known that a description of fighting is not just specific to an action or a weapon but can include words or writings. This is like those who dedicate their writings to defame the religion, doubt its creed, mock its rulings, and deem God Almighty's prophets imperfect. All this falls under the meaning of fighting that Imam Ibn Hazam recalled. Shaykh Al-Islam [Ibn Taymiyah], God have mercy on him, stated: 'There are two types of fighting: fighting with the hand and fighting with words. In the matter of religion, fighting with words is more harmful than fighting with the hand. Because of that, the prophet, peace and prayers be upon him, killed those who fought him with words and kept some of those who fought him with the hand. What words damage in religions is much more than what the hand damages, just as what is made better by words in religions is much more than what the hand can make better. It has been proven that fighting God and his prophet with words is more severe [than anything else], and that seeking to ruin the religion in the land by words is drudger' (*Al-Sarim Al-Maslul*: 1/392).

"Shaykh Sulayman Al-Ulwan, God relieve him, stated: 'More than one scholar have unanimously stated that aiding the non-believers against the Muslims and helping them money, one's self, or defending them with words is [treated as] non-belief and apostasy from Islam. The Almighty stated: 'And he amongst you that turns to them (for friendship) is of them. Verily Allah guideth not a people unjust' [partial Koranic Verse; Al-Ma'idah; 5:51].

"Shaykh Abdulaziz Bin Baz, God have mercy on him, stated: 'The scholars of Islam have unanimously decided that he who aids the non-believers against Muslims and gives them any form of help is a non-believer like them' (*Majmu' Al-Fatawi wa al-Maqalat*: 1/274).

"Shaykh Ahmad Shakir stated in his book, *Kalimat Haq*: 'Cooperation with the English, in any form, large or small, is intractable apostasy and absolute non-belief. It cannot be excused or explained and a hot-headed fool cannot escape its ruling nor can a policy of infringement, and not even a hypocritical insincere compliment, whether it be from individuals, governments, or leaders. They are all equal in non-belief and apostasy, except for he who unknowingly made a mistake then realized the situation he was in, repented, and followed the path of the believers. Perhaps God will accept the repentance of those people if they are faithful to God and not to politics or people. I think now that every reader does not doubt or need proof and sees that it is obvious that the French in this matter are the same as the English concerning every Muslim on the face of the earth. The hostility of the French toward Muslims, and their excessive hot-headedness in their efforts to eradicate Islam and their war against it are double that of that hot-headedness of the English and their hostility. They are fools in their hot-headedness and their hostility. They kill our Muslims brothers in every Muslim country where they rule or have influence. They commit crimes and atrocities that minimize the brutality of those committed by the English. The ruling for them and the English is equal. Their blood and money is permissible everywhere. It is not acceptable for any Muslims to cooperate with them in any way. The ruling for cooperating with them is the

same as the ruling for those who cooperate with the English: apostasy from Islam no matter what the color, sex, or kind [ethnicity] if the collaborator is.'

"There are many detailed sayings by scholars on this issue and I do not mean to examine them. They all confirm this ruling and clarify it. The discussion of this issue can be summarized in three points:

"The first: a form of aiding the non-believers against the Muslims is spying for them, observing their faults, and reporting news that harms Muslims, whether this spying was by way of writing, words, a camera, or video camera, a recording machine, a telephone, a global positioning (GPS) system, microchips, or any other form. What should be considered is that the description of a spy becomes applicable to him because of his pursuit to gather information that the enemy needs and his attempt to deliver it, not because of the means he used to collect the information. The means of surveillance in this era have become very sophisticated and are still evolving.

"The second: aiding the non-believers against the Muslims and helping them in any way that includes spying by baring faults to them is the greatest non-belief and outside of faith. He who aids them is committing something contradictory to Islam.

"The third: spying on the Muslims for the non-believers by looking for their faults and telling the non-believers about them, under any pretense, is non-belief and apostasy from God Almighty's religion. Non-belief and faith cannot come together in one place just as fire cannot come together with water. Every person who takes on this vile profession, as we described it earlier, is an aid to the non-believers against the believers and fights against God Almighty's religion to which he claims to belong. He who does that has rid himself of Islam and has become an apostate from Islam and a non-believer. If he prays, fasts, and claims he is Muslim, God Almighty states: 'Those who believe, then reject faith, then believe (again) and (again) reject faith, and go on increasing in unbelief,- Allah will not forgive them nor guide them nor guide them on the way. To the Hypocrites give the glad tidings that there is for them (but) a grievous penalty;- Yea, to those who take for friends unbelievers rather than believers: is it honour they seek among them? Nay,- all honour is with Allah. Already has He sent you Word in the Book, that when ye hear the signs of Allah held in defiance and ridicule, ye are not to sit with them unless they turn to a different theme: if ye did, ye would be like them. For Allah will collect the hypocrites and those who defy faith, all in Hell' [Koranic verses; An-Nisa, 4:137-140].

"It is known that a specific characteristic of hypocrites is changing their characters depending on the situation as the Almighty stated: 'When they meet those who believe, they say: 'We believe,' but when they are alone with their evil ones, they say: 'We are really with you: We (were) only jesting" [Koranic verse; Al-Baqara; 1:14]. They feign faith when they are with people of the faith and are untroubled with the non-believers if they meet or see them. They, however, make every effort in the search to find ways to harm the Muslims and report their news to their evil non-believers. This is the greatest of betrayals to God, his prophet, and to the believers, as stated by the Almighty: 'O ye that believe! betray not the trust of Allah and the Messenger, nor misappropriate knowingly things entrusted to you' [Koranic verse; Al-Anfal; 8:27].

"Imam Ibn Jarir, God have mercy on him, said of this verse: 'God Almighty stated to His believers and prophet, peace and prayers be upon him, and his companions: Oh ye who believe the prophet God and his prophet, do not betray God. They betrayed God and his prophet by visibly feigning faith and belief to the prophet, peace and prayers be upon him, and the believers, while they are non-believers veiling their deceit. They lead the non-believers to the faults [of the Muslims] and speak of their news' (*Tafsir Al-Tabari*: 13/480).

"One should know that this ruling is not specific to those who spy for the original non-believers, which include, Jews, Christians, Hindus, Magis, non-believers, or idolaters. The likes of the apostate rulers of our time who spy for the apostates also fall under this ruling. There is no difference in the ruling between them or the others because he [referring to leaders] has committed the meaning of aiding the non-believers against the Muslims, which is contradictory to Islam. About this, scholar Hamad Bin A'tiq said: 'The Almighty has forbidden the believers to support the Jews and Christians, mentioning that he who aids them is one of them. This means that he who aids the Jews is a Jew, and he who aids the Christians is a Christian.'

"Ibn Abu-Hatim, through Muhammad Bin Sirin, said: Abdullah Bin Atibah said: One of you might be a Jew or a Christian without realizing it. He said: We thought he was referring to this verse: 'O ye who believe! take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them' [partial Koranic verse, Al-Maidah 5:51], to the part 'is of them.' He who turns to the Turks is a Turk, he who turns to the foreigners is a foreigner. There is no difference between turning to the people of the book [Jews and Christians] or other infidels (Sabil al-Najah wa al-Fakak [The way to salvation]). The imam mentioned the Turks and infidel foreigners among them because just the part he mentioned has no legitimate judgment about it in the origin, so beware.

"There is also no difference in the judgment between he who is part of the intelligence system or security apparatus. For the members of these organizations, he is one of its personnel and one of its soldiers. This is his original job and his primary task. Even those who participate in it temporarily or as volunteers and are not considered by the intelligence and security systems as fully part of them. The important point, as repeatedly mentioned, is the existence of the characteristics of espionage, not what the spy or his infidel supporters whom he helps with his research, observation, and espionage, think.

"Important point: It is important to note that what I have mentioned here are general and absolute religious judgments that might have some partial exemptions when they are about some notables or individuals whom it has been discovered have some real hindrance, such as real ignorance, a justification, or otherwise. The matter is also not all the same in public, in secret, or in clarity or suspicion. This can be very clear in countries like Iraq, Afghanistan, Palestine, Somalia, Chechnya, or others. What is less than these are stages. The suspicion might increase and the confusion grows from one country to another. Even in a single country, the condition might change from time to time depending on the strength of how the truth opposes wickedness and stands up to the accusations of the people of sin. God is the helper.

"Look at how the Imam Ibn Hazm, may God rest his soul, differentiated between the judgments about those living in a country that is predominantly infidel defending to the degree that this non-belief and their attachment to it are apparent, and considering their announcement of renunciation of Islam. This is compared with those who hide behind it, but are in truth heretical apostates. He mentioned the examples that we quoted from him before. 'Not everyone who lives in obedience to infidels and goes along with them is like them. In Egypt, Qairawan [modern Tunisia] and others, Islam is apparent and their rulers in all cases do not announce their renunciation of Islam. They do indeed belong to Islam, even if in reality they are non-believers].

"As for those who live in the lands of the Qarmatians [10th century movement in eastern Arabia] by choice, then they are no doubt infidels because they openly declare non-belief and renounce Islam, God forbid.

"As for he who lives in a country where there are some signs that can lead to non-belief, he is not an apostate because the name of Islam is visible there in some state of monotheism, as is acknowledgment of the message of Muhammad, God's prayers and peace by upon him, and renunciation of any religion other than Islam, the performing of prayer, the fasting of Ramadan, and the other rules of Islam and faith.

"If a mujahid infidel overcomes one of the countries of Islam and the Muslims there acknowledge their situation and that he is their ruler and the overseer of their affairs, while he is openly following a religion other than Islam, then those who stay with him are infidels, and those who aid him, even if they claim to be Muslim (Al-Mahlai 11/200). His saying 'a mujahid infidel' might have originally been 'a mujahir [clear] infidel' as was noted by more than one writer.

"This shows that the emergence of non-belief, its announcement, and open renunciation of Islam and its rules has a great effect on the judgment regarding the people, especially with regard to the shaykhs of ignorance and the spread of confusion. The situation differs from one country to another and from one age to another, even within one country. Some of the clerics of Al-Malikiah [Islamic school of jurisprudence] differentiated between those who lived under the Ubaydyn in their beginnings, when their truth was not known to the people, and before it was clear and revealed. Abu-Muhammad al-Karani asked one of the clerics of Qairawan about he who is forced by Banu-Ubaud to enter into their belief or be killed. He said: 'He should choose death. No one

is excused from this except those who were present when they first entered the country and before their nature was known. After this, they should flee. Fear is not an excuse if you stay because it is not permissible to remain in a place whose people are asked to not implement the laws of religion. The clerics and worshippers should remain to stand up to them so that the Muslims are not left to their enemy who will cause sedition in their religion' (*Tartib al-Madarik* 2/38).

"The second demand: Achieving what is in the tale of Hatib bin Abu-Balta'ah, may God bless him.

"This is an issue where there is a lot of talk about a point or objection that is often raised when there is talk about what is called the Muslim spy. This is what happened with Hatib bin Abu-Balta'ah, may God bless him, when he wrote to the infidels of Quraysh and informed them that the prophet, God's prayers and peace be upon him, intended to invade them. With all that Hatib, may God bless him, did, the prophet, God's prayers and peace be upon him, did not hand down the ruling on apostasy and non-belief [death]. If the espionage is part of supporting the infidels over the Muslims, which negates Islam, as we say, then was did Hatib, may God bless him, not punished for this support. Nearly all theologians rely on Hatib, may God bless him, to reach the ruling about the Muslim spy, whether he could or should be killed, or if this forbidden, as will follow, God willing. Their basis is that they consider what Hatib, may God bless him, did was espionage. Is not espionage considered a type of support that negates one's belief and goes against what came in the story of Hatib, may God bless him?

"Resolving this issue and answering it will come through a number of points that we will detail, without introduction, with God's help and blessing.

"First point: In mentioning the story of Hatib, may God almighty bless him, Ubayd Allah bin Abu-Rafi'a said: I heard Ali, may God bless him, say: 'The messenger of God, God's prayers and peace be upon him, sent for me and Al-Zubayr and Al-Miqdad. He said: Go now until you reach the Khakh garden. There is a woman there with a message. We left on our horses and found the woman and we said: Give us the message. She said: I do not have a message, so she told her: Either give us the message or we will tear it out of your clothes, so she took out the paper. We took it to the messenger of God, God's prayers and peace be upon him. In it was a message from Hatib bin Abu-Balta'ah to some infidels in Mecca informing them about some of the affairs of the prophet, God's prayers and peace be upon him. He said: What is this Hatib? He said: Do not judge me so quickly. I was passing near Quraysh, but I was not one of them. You have with you among the mujahirin [migrants] some who have relatives in Quraysh and wanted to protect them. I did not have anything to offer them so I wanted to do them a favor. I swear that I did not do this because I doubted my religion or because I accept non-belief after Islam. The messenger of God, God's prayers and peace be upon him, said: He speaks the truth. Umar, may God bless him, said: Oh messenger of God, let me strike this hypocrite's neck. The messenger of God, God's prayers and peace be upon him, said: He witnessed [the battle] of Badr. How do you know? Perhaps God has spoken to the people of Badr and told them to do as they wish because he has forgiven them. So the verse was revealed: 'O ye who believe! Take not my enemies and yours as friends (or protectors), - offering them (your) love...' [partial Koranic verse, Al-Mumtahinah 60:1]. This is narrated by Ahmad, Al-Bukhari, Muslim, Abu-Dawud, Al-Tirmazi, Al-Nisai and others. The shaykh of Islam [Ibn-Taimiyah], may God rest his soul, wrote: 'This story is one that the people of knowledge agree on and is repeated by them. It is known to the interpreters and clerics of Hadith, battles, stories, and history, as well as the experts of theology and others' (*Minhaj al-Sunnah al-Nabawiah* 4/331).

"There are many differences in how the Hadith is recorded, but their meaning is nearly the same. We will mention some of these as the need arises. What is meant here is that it is proven that Hatib, may God bless him, did write to Quraysh with some of the secrets of the prophet, God's prayers and peace be upon him, and told them that the prophet, God's prayers and peace be upon him, intended on invading them, as came in the wording of the Hadith by Ali, may God bless him: 'We took it, meaning the letter, and gave it to the messenger of God, God's prayers and peace be upon him. He opened it and read it. In it was the following: From Hatib to the people of Mecca. And now: Muhammad wants you, so beware and be prepared' (*Al-Sunan al-Kubrah* by Al-Buhaiqi 9/147).

"The shaykh of Islam, may God rest his soul, wrote: 'This letter informed the infidels that the prophet, God's prayers and peace be

upon him, wanted to invade them and God informed him [the prophet] of this' (*Al-Jawab al-Sahih* 6/137).

"In some of the books about the battles, there was the text of the letter sent by Hatib to the infidels of Quraysh, as mentioned by the Imam Ibn-Hajar, may God rest his soul: 'Some of the people of the battles, in the interpretation of Yahia bin Salam, noted that the wording of the letter was: And now, people of Quraysh, the messenger of God, God's prayers and peace be upon him, will come to you with an army at night, marching like a flood. I swear that if he comes to you alone, God will make him victorious and will fulfill his promise. So look at yourselves and for peace. This is how it was narrated by Al-Suhayli.

"Al-Waqidi narrated, with his own support, that Hatib wrote to Suhayl bin Amr, Safwan bin Umayah, and Akramah that 'the messenger of God, God's prayers and peace be upon him, has announced an invasion and I see you as the only target. I wanted to have a favor with you' (*Fath al-Bari* 7/520).

"As I mentioned before, some Hadith clerics have concluded that what Hatib did, may God bless him, was espionage because it is in fact informing the infidels of Quraysh about some that the prophet, God's prayers and peace be upon him, had told them in confidence.

"Second point: It is necessary to note about this that even if there is a common name between what Hatib, may God bless him, did and what the spies of this age, the subject of this research, do, this does not mean in any way that the two situations are the same. He who reads the message of Hatib, as we mentioned above, will realize that his belief was solid and was truly a supporter of God, his messenger, and the believers. He did not betray Islam and its people and did not wish they be defeated and turned back, neither did he strive and seek this. He caused fear in the hearts of the infidels and did not move away, neither in body, spirit, or heart from the camp of Islam and support for its people, either in public or in secret. He did not move to his enemies the infidels. He merely wrote some personal lines that he did not imagine could cause the least harm to the prophet, God's prayers and peace be upon him. All of this happened at a moment when he felt sad for his children and so wanted the infidels to owe him a favor so that this would be a way to protect his children.

"Nonetheless, the tactics that he undertook were more like casting fear and instilling alarm in their hearts rather than acquainting them with secrets and information that they could use to harm Islam and Muslims. His faith in God's triumph, his love for the messenger of God, prayers and peace be upon him, alignment with his party drove him to say in his message: 'The messenger of God, prayers and peace be upon him, came unto you with an army that is as stealthy as nighttime and that marches like a torrent. But by God had he come unto you all alone, God would have granted him victory and realized for him His promise.'

"The predominance of fatherhood and his compassion on his children drove him to write: 'The messenger of God, prayers and peace be upon him, called upon the people to conquer and I do not see what he wanted other than all of you, and I wanted to participate in aiding you.' With this concise expression and lack of manifesting any sign of evident manifestation in it, for the matter did not exceed being a notification in order for them to be cautious as he had told them 'Look out for yourselves.'

"Nonetheless, it contained verses that hit the ears and shook the hearts. They contained threats, menaces and serious warnings from their supporting them as well as scaring them away from thinking well of them or being inclined to them. So can this be compared to 'today's soldiers,' the concealed spies, who are emerging all over the world from east and west, who have established themselves and are fully prepared to run to the non-believers, seeking them night and day to inform them with detailed information and follow-up reports who observe the mujahidin and their followers' movements like wolves who observe their prey and who search for their posts and camps in a careful and diligent manner. They have been fully trained -- and in a hidden manner due to their importance -- on how to perform the tasks that cause the utmost harm to Muslims from the psychological, honor, financial, and dwelling point of view; and which benefit their infidel guardians to a great deal, not only to benefit themselves but also to have something to lean on when depicting their plans, reaching their goals, and the extreme inconveniencing of Muslims and their religion.

"Hatib, may God be content with him, never made himself part of the untrue camp nor did he ever assume that harm could befall

the prophet of God, may peace and prayers be upon him, and the Muslims. Let aside striving to hunt him and work on harming him. Harm could have come with or been a result of his deeds in spite of the farfetchedness of this being an actual assumption. He never wished that the non-believers' word would be the topmost nor did he strive to that. He did not perform what he performed either in agreement or consolidation with the untrue camp or out of commitment to them or as a result of commission by them. This was not based on continuous labor or a permanent job for which he would be paid a salary or a stipend that he would earn for every report that he would present or a goal that he would observe. When his affair was discovered, he did not align himself with the untrue camp nor did he run off to its guardians in order that they would protect him, reinforce him, honor him, or reward him for the great services, the important information and the great tasks that he performed for them. He on the contrary admitted to his error and confessed his offense with sincerity, clarity, and frankness.

"So there is no comparison between all that we mentioned and what the 'soldiers of today' are doing. Those soldiers of today who, as I have frequently mentioned, are not different in any way from the open military armies in their support, aid, patronage, and alignment with the untrue people, and their intentional pursuit of harming Islam and Muslims and diligently working on elevating the word of the non-believers. The only difference is that these armies publicly announce what they do, while 'spies' hide their secrets, delude, and disguise themselves in order to skillfully perform their tasks and multiply the harm and damage that they cause. For God the Great and the Almighty truthfully said about them: 'Those who turn back as apostates after Guidance was clearly shown to them, - the Evil One has instigated them and busied them up with false hopes. This, because they said to those who hate what Allah has revealed, "We will obey you in part of (this) matter"; but Allah knows their (inner) secrets' [Koranic verse Muhammad; 47:25-26].

"Therefore, there is no doubt that these spies are among those who signed agreements and endorsed treaties with the non-believers -- whether they were Jews, Christians, apostates or others -- who 'detest what God has delivered' by being obedient to them 'in certain things' including the disclosure of Muslim secrets, disgracing shelters of the believers, exposition of monotheists' faults, and the disclosure of their shortcomings in order to harm the mujahidin.

"Al-Shanqiti, a scholar, may God have mercy upon him, said in his interpretation of the-above-mentioned verse: 'The verse apparently proves that part of what they told them with regard to obedience means that we will give you what God has delivered and He hated those who are being obeyed.' The holy verse proves that all those who obey them who detest what God has delivered by assisting them to hate him and to support them in the untrue, is a non-believer in God, proof of which is in what God the Almighty said: 'But how (will it be) when the angels take their souls at death, and smite their faces and their backs? This because they followed that which called forth the Wrath of Allah, and they hated Allah's good pleasure; so He made their deeds of no effect' [Koranic verse Muhammad; 47:28] (Adwaa al-Bayan: 441/7).

"He also said: 'The reality that cannot be denied is that the content of all these verses in general is in what their words mean, for all that they contain are threats to those who obey those who detest what God has delivered.'

"The issue of which I am aware is that every Muslim at this time should think about these verses, the verse of Muhammad and what it administers and be very cautious about the threats it contains because most of the non-believers in the east and the west detest what God has delivered to His Messenger Muhammad, may the prayers and peace of God be upon him, and that is the Koran and norms that the prophet, prayers and peace be upon him, clarifies through it. For all those who told the non-believers who detest what God has delivered: we will obey in some matters, is included in the threat contained in the verse. All the more those who tell them: we will obey you in the matter such as those who follow the installed rules thus obeying those who detest what God has delivered. There are without doubt those among them whose lives the angels take [in a state of wrong-doing to their own souls, part of the Koranic verse Al-Nahl; 16:28], pounding their faces and their rears because they had followed what angered God and did not favor His paradise. He [God] was angry at their actions, so be very cautious of being among those who said 'we will obey you in certain matters' (Adwa al-Bayan: 443/7).

"So can Hatib's stagger, may God be content with him, which was assumed to have been made, be considered equal to the

continued regular job that those are performing, except by a person who lost his mind and does not know what he says. So what is the relationship between the rich and wealth and those who charge blood money and those who are mannerly? For this reason do I believe that the relationship of Hatib, may God be content with him, and the rulings that we are searching regarding the spies of the time, is only the relationship of the 'first' [example]. None of the rulings deviate from these relationships. That is to say that all the intensification, fault finding, and rulings that are proven against Hatib should be made a hundred times more against the spies of the time. I do not believe that the first scholars, may God have mercy upon them, on investigating the issue of the Muslim spy thought that the matter would reach what it did today from the point of view of skillfulness, training, orderliness, organization, recruitment, prejudice, expenditure, warranties, protection when necessary, and other such rights that the spy receives versus his performance. It is therefore a huge mistake to apply their sayings that pertained to partial cases and transient slips to the modern images. So may this matter be taken into consideration and not be unattended, in order that no one who, after being steadfast, stumbles; and it is God the Almighty who is Knowledgeable.

"Third point: The matter that is absolutely decided upon is that Hatib, may God be content with him, did not become a non-believer because of the information he provided to the non-believers of Quraysh; that is, that he did not flee outside the creed of Islam. What prevented his being considered a non-believer was one of only two possibilities: first, that Hatib's correspondence, may God be content with him, with the non-believers of Quraysh was not originally an expiatory matter, but only a wrongdoing like any other wrongdoing which is less than expiatory; and second, that the same deed that Hatib, may God be content with him, had committed was expiatory, but was not considered so because it was assumed to have been committed.

"Neither case, as some scholars have said -- actually most, as I have discovered, with respect to what Hatib, may God be pleased with him, has done -- did not warrant disbelief. It is rather a grave sin. With respect to his action, it is not rooted in spying activities, based on what we referenced from what a number of scholars have previously addressed. The fact of providing the non-believers with information on the weaknesses of the Muslims in an effort to provide them with a gained advantage in their war is a type of clear action that takes one out of the creed. Such a person is not a follower of God and God has disavowed him as he has done to God with his apostasy and entry into non-belief.

"It is from this that I point out that the ruling regarding the action of Hatib, may God be pleased with him, and whether he is to be considered a non-believer or not, is in fact a matter that one must strive to deduce and the matter itself is not an issue of indoctrination. It should rather rely on the strength of the evidence and its weight provided that all is based on the teaching of the Sunnah and Jama'ah scholars, those who do not require a ruling of permissibility or ingratitude toward actions or phrases that may constitute non-belief. They must be able to differentiate between outright non-belief and specific labeling of disbelief based on the availability of the necessary requirements or the absence of such knowledge where one does not know what is in the heart of the person who carried out such an action or uttered such a phrase.

"They must also not stand in the way of applying the proper ruling to someone who has committed an act or uttered a phrase of non-belief with respect to matters of this world. One must remember that such an action is only permissible as God sees fit for it is common that someone may commit an obvious act of non-belief out of greed, gluttony, and the love of the luxuries of this life instead of those of the hereafter. This is referred to when the almighty God says: 'Any one who, after accepting faith in Allah, utters Unbelief,- except under compulsion, his heart remaining firm in Faith, but such as open their breast to Unbelief, on them is Wrath from Allah, and theirs will be a dreadful Penalty. This because they love the life of this world better than the Hereafter: and Allah will not guide those who reject Faith' [Koranic verse, al-Nahl, 16:106-107]. The Almighty also says: 'Of Allah, to Whom do belong all things in the heavens and on earth! But alas for the Unbelievers for a terrible penalty (their Unfaith will bring them)!- Those who love the life of this world more than the Hereafter, who hinder (men) from the Path of Allah and seek therein something crooked: they are astray by a long distance' [Koranic verse, Ibrahim, 14:2-3]. It is because of this that I will object to those that label Hatib, may God be pleased with him, is not a non-believer since his actions were out of his whims for this life. I will say this to any one who uses this as the reasoning behind not labeling him a non-believer. This can be also supported in what the Imam Ibn al-Arabi al-Maliki, God rest his soul, has said: 'The fourth issue: Anyone that seeks out the weaknesses of Muslims and exposes them by giving that information to their enemies is not necessarily a disbeliever if his actions were influenced by worldly

whims or if he thought he was doing the right thing. This is applicable to what Hatib Bin Abu-Balta'ah has done when his intentions were out of the need for support and he had not intended on apostasy' (Koranic rulings, 7-295). Al-Qurtubi, God rest his soul, has a similar response, as he usually does in relaying the teachings of Imam Ibn al-Arabi. He believes that such is the correct deduction with respect to anyone who seeks to warn others about the weaknesses of the Muslims, seeks them out, and provides that information to the non-believing enemy.

"The fallibility of this statement and its danger are clear for all to see. Is it not true that anyone who turns his back and denies the truth after he is made aware of it is only out for his 'worldly whims.' 'Then, for such as had transgressed all bounds, And had preferred the life of this world, The Abode will be Hell-Fire' [Koranic verse, al-Nazi'at, 79:37-39]. Whether his whim is out of his hunger for wealth, his loyalty to a nation, his love of his home, or in seeking prominence, or anything of the sort, all this is categorized as a preference for this life over the hereafter. If we are to use this excuse to object to labeling the individual who carries out an act of exposing the weaknesses of Muslims and providing that information to their enemies as a non-believer since his actions are out of his whims for worldly issues, it would not be possible to label anyone a non-believer until God himself does so: 'Say: If it be that your fathers, your sons, your brothers, your mates, or your kindred; the wealth that ye have gained; the commerce in which ye fear a decline: or the dwellings in which ye delight, are dearer to you than Allah, or His Messenger, or the striving in His cause;- then wait until Allah brings about His decision: and Allah guides not the rebellious' [Koranic verse, al-Tawbah, 9:24].

"The only exception would be if it is said that Imam Ibn al-Arabi's intention is that providing the non-believers with information on the weaknesses of Muslims is not inherently an act of non-belief since it is driven by a worldly desire and it is not the intention to state that those who commit an act of non-belief are not necessarily non-believers. Such would be associating the ruling with the act and not nearly the individual behind the act. The difference between the two cases, in their various dimensions, is that in the first case, the act of providing information on the weaknesses does not make one a non-believer if that is driven by a worldly desire, and there would be no objection to labeling him as a non-believer since his intentions are worldly. It is rather the act is this compound adjective itself dose not alone constitute non-belief.

"As for the second case, the ruling is applicable to the act of observing, seeking, and repeatedly providing information on the weaknesses, something the takes one out of the creed and into non-belief while objecting to labeling the individual behind this action as a non-believer since his intentions are worldly. In both cases, it is wrong, while the second case is, without a doubt, worse off than the first, and its meaning is closely related to what Imam Ibn al-Arabi, god rest his soul, has stated, and what Imam al-Qurtubi, God rest his soul, has relayed on his behalf. Every rider will have setbacks, every puritan will have a vision, and every scholar will have his lapse.

"Let us first relay what some scholars have sated regarding this issue and then we will digress toward what is most likely correct, with the grace of God. As for the first likelihood, where Hatib, may God be pleased with him, and his action does not warrant non-belief and an exit from the creed but rather a sin that can be wiped away with virtues. This is what some scholars have leaned toward and here are some of their statements:

"Imam Al-Tahawi, may God rest his soul, said: 'Hatib had his witnesses and he was well regarded from the notables. He had not committed something that necessitated the punishment of al-had [death] but another punishment, but the messenger of God, God's prayers and peace be upon him, did not do this because of the notables with him, because the notables can lift a punishment that is not a had, but not a punishment that requires a had' (*Mushkil al-Athar* 9/485).

"The Shaykh of Islam Ibn Taymiyyah, may God rest his soul, said after he mentioned the story of Hatib, may God bless him, that 'this shows that a great good deed is used by God to forgive a grave sin' (*Al-Fatawa al-Kubra* 3/446).

"The Imam Ibn al-Qayim, may God rest soul, wrote about the lessons learned from the Hatib letter: 'In it is that the grave sin, other than non-belief, can be canceled out with a great good deed as happened with Hatib, with his witnessing of Badr. This great good

deed has great benefits and includes God's love, blessing and happiness, and joy with the angels that was greater than the sin and its bad ramifications and God's disliking of it. The stronger overcame the weaker and negated it and neutralized its effect' (*Zad al-Ma'ad* 3/372).

"The knowledgeable Ibn al-Wazir, may God rest his soul, said: 'Hatib bin Abu-Balta'ah was not declared an apostate even with his betrayal of the messenger of God, God's prayers and peace be upon him and his people, and what came in the beginning of the Al-Mumtahinah chapter [of the Koran]. In it God Almighty said: '...offering them (your) love...' and '... (take them not as friends), holding secret converse of love (and friendship) with them...' [excerpts from Koranic verse, Al-Mumtahinah 60:1].

"God Almighty said: '...And he amongst you that turns to them (for friendship) is of them...' [partial Koranic verse, Al-Maidah 5:51] and yet described them as believers in the beginning of the verse and said: 'O ye who believe...' We said that he was included in the message because the general stated this and this is why God included him with the believers and addressed him in the most beautiful manner saying: 'Take not my enemies and yours as friends (or protectors)...' [partial Koranic verse, Al-Mumtahinah 60:1]. 'It is also proven that the messenger of God, God's prayers and peace be upon him, accepted his excuse' (*Ithar al-Haq ala al-Khulq* 400). His words are not clear that what Hatib did was not apostasy in principle, but this can be so and it can withstand the other meaning especially that at the end of his words he said: 'It is also proven that the messenger of God, God's prayers and peace be upon him, accepted his excuse,' it can be understood from 'accepted his excuse', meaning his reasons for committing what he did. These reasons removed the consequence of apostasy from the act. It is certain that what is not meant is that in accepting the excuse the prophet, God's prayers and peace be upon him, was accepting and condoning this excuse, which Hatib, God bless him, gave. It should not be understood that this excuse is a religious permission to commit what Hatib, may God bless him, did.

"As we see, some cleric have concluded that Hatib, may God bless him, was not an apostate because he was included in God's words: 'O ye who believe...' because if he had been an apostate he would not have been addressed as a believer, and this is correct. However, this should not be taken to mean that what Hatib did is not apostasy in principle because not declaring Hatib an apostate does not mean that the action itself was not an act of apostasy because he might have a legitimate excuse that would remove the judgment of apostasy from him.

"As for the second possibility, this is that Hatib's action was indeed an action of apostasy but Hatib was not declared an apostate because of a hindrance in his favor. Of this:

"What the Imam Al-Jawzi, may God rest his soul, wrote: 'The judge Abu-Ya'ali said: This noteworthy story is evidence that fear for money and child does not permit secrecy in showing apostasy. It also permits fear for one's life. This is shown in God Almighty commanding migration and in not permitting them to stay behind for their wealth or children. Hatib thought that this was permitted in order to defend his son and that he was permitted to defend himself with this secrecy. Umar said let me strike the neck of this hypocrite because he believed that he had committed this without justification' (*Zad al Masir* 6/17).

"His words, may God rest his soul, were clear that what Hatib, may God bless him, did was apostasy, but the judgment against him was stopped because of his excuse.

"What is possible about this meaning and close to what judge Abu-Ya'ali said are the words of imam Abu-Bakr al-Jasas al-Hanafi in his interpretation of the Al-Mumtahinah chapter [of the Koran]: 'On the surface, what Hatib did does not mean apostasy because he thought that he was allowed to do this in order to defend his son and wealth just like he is allowed to do the same for himself with secrecy and publicly saying the words of non-belief. If this was the thought behind what he wrote then it does not necessitate apostasy. If this necessarily meant apostasy then the prophet, God's prayers and peace be upon him, would not have forgiven him and believed what he said while knowing he was an apostate. Umar asked for permission to strike his neck because he thought that he had committed this without a reason...' "

"And in this verse, there is an indication that fearing for one's property and dependants does allow the righteous to demonstrate

Kufr because Allah forbade the believers from actions such as Hatib's although he acted for fear for his dependants and property. And our companions said that if a man is told 'I will kill your child if you believe' he is not allowed to demonstrate Kufr' (*Ahkam al-Kuran* 9/50).

"And the assumption meant in his words (may God's mercy be upon him) 'and such assumption emanated from the message, etc' is the interpretation Hatib gave himself when sending the message, and that is indicated in his saying from Umar, may God be pleased with him, 'because he assumed that he acted without ta'wil' meaning this is why he declared him a kafir and asked to chop off his head, and God Almighty knows best.

"Many modern scholars endorse this view and say that what Hatib, may God be pleased with him, did was kufr, or a great hypocrisy, because it is a type of assistance to the infidels against Muslims, but he was not ascribed with kufr [rejection] because of his ta'wil, and some of them hardly cite the other viewpoint and do not refer to it in the least for the ruling that came on him has been ascertained. And it is understood from the sayings of some scholars that Hatib, may God be pleased with him, had made permissible a prohibited matter, and that it is kufr, however he did so after ta'wil, and that is why he was not ascribed with kufr, the purpose is not that they stipulated an expiation in an act that lead to kufr, however they stated that Hatib made permissible an act that was forbidden, and this act to make permissible [an act that is forbidden]is regarded as kufr, however, he made it permissible after ta'wil.

"Imam Ibn al-Jawzi, may God's mercy be upon him, said, 'This Hadith has shown that the rule on al-muta'awil in making permissible what is forbidden is different from the ruling on he who deliberately make it permissible without ta'wil' (*Kashf al-Mushkil* 1/99) and Imam al-Baghawi, may God's mercy be upon him, said, 'In the Hadith of Hatib, there is evidence that the ruling on al-muta'awil in making permissible what is forbidden is different from the ruling on he who deliberately make it permissible without ta'wil' (*Sharh al-Sunna* 11/75).

"What is preferable and understood, and God Almighty knows best, is what was endorsed by the predecessors because of one of the great sins and one of the serious misdeeds made by Hatib, may God be pleased with him, but which did not amount to the degree of kufr. However the story itself indicates that the nature of this act -- that is to show Muslims' shortcomings -- is among the matters that could lead to kufr, and it is not as the other sins, hence it does not disagree between what we determined above in assisting and helping the infidels against Muslims and which includes spying for them by exposing their shortcomings -- is an infidelity that is greater than forsaking the creed -- and what was endorsed by many scholars in that the act of Hatib, may God be pleased with him, is among the great offenses that were expiated by good deeds and that is shown in the following:

"First: Hatib's intention was not to inform the infidels on the secrets of Muslim so they exploit them in their war against them or to pave the path for them to subdue them and take control over them, rather the nature of his intention and its base and first demand was to protect his dependents and he did so by informing the infidels about the prophet's plan, may God's prayers and peace be upon him, to invade them and that is clear in the words of Hatib himself when he was asked by the prophet, may God's prayers and peace be upon him, on the reasons that prompted him to his act, 'O Hatib! What is this?' Hatib replied, 'I wanted to recompense for my lacking blood relation to them by doing them a favor so that they might protect my wealth and dependents, while all the companions with you, had their relatives in Mecca who would protect their dependents and property' agreed upon. So, he wanted to have 'help among the people' as a means to achieve his goal which consisted of 'defending his dependents' the truth of what he has done is nothing but the disclosure of a secret only because he was ordered to keep it secret, he disobeyed the order of the prophet, may God's prayers and peace be upon him, as it was recounted in some accounts that Hatib was among the people whom the prophet confided to about his intention to invade Mecca, in the *Musnad* of Abu Ya'ala, may God Almighty be pleased with him, he said, 'When the messenger of God wanted to invade Mecca, he sent to some of his companions and told them that he wanted to invade Mecca, and among those people is Hatib Bin Abu-Balta'ah, and so Hatib wrote to the people of Mecca,' Hadith [as received] (*Musnad Abu Ya'alah*, 1/319) but some scholars pointed out to the weakness of this source.

"Second: Hatib's, may God be pleased with him, act was not an act of assistance, aid, or a demonstration of partiality toward the

infidels against Muslims, which is the subject of penance here, rather it was a betrayal of the messenger of God, may God's prayers and peace be upon him, for he has exposed and revealed the secret he ordered him to keep covered, and what made this act even more hideous and more repugnant is the fact that he exposed that secret to the polytheists, therefore, his act was close and resembled mudhahara [assistance to infidels against Muslims] to a degree that Umar said concerning Hatib, may God be pleased with both of them, 'He has betrayed God and His messenger, and the believers, allow me to chop off his head' [Al-Bukhari]. Al-Tabari recounted that Umar said after the prophet, may God's prayers and peace be upon him, asked him 'Hasn't he participated in Badr?' He said, 'Yes but he failed to keep your secret and he assisted your enemies against you,' (narrated by Abu Ya'alah as well).

"And so, it is well-known that the mere disclosure of the prophet's secret, may God's prayers and peace be upon him, which he ordered to keep silent on is regarded as a great offense at the origin even if it was disclosed to one of the Muslim chosen and intimate friends as it was stated by He, to Whom be ascribed all perfection and majesty" 'And lo! [It so happened that] the prophet told something in confidence to one of his wives; and when she thereupon divulged it, and God made this known to him, he acquainted [others] with some of it and passed over some of it. And as soon as he let her know it, she asked, 'Who has told thee this?' [To which] he replied, 'The All-Knowing, the All-Aware has told me. Say, O Prophet: 'Would that you two turn unto God in repentance, for the hearts of both of you have swerved [from what is right]! And if you uphold each other against him [who is God's message-bearer, know that] God Himself is his Protector, and [that,] therefore, Gabriel, and all the righteous among the believers and all the [other] angels will come to his aid" [Koranic verse, Tahrim, 66:3-4]. And so what if the secret was disclosed to his polytheist enemies.

"Because of this, Imam Ibn Kathir, may God be pleased with him, said after he cited many sayings for the reason for which this word of God was revealed, 'O ye that believe! Betray not the trust of Allah and the Messenger, nor misappropriate knowingly things entrusted to you' [Koranic verse, Al-Anfal, 8:27]. He said, 'The verse is general, although it had been mentioned for a particular reason, and so it was endorsed on the basis of its meaning not on the basis of the reason behind its revelation by the majority of scholars, and betrayal include the small and the big intransitive misdeeds' (*Tafsir Ibn Kathir* 4/41).

"Similar to Hatib's act, may God be pleased with him, is what was recounted on Abu Lubabah Bin Abd al-Mudhir, may God be pleased with him, when the prophet, may God's prayers and peace be upon him, sent him to the Bani Quraidhah and who consented to the judgment of Sa'ad Bin Mu'adh and consulted Abu Lubabah in the matter, and he drew his hand across his throat, intimating that they might be slaughtered, and so the verse was revealed, although the source is weak and cannot be used to dispute.

"Third: Yes, Hatib's act could have resulted in the defeat of Muslims for they [people in Quraysh] prepared knowing that they were about to be invaded, however, that was not his secret of known intention or his wish and what is indicative of that is his message which meant to break up their resolve and discourage and demoralize their endeavor, to magnify the status of the army of Islam which was marching on them, and to emphasize the support that God bestows on his prophet, may God's prayers and peace be upon him, even if he was to confront them alone, all this proved that what he mostly wanted was to save the infidels from eradication, and so they are not attacked in a moment of surprise and to protect themselves and be among the saved ones including his children. Therefore, the issue of Hatib's assistance to the polytheists in their war against Muslims is inconceivable in his act and in his intention and in the content of his message and which he described as 'not harmful to God or His messenger.' Although the truth of his act was to inform the polytheists about one of the Muslims' secret matters so that it benefits them but not to harm Muslims, and so in view of this, some scholars included it in the category that relate to spies for their participation in this act, meaning that he exposed a secret that would be of benefit to the infidels.

"There is a big disparity between he who lives among Muslims and aims at deliberately identifying their shortcomings (weak points) and aims at discovering their lacunas and weaknesses, and strive in trailing their leaders and the secrets of their armies, identify their position, then seeks to communicate them to the infidels in secret so that they exploit them and used them in their fight, and war planning to eradicate the people of Islam, and he who reveals a secret to the infidels so that they benefit from it in protecting

themselves and so as to take precautions versus a benefit that he would gain from them. And although this second example could be regarded as a loyalty to them and a type of espionage in general -- and this is a great offense in religion -- this type of mudahara against Muslims is not clear, and so using it in ascribing someone with kufr is a possibility but it is not irrefutable, and this is when searching for details, inquiring, and asking for explanations about the cause and the purpose as it was done by the prophet, may God's prayers and peace be upon him, with Hatib, may God be pleased with him, comes into play.

"And to further clarify the matter, we would like to give an example. If a man writes a letter to the infidels of Quraysh and inform them about the prophet's, may God's prayers and peace be upon him, decision to invade them and brief them on the route of the Muslim army, their locations, and the number of their soldiers so they lay in wait for them and prepare the necessary apparatus to confront them, there would be no doubt in the Kufr of he who has done so, for the nature of mudahara in this instance is clear, and whatever excuses the doer might claim, his giving precedence to this life over religion is absolute proof, and that is exactly what is being done by this time's spies, and whose active involvement with their protectors in the war is not limited to conveying news and inciting the killing of the righteous. As for Hatib's act, may God be pleased with him, it is far from this picture, however his act took on the character of espionage in view of the fact that he disclosed the secret of the prophet, may God's prayers and peace be upon him, to the polytheists, as for attributing the character of mudahara to his act, that is not clear and God Almighty is Most Knowing.

"And I will give another example to further clarify: if a man lives among the mujahidin, and his concern and endeavor is to follow the leaders and search for news and collect it to ensure its delivery to the infidels, and he finds out that the mujahidin are moving from one city to another, or from one center to another, and would pass through such and such road, and he sends that information to the infidels to inform them so they set up an ambush for them on that road and kill those they can kill and capture those they can capture. There is no doubt that his mudahara is clear and there is a patent and conclusive assistance to those infidels over Muslims, and it is undoubtedly one of Islam's nullifiers. On the other hand, if one of the mujahidin and true and sincere supporters of religion among those who left their homes, properties, and families heard that the mujahidin will be attacking one of the centers in which there is a brother, or a relative and sent to them to get out of the center and stay away from barracks so that they are not killed by the mujahidin's vehement army, the difference between this picture and the one before it is clear in that they came together in the meaning of espionage, for the reality of mudahara in the second instance is not clear and the matter of Kufr in that respect is possible, hence it requires detailing and this is a similar situation to that of Hatib, may God be pleased with him.

"I have seen words by the scholar Abdul Rahman al-Barrak, may God protect him, in which he said that spying upon Muslims by itself does not constitute apostasy. He considered the action of Hatib as support, and it appears to me that both of them are close to being right. The idea of apostasy for spying was not known to the scholars as their words will show. Describing the deeds of Hatib, may God be pleased with him, as support is not clear as you have seen, he said, may God protect him and bless his knowledge and life: 'Even if it becomes necessary to kill a spy who spies on Muslims as punishment, he would not become an apostate just for spying, as evidenced by the story of Hatib Ibn Abu Balta'ah, may God be pleased with him. The prophet, prayers and peace be upon him, accepted his excuse and he did not order him to renew his Islam, and the prophet stated that the reason for God's forgiveness is his participation in Badr [conquest], and this by itself is the best support' (*Fatawi wa Istisharat Al-Islam Al-Yum* 16/431).

"The strangest thing besides this is the story about the consensus [among the scholars] that spies are not apostates, in his response to questions by members of the Hadith forum, when he was asked: What is the act conducted by companion Hatib? And what type is it? And is the one who now commits the same act as Hatib considered an apostate? He replied, may God guide him: 'The prophet, prayers and peace be upon him, did not consider the deeds of Hatib as a reason for his apostasy, and for this reason the scholars unanimously agreed that if a Muslim spies on Muslims, he should not be considered an apostate, but they differed in killing him, and this is a subject of jurisprudence.'

"Fourth: When the book of Hatib was brought to the prophet, prayers and peace be upon him, to read, he asked Hatib; 'What motivated you to do this?' In another narration, 'Oh Hatib, what is this?' In another narration the messenger of God, prayers and

peace be upon him, called Hatib and said to him: 'Did you write this book? He said yes. The prophet said: 'What has motivated you to do this?' (*Fatah al-Bari* :19/396)

"All these stories indicate that the prophet, prayers and peace be upon him, asked about the motivation that pushed Hatib to do what he did. This might lead to the understanding that the deed of Hatib, may God be pleased with him, has different effective motives in the ruling [punishment], as some of those motives might be greater non-belief that takes out a person from the religion and others might not. As Imam Al-Shafi'i, may God have mercy on him, said in this regard: 'As the book would not have tolerated what Hatib said and he also said that he did not do it because of doubt about Islam, but he did it to prevent its people, and it might be a mistake and not for departing from Islam, and the ugly meaning would be that he meant what he said' (*Al-Umm*: 4/264).

"Therefore, Hatib's response to this question and his clarification of the motive for it was proof of denial of his intention to become a non-believer and an apostate as it appears in stories with different terms. Of them: 'I did not conduct it as non-belief or apostasy from religion or accepting non-belief after Islam. In another narration: 'I did not conduct a non-belief, or apostasy or accepting non-belief after Islam, in another narration: 'What I only want to be is a believer in God and His Messenger, and I did not change or exchange.' In another narration: 'By God, I follow God and His messenger.' It is certainly clear that the story is the same. Although these stories are different in wording, they agree that Hatib did not do what he did because of apostasy, or accepting apostasy, or to depart from the religion, or the lack of belief in God and His messenger.

"Here, there are three issues:

"The first issue is concerned with the question of the prophet, prayers and peace be upon him, to Hatib, may God be pleased with him. It might be stated that the prophet, prayers and peace be upon him, question about the motivation, indicates its plurality and diversity, as if the motive was one and it does not tolerate diversity, then it would apply specifically. Therefore, searching for other motives is not anticipated, because originally they do not exist. His question about these motives, although they have no impact or influence in the ruling, is considered chatter, from which the prophet, prayers and peace be upon him, is exalted. Similarly, if all of these motivations are in the same category, meaning apostasy, then his question will be in the status of those who say: What non-belief motives led you to do what you did? This too is distant as long as its impact is the same and it does not change.

"Nevertheless, this report is muddled, considering that the motive, which is the point of the question, is not related to the motive of the heart [intention], but this question might be directed to those who are seen committing explicit atheism to know if they have a significant legitimate excuse or not, as stated in the Hadith of the man who ordered his children to burn him after his death. Abu Sa'id al-Khudri, may God be pleased with him, narrated that the prophet, prayers and peace be upon him, said: 'Among the people preceding your age, there was a man whom God had given a lot of money. While he was on his death-bed, he called his sons and said, 'What type of father have I been to you?' They replied, 'You have been a good father.' He said, 'I have never done a single good deed, so when I die, burn me, crush my body, and scatter the resulting ashes on a windy day.' His sons did accordingly, but God gathered his particles and asked (him), 'What made you do so?' He replied, 'Fear of you.' So God bestowed His mercy upon him. (forgave him)' narrated by Bukhari, Muslim and others and there are similar Hadiths to this one.

"The second issue is related to the response of Hatib, may God be pleased with him, as he did not limit his response to explaining the motive of the act by his saying: 'I did not intend to give up my belief in God and His apostle but I wanted to have some influence among the (Mecca) people so that through it, God might protect my family and property [Hadith],' which is what the prophet, prayers and peace be upon him, asked him about. He did not even attribute it to apostasy from religion or non-belief or changing; which means that Hatib's decision to write the message 'Hafz al-Ahlain' might be attributed to another reason, which is apostasy, non-belief and accepting it. He explained that this issue did not exist and nothing from it forced him to do it. That is why he justified it by his saying: 'I did this neither because of disbelief nor apostasy nor out of preferring Kufr (disbelief) to Islam' [Hadith]. If his writings to the non-believers of Quraysh were considered to be an explicit act of non-belief, then this justification would be meaningless, because the one who commits a definite explicit act of non-belief does not benefit from saying I did not mean to be a non-believer by my act. For example, the one who prostrates to an idol would not benefit from saying that I did not

prostrate to it in non-belief, or apostasy, or in non-belief after faith, because prostrating to an idol is in itself non-belief, whether he did for the sake of non-belief or other reasons. The thing cannot be justified by itself. An example of this would be those who mock the religion; they would not benefit by justifying that they did not mock it for non-belief, or apostasy, or by accepting apostasy after faith, because mockery in itself is apostasy. Therefore, when some of the scoffers protested that they were talking and playing, the legislator did not consider their protest and their justifications were not a reason to refute their non-belief, even if they were truthful in what they claimed: as the plurality of considerations and motives in such an act are not considered and they cannot be depended upon, because they have no impact and because the ruling could not be changed due to them.

"This is as they say: The one who voluntarily acts and says what is considered to be non-belief does not need to be told are you delighted by non-belief, and he does not benefit from saying it did not delight his heart. At this moment, justification has no real meaning and no impact in the Islamic ruling, as Shaykh al-Islam, may God have mercy on him, said: 'If it is said, then Almighty God said: 'But such as open their breast to Unbelief' [Koranic verse, Al-Nahl, 6:106]. It was said: 'This is in agreement with the first [verse], as the one who becomes a non-believer without coercion, has opened his chest to non-belief, otherwise the beginning of the verse would contradicted its end. If it is meant by those who became apostates are the ones who opened their breasts to non-belief, without coercion, then the ones forced will not be the only exception, but it will become necessary to exclude the forced and the unforced person if the latter did open his breast to non-belief. If he voluntarily says non-belief words and he opened his heart to them, then it is non-belief. The evidence for this is the saying of Almighty God: 'The Hypocrites are afraid lest a Sura should be sent down about them, showing them what is (really passing) in their hearts. Say: 'Mock ye! But verily Allah will bring to light all that ye fear (should be revealed), If thou dost question them, they declare (with emphasis): 'We were only talking idly and in play.' Say: 'Was it at Allah, and His Signs, and His Messenger, that ye were mocking?' Make ye no excuses: ye have rejected Faith after ye had accepted it. If We pardon some of you, We will punish others amongst you, for that they are in sin" [Koranic verses; Al-Tauba 9:64-66].

"It was stated that they rejected faith after accepting it according to their words. They said non-belief without believing in it as they were only talking idly and playing. It is confirmed that mocking God's verses is non-belief. This only happens to those whose hearts are open to non-belief, even if the belief in their heart prevented them from saying such words' (*Majmu al Fatawi*: 7/220).

"The third issue: the prophet, prayers and peace be upon him, believed Hatib after his mentioned response and his statement 'you are truthful', shows that the answer itself could tolerate the truthful or falseness, and that Hatib's stated expression could be understood in more than one aspect. Some of these aspects might be truthful and some might be false. The truth is what Hatib, may God be pleased with him, said that he did what he did for his children and not to apostatize from the religion or a return to non-belief. The prophet, prayers and peace be upon him, believed him because of the whole sentence, through proof and defense. The proof was his intention to protect his family, and the defense was his lack of intention to return to non-belief and apostasy, because both parts of the sentence are predicate clauses that might tolerate itself to be true or false. Therefore, considering that the prophet, prayers and peace be upon him, believed some part of it and without the other is an absolute domination without evidence, as if the prophet, prayers and peace be upon him, said: 'Hatib was truthful because by his message he intended to protect his family and he did not do that as non-belief or apostasy'[Hadith]. On that belief he established his provision, which was his saying: 'He is truthful and only say good to him' [Hadith]. He prohibited them from bad things about him and justified it by the sincerity of what he stated. If he said: 'What I did is not non-belief or apostasy' has no impact on the provision, and the prophet, prayers and peace be upon him, believing in him would be meaningless, and he would have paid attention to what is more important, which was teaching Hatib that in this act, you cannot say that I did not do it as non-belief or apostasy. According to the legislator the person who performs the act with this motivation or others, is the same according to him. It is known that a delay in the clarification when needed from the prophet, prayers and peace be upon him, is not permissible. Since, the prophet, prayers and peace be upon him, did not say that and he believed Hatib's explanation, we know that his act was not explicit or definite regarding non-belief; but it is possible. From the clarification of the prophet, prayers and peace be upon him, and his acknowledgment and belief in the response of Hatib, we learn that his act, may God be pleased with him, was not among the takfiri [considering the person non-believer] things. Almighty God is all knowing.

"Fifth: Some argued that the act of Hatib, may God be pleased with him, is non-belief by the different expressions stated by Umar, may God be pleased with him, as he said: 'Allow me to cut off his neck' and his saying: 'He has betrayed God, His Apostle and the believers! Let me cut off his neck!' and in another narration 'Allow me to chop off his head, he is an apostate'. According to the Bazar with a reliable narration ' Allow me to chop off Hatib's neck, he has become a non-believer.'

"Those protestors said that the prophet, prayers and peace be upon him heard these words and depictions from Umar, may God be please with him, and however he did not disavowal his claims, rather he avowed him for what he understood. Umar said about Hatib 'He is a hypocrite' and said 'He has become a non-believer' and this is nothing but the greater hypocrisy and non-belief that deviates from the religion since these two caused Hatib execution.

"It appears, and God knows best, that there is a problem in this conclusion which is that Umar, may God be pleased with him, claimed whatever of judgments and depictions not only against Hatib's action, rather against Hatib himself where he called him a hypocrite and said about him that he became a non-believer. In a narration, he violated and supported your enemies against you, therefore what Umar did was claiming that Hatib, may God be pleased with him, is a non-believer in the presence of the prophet, prayers and peace be upon him. Then whoever says that the prophet, prayers and peace be upon him, did not disavowal Umar's understanding and agreed with him, then must agree upon Hatib's non-belief, hypocrisy, infringement, and support [of the non-believers], this was not limited to only describing his action as non-belief, hypocrisy, infringement, and support [of the non-believers], and absolutely no one says that, everyone agrees that Hatib did not become a non-believer, rather the discord is his exact action.

"Therefore I do not perceive the conclusion that Hatib's action is a non-belief relying on the words of Umar, may God be pleased with him, as a correct approach, because of what I mentioned that Umar, may God be pleased with him, judged the doer and not upon the mere action. In some versions as I mentioned above, Umar openly accused Hatib of non-belief, as some imams took this and derived from it the conclusion that interprets the rule of claiming non-belief against a Muslim that differs from others. Here imam Al-Bukhari, God bless his soul, categorized it in his words: 'the chapter of those who claim non-belief against his brother without interpretation then he is as he says.' The imam Al-Badr al-Ayni, God bless his soul, said: 'Put it under check, because if he interprets it as non-belief then he is pardoned and not guilty, therefore the prophet, prayers and peace be upon him, pardoned Umar Ibn al-Khattab, may God be pleased with him, in attributing hypocrisy to Hatib Ibn Abu Balta'h in his interpretation, since Umar Ibn al-Khattab thought that he became a hypocrite because he wrote to the non-believers a letter that contains an explanation of the messenger of God's army situation, prayers and peace be upon him' and after this chapter Al-Bukhari categorized it when he said: 'The chapter of those who do not see claiming non-belief who said this as an interpretation or without knowledge. And Umar said to Hatib Ibn Abu Balta'h that he is a hypocrite, then the prophet, prayers and peace be upon him, said how would you know, perhaps God looked at the people of Badr and said I forgive you.' So it is obvious that Al-Bukhari, God bless his soul, perceives that Umar claimed non-belief against Hatib and he sought the non-belief that deviates from the religion, but Umar was pardoned because he had his own interpretation. Ibn Batal, God bless his soul, said: 'Al-Mulhib said: the meaning of this chapter is that the interpreter is pardoned and not guilty. Don't you see that Umar Ibn al-Khattab said to Hatin when he wrote to the non-believers with the prophet's consent that he is a hypocrite, so the prophet, peace be upon him, pardoned Umar for his accusation of hypocrisy which is the worst disbelief and Umar did not become a non-believer due t Hatib's doings' (*Sharh Ibn Batal*: 17/353).

"The imam Al-Bihqi, God bless his soul, said: 'Umar called him a hypocrite while he was not, even as the prophet, prayers and peace be upon him, believed him about what he said about himself, Umar did not insist in a non-disbelieving way because he claimed that he is a non-believer through his interpretation and what Umar was aiming for was probable' (*Shu'ab al-Iman* 1/91). The statements of the scholars, God bless their souls, is abundant and all point to that Umar, God be pleased with him, claimed non-belief against Hatib either in frank words (he has become a non-believer) or by describing him of hypocrisy (he is a hypocrite) and the intended with no doubt is the greater hypocrisy.

"As for to say that the prophet, prayers and peace be upon him agreed with Umar in what he said and this allows to claim non-

belief against Hatib; this is absolutely wrong and no one went there. Rather the words of Umar are directed in different directions, as some of the scholars said that Umar, may God be pleased with him, said that as an interpretation because Hatib fell into acts that are similar to the hypocrites. As the shaykh of Islam, God bless his soul, said: 'Umar called him a hypocrite in his interpretation due to his suspicious action' (*Majmu al-Fatawi* 7/ 523). He said while listing some images of forgiven mistakes in the ijtihad [interpretation of the Koran and Sunnah]: 'The forgiven mistake in the ijtihad is in both matters -- the propositional and practical -- or who believed that whoever probed for the enemy and informed them for the prophet's, prayers and peace be upon him, raid then he is a hypocrite, or believed whoever became angry for the sake of the hypocrites then he is a hypocrite.' As Asid Ibn Hadhir believed about Sa'ad Ibn Ubada and said: 'You are a hypocrite, you struggle for the hypocrites' (*Majmu al-Fatawi* 20/35).

"It would be understood from his words, God bless his soul, that what he said as an interpretation and mujtahid [relying on the interpretation of Koran and Sunnah] according to his understanding Hatib's action appearance assuming that it is the exact action of hypocrites and therefore it is permissible to kill him and asked permission from the prophet, prayers and peace be upon him, to do i. Shaykh of Islam used the account of Uma with Hatib as an example in forgiving the mistakes he mujtahid repetitively in his books and the same for the account of Asid Ibn Khadirwith Sa'ad Ibn Ubada, may God be please with them all.

"The Imam Ibn al-Qayim, God bless his soul, said: 'The prophet, prayers and peace be upon him, did not blame Umar Ibn al-Khattab, may God be pleased with him, when he slandered Hatib Ibn Balta'ah al-Mu'min al-Badri with hypocrisy for the sake of the interpretation and did not blame Asid Ibn Khadirwhen he said to Sa'ad the master of Khazraj: You are a hypocrite, you struggle for the hypocrites; for the sake of the interpretation and did not blame those who said about Malik Ibn al-Dakhsham: That hypocrite we find his face and words to [the benefit] of the hypocrites; for the sake of the interpretation' (*I'lam al-Muwaqi'in* 4/89).

"The Imam Al-Bughwi, God bless his soul, said: 'This holds the evidence that whoever claims disbelief against a Muslim or accused him of hypocrisy upon interpretation and was a scholar, then he is not punished. The prophet did not expostulate Umar Ibn al-Khattab when he said: 'Allow me to cut off this hypocrite's head' after the prophet, prayers and peace be upon him, believed his accusation, because Umar did not claim this for aggression, if that act from Hatib was similar to the actions of the hypocrites' (*Sharh al-Sunnah*: 11/75).

"Some scholars concluded that the fanaticism to the belief and zeal to the religion that took him to say what he said against Hatib, may God be pleased with him, as Al-Hafiz Ibn Hibr, God bless his soul, said: 'Umar only said this with credence of the messenger of God, prayers and peace be upon him, to Hatib according to what he was excused in it, due to Umar's strength of belief and hatred to those who are ascribed to hypocrisy and thought whoever disobeys what the messenger of God, prayers and peace be upon him, ordered him to do deserves to be killed, but he was not asserted for this therefore he asked for permission to kill him and he called him a hypocrite because he [Hatib] concealed other than he showed' (*Fath al-Bari Li-Ibn Hajar*: 13/492).

"Al-Hafiz's, God bless his soul, words can be relied upon except when he said: 'And though whoever disobeys what the messenger of God, prayers and peace be upon him, ordered him to do deserves to be killed.' Something like this is not appropriate to Umar, may God be pleased with him, except if his intention is that whoever disobeys him in great matters like this that are similar to the actions of the hypocrites and indicates the support for the non-believers. Umar, may God be pleased with him, also asking for permission to kill Hatib does not indicate that he did not assert his hypocrisy or his disbelief, rather the appearance is the opposite. If he had doubts in this matter or had hesitation in it , then how would he arrive in claiming non-belief against him and giving the permissibility to kill him. In reality he asked permission from the prophet, prayers and peace be upon him, because he is the imam and the leader and no one takes lead while he is around, therefore Al-Hafiz himself said in what he understood from this account: 'In this Umar behaved [himself], because punishment and discipline should not take place in the presence of an imam unless his permission is given' (*Fath al-Bari*: 19/396). Imam Al-Nawawi said from what he understood from the account: 'In it the disobedient is not punished and rebuked without the permission from the imam' (*Sharh al-Nawawi Ala Muslim*: 8/ 264).

"Al-Hafiz Ibn Hibr conveyed some of the scholars' conclusions in directing Umar's words to Hatib, may God be pleased with both of them, where he, God bless his soul, said: 'In the Hadith of Ibn Abbas: Umar said I unsheathed my sword and I said: Oh messenger

of God, let me at him; he had committed non-belief.' Al-Qadhi Abu Bakr al-Baqilani denied this account and said it is unknown. He said this in a reply to Al-Jahiz because he objected in it claiming non-belief against Al-Aasi, there is no meaning for Al-Qadhi's denial because the Hadith was mentioned by Sanad Sahih [reliable sources]. If it were confirmed then perhaps he announced the non-belief and he meant the non-belief of affluence as he announced hypocrisy and he meant the hypocrisy of disobedience. He checked, because he asked for permission to cut his head off so he felt that he thought that he committed non-belief through hypocrisy, therefore he claimed that he became a non-believer. Despite this, it is not necessarily Umar claiming non-belief against anyone who commits a sin even if it were great, as the innovators say, but his doubts prevailed against Hatib, so when the prophet, prayers and peace be upon him, explained it to him he excused Hatib and retreated' (*Fath al-Bari*: 19/ 396)

"It is understood from all this that Hatib's action was committing non-belief according to what Umar, may God be pleased with him, said and the claim that the prophet, prayers and peace be upon him, avowed for him and this does not hardly correct or take for granted what I mentioned, because there is a counterpart for what Umar said that confirms that it is not in reality a non-belief that deviates from the religion and it is not the same ilk of the great hypocrisy. As Asid Ibn Khadir, may God be pleased with him said to Sa'ad Ibn Ubadah: You are a hypocrite; you struggle for the hypocrites. This used to come out of the companions, may God be pleased with them, interpreting and in an angry situations for the sake of God and his messenger. The prophet, prayers and peace be upon him, did not blame them for that, he did not disavow them except for sometimes, because he knows that what carries them for this is the strength adhesion and support and fanaticism to him, prayers and peace be upon him,. Therefore some scholars from Al-Da'wa al-Najdiyah: 'The companions, may God be pleased with them, used to do this a lot as Hudhayfah, may God be please with him, said: 'During the messenger of God, prayers and peace be upon him, era a man would speak a word and would become because of it a hypocrite.' As Awf Ibn Malik said therefore the one who spoke those ugly words: 'You lied but you are a hypocrite' also, Umar said in the account of Hatib: 'Oh messenger of God allow me to cut off the head of this hypocrite' and in an account 'Let me cut his head off, for he is a hypocrite' and many others like that. Asid Ibn Khadir said to Sa'ad Ibn Ubadah when he said those words: 'You lied, but you are a hypocrite, you argue for the hypocrites.'

"But it should be known that there is no relation between calling him a hypocrite openly and of him being a hypocrite from the inside. If he carried out the signs of hypocrisy, it is permissible to call him a hypocrite to those who want to call him so, even if he were not a hypocrite in the same matter because some of these matters a man may do as a mistake without him knowing or for an intention that makes him be a hypocrite. Therefore, whoever is called a hypocrite is not disavowed against him, just like the prophet, prayers and peace be upon him, did not disavow Asid Ibn Khadir to call Sa'ad a hypocrite even though he was not a hypocrite' (*Al-Durar al-Siniyah* 10/174).

"It also includes the following: 'He who accuse a human of non-belief in God or debauch him or makes him a hypocrite through his own angry interpretation of what the Almighty God had prescribed, he must be forgiven. As Umar, may God be pleased with him, said about Hatib, he called him a hypocrite, as it happened to other companions and others' (*Al-Durar al-Sunniyah*: 416/13).

"The conclusion is: 'And what I see likely took place is that the action of Hatib, God be pleased with him, is not only considered a non-belief that renders a person without religion or considered a type of major hypocrisy, but it is a big sin, yet, the Almighty has granted him forgiveness quickly. However, this type of action has the potential to lead to non-belief and to other anomalies. It can lead a person to depart away from the religion, as it is considered a major non-belief, and at times it can lead to committing a major sin, which is determined through the action of the person committing it (acknowledging what you did) or through evidences, witnesses, signs and proofs that accompany the action and the person committing that action.'

"Shaykh Abu-Qatadah al-Filistini, may God grant him release from detention, said: 'The truth is that the Muslim spy operates within these rules. His action could be proof of his apostasy and it could be one of the acts of disobedience that lead its author to abandon Islam. And in order to distinguish between the two spies, the intention must be clear, even though the intention concerns the heart; it is possible to know it through comparisons, such as the sayings of scholars about distinguishing between premeditated murder and quasi-premeditation. The difference between the two is the intent. If a man intends to kill it is then considered premeditated and if he does not intend it is considered quasi-premeditated. The way one knows the intent is the tool used in killing,

and if the tool used is commonly used then his intention is clear.

"If the means are not usually used for killing, then it is not intentional. Thus, the intention is known by the link, so the spying is. The link is a must in order to know whether the spy is an apostate or not. If you understand this, the issue of Hatib, may God be pleased with him, as well as his message to Quraysh, are resolved.

"The previous links in Islam, Hatib being from the people of Badr, as well as the format of the letter, show that the act is not judged as apostasy' (*Between two Methods* 47).

"This proves that support is or is not infidelity that is deviated from religion. He who believes that certain acts, such as support, are not infidelity, and he who believes that in order to consider the supporter as an infidel he must be deemed permissible.

"He cannot be held as one of the Al-Murji'ah [early theological school] unless he is an extremist. This opinion is also applied on the Sunnis who cannot be held as infidels by committing sins unless they deem it permissible.

"The reader must note that our talk here is only on the incident of Hatib, God be pleased with him, and not on the generality of spying. I mentioned before that searching for the Muslims defects and transmitting them to the infidels in order to serve them in their wars on Islam, are assistance, support, and infidel favoritism. The act of Hatib, may God be pleased with him, is not similar, however it is a disclosing for the prophet's (God pray upon him) secret, which is already a huge thing like the disclosing was to the polytheists? And what if this disclosing was the one that made Hatib come close to infidelity and close to dissimulation? Therefore, the incident of Hatib and its events are a good example that shows that the support of infidels by Muslims is infidelity deviated from religion, for it is in favor of infidelity, not its opposite, and it empowers infidelity, not weakens it.

"Hatib, God be pleased with him, knew that his act is infidelity and is apostasy, and this is why he started to deny that what he did is so. And the understanding of Umar to the incident backs up the fact that the act is infidelity and apostasy. If he believed that this kind of act is similar to other sins and atrocities, his saying 'I did not do it as infidelity or apostasy' would not have an acceptable meaning because the transmission of the Muslims' news to the infidels shows a kind of inclination and reliance on them. He who commits adultery, drinks alcohol, or defames a Muslim, does not say that he did not do it as infidelity or apostasy. There is no acceptance of infidelity after belief, for the rest of the Muslims are aware that the illusion of judging the one who commits the sin as infidel is impossible. There is no need to deny what is actually denied in reality, concepts, and minds. Thus Hatib, may God be pleased with him, did not oppose or doubt the fact that the support of infidels by Muslims is infidelity deviated from religion. This was sure to him and clear in his mind. He did not even think to deny this reality, to oppose it, or to criticize it. "However, he denied that his act was a support. It is known that the support and aid of infidels by Muslims is based on harming them undoubtedly. It is enough that the Muslim aids the infidels over Muslims, using a spirit, money, opinion, or writing, to be considered as harming for the religion and its followers. This harming included in the support, is what was denied by Hatib concerning his book, when he said: 'I wrote a book that does not at all harm God or his prophet, hoping it will be a benefit for my people.' Al-Huthaymi said in the council: Abu-Ya'l'a told this in Al-Kabir, Al-Bazar, and Al-Tabarani as well in Al-Awsat in short, and their men are authenticated. I said: It was also told by the ruler, and Al-Diya in Al-Mukhtarah, and the attribution was corrected.

"Umar, God be pleased with him, judged Hatib that he was 'infidel' and has 'dissimulated.' He judged him by saying he 'broke commitment' and 'supported your enemies' and other expressions that show that what is decided at the Al-Sahabah, God be pleased with them, is that such kind of acts are infidelity and not similar to other sins. As I mentioned before, the story is undoubtedly one, but the tellers used synonyms or similar terms in telling it. It is known to them that breaking commitment and supporting the enemies of religion means 'infidelity' and 'dissimulation.' Thus, at times they expressed using 'infidelity' and in other times using 'dissimulation.' Umar is unlikely to have said these expressions in the same council, especially that the expressions of the stories exceed those I mentioned.

"Hence, there is no contradiction or opposition between the affirmation that the judgment of the support and favoritism of infidels by Muslims, whether by a spirit, money, spying, or opinion, is a perfect judgment proven by the verses and Hadiths and is agreed on

by the scholars, and the subject of the act of Hatib, may God be pleased with him, which was not in fact support and aid, even though it was suspected to be similar thereto. Therefore, similar acts are considered probable infidelities but they are not approved in a categorical express text. Moreover, the determination, whether it is or it is not infidelity, is known by the statement or condition of the one who commits it, by the Holy Koran, the evidence, and the evidence to it, just like in the other probable infidel acts.

"One should not mix between (the slip) of Hatib, his lapse in his condition and acts when he said he is way too far from aid and patronage for infidels over Muslims, and the acts of the spies of the era who are 'the soldiers of the intelligence war.' They stopped everything they were doing and sacrificed their time and their efforts to follow the mujahidin's negligence to risk oneself in reaching their homes and locations, to work day and night in order to gather information about them, then submit all that they get to the enemies of Islam, such as Jews, Christians, and their apostate supporters in order to be a back up and a help in killing the mujahidin, detaining them, following them, destroying their locations, and hunting them even in their vehicles. All this was due to the support of the enemies over the Muslims, which is infidelity that is deviated from religion, and perfect God knows.

"Al-Imam al-Shafi'i has a statement about the story of Hatib, may God be pleased with him, saying that spying on Muslims is not clear infidelity and is definitely a problem. He was asked, God's mercy be upon him: 'Did you see the Muslim writing to the polytheists among the warriors, that Muslims want to invade them, or telling about any of their defects? Does this make the Muslim's blood permissible and show evidence of the favoritism for the polytheists?'

"Al-Shafi'i, God's mercy be upon him, said: 'He whose blood has proven to be respectful for the holiness of Islam, is not permissible, unless he kills, or commits adultery after being pure, or be clearly infidel after having faith. He will be then infidel, and not only showing a Muslim's defect or supporting an infidel... [as received] (Al-Umm 4/264).

"First: The question of the questioner shows that he believes that the favoritism of infidels over Muslims is a reason why the Muslims blood is permissible and is a goal that when reached, the blood will be permissible. A part of his question was based on whether the writing of a warning by the Muslim to the polytheists, or of a proof on a defect of the Muslims defects, is or is not favoritism. Thus, if it is judged to be as it means, the blood of the Muslim is permissible because it is deviated from Islam. Favoritism linguistically means help, partisanship, and assistance as scholar Al-Zubaydi, God's mercy be upon him, said: 'Favoring something, like supporting it, is not known to the linguists: Help and support means assist and strengthen, just like favoritism. Favoritism against someone means agree against him' (Taj Al-Arus: 1/ 226).

"This is like what Umar said about the people who were gathered to kill a man, but he killed those near him: 'If Sana people helped one another over him, Sana would have killed all of them by him.' There is also the Hadith narrated by Imam Ahmad by Al-Na'man Bin-Bashir, may God be pleased with him, by the prophet, may God's prayers be upon him: 'After me there will be kings who lie and oppress. Whoever believes their lies and favoritism over oppression does not belong to me and I do not belong to him. Whoever does not believe their lies or their favoritism over their oppression belongs to me and I belong to him. Al-Huthaymi said: 'There is a narrator who was not identified, but the other narrators are authenticated.'

"Second: His question contains two types: The first: the Muslim writes to the infidels who fight that Muslims want to invade them. This is what Hatib did overall, although all evidence shows that the purpose was primarily for the benefit of his people through benefiting the polytheists from what he told them. It may be said that the idea of support and collaboration is not definite, thus, it is not sheer atheism, even though it could be possible, as mentioned earlier in Hatib's story, may God be pleased with him. The second: the Muslim writes and informs the polytheists about Muslims' shortcomings, which is definitely collaborating with and supporting them, if shortcomings mean flaws and weakness point that sought by the infidels to attack Islam and Muslims, bearing in mind that some ulema wrote saying that what Hatib did was an indication to Muslims' shortcomings. As Imam Al-Bayhaqi, may God rest his soul, said: 'The Muslim's door shows the polytheists Muslims' shortcomings,' then he mentioned Hatib's story. Although the claim that what Hatib, may Almighty God be pleased with him, did was informing the polytheists about Muslims' shortcomings is exaggeration, overstatement, and hyperbole. Hence, we may say that the shortcoming meant by the one who asked Imam Al-Shafi'i did not mean directing the polytheists to Muslims' weaknesses and flaws that would benefit the infidels to

influence and dominate them.

"Third: As I mentioned before, the inquirer's question seemingly shows that supporting and collaboration with the infidels against Muslims is already agreed-upon on to sanction the blood of the perpetrator. The ways of spying he mentioned, however, were added to it, also whether the meaning of collaboration is included. This shows that they already approved holding someone infidel for supporting infidels over Muslims. Thus, the answer of Imam Al-Shafi'i, may God have mercy on his soul, should not be taken as a proof to undermine the consensus which was reported by more than one ulema about holding someone infidel for supporting infidels over Muslims, because his answer was on a part of a subject, whether agreed or disagreed upon. He thought that it would not be totally considered as collaboration, thus holding people infidels because of it is possible.

"So the question of the inquirer was not: 'Does collaboration with the polytheists against Muslims sanction the blood of a Muslim' because it was already acknowledged by him and clearly intended in his question.

"If the answer of Imam Al-Shafi'i, may God have mercy on his soul, was directed and aimed specifically at this question, then we could say that the claimed consensus on the support issue is insufficient because Al-Shafi'i disagreed. As for answering the question of the inquirer, he completely disagreed on the ways of spying he mentioned in the meaning of collaboration. He thought it could be possible to be considered, that was why he ruled that it was not sheer infidelity.

"To explain the matter in a different way, Imam Al-Shafi'i, and the one who asked him, both agree that helping infidels over Muslims, as well as supporting and collaborating with them, sanctions the blood of the perpetrator. It was a clear and agreed-upon reason. Imam Al-Shafi'i said that the ways of spying he mentioned in his answer did not quite achieve this purpose. According to him, the meaning of support, collaboration, and cooperation is not fixed, and that is why he said it was not sheer infidelity and did not say it was not absolute infidelity.

"Fourth: The answer of Imam Al-Shafi'i, may God have mercy on his soul, clearly proves that spying for infidels on Muslims in any way is not like the well-known sins, such as adultery, usury, and disobedience of parents, etc., because none of these transgressions -- committing adultery, dealing in usury, or disobeying the parents -- no matter how grave the sin is, is described as sheer infidelity. Holding infidels as those who commit such sins is not just conclusive or likely but completely ruled out. For such sins cause fighting between Sunnis and Kharejites [Islamic sect]. So when Imam Al-Shafi'i said what he said about spying, we learned that this act, according to him, at times is a reason for holding someone infidel, yet at other times is not a reason. This is why he said about Hatib's story: 'Since the book could mean what Hatib said and what he did was not contradictory to Islam but to prevent his family, or probably it was a lapse from his part that was not against Islam. He bore the more shameful meaning, which was what he said when he admitted the act' (Al-Um: 4/264).

"The statement of Imam Al-Shafi'i: 'He admitted the more shameful meaning' means infidelity. For according to Al-Shafi'i: what Hatib, may God be pleased with him, did was a possible cause of infidelity. This is a strong proof that the nature of this act, namely spying, is a reason for holding someone infidel and not like the rest of sins. Otherwise, the possibilities mentioned by Al-Shafi'i cannot be applied to any great sin, no matter how great it may be.

"This is similar to what Imam Muhammad Bin-al-Hasan Al-Shaybani, reported by Imam Al-Sarkhasi, said: 'If Muslims find a man who proclaims to be a Muslim, yet helps polytheists over Muslims and reports their shortcomings to them, if this man admits it voluntarily, he does not get killed but the imam punishes him instead.'

"In two places in his words, he emphasized that the doer of these deeds is not a real Muslim. In one part, he described him as the one 'who pretends to be a Muslim' and in another part he said 'he should be punished' and did not say 'be rebuked.' We have made it clear that when talking about Muslims, the expression to be used is 'rebuke' whereas the expression 'punish' is always used in dealing with non-Muslims.

"Nevertheless, he said: 'He should not be killed because he did not abandon his belief in Islam. We should not declare him a non-

Muslim as long as he did not abandon his Islam' (*Sharh Kitab Al-Siyar Al-Kabir*: 2/128).

"When this false Muslim is caught red-handed while assisting polytheists against Muslims, he is no more a real Muslim, which means that he is an infidel. He has also made it more clear when he said: 'The expression 'to be punished' is usually used against non-Muslims.' He added: 'Yet, he said he is not to be killed.' By saying so, he has answered an unasked question, which is: If this false Muslim was not a real Muslim and he confessed that he has voluntarily backed [infidels], should he be killed just like any other apostate and receive the punishment in the Islamic Shari'ah in these cases? So, he has already given the answer to this question.

"The sayings of the two imams do not refute the unanimous agreement that the backer of infidels against Muslims is an infidel, which is clear in their sayings. Nonetheless, they excluded him from the punishment of death in two conditions: either there was no clear cut assertion that he really backed infidels -- as we understand from the words of Imam Al-Shafi'i, may God have mercy on him -- or due to the excuses mentioned by Imam Sarkhasi, regardless whether these excuses were accepted or not.

"What Asbagh said was so close to these opinions. He said: 'The military spy should be killed; Muslims and Dhimmis should be punished unless they have allied against Islam. In this case, they should also be killed' (*Umdat al-Qari*: 14, 256).

"Fifth: As for the answer of Imam Al-Shafi'i, may Almighty God have mercy on him, it contained three forms of espionage. Yet, he gave them all one punishment and described them saying: 'They do not lead to sheer infidelity.'

"First form: Unveiling a shortcoming of 'a Muslim' and not the shortcomings of 'the Muslims.' Undoubtedly, this is also possible. Ignorant fanaticism, personal enmity, or blind envy may lead an infidel Muslim to unveil the shortcoming of a certain Muslim. He might do this as revenge. Yet, he is certainly not an infidel in these cases, but he will be considered among the unjust, dissolute, and the criminals.

"Second form: Imam Al-Shafi'i also mentioned this form of espionage, in which a person supports an infidel by warning him that Muslims are plotting against him. This kind is so close -- if not compatible -- to what Hatib, may Almighty God be pleased with him, did. Imam Al-Shafi'i, may God have mercy on him, called this act 'supporting an infidel' because he warned the infidel to protect himself by being cautious.

"Imam Al-Shafi'i explained this saying: 'By warning the infidel that Muslims are plotting against him and not aiding an infidel over a Muslim or an infidel nation over Muslims, this form lacks the apparent characteristics of infidelity. Therefore, there is no problem of describing this form as not 'sheer infidelity' too.'

"Third form: Imam Al-Shafi'i, may God have mercy on him, said: 'Or he takes a part in attacking Muslims.' It seems that this phrase is preceded by his saying 'by warning [the infidel]' Thus, it might mean that a Muslim supporting an infidel by taking part in attacking Muslims is not also a sheer infidel. As the matter of fact, this is the polemic case in the words of Imam Al-Shafi'i because there is no doubt that this is one of the cases of supporting infidels against Muslims. Thus, how can this not be sheer infidelity?

"It seems, and God knows best, that Imam al-Shafi'i, may he rest in peace, did not say the right thing about the last chapter if my understanding to his sayings was right. Al-Shafi'i's example in Hatib's story to say that it is not a clear infidelity is not clear. Hatib, may God be pleased with him, did not do anything to support the infidels against the Muslims, and we do not have any evidence to prove that he is collaborating with infidels. As I said before, it is a clear exposure for the prophet's, peace and prayers be upon him, secret. This is one of the major things; it is like betrayal and can be held infidel because exposing the secrets is for polytheists. God knows better.

"I saw one of the honorable scholars addressed the words of Al-Yafi'i and said that the crushing which the Muslims are suffering is from the infidels, not the Muslims. So the infidels started this suffering, and I do not see the significance of this report, God knows better.

"Dr Abdallah Bin Salih al-Ujayri said: 'What he [Al-Shafi'i], may God have mercy on him, meant that who started the sufferings here is the infidel and not the Muslims. The talk here is limited to mentioning the damage caused by the spy. He might expose the weaknesses of Muslims, warn the infidels if the Muslims wanted to surprise them, or inform the infidels of something and they start their aggression. Praise be to God, this is clear' (*Tahqiq Manat al-Kufr Fi Bab al-Wala w al-Bara*: p 21).

"I do not claim here the unity concerning holding the Muslim spy infidel. The variation of the scholars' views in this issue is well-known and their points of view will be stated in the next issue. What was meant here is to unify their variations about holding the people, who support the polytheists against Muslims to be infidels by referring to the story of Hatib, may God be pleased with him; or by taking some similar quotes for scholars.

"The worst thing is those who make these quotes rules and try hard to keep these clear, decisive rules; they start causing deficiencies in the rules and making up quotes that no one ever heard of. Shaykh Alawi al-Saqqaf said one of the best things in Hatib's issue. He said: 'Let it be known that no one from the people of the Sunnah said that Hatib is an infidel, and nobody said that supporting the polytheists is not infidelity. Everyone agrees on that, so we should not have conflicts concerning individual interpretations if everyone agrees on the beliefs.' So supporting the infidels against Muslims is infidelity as agreed upon by the scholars.

"Hatib, may God be pleased with him, was not held as an infidel and all the scholars agreed upon that. The spying of the Muslim for the infidels is a means of supporting them, and also the scholars agreed upon this. It is not necessary that spying, in all its forms, is infidelity, and here come the conflicts among the scholars concerning the Muslim spy. The conflict concerning the ruling of the spy does not mean that they have a conflict in the ruling of betrayal, just like their agreement concerning the ruling of betrayal does not mean that they agree on the ruling of the spy. Let the ruling of betrayal stay away from this issue and remain agreed upon, and let the study and the arguments be over which types of spying are equal to betrayal to share the same ruling.

"This is in general, and I assume that our noble scholars, while deciding the ruling of the Muslim spy, know all the developed spying means which became clear and reflect plain betrayal. Spying nowadays has its equipment, rules, regulations, institutions, leaders, and soldiers. The intelligence agencies in the developed countries are the most important base for their survival. This is why they pay a lot of money in that domain, even more than they pay for their Ministry of Defense. Spying nowadays also is not limited just to transporting pure information. Most of the spies practically participate, even in a humble way, in the operations carried out by the security agencies, police forces, soldiers, and others.

"In the Arab International Encyclopedia, they said: 'Spying is made up of a network of spies that the governments and other groups send to the lands of the enemy to collect information. The spies look for secret military, political, and practical information. Spies usually work in organizations that usually receive their commands through it to send specific information.'

"Spying is considered to be one of the means to collect intelligence information. Intelligence agencies then assess and analyze the data received from their agents or from some electronics like wire-tapping devices. Such spying operations do not abide by the laws and do not respect any moral values. Some agents tend to use any means in order to achieve their goals, including blackmailing, bribery, robbery, threatening, and even violence. They consider all these things to be means, like cameras and surveillance devices.

"Agents can either work solo or in small groups. Some agents use fake identity cards and others might live and work normally like a diplomatic or journalists to conceal the spying process. Spies can be in an organization and accept its betrayal or join an organization to spy on it.

"So I do not see any reason, and God is the best to know, behind the scholar's conflict concerning the ruling of the Muslim spy based on these facts which is totally different from what they imagined and anticipated. The issue is similar to what Shaykh Abd al-Aziz Baz, may God have mercy on him, said as a reply to the story of Hatib: 'There is no doubt that spying is a type of supporting

polytheists and requires the killing of the one committing it' (*Sharh Zad al-Mi'ad*). God Almighty best knows.

"Third Issue: The Ruling of Killing the Spy Who Pretends of Being Muslim

"Discussion about the rule of the Muslim spy circulated in the opinions of the jurists whether it was a Dhimmi spy or a combatant spy. They had a huge conflict whether to kill him or not. Scholars mentioned those types of spies as Muslims, according to their origin before carrying out this issue. The prophet, peace and prayers be upon him, said: 'The blood of a Muslim may be lawfully shed only in case of three persons: the one who abandons Islam, and deserts the community, and the married adulterer, and the one who killed, so life for life.'

"Some forms of spying are still out of agreement whether the spy should be held infidel or not, like the Hatib story, may God be pleased with him. I repeat drawing the attention of the scholars that the forms of spying and the circumstances of the spies were different when the scholars agreed and decided what they decided. The conditions of the spies were not like nowadays from the independent devices with specialized ministries to train, teach, and spend millions on spies in order to make them trained soldiers and important men.

"The role of the spy is very important. Many countries consider spying to be a more dangerous crime than obvious fighting against them. The rule of spying is death, even in their practical laws, whereas in wars the soldiers are war captives and they will be treated like that. This proves that people agree upon how dangerous, effective, and damaging this act is, and certainly it is. The Arab International Encyclopedia said: 'The international war laws forbid considering a soldier with his military uniform to be a spy, even if he was trying to collect information among the ranks of the enemy. For a man to be held as a spy, he should be caught under cover or impersonation in the ranks of the enemy. Those spies will be prosecuted and sentenced to death, which is the normal verdict for the spies during war.'

"So this spy, who pretends to be a Muslim, is secretly performing his malicious job and informing the infidels about the defects of the Muslims that he hunts. This should add to his accusations, not decrease them. These acts usually reflect his villainy and make him realize how dangerous and how important his role is. So we can imagine that there is a Muslim among the ranks of the infidels supporting them while he is forced to do so as reported in the Hadith of the Lady A'isha that the prophet, peace and prayers be upon him, said: 'People of my ummah would attack the House [Ka'ba] to kill a person who would belong to the tribe of the Quraysh and he would try to seek protection in the House. And when they would reach the plain ground they would be sunk. We said: God's messenger, all sorts of people throng the path. Thereupon he said: Yes, there would be among them people who would be aware, those who would be forced to do so, and there would be travelers also, but they would all be destroyed through one stroke of destruction, though they would be raised in different states on Resurrection Day. God would, however, raise them according to their intention.

"Imam Nawawai, may God have mercy on him, said: 'The word aware here means that he is aware of the real intentions and he deliberately sought out these intentions, whereas the forced is the one who was obliged, they say you force him to do something by force. This was mentioned by Al-Fara and many other scholars. This Hadith came in this language and held the following meaning' (*Al-Nawawi on the authenticated Hadith book of Muslim* 7/18).

"It was also narrated in the Hadith book of Muslim with another version on the authority of Umm-Salamah, may God be pleased with her, who said: 'So what about the obliged?'

"In the spy's case, we cannot take the obligation as an excuse, like different cases. It is not acceptable if he claimed that he was obliged to spy because when he is performing that job he is totally free, not obliged, and not forced.

"God Almighty said: 'Let not the believers Take for friends or helpers Unbelievers rather than believers: if any do that, in nothing will there be help from Allah. except by way of precaution, that ye may Guard yourselves from them. But Allah cautions you (To remember) Himself; for the final goal is to Allah' [Koranic verse, Al-Imran, 3:28].

"Imam Al-Baghawi, may God have mercy on him, said: 'This verse means that Almighty God forbade the believers to support the infidels unless the infidels were stronger or the believer was among infidels and fear them, but still he pleases them with words while his heart is filled with faith and he should not kill or steal or become an infidel or show the weaknesses of the Muslims' (Al-Baghawi: 2/26).

"He could do contrary to what he vowed his infidel masters and greatly serve Muslims and then cause severe damage to their enemies. Therefore we realize that his damage is more flagrant on Islam and Muslims, that his work is worse, and that the circle of apologies is more narrow. Thus, he had better make his punishment more harsh and not commute it for it is similar to the condition of the hypocrites who deserve the most severe punishment on Judgment Day and as a result they will be staying in the rock bottom of hell.

"Scholars' Sayings Over Muslim Spy

"Scholars have several sayings in terms of killing the Muslim spy, some of them are interpenetrated, and some of them might put some restrictions that others may omit, however these sayings discuss the following:

"First saying: The Muslim spy cannot be killed should he be Hanafi or Shafi'i.

"Second saying: The Muslim spy is similar to the infidel. Should he repent before his death, his repentance will be accepted, otherwise he will be killed. This was said by Ibn-al-Qasim and Sahnun of the reputed Maliki Imams religion.

"Third saying: His verdict is the same as the apostate's. It is retrieved if he repents, otherwise, he is executed according to the saying of Ibn Wahb one of the Maliki Imams.

"Fourth saying: This matter hinges on the interpretation of the imam according to what he sees appropriate as to the execution or not. This is what the Imam Malik, may God's mercy be upon him, said, in common with the view of the Imam Ibn-Aqil al-Hanbali, may God's mercy be upon him, who views the permissibility to execute the Muslim spy.

"Fifth saying: The Muslim spy must be killed if he repeated the action, according to the saying to the Maliki Abd al-Malik bin-al-Majishun.

"Sixth saying: The discontinuity according to the saying of the Imam Ahmad bin-Hanbal, may God's mercy be upon him.

"It is worth warning that there is no certain Hadith in terms of the Muslim spy, but the saying of Hatib, may God Almighty be pleased with him. Other scholars depended on this Hadith in extracting the ruling each with the jurisprudence he attained. It is time for expanding their sayings and for revealing his preponderance from them. On God we depend and from Him we obtain success and rightness.

"First saying: Muslim Spy not to be Killed Should he be Hanafi or Shafi'i

"Authors of this saying deduced this statement from different sources:

"The prophet, prayers and peace be upon him, did not kill Hatib, may God Almighty be pleased with him, even though he was spying. Should this be a duty, the prophet, prayers and peace be upon him, would not have let him go.

"Abdallah Bin-Mas'ud, may God be pleased with him, said: The messenger of God, prayers and peace be upon him, said: No blood must be shed of those who testify that there is no god but God, only should these three sins be committed: a married person committing adultery, blood for blood, and the infidel (as narrated by Al-Bukhari, Muslim, Abu-Dawud, Al-Tarmadhi and Al-Nisa'i).

"They said that the Muslim spy is not of that list, so he will be protected for he is Muslim and he testifies that there is no god but God, and Muhammad is the prophet of God.

"Imam Al-Shafi'i, may God's mercy be upon him, says in this regard, when he was asked: Have you ever seen a Muslim writing to the polytheist in the war that Muslims want to invade them telling them about shortcomings of the Muslims? Does this permit to shed his blood, and then consider him as leaning to the polytheists? Al-Shafi'i said: No blood shall be shed unless upon the perpetration of one of the following sins: killing, committing adultery after getting married, and converting to infidelity after being a Muslim. He shall not be killed and shall not be considered as infidel if he tells others about the gaps in Islam or warned an infidel that Muslims want to harm him unexpectedly in order to defeat Islam (*Kitab al-Umm* 264/4). Then he mentioned the story of Hatib, may God be pleased with him.

"Abu-Yusuf answered the question that Harun al-Rashid asked, in terms of the verdict of the spies as follows: Amir of believers, I asked whether the spies are from the people of Al-Dhimmah [pledge; referred to people who do not fight Muslims], people who fight Islam or Muslims. Should they be from those who fight Islam or the people of Al-Dhimmah or from those who pay non-Muslim taxes such as Jews and Christians, they will be beheaded. Should they be from the people of Islam, they must be severely punished and sent to long-time imprisonment until they repent (*Al-Majmu Sharh al-Muhadhab* 342/19).

"Imam Muhammad Bin-al-Hasan al-Shibani said, followed by the interpretation of the scholar Al-Sarkhasi al-Hanafi: Should Muslims find a man pretending to follow Islam supporting the polytheist against Muslims, informing them about their shortcomings, it is declared that he must not be killed, however the Imam will severely punish him. He mentioned in two different situations that such person is not a real Muslim. He said that those who pretend Islam will be severely punished. He did not say reprimanded, since the word is only used for Muslims in this regard. However that term is used for the non-Muslims, and he said: he will not be killed, for he did not abandon Islam. He will not be expelled from Islam apparently, should he not leave what belongs to Islam for his act was a consequence of greed and not hypocrisy in believing. He proved the following based on the Hadith of Hatib who wrote to Quraysh that the Messenger of God, prayers and peace be upon him and his household will invade you so be attentive. The messenger of God, prayers and peace be upon him and his household, said: Wait Umar, perhaps God knows Badr people and said: Do whatever you want, for I forgave you. Should it be required to kill this infidel, the messenger of God, prayers and peace be upon him, would not have let him go, whether Badrist or non-Badrist. Should he deserve to be killed, the messenger of God, prayers and peace be upon him, would order to kill him and said: 'O ye who believe! Take not my enemies and yours as friends (or protectors)' [partial Koranic verse, *Al-Mumtahinah* 60:1]. He shall call him a believer (*interpretation of the book Al-Sayr al-Kabir* 128/2).

"Some scholars pretended consensus on the intolerability of killing the Muslim spies. The Imam Ibn Hajar, may God's mercy be upon him, said: Al-Tahawi showed consensus that a Muslim spy must not be killed. Al-Shafi'iyyah said: He shall be reprimanded and should he be a person of credibility, then he is forgiven. And Al-Awza'i said the same thing, while Abu-Hanifah said he is lashed and jailed for a long time (*Fath al-Bari* 310/12).

"There is no doubt that the fake consensus is not conceded and is far away from reality, for the difference in the issue is known and reputed. The schools of thought of the scholars in it are many and their difference is a fact before the era of Imam Al-Tahawi, and the imams are still citing it and reporting it.

"A similar saying to Imam Ibn-Tahal, may God's mercy be upon him: Those who support killing the Muslim spy disagree with the Hadith, and the sayings of the earlier scholars, therefore his saying is incorrect (*Sharh Ibn Batal* 214/9). His saying has a strong meaning and it will be explained, God willing. When it comes to the Hadith, where is the imagined difference? The Hadith, as it will be shown, reveals that the verdict is killing, but the witnesses of Badr forbade him from killing Hatib. However the sayings of the earlier imams have already been mentioned and there are more on the way.

"Second saying: The Muslim spy is similar to the infidel. Should he repent before his killing, his repentance will be accepted,

otherwise he will be killed. This was said by Ibn-al-Qasim and Sahnun of the reputed Maliki Imams religion.

"There were different definitions for the infidel, however the total of the definitions discuss showing Islam and concealing infidelity.

"Doctors Qal'ah Ji and Hamid Qanibi mentioned in the dictionary of Jurist Language: Infidel: inflective word, plural: infidels... whoever does not have a religion.

"Who conceals infidelity and shows Islam was called at the time of the messenger, prayers and peace be upon him, a hypocrite.

"Scholars disagreed about the verdict of the infidel should he not show infidelity. The school of thought of Imam Malik, may God's mercy be upon him, and it is meant here, says that the repentance of the infidel is accepted, should it be before his death. However after this, he must be killed and his repentance will not be accepted. After death, he will be God's concern, if he was honest, loyal and advisor. His repentance will be accepted and if he was a liar, a deceiver, and an infidel insisting over what he conceals, he will burn in hell for eternity like his hypocrite and infidel brothers.

"The Maliki Imam Al-Kharashi said in explaining the Khalil summary [Mukhtasar al-Khalil]: the Muslim is like the infidel. It is known that if it was discovered that the Muslim is helping his enemy, his verdict is the like the infidel's. He will be killed if he was caught and his repentance will not be accepted, according to Ibn Qayim and Sahnun (*Shari'ah Mukhtasar Khalil Lil-Kharashi* 493/9).

"Shaykh al-Islam Ibn Taymiyyah, may God's mercy be upon him, mentioned that the infidel must be killed even if he repented after death. Many jurists adopted this point of view, saying: Those who show Islam and conceal infidelity are the hypocrites who are called infidels by the jurists. Most of the jurisprudents say that he must be killed even if he repented, and such according to the Malik and Ahmad school of thoughts and in some sayings of Abu-Hanifah and Al-Shafi'i (*Majmu al-Fataawah* 555/28).

"It is noticed that the word Mukhtasar Khalil in terms of the Al-Ayn [the spy], that is the spy, is: the Muslim is like the infidel. Comparison does not require compatibility in all aspects. That means that the ruling of the Muslim spy is the same as the infidel's above-mentioned ruling. It is not the issue of him being Muslim or not, for his verdict is as the infidel's and he did not become so. The point here is whether he must be killed and whether his repentance will be accepted or not. It is not in the origin of infidelity like it is shown from the words of the Shari'ah. Ali Alaysh said: the Muslim spy is like the infidel, that means he is the one who shows Islam and conceals infidelity therefore he must be killed, even if he showed repentance after being discovered. However his repentance will be accepted if he repented before being discovered (*Manh al-Jalil*: 35/6).

"The scholar Ibn Ashur attributed to Ibn-al-Qasim this act and considered him as infidel and said: Ibn al-Qayim said: This is infidelity and there is no room for repentance. His repentance will not be accepted and he will be killed just like the infidel. He is the one who shows Islam and follows the infidels, if he was discovered (*Al-Tahrir wal Tanwir*: 78/3).

"Imam Al-Qarrafi, may God's mercy be upon him said: The author of the statement said: Ibn-al-Qasim said: He interprets the issue of the spy and sees that he must be killed, and no repentance will be accepted. He said: what he said was true, the ruler will choose between killing him and crucifying him, for he spread mischief on earth, he will not be sent to exile and his parts will not be amputated (*Al-Dhakhira* 400/3). He says in this regard: it is said regarding the spy when it comes to the way of killing him not the way of punishing him as it is clarified: He will not be sent to exile and his parts will not be amputated, for these two ways do not lead to banishing the evil of the spy because he will stay alive and then continue in his mischief.

"The scholar Abu-al-Walid Ibn-Rushd, may God's mercy be upon him, agreeing with Ibn al-Qasim's saying on the punishment of the spy: 'Because the spy is more detrimental in the verse on the warrior: 'The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter' [Koranic verse, Al-Ma'idah, 5:33].'

"The spy receives the same punishment as the warrior, and his repentance is not accepted because of his disrespect to his [being Muslim], just like being miscreant, or giving a false testimony. The Imam does not have a choice between the kind of punishment except in killing or crucifixion, as the cutting off of hands and feet, or exile from the land do not keep away his mischief on earth and his misbehavior against Muslims. Therefore, I see that Malik's reading: 'I see the Imam's interpretation' is what should be approved (*Al-Bayan wa al-Tahsil*, volume 2, page 537).

"This was endorsed also by scholar Al-Tsuli, may God's mercy be upon him, as he said: 'The punishment of spying the death penalty, and his repentance is not accepted' (*Al-Tsuli answers to the concerns of Amir Abd-al-Qadir al-Jaza'iri*, page 115). It is like if they have all come to the conclusion that it becomes imperative to ward off his harm and uproot his evil, and not to observe the truth of his repentance and the safety of keeping his companionship. Then they approved the necessity of killing.

"Third saying: His verdict is the same as the apostate's. It is retrieved if he repents, otherwise, he is executed.

"The Imam Ibn Wahb, a Maliki cleric, also agreed with the aforesaid edict. Ibn-Ashur said enumerating the saying of the Malikis on the verdict of the spy quoting Ibn-Wahb: 'Apostasy, but may be retrieved' (*Al-Tahrir Wa Al-Tanwir*, volume 3, page 78). Al-Badr al-Ayni said: 'He should be killed if he does not repent' (*Umdat al-Qari*, volume 14, page 256).

"It is clearly understood that espionage is regarded as an association that leads to infidelity, in other words, 'supporting the infidels against Muslims.' This is a response to those who spoke about the agreement of scholars on not to hold a Muslim infidel if he spied for the interest of the infidels, especially that Abdallah Ibn-Wahb died in 197 Hegira, is one of the most prominent Maliki scholars who had acquired knowledge in Jurisprudence, science of Hadith, and worship. We have seen that the words of the Imam Ibn al-Qasim, may God's mercy be upon him, contain the verdict of the spy to be condemned with the most types of infidelity, which is heresy.

"Fourth saying: This matter depends on the judgment of the imam according to what he sees appropriate as to the execution or not. This is what the Imam Malik, may God's mercy be upon him, said, in common with the view of the Imam Ibn-Aqil al-Hanbali, may God's mercy be upon him, who views the permissibility to execute the Muslim spy.

"The scholar Abu-al-Qasim al-Abdari al-Maliki, may God's mercy be upon him, said: '[Imam] Malik was asked on the Muslim spy, who obtained information on Muslims and sent it to the Romans: He said: I have not heard anything in this regard. I see the judgment of the Imam. Al-Lakhmi said: 'Malik's reading is better' (*Al-Taj Wa Al-Iklil*, volume 3, page 357). This means that his verdict is punitive, which may rise to the level of execution -- just as said by the Maliki School -- depending on the magnitude of his offense and the severity of his harm. The death sentence is permissible but not mandatory.

"The scholar Ibn-Farhun, may God's mercy be upon him, said: 'The question that arises if we say that a ruler may go beyond the limits in reprobation, is it then permissible that such a reprobation reaches execution or not? This has created some disagreement. For us, killing a Muslim spy who spies for the enemy is permissible, and this is the view of some Hanbali scholars' (*Tabsirat al-Hukkam Fi al-Aqdiyah Wa Manahij al-Ahkam*, volume 5, page 279).

"Some Maliki scholars have pointed out that what is intended in saying 'the judgment of the imam' in the words of the Imam Malik is to give the imam the choice of the sentence against the warrior. Al-Qarafi said: 'Malik said the imam can decide on the sentence, just like the verdict of the warrior' (*Al-Dakhirah*, volume 3, page 400).

"This shows that the judgment of the imam is to choose between the appropriate sanctions, including execution. This does not mean that he should be sentenced the same as the warrior. Making them identical in verdict, God knows best, falls on the choice, not the type of punishment. It is known that the Maliki School that the use of 'or' is to mean the choice, as said Malik, may God's mercy be upon him: 'The warrior who practices banditry, terrorizes the people everywhere, and makes mischief in the land, even if he does not kill anyone, should be killed if it was proven that he did this. However, if he is not killed then it is up to the imam to decide between execution, crucifixion, or cutting off hands or feet or exile from the lands. Imam Malik said: 'A warrior's acts, either

hidden or declared, are similar. If he tries to hide his acts but comes out to the people plundering, terrorizing, making banditry, or killing, then that is to be decided by the imam on which of these behavior he will base his judgment' (*Ahkam al-Qur'an*, volume 2, page 94).

"Some Maliki scholars have given explanation on Imam Malik's intent behind saying 'the judgment of the imam' in the verdict against the spy, and to set it similar to the verdict against the warrior, saying that this only regards the choice of the way of the execution, and not to move to the rest of the penalties, like the exile, and the cutting off of feet and hands. This said, he agrees -- in terms of the obligation of execution -- with Ibn al-Qasim, just as said the scholar Abu al-Yad Ibn-Rushd, which I mentioned earlier: 'Imam Malik's words need to be interpreted based on the [his] aforementioned saying: I see that this is to be decided according to the imam's judgment' (*Al-Bayan Wa Al-Tahsil*, volume 2, page 537). The Imam Al-Mardawi al-Hanbali, may God's peace be upon him, said: 'Ibn Uqayl made the killing of the Muslim who spies for the interest of the infidels permissible. Ibn Al-Jawzi added: If there are fears that this continues to happen' (*Al-Insaf*, volume 15, page 464).

"The Imam Malik, may God's peace be upon him, even if he stated that he had not heard anything regarding this matter, meaning that he does not have any relevant evidence, some scholars approved what he said and took as evidence the incident of Hatib, may Almighty God be pleased with him: 'Umar, may Almighty God be pleased with him, had asked the prophet, peace and prayers be upon him, to kill Hatib. He neither denied him this request nor told him that his crime does not require such punishment. However, the objection was that he attended Badr [Battle]. This obstacle is absent, but if the act of spying was apparent, while the obstacle was absent, then his killing becomes permissible, as stated by the prophet, peace and prayers be upon him. Such evidence was confirmed by more than one scholar.'

"Shaykh al-Islam [Ibn-Taymiyah], may God's mercy be upon him, said: 'The killing of the hypocrite heretic without repentance is permissible, as indicated in the Two Authenticated Books of Hadith, on the authority of Ali, regarding the story of Hatib bin-Abu-Balta'ah. Umar said: 'Oh messenger of God, let me hit the neck of this hypocrite. The prophet said: He attended Badr; what made you sure, God may have had known the intentions of the people of Badr and said: Do whatever you want, I have forgiven you. He indicated that hitting the neck of a hypocrite without repentance is permissible, as the prophet, peace and prayers be upon him, did not deny Umar the right to hit the neck, but replied saying that this is not a hypocrite, and he is from the people of Badr who are granted God's forgiveness, however, if he shows clear and sure hypocrisy, certainly his blood becomes permissible' (*Al-Sarim al-Maslul*, volume 1, page 358).

"The interpretation of Shaykh al-Islam, may God's mercy be upon him, using the evidence of the aforesaid story [Hatib story], goes beyond the permissibility of the killing, as he drew from it the request of Umar, may God be pleased with him, before the prophet, peace and prayers be upon him, to kill Hatib without repentance, and the approval of the prophet, peace and prayers be upon him, indicates the permissibility to kill the hypocrite heretic without repentance. The evidence is that Umar, may God be pleased with him, has founded this idea to implement the death penalty on apparent hypocrisy, and reported infidelity. The prophet, peace and prayers be upon him, did not deny him this idea or judged it based on the apparent, but he showed him that the description on which he founded his verdict is absent in this context in particular; as it is known that the verdict is always linked the presence of a reason. Almighty God knows best.

"The Imam Ibn al-Qayyim, agreeing with Imam Malik's opinion, in the *Al-Fawa'id al-Mustanbatah Min Ghazawat Fath* said: 'The permissibility to kill the spy, even if he is Muslim, because Umar, may God be pleased with him, had asked the prophet, peace and prayers be upon him, to kill Hatib bin-Abu-Balta'ah, when the latter reported the news to the people of Mecca. The prophet, peace and prayers be upon him, did not tell him that he is Muslim, and should not be killed, but said: What made you sure, maybe God had known the intentions of the people of Badr, and said: Do whatever you want.' He then said that there is an impediment which prevents his killing; that is, his participation in Badr. This answer tells that a spy's execution becomes permissible if such an impediment is missing. That is the Maliki School, and a part of Ahmad [Bin Hanbal] School. What is correct is that his killing is to be decided by the imam if he finds a benefit for Muslims in killing him and if he finds that keeping him alive is an option, then he decides so. God knows best' (*Zad al-Ma'ad*, volume 3, page 371).

"He also said: 'Consider what he said to Umar when the latter asked his consent to kill Hatib: What made you sure, maybe God had known the intentions of the people of Badr and said: Do whatever you want, I have forgiven you. This contains the basic edict about which the scholars and fundamentalists disagreed, about whether the reason of the presence of an impediment prevents that a verdict be made. The prophet, peace and prayers be upon him, made his blood impermissible because of his attendance in Badr, even without a complete Islam, and showed that the proof that confirms his killing was present which is spying on the prophet, but the impediment, which earned him the impermissibility of implementing the verdict, nullifies the execution because of his attendance in Badr Battle, in which God had already granted its people His forgiveness. That said, those who see the killing of a spy get this Hadith as evidence, as it is not because he witnessed Badr but because he abstained from killing him for his attendance in Badr (*Bada'i al-Fawa'id*, volume 4, page 940).

"The Al-Hafiz Ibn-Hajar, may God's mercy be upon him, said: 'He used the request of Umar to kill Hatib to prove the permissibility to kill a spy even if he is Muslim, which is the opinion of Malik and those who agreed with him, whose evidence is that the prophet confirmed the killing were it not the presence of the impediment, and highlighted that as he attended Badr. This is absent in Hatib's case, and if Islam prevented his killing, it would not have been justified with what is more specific' (*Fath al-Bari*, volume 8, page 635).

"The opinions of scholars in deducing this ruling from the story are so many, yet some of them may follow later, Almighty God willing.

"Fifth Saying: The Muslim spy is to be killed if he repeats his mistake, according to Abd-al-Malik Bin-al-Majshun from Al-Malikiyyah.

"Imam Al-Qurtubi indicated that Bin-al-Majshun reached this judgment from the fact that Hatib committed the mistake once and that is why he was not killed. Anyone who repeats this mistake or takes it as a habit is killed. He said: 'Maybe Bin-al-Majshun specified repetition because Hatib committed the mistake once' (*Tafsir Al-Qurtubi*: 18/46).

"Imam Bin-al-Mundher, may he rest in peace, said: 'Abd-al-Malik Bin-al-Majshun said that in case you found someone who repeated that mistake, and he was known for repeating it, he will be the spy who betrayed God and His messenger and he should be killed' (*Al-Awsat* 10/211).

"Judge Ayad, may he rest in peace, said: 'Abd-al-Malik differentiated between he who knew by chance, who made the mistake once and did not mean to betray Islam, and he who is used to making the mistake. The latter is killed and the other one is tortured and taken as an example' (*Ikmal al-Mu'allim* 6/35).

"Imam Bin-Battal, may he rest in peace, said: 'Bin-al-Majshun said that in case the person who committed the mistake did not repeat it and was not one of those who offend Islam, he must be tortured and serve as an example for others and, in case he was used to repeat the mistake, he must be killed.' (*Sharih Bin-Battal*: 9/214)

"Allamah Abu-al-Abbas Ahmad Bin-Umar al-Qurtubi, may he rest in peace, said: 'Students of Imam Malik have three opinions: First, he must be killed. Second, his repentance is accepted. Third, his repentance is accepted if he was not known for his mistake and his repentance is not accepted if he was known for his mistake' (*Summary of Muslim book*: 11/74)

"According to the selections of Shaykh al-Islam: 'The spy who keeps spying, is killed' (*Al-Ikhtiyarat al-Ilmiyah* :261).

"Imam Bin-al-Arabi al-Maliki, may he rest in peace, said: 'Abd-al-Malik said that in case he is used to making that mistake, he must be killed because he is a spy. Malik also said that the spy must be killed. Then, Bin-al-Arabi said that this is right because the spy harms Muslims and seeks corruption in the world' (*Ahkam al-Koran*: 7/296).

"Imam Al-Qarrafi, may he rest in peace, said: 'Al-Maziri said that in case the spy was Muslim, he should be killed and his repentance is not necessarily accepted. It was said that if he was considered an ignorant and he committed the mistake once , he

will be tortured and if he has a habit to do that mistake, he should be killed' (*Al-Dhakhira*: 3/400).

"As if Imam Abd-al-Malik Bin-al-Majshun and those who followed his opinion considered the repetition as proof of advocating and supporting the infidels or as a sign of what that spy has of corruption that needs to be wiped out.

"Judge Ayad, may he rest in peace, said in explaining the reason of having this opinion: 'Those who differentiate between the person who used to spy and the person who does not, believe that his habit aggravates his crime and intensifies his harm. Therefore, it is better to treat him as combatant but if it was his first time to do so, he should not be treated as a combatant' (*Ikmal al-Mu'allim* 7/272).

"Anyway, the spies today perform their tasks according to an agreement between them and their infidel friends. It is their career for the rest of their lives. In some cases, the spy performs only one task and his role ends there. However, those cases are very rare nowadays, God knows best.

"Sixth Saying: The refraining according to Imam Ahmad Bin-Hanbal, may he rest in peace, means do not sentence him to die.

"Shaykh al-Islam Ibn-Taymiyah, may he rest in peace, mentioned that Imam Ahmad refrained from issuing judgment concerning the Muslim spy. After he mentioned the disagreement among scholars in the matter of killing the spy as a corporal punishment and mentioned some cases including the punishment of the Muslim spy, he, may he rest in peace, said: 'Malik and others said that some crimes may lead to the killing [of the spy] and some of Ahmad students agreed with him concerning Muslim spy if he spied on Muslims for the benefit of the enemy. However, Imam Ahmad did not decisively allow his killing' (*Majmu al-Fatawa*: 28/345) Bin-Taymiyah, may he rest in peace, repeated that many times in his books.

"When Judge Ayyad, may he rest in peace, mentioned the scholars' opinions concerning the ruling of the spy and interpret them according to his best judgment and explained the objective of each of them he said: 'I think that Hatib's Hadith should not be used alone as a proof in this context since he justified his action with the excuse he mentioned. The prophet, peace be upon him, said: 'He said the truth.' Thus, Hatib is undoubtedly truthful because the prophet, peace be upon him, said he is truthful. As for other spies, we cannot confirm that they have good intentions or that they are truthful in their excuse. Therefore, the story that came in the Hadith is limited to this context and cannot be applied to other cases because we do not know that the excuse used in other stories is truthful as we knew in this story. I think that the rule outlined by the scholars of the principle jurisprudence which says 'if the ruling has a special reason, it should not be generalized' can be applied to this Hadith' (*Ikmal al-Mu'allim* 7/272).

"The Preponderant Opinion

"In the beginning of our speech we explained that conveying information about Muslims to the infidels so they could benefit from it in their war against Islam is an obvious support and a flagrant apostasy. Actually, the support is the aid and the favoritism present in such a case. The fact of performing this support secretly, does not hide the truth but confirms that the supporter hides hypocrisy and evil and, searches for tricks to pull them off. He should not be excused. Therefore, in my humble opinion, I think that the imams' words should be considered in other than that case in which the assistance to infidels is very clear and the support for them is real and certain. In that case the supporter is not a Muslim spy anymore, but he is measured as one of the apostates. I already quoted the words of Imam Bin-Hazm about the person who lives among infidels and assists them through writing or accomplish for them a service or so. What spies do when they live among Muslims and track their news is much more dangerous than what infidels do using their services and writings. In reality, we cannot overlook the witnessed truth about that outspoken war that the spies are carrying out against Islam and Muslims. We hold on to suspicious expressions and probable words especially after we have seen the harvest achieved by the infidels weapons formed of aircraft, rockets, and other things. This harvest is due to the direct reliance on the accurate and secret information that their supporters provide for them. This information leads to killing the righteous people, tearing up their bodies, arresting them, destroying houses, and burning towns. The person who participates in this directly could not be a Muslim. His information guides the infidels to commit such crimes that are considered the groundwork of that violent war.

"Any mind or Shari'ah evidence differentiates between two kinds of Islam impostors. The first kind takes his aircraft or tank and prepares his cannon to shell the towns and houses of Muslims and to hunt their leaders and soldiers. The second kind covers long distances, perpetrates serious dangers, bears the toughest difficulties, overcomes the roughest hardships, and risks himself to search for these targets that the infidels seek in order to have an easy target and a facilitated hunt, causing a severe loss to Muslims, weakening the religion, and notably undermining the mujahidin to an extent that only God knows!"

"With the grace of God, we earlier explained that the ulema disagreed about the infidelity of the Muslim spy and about killing him. As a result of that disagreement and after examination and scrutiny concerning this issue, I found, God Almighty knows best, that the Muslim spies can be divided into two categories:

"The first category: The spy whose spying was proved as a clear assistance to the infidels against Muslims is not called a Muslim spy unless by considering what he used to be or what he pretended to be, such as hypocrites. The reality is that he is an apostate. He is even worse than apostates for emulating the disguised and concealed infidels.

"The second category: The spy whose spying is doubtful in a way that his assistance to the infidels against Muslims does not appear clearly, or that he has considerable interpretation in a certain or casual incident or that he was confused in a way that may represent an excuse for him and prevents us from deeming him as an infidel. Whoever has the same case can be called Muslim spy.

"As for the first category, my understanding, and only God knows best, is that the view held by Imams Ibn al-Qasim, and Sahnun, who is a well-known scholar of the Maliki school of *Islamic jurisprudence*, represents the most probable interpretation. Therefore, whenever any of those spies who aid the infidels against Muslims is found, it is obligatory that he shall be killed, regardless of whether he declares repentance or not. If his declaration of repentance is genuine then it will help him when he meets God and if he is a liar and deceitful, then this will only worsen his predicament and he shall be among those whom God described: 'Fain would they deceive Allah and those who believe, but they only deceive themselves, and realise (it) not! In their hearts is a disease; and Allah has increased their disease: And grievous is the penalty they (incur), because they are false (to themselves)' [Koranic verses, Al-Baqarah, 2:9,10].

"As for he who comes in repentance voluntarily before he is captured by the mujahidin, his repentance shall be accepted, and he shall be spared the death penalty. The similarity between this type of spy and the heretics--in the sense of their harbored intention to betray Muslims, inflict harm on them; conceal their aid to their enemies, and extend support to the infidels in their war against them-- is an explicit similarity. The common factor between both (the heretic and the spy) is the harboring of evil and disbelief and the pretense of Islam accompanied by deceit and haughtiness. Some scholars justified the incumbency to kill heretics by reasoning that their declaration of repentance, i.e.; returning back to Islam and abandoning what they are into, is nothing but a confession of their pretense of Islam. Other scholars even went so far as to say that their claim of repentance after they have been captured is in itself very much an act of hearsay because by their declaration of repentance, they add nothing to what they used to pretend, probably as way of protecting themselves from killing.

"Also in the case of highwaymen, the Koran has differentiated between accepting their repentance before they have been captured and accepting their repentance after they have been captured. Almighty God says: 'Except for those who repent before they fall into your power: in that case, know that Allah is Oft-forgiving, Most Merciful' [Koranic verse, Al-Ma'idah, 5:34] This is so even though the harm of those highway robbers is confined to stealing money and shedding blood, whereas the harm of heretics extends to faith, entails corruption of creeds, and raises suspicions about them. The damage which is done to faith is no doubt greater than the damage which is done to lives, as Imam Ibn al-Qayim, may God grant mercy on him, said: 'As far as highway robbers are concerned, God ruled that if they repent before they have been captured, then their repentance shall be accepted, but if they repent after they have been captured, then their repentance shall be denied. The damage done to Islam by the heretic by his tongue is greater than the damage done by highway robbers by his weapons. This is so because the harm done by highway

robbers is confined to property and lives, whereas the harm done by the heretic is affecting the hearts and faith. Thus, for still stronger reasons, the repentance of the heretic after he has been captured shall be denied' (*I'lam al-Muwaq'iin*, part 3, page 130).

"Proceeding from this point, it is inferred that the damage done by the spies may, in some cases, extend to lives, property, and faith. This is a tangible verity in the history of Muslims particularly in war and jihad fronts. By passing secret information to the enemies of Islam, blood is shed, honor is violated, good people are captured, houses and cities are destroyed, and villages are set on fire. Above all of that, the infidels' barracks and enterprises which spread infidelity, atheism, impudence, and moral degeneration day and night are well guarded due to the presence of hundreds of spies who are spread around like grasshoppers. None of what I have mentioned has any exaggeration. Hearing is not like seeing.

"If what all the highway robbers are doing is targeting the vulnerable people on roads, and usually killing only those who do not give in to their demands, the information passed by spies, on the other hand, may lead to the death of scores of men, women, and children in less than a second as a result of an attack by missiles which hit their targets according to the accurate data which those spies pass to their infidel masters. Some scholars mentioned that the damage done by the spy is greater than the damage done by the highway robber. This agrees with the view held by Imam Ibn al-Qasim. Ibn Rushd al-Jid said: 'The view held by Ibn al-Qasim is true because he [the spy] causes more damage than the highway robber' [*Al-Taj wal-Iklil Limukhtasar Khalil*, part 5, page 160]

"Some scholars held the view that the spy shall be killed if his spying resulted in loss of lives, or weakening of Islam. By this view, they placed the spy in the same category of that of the highway robber. Imam Al-Dhahabi, may God grant his mercy to him, said: 'Major sin 69: Spying on Muslims and revealing their weaknesses is covered in the story of Hatib Ibn Abu Balta'ah who sent a secret letter telling of the Muslims military plans to his relatives in Mecca in hopes that they would not get hurt. Umar, may God be pleased with him, wanted to kill him for what he had done, but the prophet, peace and prayers be upon him, forbade Umar from killing him, as Hatib had participated in the battle of Badr. If someone's spying entails undermining Islam and its people or the killing of captives, enslavement, or plundering of Muslims, or anything of the like, then he is one of those who strive for corruption in the land, destroying tillage and offspring, and he is subject to death, and deserves the torment (of Hellfire), may God save us from it' [*Al-Kaba'ir* 1/92].

"Look at how Imam Al-Dhahabi, may God grant His mercy to him, used 'or' to join some of the damages which resulted from the spying. This means that anyone of these damages, if happened, is good reason to have the spy killed. So what would it be if all these damages are done together as is the case today? There is no doubt that all these damages or at least most of them have been done at the present time as a result of what the spies of this time are doing. The weakness which is inflicted Islam, the killing of Muslims, the empowerment of the armies of the Cross and their stooges would not have been possible without the help, the aid, the information provided by the spies.

"Scholar Ibn Hibr al-Haytami, elaborated on what Imam al-Dhahbi said in this regard, saying: 'Major sin 405: Revealing the weakness of Muslims. If this resulted in the weakness of Islam or Muslims, killing, enslavement, or robbery, then it is deemed to be one of the major sins. This is so because the spy, in this case, is considered one of those who strive for corruption in the land, and destroying tillage and offspring. As a result his abode will be in Hell, what a woeful refuge. Some said: only he whose deeds resulted in that shall be killed, not all of them' (*Al-Zawajir an Iqtiyaf al-Kaba'ir*, part 3, page 192).

"His only disagreement is on generalizing the death penalty to include every spy, not the penalty itself. And only God knows.

"In the *Al-Nawazil al-Kubra*, part 3, pages 78-83, the following was mentioned: Some of them joined Muslims in their fight against the enemy. By this they were aiding the enemies by passing to them information on the situation of Muslim soldiers, revealing the weaknesses of Muslims, and hiding in wait for them. Back then, many letters which were written by the spies known scholars were revealed, in which they assure the enemies of their loyalty to them, and that they are working on weakening the Muslim armies. The ruling of those is similar to the ruling of heretics. If they are caught, they shall be killed or their destiny is in the hands of God.'

"Among the contemporary scholars who advocate the killing of the spy is Shaykh Muhammad Salih Al-Uthaymin, may he rest in

peace. He said: 'The spy, even if he is a Muslim, shall be killed if he conducts espionage activities for the benefit of the enemy. The evidence on that is the case of Hatib Ibn Abu Balta'ah, the spy who conducted espionage activities for those in Mecca. The Commander of Believers Umar Bin al-Khattab, may God be pleased with him, asked the prophet, prayers and peace be upon him, to allow him to kill Hatib. The prophet then said: 'Hatib participated in the Battle of Badr, and who knows, perhaps God has already looked at the Badr warriors and said, 'Do whatever you like, for I have forgiven you.' We infer that the prophet agreed that espionage warrants death, but the reason that prevents the killing of Hatib was the fact that he has participated in the Battle of Badr. This reason is not present at this time, thus, if anyone is caught because passes information on us to the enemy, either in writing or verbally, or through tapes, he shall be killed even if he repents, for this is the punishment that protects us from his evil and deters others from following suite' (*Al-Sharh al-Mumti*, part 4, page 523).

"He also said: 'The right thing is that he [spy] shall be killed. The Muslim spy shall be killed. The evidence for that is the story of Hatib, may God be pleased with him. When the prophet, prayers and peace be upon him, was asked to permit killing Hatib, he said: 'who knows, perhaps God has already looked at the Badr warriors and said, 'Do whatever you like, for I have forgiven you.' This is evidence that Hatib would have been killed but he was pardoned for the reason that he has participated in the Badr. This is a privilege confined to the people who have participated in the Battle of Badr. Thus, it can be inferred that the Muslim spy shall be killed, and no doubt in that for the great damage and danger he poses (*Sharh Kitab al-Siyasah al-Shari'ah*, page 351).

"He further stated: 'Therefore, the ruler must kill any spy if caught passing information to our enemies, notwithstanding that he is a Muslim. This is so because he strives for corruption in the land. It is incumbent upon the ruler to kill the spy, even if he is a Muslim, for his great damage. As for Hatib, he was spared death just because he has participated in the Battle of Badr' (*Sharh Riyad al-Salihin*, part 2, page 19).

"He also said, may God grant him His mercy: 'What forbade the prophet to kill this man is that he participated in the Badr battle. Hence, if we saw a spy among the Muslims who tells the infidels about our news, he ought to be killed even if he said I bear witness that there is no god but God, and that Muhammad is His messenger. He should be killed without any exception because the prophet, peace and prayers be upon him, only forbade him to kill Hatib because he is one of the Badr people, which is a characteristic which will not happen until Judgment Day. Scholars, may God grant them His mercy, concluded from this Hadith that the spy is killed whether he is a Muslim or an infidel in any case since he reveals our information to our enemies. God approves that' (*Sharh Riyad al-Salihin*: 1/2206).

"I said: It is impermissible to kill the spy based on Hatib's story, may God be pleased with him, and it is unclear, since the incident indicates its permissibility. The prophet's interpretation that Hatib participated in the Badr battle indicates that it is permissible to kill someone who does not have this privilege. As for the impermissibility, it is taken from independent evidence, and Judge Iyad will talk about this to warn against this issue. God the Almighty knows best.

"The difference between one who turned to God in repentance before overcoming him, it is accepted from him, while the one who repented after, his repentance will not be accepted. These spies are similar to the highwaymen in which God clearly differentiated in the two cases: 'The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter; Except for those who repent before they fall into your power: in that case, know that Allah is Oft-forgiving, Most Merciful' [Koranic verses, Al-Ma'idah, 5:33-34].

"Yet, there is no difference that the large amounts of damage and corruption that takes place as a result of the spying of these people is much greater than what is carried out by the highwaymen, whose aggression is often directed toward a convoy or a vehicle or a limited number of people. Nevertheless, God severely punished them and called them the fighters against God and His messenger and seekers of corruption on earth. How would that be when the fight against God, His messenger, and the believers be a truth for whoever had the least faith in his heart, and their corruption on earth is more clear than clarity and very popular. Is there a greater corruption than paving the way for the enemies of God, the Jews, Christians, and apostates, helping them to take

the homes of Islam, and showing them the gaps from which they can survive as well as the entries from which they can go?

"There are many scholars who view that those who support the Jews and the Christians are more harmful than the fighters. Their damage should not be mentioned so that those who see them shall know the gravity of this damage. They will receive harsh punishment according to the harm and evil deeds they do.

"Those who support the Jews and the Christians do not deserve to accept their repentance after overcoming them. They ought to be killed due to their severe damages, great penalties, and the emergence of their corruption. The scholars mentioned the aforementioned verse in the laws of highwaymen, however, many conclude otherwise. They render the features which we mentioned in it, that is the fighting and corruption on earth, reach further than the highwaymen. The shaykh of Islam, may God grant him his mercy, said: 'Strong people of enough supporters, who abstained from obeying God and His messenger, have fought God and their messenger. Whoever applied on earth other than the book of God [Koran] and the Sunnah of His messenger, have brought corruption on earth. Hence, the forefathers interpret this verse to the infidels and the people of Qiblah when the common imams included the highwaymen who show the weapon in order to take money only and made them take the money of people by fighting God and His messenger and seeking for corruption on earth, even if they believed to forbid what they did and acknowledge faith to God and His messenger.'

"One who believes that making the Muslims' blood and money permissible and impermissible to fight them ought to be a fighter against God and His messenger and a seeker for corruption on earth. The warlike infidel, who makes Muslims' blood and money permissible and sees the permissibility of fighting them ought to be fought rather than fighting the dissipated who believe in forbidding that, in addition to the inventor who left some of the Shari'ah of God's messenger and his Sunnah and made permissible the blood of Muslims who are attached to the Sunnah of God's messenger, peace and prayers be upon him, his Shari'ah, as well as the Muslims' money ought to be fought more than the dissipated, even if he followed a religion to be close to God. Jews and Christians fight Muslims and follow this as a religion to be close to God' (*Majmu al-Fatawa*: 28/470).

"He, may God grant him His mercy, said that 'fighting with words is as fighting with the hand. Hence, there is the Muslim spy who tells about the shortcomings in the Muslim ranks, the one who lies with words or his writing, or the one who orders this, so that the well-known people of the nation kill its scholars and princes, and consequently, many types of mischief will appear. If there was another way to prevent this mischief, he should be killed, and even if his mischief was prevented, he should be killed also. Hence, God the Almighty said: 'If any one slew a person, unless it be for murder or for spreading mischief in the land' [partial Koranic verse, Al-Ma'idah, 5:32] and 'The punishment of those who wage war against Allah and His Messenger and strive with might and main for mischief through the land' [partial Koranic verse, Al-Ma'idah, 5:33] (*Al-Ikhtiyarat al-Ilmiyah*: 1/263).

"The scholars have mentioned that the watchmen among the highwaymen ought to be killed although he does not take part in killing, but since he was in place of their eye, spy, and observer which help them in fighting by telling them who comes. This leads to continue in their evilness and injustice. The watchman is one who stands at a high place to tell the fighters who comes. Are these helping spies to the fighters of God, His messenger, and the believers, not deserve this penalty? Their participation in the act is closer and clearer than the others. Their damage is wider, and their profession is worse. They are part of the community which they help, watch, and give the information they collect, yet, they participate directly in their crimes. The Shaykh of Islam, may God grant him His mercy, said: 'If the thief fighters were a group; each participated in killing and the remaining fighters were supporters to this group, it is said that the doer of the action is only killed and the supporters are killed even if they were hundred. This is because the supporter and the doer of the action are the same. This is said by the righteously-guided caliphs, for Umar Bin-al-Khattab, may God be pleased with him, killed the watchman of the fighters. The watchman is one who stands at a high place to tell the fighters who comes. The doer of the action was able to kill with the help of the supporter, and if some of the community won one another and became powerful, they became part of the reward and punishment' (*Majmu Fatawa*: 28/311).

"Hence, the conclusion in this chapter on spies is that whoever was proven to have assisted the infidels against the Muslims by moving their news to them is judged as an infidel in killing. If he came repentant from himself and before overcoming him, his

repentance is accepted and killing is cancelled. As for whoever was caught and was still working in the aforementioned spying, he ought to be killed, whether he claimed repentance or not, which is the origin and basis of the judgment which is attached to and applied. However, there are some exceptions against some of the spies for clear, aggressed legitimate considerations. Hence, we can reduce their punishment or set them free for a clear interest or to prevent harm to happen. God the Almighty knows.

"Whether one who assists the infidels was proven that he gave some information to them from which they benefited in their operations and deeds, or his assistance was legal, he had prepared himself for assistance and became part of the intelligence organization which everyone knows its mission and task.

"The second kind of spies is that kind whose espionage might be controversial, in a way that his support the infidels, at the expense of the Muslims, is not clearly distinct. It might also be interpreted in a certain event in such a way as to give him an excuse that does not consider him an infidel. This is the kind of spy that we may call a 'Muslim spy'.

"We have mentioned this section based on a hypothetical imagination that this kind of spies may, however rarely, exist.

"It is out of argument to say that if ulema mention the ruling of the 'Muslim spy' in their books and references, this type does certainly exist, because they did not come to agreement about it. There is no unanimity on the necessity of having a 'Muslim spy', who is caught spying, while keeping his Islamic faith. Imam Muhammad-Ibn-Wahb, one of the great scholars, considers this case an apostasy that necessitates repentance, but he does not mention any details. Some contemporary ulema consider all kinds of spying, which include causing harm to Muslims, an apostasy. The only exception was that of Hatib-Bin-Abu-Balta'ah, may God be pleased with him, for reasons he mentioned. Shaykh Sa'id-Ibn-Wahab-al-Qahtani said: 'I heard his eminence, scholar Abd-al-Aziz-Ibn-Baz, may God protect him, say: 'This Hadith is great; it has two explanations.

"Espionage is forbidden, whether it causes harm to the Muslims, or it does not cause any gain for them. Espionage, which harms the Muslims, necessitates killing the spy, but this man was a matter of doubt. Therefore, the prophet, May God's prayers and peace be upon him, excused him for two reasons. The first reason was that there was confusion about him; and the second was that the man was one the Muslim fighters who fought in Badr. A Muslim who does this shall be killed because this is apostasy, except for Hatib's case (*Fiqh al-Da'wah [Understanding of Da'wah]*, in *Imam al-Bukhari's Hadith collection Al-Sahih* 3:23-240).

"He, may God grant him mercy, was also asked: 'God bless you. Some scholars say that how is Hatib's action an act of apostasy, and how he was spared because he had witnessed Badr.'

"The answer: The apparent uncertainty prevented considering him an apostate, and killing. Uncertainty was there, because he witnessed Badr. The authenticated Hadith says: 'Do as you like' caused uncertainty in killing him and in taking him as an apostate. This is why, when one of the polytheist was caught spying on the Muslims, the prophet, may God's prayer and peace be upon him, ordered that he be killed ('Zad-al-Ma'ad Explanation', quoted from the Archives of the People of Hadith).

"It appears, and God knows best, that as Imam Malik-Ibn-Aqil of the Hanbalis explained, and as Imam Ibn-al-Qayyim, may God grant them all His mercy, argue that the punishment is a discretionary or corporal one, which might come to execution. The argument here depends on the story of Hatib. I have quoted the deduction of a number of scholars, which include this one. Umar Bin-al-Khattab, may God be pleased with him, asked the prophet a permission to kill Hatib without telling him to repent, and the prophet, may God's prayer and peace be upon him, did not oppose to that, as the shaykh of Islam, may God grant him mercy, says: 'The reasoning for permissibility of killing a hypocrite infidel, without telling him to repent, when the two Sahih's quote what Ali said on the event of Hatib-Bin-Abu-Balta'ah. Umar said: 'Oh messenger of God: let me kill this hypocrite.' The prophet, may God's prayers and peace be upon him, said: 'He witnessed Badr. You do not know Umar. Maybe God looked at the Badr warriors and said: 'Do as you please. I forgive you. This proves that killing a hypocrite, without telling him to repent, is permissible, because the prophet, prayers and peace be upon him, did not object to Umar's request to kill Hatib but replied that Hatib was not a hypocrite but one of the fighters of Badr whom God forgave. If a person proves to be a hypocrite, he become no more immune to killing (*Al-Sarimal-Maslul* :1/358).

"The second point is Umar's reasoning in his request to kill Hatib, based on his hypocrisy, as Umar believed, and the prophet, prayers and peace be upon him, approved Umar's reasoning, but ordered not to kill him because he fought in Badr. This special case does not accept generalization. The position of the prophet, prayers and peace be upon him, in letting Hatib go and telling him of God's forgiving the people of Badr, and also saying that Hatib 'was honest to you' which means that he was not a hypocrite and means that whoever acts like him may be killed because he did not witness Badr.

"If Hatib's faith in Islam was the reason not to kill him, there was no reason top mention his fighting in Badr. The prophet, may God's prayers and peace be upon him, would have said: 'How would you kill him, while he is Muslim?'

"Judge Ayyad-al-Maliki, may God grant him mercy, said: 'Umar's request to kill Hatib is proof that killing a Muslim spy is permissible. The prophet, prayers and peace be upon him, did not object to Umar's request, but gave Hatib an excuse, based on God's forgiveness of the sins of the people of Badr and the event preceded Badr. This is a good reason for those who do not go for killing a spy, and an imam may resort to ijtihad [interpretation] not to kill, as Malik wishes' (*Ikaml-al-Mu'allim* [*Supplementing the Teacher*] of Muslim's Sahih book of Hadith:7/2710).

"Imam Al-Shawkani, may God grant him His mercy, said: 'Saying that he had witnessed Badr is an apparent reason not to kill him, otherwise it was obligatory to kill him, which gives a sound reason for those who go for killing spies, even though they are Muslims (Nayl-al-Awtar [Attaining the Objectives] 12/228).

"Al-Suhayli, may God grant him His mercy, said: 'The Hadith has a reason to kill spies. Umar, may God be pleased with him, asked to kill him, but the prophet, God's prayers and peace be upon him, said: 'You do not know, Umar, maybe God looked at the Badr warriors and said: 'Do as you please. I forgive you.' The ruling to suspend killing him because of Badr proves that whoever does the same shall be killed because there are no Badr fighters any more' (*Al-Rawd-al-Anif*: 4/150).

"Consequently, those who reject killing Muslim spies based on the Hadith of the prophet, God's prayers and peace be upon him, which says: 'Muslim blood shall be immune, except for three, a life for a life; a married adulterer, and an apostate, who abandons religion and the Muslims.' Their argument is not completely sound, because there are cases other than those three, where killing is the Shari'ah punishment, such as the cases of highwaymen, sodomites, and others.

"Imam Ibn-Rajab-al-Hanbali, may God grant him His mercy, gave many cases other than the three above, which are mentioned in the Hadith, and then said: 'They include a Muslim spy, if he spies on the Muslims for the infidels.' Ahmad stopped. A group of the companions of Malik and Ibn-Aqil of our companions approve it. Some Malikis say that killing is permissible for repeated spying, based on the saying of the prophet, God's prayers and peace be upon him in Hatib's case. Hatib had sent a message to the people in Mecca telling them that the prophet, God's prayers and peace be upon him, had been preparing to march against them and asking them to take care. Umar asked for permission to kill, but the prophet, said that he had witnessed Badr. The prophet, prayers and peace be upon him, did not say that Hatib had not committed a crime that deserves killing, but justified forgiving him in forgiveness from God to the Muslims who had fought in Badr. This special and unique case is not to be found after Badr' (*Jami'-al-Ulum wal-Hukm*:129).

"Imam Ibn-al-Arabi, may God grant him His mercy, said: 'Killing is punishment in 10 cases, some are unanimous, and others are controversial. No one can suspend anything on that Hadith' (*Ahkam-al-Qur'an*:3/163).

"Talking about corporal punishment, Shaykh-al-Islam, may God grant him his mercy, says: 'Is it allowed to get to killing, as in a case of killing a Muslim spy? There are two sayings. One of them allows killing a spy to get the benefit, which is the opinion of Malik and some of Ahmad's followers like Ibn-Aqil. Some Safi scholars mention something like this in killing those who promote improvisation in Islam, and those whose corruption cannot be corrected without killing, like the Al-Qadariyah [those who believe in destiny as opposed to free will in Islam]' (*Collection of Fatwas*:9/288).

"I have already mentioned Imam Ibn-al-Qayyim's adoption of this opinion. One of the contemporary scholars who did the same, was Shaykh Abdallah Azzam, may God grant him His mercy, who said: 'Imam Ibn -al-Qayyim, supports the view of Imam Malik, and we also do the same' (*Al-Dhakha'ir*:1/304).

"He, may God bless his abode, also said: 'As for killing a Muslim spy, it must be referred to the amir, who decides if the benefit is to kill him, based on Imam Malik and Imam Ibn-al-Qayyim's opinion, or to release him according to the opinion of the other three imams' (*Kalimat Min Nar [Words of Fire]* 314).

"To sum up, spies, who do some acts of spying where their support to the infidels against the Muslims, is not obviously great or can be confused, must have a corporal punishment like beating, imprisonment, exile, or killing, which will deter such people not to commit such shameful actions, and God is Most Knowledgeable. There is no doubt that it is acceptable to pardon this kind of spies after thorough ijtihad and investigation, if the benefit of the Muslim so dictates, as in all other corporal punishments.

"Al-Tabari, may God grant him His mercy, said: 'In the Hadith of Hatib-Bin-Abu-Balta'ah, it is fiqh [understanding] that if a man of confidence appears to have written to an enemy to warn them of what the Muslims intend to do, and if that person was not known to be fraudulent or cheating to Islam and Muslims, and his action was an error unique of its kind, the imam may pardon him, following the example of the prophet, God's prayers and peace be upon him with Hati' (*Explanation of Sahih-al-Bukhari*, by Ibn-Battal:5/162). Imagine how the Imam Al-Tabari describes the action of this spy, who might be pardoned, in a description that matches what Hatib, may God be pleased with him, did, as it was not apostasy or hypocrisy.

"Attention: This ruling on the two examples of spying applies only to a spy, whom the mujahidin can arrest, or who already falls in the hands of the mujahidin, who can verify his position. Other spies who are proven guilty and who fortify themselves and refrain from surrendering to the ruling must be killed without hesitation to get rid of their harm and evil, and to deter other potential spies. In this matter, Shaykh al-Islam, may God grant him His mercy, says: 'If an apostate gets shielded by joining the enemy or if he is strong enough to resist the ruling of Islam, he must be killed without hesitation, or telling him to repent' (*Al-Sarim-al-Maslul*:1/328).

"Chapter Four: How to Prove Espionage Charge

"First, I would say that looking into that issue is like handling a devastating and an overwhelming case, and a standing catastrophe that strikes and ravages. If Muslims live in a possible Islamic state, which has its power and authority, judiciary system and prowess, espionage types are discrete and individual cases and events are partially controlled, then the matter would have been very clear and simple, for looking into every case would be a judiciary which directly depends on testimonies of the witnesses or confession of the accused, exactly like any judicial issue discussed in the state of Islam. This may be the reason behind the shortness of literature by the ulema in this subject that complies with our state of affairs in which we live today, because they used to research, investigate, and decide it, according to a reality that they revive it, without diverting from the mainstream of the enabled ruler and the valid judiciary and the obligating verve. This is with the scarcity of such cases and events in the first place because this disease does not start commonly and generally except in a suitable environment for it, like the vanishing of religion and dissolving of the ummah's ties and being controlled by the enemies, as is the case with us these days. What we are suffering from these days is too big to be dealt with in some particles, which the jurists mention, may God have mercy on them, and it exceeds what they figured out in quality, quantity, and dispersing.

"With the existence of some modern research which deals with the ruling about the spy, I still did not find any that dealt with this issue and researched it the way it suits its reality as a standing issue that is inflicted upon Muslims, though taking care of it should not be less important than knowing the ruling toward the spy, especially when the cross forces devastate Muslim lands and form big hidden armies of spies and take them as the most important pillars of their campaign and as the greatest paving element for all their operations.

"There is no doubt that the mujahidin are involved in a fierce war against heavy armies of hidden soldiers who plot against Muslims with all means, so much so that the issue is no longer restricted to individuals and varied incidents, and not restricted to a handful

of people, as is the case in old wars, even all jihad battlefields and all incidents involved in them, absolutely witness that their real war is with intelligence systems of these countries because they are their first line on which they depend in defending itself against them and protecting their power, laws, and all their systems and departments, because they directly deal with the mujahidin by arresting, torturing, interrogating, corrupting, and separating them.

"Therefore, the mujahidin must put these intelligence centers of these countries, the known and the hidden, on top of their targets and agendas. They have to give them priority over the military barracks and police stations, as much they could, because they are, as we see, the pillars of life for countries, and their real strength lies in such wicked systems which are based on people of intrigue, plotting, treachery, and dissolution from values. They control the state and its sovereign affairs and all its secrets. Focusing on such systems is legal like coming to houses from their doors. It is a short way to victory and they have to be occupied with the head, rather than with the tails.

"Because the occupation armies are alien from the Muslim countries in ethnicity, language, and religion, they completely rely on recruiting spies and informants from the Muslim lands they usurped and conquered. This is the best way for them to obtain the most important and precise information, with lessening the risk aspect that may jeopardize the spy, because he lives among Muslims being one of them: living their life, wearing their dress, and appearing in their manners, eating what they eat and drink from what they drink. Therefore, he can access what the armed soldiers of the occupation cannot put hands on. He paves the way for them so they can achieve their tasks without killing, arrest, blocking roads, destroying shelters, or blasting warehouses, while they are safe and secure because they cautiously designed their plans and schemes by depending on the intelligence information that they gather from the spies' mouths, reports, and means.

"Everyone who lives in the jihad battlegrounds, especially those invaded by the forces of the cross, know well their occupation forces, though multiple, cannot do one-tenth of what they do now, if they did not recruit spies and informants whom they give money without limits for their great services which their armies cannot attain, even if they back each other. All consensus, deductions, conclusions, and follow-ups, firmly denote that most of the mujahidin and their soldiers were killed or captured because of the intelligence information that the infidel forces have obtained from the secret soldiers whom they recruit, like swarms of locusts from the native citizen who talk our language and pretend they are Muslims.

"And we confidently know about being restricted in wars with the declared military forces and confining confrontations to raids, ambushes, and booby-trapping, etc, and giving up confronting such hidden armies. All this is not enough for fronts that took multiple means and varied forms and different armies in the military, intelligence, media, economy, and intellectual aspects. It is a battle without borders, which makes it one of the fiercest wars that Muslims have launched against the forces that invaded their lands.

"It is obligatory to the mujahidin, in all battlegrounds, to get rid of such intelligence cancerous tumors, which provide the infidel armies with information. They have to launch merciless wars, no less than the declared war against the military forces. They have to be very boorish and rough, by following their prophet, prayers and peace be upon him, whom God told him to do so in two citations in the Koran: 'O Prophet! strive hard against the unbelievers and the Hypocrites, and be firm against them. Their abode is Hell,- an evil refuge indeed' [Koranic verse, Al Tawbah, 9:73].

"However, the most difficult issues that face the mujahidin in such fierce war is how to prove the crime of spying the Shari'ah way on which ruling is based on killing or something else. The reason for such difficulties lies in many things.

"First: Complete secrecy of those spies, their changing attitudes, and moving in many shapes and conditions behind which they hide. As I said in the introduction of this paper, the first objective of their task is how to obtain information and transform it to their infidel leaders. Therefore, there is not much need to take care of culture, education, appearance, position, job, color, sex, fitness, or eloquence of such spies. Even, I heard from some mujahidin that they found the most cunning spies who are considered authorities in religion and science to benefit their leaders because of the good trust that Muslims invest in them. They make

themselves vigilant eyes for the cross forces. Unto God we complain of the grievance that hit Islam!

"Second: Multiplicity of these spies and their spread in all theaters of jihad. They are there in cities, villages, markets, etc. As soon as the mujahidin get secretly into an area on a dark night, they are confronted by the cross forces and their helpers. Therefore, many are killed or captured. It is confirmed that spending on the hidden armies exceeds what is spent on the military forces because of its importance first and multiplicity second.

"Third: Acceleration of killing, capturing, and destroying incidents is based on the information provided by the spies. The great pace, which cannot be looked upon in every event in a quiet and partial way, has to be investigated in pure jurisdiction. It suffices us to call it an open war on wide fronts and vast spaces.

"The objective is not only punishment and penalty for incidents that occurred and finished by bombing, destroying, killing, or capturing, but the first and the fundamental intention is to prevent such catastrophes from the beginning and take protection against the evils of these spies in order to prevent such information to cause and inflict killings, arrests, and corruption, as we see happening every day. The mujahidin need not wait and see and stop killing such criminals so that if the catastrophes occur, searching for those who stood behind them and those who participated in them must be taken care of. First and foremost, is to prevent their evil and eradicate them altogether and keep on chasing them in order to keep themselves safe and maintain their positions and destroy their enemies' power in response to God's ordinance: 'And fight them on until there is no more tumult or oppression, and there prevail justice and faith in Allah altogether and everywhere; but if they cease, verily Allah doth see all that they do' [Koranic verse, Al-Anfal, 8:39].

"Fourth: The most common affair of the mujahidin and in their jihad strategy is to attack and retreat, and multiplicity of moving and sequences of motion. All the lands and areas under their control are short, but their wariness is constant. The enemies' bombing, raiding, and landing, which depend on the spies' information, are continuous. Therefore, the mujahidin, leaders and individuals, who are killed in such areas, are much more than those who become martyrs in the direct confrontations in some fronts. Based on such actual facts, and not on hypothesis, it is very difficult to hold the accused person of spying for a long time until he voluntarily confesses or that two witnesses testify against him that he was spying for the infidels against Muslims.

"For this, some centers of the mujahidin were exposed to bombing and many of them were killed when there was inside a building one of the arrested spies. Even the places of trying and interrogating them are vulnerable to bombing and destruction, based on the information transmitted by their brothers in spying!

"Fifth: If we accepted, as a concession, the possibility of keeping a man or two, or even 10 of those accused until confirming their cases, it is absolutely not applicable to hundreds, if not thousands, of those whose cases are crystal clear, and to keeping them in the mujahidin bases until each of them confesses willingly or two fair witnesses testify against every single one of them. It is either this or they should be released. The mujahidin do not have such space, not to mention prisons in which they will be able to keep such big numbers; neither their abilities nor their financial and human capabilities can allow it.

"Sixth: Those accused of spying are not less than one category in terms of whether enabling is achieved against them or not; sometimes the mujahidin can observe and they do get the proper chance to arrest some of them, thus investigate and determine their cases which happens for the most part in the areas where the mujahidin have control and dominance. Other times, it is so difficult or even impossible due to the suspect's power, strength, or tribe, or the consideration that he lives in areas under the enemy's full control. This is despite the strong evidence, proof, and presumptions that prove his involvement in spying acts. If it was possible to arrest those in the first category, who are less in number, and if there was a chance to confirm the crime against them, then what would be the case with the rest, who are the majority, and who the mujahidin find it difficult to achieve enabling over or arrest, not to mention summoning and calling for them for investigations to verify their cases.

"Seventh: Based on this, most of those (accused) of spying are beyond the enabling of the mujahidin, are protected by strength, and reside in an (abode of war) over which Muslims have no control. They take shelter in a powerful corner that prevents dealing

with them from an unadulterated judicial perspective. How will you sue those over which you have no authority, those you cannot bring in for questioning, and those who you cannot oblige or force to carry out a sentence?

"The fact that those spies collectively represent a group beyond the mujahidin control and a group that attacks Muslims and their money is an issue that should not be disagreed upon. It is not the objective of the discussion. The objective, however, is in the method that proves, according to the Islamic law, the affiliation of every one of them to this aggressor group which is beyond the mujahidin control.

"If we assumed that those spies practice the same activity overtly and publicly with their affiliation to several intelligence services which pledged to protect and defend them, only then will almost see no one who hesitates in describing it as a group beyond the mujahidin control and which the Islamic law stated that it should be fought until it stops its evil and returns to the side of God for His word, the Almighty, to prevail.

"Working under disguise and secrecy does not change the fact that they are a group beyond the mujahidin control. On the contrary; it confirms it. Moreover, it does not erase the crimes or mischief which they commit in creative ways. They, as I have mentioned repeatedly, are evil and more harmful than the fragrant armies of infidelity which fight overtly and state openly that they are beyond the mujahidin control. The only difference between them, in terms of the conduct of mischief in Islam and in the worldly life, is working in secrecy and working publicly, concealing and displaying, and hiding and announcing. We have not heard of any of the Muslim ancestors or the contemporary ones who imposed a duty for the mujahidin to confirm the charge of (extending support and assistance) with two witnesses or a confession against those who had publicly and overtly joined the infidels' side. The matter is like what Prophet Muhammad, may peace and prayers be upon him, had said to his uncle Al-Abbas on the day of Badr [battle]: 'What you show is our concern, but what you conceal is known only by God the Almighty.' What is required for those accused of spying is to know the legal method that enables us to tell them, after applying it, that what you show concerns us.

"It took me some time to think about this issue and I spared no effort to consult the shaykhs I could find who are in the jihadist arenas as well as other shaykhs. There was a real dilemma and a practical difficulty between what some shaykhs had said, stating that it takes two witnesses or a confession to confirm the charge, and between the reality we live day by day and second by second. What is taken for granted is that the total and permanent adherence to the stated conditions means that it is impossible to confirm the spying charge on anyone, no matter how strong the evidence and presumptions revolving around, pointing at, and confirming his involvement. This means that spies enjoy peace and move freely between the lines of the mujahidin and their strongholds, homes, and camps while feeling at ease that it is impossible to confirm the charge against them with two witnesses or a confession.

"Like I said earlier, the matter today, and in these battles, is no longer limited to specific cases or to a limited number of individuals so that the harm they cause can be endured and the crimes they commit can be overlooked due to their limited and temporary effect. On the contrary, it is completely different; the issue of spying, assigning spies, and depending on them is a widespread phenomenon, a fascist technique, and a basic element in any operations carried out by the infidel forces. Almost no plan takes off, no rocket gets fired, no convoy moves, no stronghold gets stormed, no order gets issued without being directly based on information provided by (spies) of which the entire jihad arenas became full.

"Because of this we have one of two options: First, limiting ourselves to the two witnesses and the voluntarily confession rules to confirm the spying charge against anyone regardless of how strongly the evidence and circumstances point to his involvement. This will give the enemy the chance to continue killing the mujahidin, detaining them, and crushing their strongholds because of the complete inability to confirm the charge against anyone in this way. Second: Taking for granted that there are other (legal) ways that confirm the spying crime against anyone accused with it. It should be decisive enough to end their harm and suitable for the huge war the mujahidin are fighting against them without misjudging anyone.

"We know for a fact that the Islamic law ordered us to fight the infidels, and imposed on us the duty of carrying out jihad against

them. This ruling is only applicable when fighting them is to ward off their evil and to rescue the Muslim land from their armies. God said: 'O ye who believe! fight the unbelievers who gird you about, and let them find firmness in you: and know that Allah is with those who fear Him' [Koranic verse, Al-Tawbah, 9:123]. Reality demonstrates, without a doubt, that the infidels' armies have stormed many of the Muslim countries, beaten its armies, and suppressed its people like in Afghanistan, Iraq, Palestine, and Somalia. This is not to mention the countries in which apostates prevail, doing what these occupiers have done and more. Thus, because of these attacks and dominance, jihad in the Muslim countries became a legal duty on Muslims until they save their countries and bring them back to the fold of Islam, ruled by the Shari'ah of the Most Merciful. This is what the scholars have agreed upon, like what the shaykh of Islam has said, may God have mercy on his soul: 'As for the defensive fighting, it is one of the most important types of warding off the attacking enemy in defense of honor and religion, it is a duty by consensus. There is nothing more important, after believing in God, than to ward off the harmful enemy which causes mischief to religion and the worldly life. There are no conditions for it. It should be carried out according to one's capabilities. This is what has been stated by our scholars and others. There must be a difference between warding off the enemy which is harmful and unjust and between targeting it in his country' (*Al-Fatawa al-Kubrah*: 5/537).

"Imam Ibn-al-Qayyim, may God have mercy on his soul, said: 'It is known that the mujahidin might intend to ward off the enemy if the mujahid was targeted by the enemy. The mujahid might intend to achieve victory over the enemy if the mujahidin was targeting the enemy. The mujahid might mean both. There are three categories in which the believer is ordered to carry out jihad. Defensive jihad is more difficult than offensive jihad; defensive jihad resembles the rule of warding off harm therefore, it is permitted for he who is under injustice to defend himself. This is because warding off harm from religion is jihad and a means of getting the acceptance of God, while warding off harm from one's money and life is allowed and permitted; if one was killed while carrying it out, he is a martyr. Defensive fighting is broader than the offensive fighting and is more obligatory, which is why it is a duty on everyone. It is like the Muslim jihad in the battles of Uhud and Al-Khandaq [battles that took place in the time of Prophet Muhammad]. It is not stated as a condition in this type of jihad that the enemy should be double the number of Muslims or less. The enemy was folds the number of Muslims and still jihad was imposed on them because in this case, it is a necessity and a defensive jihad not a jihad by choice (*Al-Furusiyah*: 188).

"This is in addition to the fact that the continuous and repetitive events in the jihadist arenas state for a fact that the (armies of spies) are the most important fronts on which the infidels rely in their war on Islam and Muslims. No Muslim disagrees, in any of the jihadist arenas, that the casualties inflicted among them because of those spies are more effective than the human or financial casualties and the casualties in equipment they suffer. Therefore, we are ordered, by the Islamic law, to confront those (disguised soldiers) and fight them just like how we fight (normal soldiers) because ending the harm and the major evil they cause, as the Islamic law states, cannot be achieved except by confronting them, eradicating their roots, and sparing no effort to recognize them and trace their armies.

"Through the reality in which we live, touch, and see, the confrontation imposed by the Islamic law in order to face 'the disguised spy soldiers' cannot be achieved while limiting ourselves to the ruling of the two witnesses and the confession. This means that we will not confront those spies, which is not possible, even if under concession, except in very rare cases. It is also taken for granted that the rulings of the Islamic law neither contradict one another nor fall short of covering all aspects of reality and their treatment regardless of what they are. Some might know that and some might not.

"Therefore, the Shari'ah will not order us to annihilate the armies of spies in order to carry out our duties of liberating the Muslim lands to find ourselves unable to fulfill this task through limiting ourselves to the two witnesses or the confession rules, which cannot be applied, to know them, expose their crimes, and confront their attack.

"For as long as this is the case, it is either that our understanding of the Shari'ah ruling is wrong and, therefore, the shortcoming is in our understanding, or the reality to which we want to apply the ruling is different. Thus, the ruling should be applied to other circumstances rather than what we thought.

"The reality is, as we mentioned, the spread of the spies' armies upon which the infidels fully depend, the exacerbation of the losses they inflict in the ranks of Muslims, and the weakening of Islam. This fact cannot be ignored except by means of arrogance. Since this is the fact, we only have to say that the Shari'ah ruling which is directly relevant to this incident is different than what we thought. This is not an opposition to the Shari'ah by adhering to the reality, God forbid, or changing its ruling, or even interpreting it in an irrelevant way. We distance ourselves from the people of aberration. Yet, it is a fact that we cannot ignore, escape, overlook, or give it the Shari'ah ruling that matches it according the disciplined means of research that were outlined by the ulema. We ask God to guide us and we seek his refuge from aberration and whims.

"Anyway, this is the reality and more. The killing is still happening, torture is increasing, evil is dominating, corruption is exacerbating, the infidels are recruiting spies, the spies are there everywhere, and they do not stop their evil. Hence, whoever has a fatwa [edict] or research that discusses this issue and solves it in a Shari'ah-related and practical way that covers the reality and its details and events can provide us with it and we will thank him. God is the Supporter.

"Ibn-al-Qayim, may he rest in peace, said in an issue which is closely related to our topic, which is to give judgment according to proof and considering them religiously dependable evidence in the rulings: 'Ibn-Uqayl said in *Al-funun*: 'The Sultanate allowed the juristic Shari'ah and all the imams support it.' Imam Al-Shafi'i said there is no policy except for what matches the Shari'ah. Ibn-Uqayl said: 'The politics is the action that makes people more close to righteousness and far from corruption even if the messenger of God, peace be upon him, did not craft it or was revealed to him. If you mean by 'except for what matches the Shari'ah' that it does not contradict the Shari'ah,' this is correct. But if you mean that there is no politics except what was revealed in the Shari'ah, this is wrong and a condemnation of the companions. The righteous caliphs crafted killing and mutilation of people which no Sunnah scholar ignored. In addition, Uthman [third caliph] burned the copies of the Koran and they depend on the interest of the ummah. Ali [fourth caliph] also burned the heretics in the grooves, saying: 'When I saw it was a horrible matter, I lit the fire.' Umar [the second caliph] banished Nasr Bin-Hajaj.

"This is a slippery slope that misguides the minds. It is a position of hardship and difficulty that some scholars disregarded and thus, they deactivated the laws, neglected the rights, encouraged people to adhere to profligacy and corruption, and considered the Shari'ah incomplete and needs other laws to serve people's interests. They prevent themselves from making use of the methods of knowing and implementing the truth. They deactivated it although they know, for sure, that it is a truth that matches the reality, thinking that it contradicts the rules of Shari'ah.

"I swear to God that it does not contradict the direction of the messenger of God, peace be upon him, even if it contradicts what they understand from his Shari'ah by their interpretation. The reason is their negligence of knowing the Shari'ah, the reality, and the analogical reasoning.

"When the rulers found this is the case and that the interests of the people cannot be served by the understanding of those people of the Shari'ah, they came up with a huge evil and corruption and the matters have been exaggerated to the extent that they cannot be modified. Those who know the characteristics of the Shari'ah could not rescue souls from these pitfalls.

"Another group of ulema took an extremist perspective and justified what contradicts the ruling of God and his messenger. Both groups were deceived by their negligence in knowing what God sent to his messenger and revealed in His book. God the Almighty sent the messenger and revealed his books to encourage people to stick to justice, upon which heaven and earth were established. If the characteristics of justice became obvious, this would be the religion and Shari'ah of God. God the Almighty is just enough not to confine the means, characteristics, signs of justice to something, and then reject other signs of justice which are more obvious and refrain from judging according to them.

"However, God the Almighty, through the means He prescribed, explained that his purpose is the establishment of justice among His servants. Hence, any method that causes the justice is from the religion. We should not say that the just policy contradicts what is revealed in the Shari'ah; no, it matches the Shari'ah and can be considered as part and parcel of it and we name it policy

according to the term they use. However it must be called the justice of God and His messenger which became clear due to these signs.

"The messenger of God, peace be upon him, imprisoned a suspected person and punished another person in another accusation when the signs of suspicions were clear. Whoever releases all the accused persons, although they are famous for corruption in the earth, and said that I will only listen to the two witnesses, his opinion contradicts the juristic policy (*Al-Turuq al-Hukmiyah*: 17\20).

"The words of Imam Bin-al-Qayim, may he rest in peace, that he quoted from Imam Abu-al-Wafa are very important. The people of truth and justice and the followers of the evidence can refer to the Shari'ah opinion meant by those two imams. The people of whims and aberration and those who change the core of the truth to match their silliness can direct it to whatever they want and then claim it to be the justice, claiming that justice is only what matched the Shari'ah and is part of it. They use these phrases to attack the ruling of the Shari'ah and its bases, one by one, under the guise of politics and justice. This is mere whims as God the Almighty says: 'Allah doth wish to turn to you, but the wish of those who follow their lusts is that ye should turn away (from Him), far, far away' [Koranic verse; Al-Nisa, 4:27]. This is exactly the description of Imam Bin-al-Qayyim who said: 'This is a slippery slope that misguides the minds. It is a position of hardship and difficulty.' We ask God to guide us to stick to the right and to avoid the aberration.

"He, may he rest in peace, also said: 'We do not say that the just policy contradicts the complete Shari'ah. However, it is a part of it and calling it policy is a matter of terminology. If it is a just policy, it is from the Shari'ah. The messenger, peace be upon him, imprisoned people in cases and punished others in other cases when the signs of suspicions are clear. Whoever releases the accused persons are known for their corruption in the earth and stealing, especially if the stolen things are with him, and said that he will only listen to the two witnesses or voluntary confession, his opinion contradicts the jurist policy' (*I'lam al-Muwaqi'in* 4\374).

"Ibn-al-Qayyim also, while mentioning the categories of the suspected people, mentioned the third category, the one known for profligacy, saying: 'The third category is when the suspected person is known for profligacy, killing, and stealing. If the imprisonment of the unknown person is allowed, the imprisonment of this person is better.'

"Our Shaykh Ibn-Taymiyah, may he rest in peace, said: 'I do not know any imam of Muslims saying that the defendants in all these suits can be released without imprisonment or punishment. This is not an opinion of the four imams 'of the main schools of Sunni Islam' or other imams. Whoever claims the generalization of this ruling is the Shari'ah is making a big mistake that contradicts the texts if the messenger of God, peace be upon him, and the consensus of the ummah.'

"Because of such mistakes, the rulers had the courage to contradict the Shari'ah and thought that the Shari'ah could not deal with the politics in this world and the interests of the ummah. They violated the limits that God prescribed. The ignorance of the two groups of the fact of the Shari'ah led to forsaking the Shari'ah and sticking to other kinds of injustice, innovation, and policies and considering them from the Shari'ah. Those people made these things the equivalents of the Shari'ah and claimed that the Shari'ah is incomplete to the extent that it cannot serve the interests of the people. They considered what they understood from the generalized texts as the Shari'ah even if they contradict the evidence and the correct signs. The two groups committed a impregnable mistake in the Shari'ah and they were deceived by their negligence in knowing what God revealed to his messenger and His Shari'ah among His servants as mentioned before. He revealed the book to encourage people to adhere to justice. He did not justify the belying of the truthful person or the cancellation of a sign that indicates the truth. He ordered us to take care from the hypocrite but he did not order us to ignore his words until we have a proof for his sincerity or lying. The truth is related to the ruling, regardless of its source. Many people exaggerated in using matters that they considered as signs and other people neglected clear signs and proofs that they though invalid to confirm the ruling' (*Al-Turuq al-Hukmiyah*: 1\151).

"After presenting and establishing this, it seems to me, and only God knows, that in this dire situation, the mujahidin do not have to rely on the presence of two witnesses and confession 'of the crime' to prove the crime of spying against those who have been

accused with it. Those same people who have revealed their evil ways, doubled the harm they inflicted, and their corruption was prevalent. The issue is much broader than just this, but I stated this for the following reasons:

"First: after reflecting, it seems, and only God knows, that this dire situation is not a matter of applying a law with its different aspects and complete rulings because of the lack of real control that the judge in this case would have as does the judge in a firmly established Islamic state. Even if this possible, some of the time, in some countries or situations, it is definitely not the general case applicable to all jihad fronts or in all these cases. The judge's ruling is constrained to that which is attributed to him by his power, leadership, and ability in a manner that suits his situation from whether it is summoning, releasing, imprisoning, or binding one to the law. But if the judge is unable to rule on this matter because he has lost his power, authority, rule, or because the person that he wants to apply the ruling to denies his rule, then he must, in these types of situations, give an absolute ruling on the matter.

"As a result of this, Shari'ah has separated, in the case of bandits, between the issue of them denying the rule and the inability of the sultan to garner knowledge from them and punish and the issue of overpowering them, breaking their will, and forcing them to submit to the ruling which the judge decrees upon them. This is because the meaning of overpowering them is the ability to punish them within the confines of the punishment that would allow them to be under the rule of Muslim's sultan and remove power that allowed them to deny his rule. Shaykh Al-Islam stated: 'the meaning of overpowering them: is the ability to assure punishment over them with evidence or confession when they are in the hands of Muslims. If they repent before they are taken to have the punishment applied over them, then this ruling is not applied to them' (*Al-Sarim Al-Maslul*; 1/507).

"The ability to apply punishment is composed of the capability to apply punishment and substantiate it either with evidence or confession. This does not occur in situation where the rule is denied. It does not take place unless the criminal is in the hands of the Muslims and under the rule of their sultan; then the appropriate punishment that Shari'ah dictates can be applied.

"Shari'ah's separation of punishment between someone who follows the rule of the sultan and some who denies it is known. This is why Shaykh Al-Islam, God have mercy on him, stated: 'There are two kinds of punishment that Shari'ah dictates for those who have disobeyed God and his prophet: The first: the punishment for those who fall under the rule, whether one or many, are decided as they are presented. The second: the punishment of those who deny the rule is the same as those who cannot be overpowered unless by battle' (*Majmu' Al-Fatawi*: 28/349).

"He also stated: 'As the person falling under rule being a rejectionist or Kharijite, it was narrated that Umar and Ali also killed them. If scholars disagree about killing a rejectionist or kharijite when he follows the rule, they should not disagree on fighting them if they deny the rule because fighting is much greater than killing. They should fight them just as they fight the evil assaulters and assailants and if they are able to overpower one of them, they are to be punished only by God's way and the way of his prophet' (*Majmu' Al-Fatawi*: 28/476).

"Second: The inability to rule on this matter stems from two issues:

"The first: the lack of presence of an Islamic state that is controlled by the laws of Shari'ah. Therefore, if a country is taken over by those non-believers and they apply their laws it becomes an enemy state where Muslims are being fought and not allowed to establish Shari'ah as the rule of law.

"The second: the presence of two forms of denying [the rule] is applicable to them: The first is that their denial is based on the power of the sect they belong to and therefore that very sect represents a sect that denies the laws of Islam and at the same time assails souls and money. The second is that their denial is based on the fact that they live in an enemy country and seek protection in it and have confidence in its rule and laws.

"It is known that individuals and sects denying the rule of the sultan of Muslims sometimes happens by unsheathing their weapons and renouncing allegiance if they are in a Muslim country. Sometimes it happens simply when they join an enemy country because

joining it or fleeing to it is considered denying the rule of the sultan. A fugitive turns to a place that is not governed by the laws of Shari'ah or the authority of the imam because it is not contained by Islamic law, otherwise it would not be considered an enemy country. These two forms of denying the rule is prevalent in the saying of scholars. Shaykh Al-Islam states: 'If an apostate denies the rule by joining an enemy country or if the apostates have power and use it to deny the rule, then he should be killed without hesitation before he is asked to repent' (*Al-Sarim Al-Maslul*; 1/328).

"He stated of the doctrines of scholars about overruling the pact with the people of the book: 'According to the ideology of Abu Hanifa, if he is not denying the rule of the imam, than this does not overrule the pact. According to him, the pact with the people of the book is not overruled unless it falls under the enemy's country and are powerful and forceful, use that to deny the rule of the Imam, and he is not able to apply our laws to them. Because, if they do not deny the rule then the imam can apply punishment to them and garner information from them, therefore not stepping outside his authority, like those who have strayed from the obeying the imam such as the oppressive people who did so when he did not have any power' (*Al-Sarim Al-Maslul*; 1/272).

"This ruling, I mean the absence of power, is not specific to apostates that deny the rule, or the original non-believers like the people of the book, rather it encompasses every sect that has utilized its power to deny any right or law that they are legitimately bound to. Thus, Ali, may God be pleased with him, when the kharijites emerged, aligned themselves, did unsheathe their weapons and try to use them to renounce allegiance, did not fight them. Rather, he would say to them: 'there are three things that we will give you: we will not prevent you from having God's mosques if you mention God's name in them, we will not being about fighting with you, and we will not prevent you from collecting booty as long as your hands are working with us.' This was the case until they shed blood that is not permissible to shed and used their power to deny the rule; he fought them along with the companions of the prophet, may God be pleased with them, until they eradicated them.

"Imam Al-Mawardi, God have mercy on him, stated: 'If a sect of Muslims becomes unjust and conflicts with the opinions of the group and stands alone with a creed they created, and if they do not use their creed to leave the obedience of the imam or align themselves to a country in which they are secluded and are divided individuals who can be influenced by power and have the hand of the Imam's rule extended to them, then they halt and do not conduct battle. They are subject to the laws of justice in accordance to what is due to them and of them according to laws and boundaries. The unjust sect denies obedience to the imam; denies what they are bound to, taking exclusive possession of money and the application of laws, then if they take these actions and do not appoint an imam over them or a leader over them, then what they have acquired of money is by force and not permissible to any soul, and what they applied of laws are null and void and cannot be proven. If they take these actions and appoint an imam over them and take exclusive possessions of money based on his authority and apply laws based on his orders, then their laws do not need be nullified and what they took exclusive possession of does not need to be appealed. In both cases they are fought in order for them to return to the obedience of the imam' (*Al-Ahkam Al-Sultaniyyah*; 1/99).

"Third: I do not mean to say that this issue is directly outside the scope of the rules of Shari'ah and the compliance with its provisions, God forbid, however, all this research to find out the legitimate ruling that is required in this case. What is meant is that the judicial ruling, with its well-known and detailed laws, is not present in reality for many reasons that I have mentioned before. The greatest reason is the denial of rule by those accused and the presence of the power in which they seek protection and lean on. It is clear from what the scholars speak of some of the laws applicable to a Muslim spy, that they were linked to the reality in which they were living from the soundness of the situation, to the strength of Islam and the extension of its power, the presence of the judicial authorities, and the scarcity of spying. This is certainly not what the case is today with their armies being so widespread and their presence in every valley and mountain pass. The state of Muslims was not what it was today; a few, weak and destined for humiliation, with the non-believers overcoming them with their large forces and sophisticated equipment. The non-believers did not depend on spying in their war against the Muslims and in the destruction of their countries as is the case today. Spies have become pivotal in the war and are the support system that it fully relies on.

"Then this means that the ruling on the charge of spying that is directed toward some individuals for judgment totally abiding by its rules and regulations, that they are not subjected to these laws as long as there is a lack of conclusive evidence. They are left to

roam the earth, corrupting it, because their issue is tied to the presence of judicial authority and this judicial authority is non-existent. Then what is their worry?!

"Let us always remember that we do not speak here of one or two cases or even 10 that can be overlooked, coped with, or tolerated. This discussion is about a great phenomenon whose harm has spread and become serious. Its corruption has become deep-rooted and its non-belief is certain. It has afflicted the core of Islam and because of it the deceitful non-believers have risen. Through it, they attacked the mujahidin no matter where they are, even if they are in their bedrooms and among their families and children, and in their boats and travels. They follow them and hunt them just like a hunter hunts its prey. So when we discuss this problem, we do not consider these issues as isolated incidents or momentary rare cases, rather as what was mentioned and described. Its treatment should be equivalent to its size and should consider its risks, otherwise, we will not have done anything.

"Thus, in the case of this dire situation, it should be treated with what the Almighty stated: 'So fear Allah as much as ye can' [partial Koranic Verse; At-Taghabun; 64:16] and on the saying of the prophet, peace and prayers be upon him: 'If I order you with something, bring forward as much as you can' narrated by Muslim about Abu Hurayrah.

"Fourth: This issue is met with two evils. The first is a great and general evil that is certain. The second is an evil that is limited, expected, and bearable. As for the first, it is what is happening to Islam and Muslims every day from exceeding humiliation to vigorous eradication because of these spies. The killing is incessant, the destruction is expansive, the abuse is constant, the imprisonment, for men and women, is continuous, and the non-belief superior. All these issues are significant and it is impossible for anyone to ignore them or look past them. None of them are just merely assumptions, projections, or prospects. We are ordered to legitimately and reasonably prevent the oppression of these non-believers, ward off their assaults, and exterminate any reasons that allow them to perpetrate these actions. One of these reasons, rather the greatest, is the spies and their eyes that they have spread in every direction. As for the second, it is the evil that is expected but not certain. It is the possibility of afflicting the blood of an innocent Muslim who is mistakenly accused of spying and his situation is not the same in this case. Unjustly shedding the blood of a Muslim is not an easy issue and can thus leave the mujahidin to go back and forth between two circumstances.

"The first: Striving to remove the occurring wrongness and current harm through following the spies and relying on evidence, circumstances and conditions to prove the accusations against them that lead to certainty, in most cases, in realizing what they are accused of. They would have thus prevented an evil and wickedness and weakened their enemies.

"The second: Leaving their enemies to move and rampage, kill and destroy, assassinate and capture, ambush and storm, fearing that the mujahidin will harm some innocent Muslims if they try to prevent some of these calamities by pursuing the spies, depending on the signs, evidence and circumstances, which one would know for sure regarding the accusation against the person. However there could be no way to find honest witnesses or receiving a willing confession from him, so he is let go and not even harmed, either because of inability or because there is no use in this. This way the great ongoing corruption will continue, relying on the smaller expected corruption.

"There is no doubt that the basics of religious law and its foundations are against this. This is clarified in the following point.

"Five: The theologians, may God rest their souls, discussed the well-known issue of tatus (Muslims among non-believer targets) and this is if the infidels take cover behind Muslim captives in order to shield themselves from Muslims. This is because they know that Muslims are careful about killing their brethren. This tatus thus either becomes a way for them to march in safely or to safeguard themselves while they are in their fortresses and castles. About this matter the shaykh of Islam, may God rest his soul, wrote: 'Even if there are good people among them and they cannot be fought except by killing these people, the clerics have agreed that if the infidels use tatus with Muslims and the Muslims are feared for if they are not fought, then it is permissible to attack the infidels. If they Muslims are not feared for, then it is also permissible to target those Muslims as well, according to one cleric. He who is killed for the jihad commanded by God and his messenger, while he was suffering injustice, then he is a martyr and resurrected according to his intent and as long as his death was not more wrong than the killing of those who kill the mujahidin

believers' (*Majmu'a al-Fatawi* 28/538).

"He, may God rest his soul, also said: 'The clerics have also agreed that the infidel army, if it uses tatus with the Muslims they are holding captive and the Muslims are feared for if they do not fight, then they should fight, even if this results in the killing of the Muslims that they use for tatus. If they Muslims are not feared for, then with regards to the fighting that will lead to the killing of these Muslims there are two famous words by the clerics. These Muslims, if killed, are martyrs and the commanded jihad is not relinquished because of those who will die martyrs. The Muslims killed in fighting infidels are martyrs. He who is killed on the inside, undeservedly for the good of Islam is a martyr' (*Majmu'a al-Fatawi* 28/547).

"He, may God rest his soul, also said: 'If the harm of the infidels, who are using tatus with Muslims, can only be faced with fighting, then the legitimate and able punishments can be given in this life to those who do not deserve them in the after-life. They withstand a group of calamities. About them it was said: he fighter is a mujahid and the killed is a martyr' (*Majmu'a al-Fatawi* 10/376).

"What is meant here is not to discuss the issue of tatus, its rules and what has been agreed or disagreed, there is a place for that. The goal is to compare between the situation where the clerics have agreed and what we are facing in order for the priority of the issue of spies is apparent to us and the ruling about the issue of the Muslims used for tatus. This will be through the following points:

"The first point: The basis for attacking the infidels using tatus with Muslims is to prevent the expected harm to Muslims if this does not happen. This was expressed by the shaykh of Islam when he wrote 'we fear for the Muslims if they do not fight.' The clerics have agreed that in this case fighting is permissible, even if it leads to the killing of the captive Muslims. The harm that we are talking about in this case is a reality that is happening. Fighting in this case is obligatory and must be stressed.

"The second point: The Muslims being used for tatus are no doubt innocent and forced to remain in the place where they will be killed. Killing them in some situations is not a possibility, but a certainty. The mujahid attacking the infidels using tatus knows for sure that by doing this he is killing a number of innocent Muslims who are under duress. He is doing this based on the legitimate ruling that permits him to do so. He is ordered to wish, with his heart, to strike at the infidels, not the captive Muslims. The reasons for allowing the attack is to fight the harm that will befall Muslims if he does not do so.

"In our case, a lot of evidence and indications make the judgment that someone is a spy proven, with there being no doubt about his guilt. That there are some possible incidents when someone who is innocent is killed, even given all the precautions, is not any worse than the killing of the Muslim tirs [human shield], whose innocence is already ascertained. Despite this, religion has permitted attacking, even given the certainty of killing them.

"Abu-Hamid al-Ghazali, may God rest his soul, described the issue of tatus clearly when he discussed its problems regarding committing one of the two forbidden acts. He wrote: 'If it said: How can you conclude this about this matter and in the issue of tatus when you said that the benefit is not followed if goes against religion, such as fasting for two months for kings if they have intercourse during the day in Ramadan. This goes against God Almighty's words: 'If a man kills a believer intentionally' [partial Koranic verse, Al-Nisa 4:93] and God Almighty's words: 'take not life, which Allah hath made sacred, except by way of justice and law' [partial Koranic verse, Al-An'am 6:151]. So what is the crime of the Muslim who the infidel uses as a tirs? You claim that we are using the specific for the general in a way that is not generally dangerous, then amnesty is done for a crime that allows kings to not be punished. The extent of the issue of tatus is that seeks to eliminate the people of Islam, so how can we kill those who did not commit sin in the first place and make them scapegoats for Muslims and go against the words of God that forbade the taking of life? To where the writer says that this is an unlawful taking of life. This is argued against that the alternative is the spilling of a lot of protected blood. We know that religion takes the complete rather than the partial. Protecting the people of Islam from the hands of the infidels is more important to religion than the protecting of the blood of one Muslim. This is the intent of the religious judgment and this does not even need testimony' (*Al-Mustafa* 1/445).

"The third point: The harm that is feared to occur in the issue of tatus has nothing to do with the captives and they did not take

part in it, nor in the doubts or suspicions or delusions. They have no hand whatsoever in the harm reaching Muslims. In their case the opposite is even true. They have been forced to do what they hate. If they are able then would have helped their Muslim brethren to fight this harm. As for the situation of espionage, the harm happening to Muslims comes from real participation and help from a group of spies. They are indeed an integral part of the harm, its foundation and source. If religion has permitted the attacking of the tirs, even with the certainty that they will be killed, in order to prevent harm that they had nothing to do with and have no ability to prevent, then how can it not be permissible to kill those who are the basis, cause, and origin of the harm? This is with investigations to know it and exerting the most possible effort to find its perpetrator in all possible ways and means available, if others are not possible, such as relying on clear evidence, repeated occurrences, and available proof?

"The fourth point: Religion has allowed the attacking of the tirs when there is a threat to Muslims because this attack is the way to prevent the expected harm. It did not order them to do nothing as a way to protect the wretched captives. It did not ask them to withstand the harm that will befall them if the infidels vanquish them. This is the situation when it is necessary to stop the evil of the spies, and restrict this to reliance on evidence, testimonies and signs. Not attacking when there is tatus leads to harm happening to Muslims, so what happens to the captives is forgiven, so relinquishing the reliance on testimonies and evidence will assuredly lead to the continuation of the great evils and harm that has befallen Islam and Muslim. In both cases the permissibility of killing is based on following the path that will end the general harm. The issue with spies is not about injuring innocents because their punishment, death or otherwise, is only after investigations and proof, with the strongest evidence possible.

"The fifth point: Yes, there might be an important difference between the two images. In the first, the attacker from the mujahidin, even though he is certain he will kill his captive brethren, must intend to kill infidels, not Muslims. This intent of the spirit, while not changing the reality of the matter, is part of what God Almighty said: 'So fear Allah as much as ye can' [partial Koranic verse, Al-Taghabun 64:16], and the religious notion that 'the necessary is not negated by the difficult.' In the case of killing spies, their killing is intentional. The killing and its intention are common. The doing is actually one of the deeds through which one comes closer to God Almighty. What they can be commended for is exerting every effort to uncover the real spy and getting as many testimonies and evidence as possible. This is also part of what God Almighty said: 'So fear Allah as much as ye can.' The benefit in this effort is more than just not intending with one's heart during the attack. With this investigation and observation there are two benefits: the first is with regard to the person being investigated and his actions. This undoubtedly leads to the tightening of the circle of killing those who do not deserve, if not completely stopping this. The result of this is the prevention of harming Muslims or reducing this as much as possible. The truth is witness to this in all the arena of jihad where the mujahidin have not found any alternative other than relying on evidence and testimonies in pursuing spies and killing them.

"The second benefit is for the person following the evidence and signs. He would have exerted his efforts and means and feared God as much as possible. About him we can say also that the necessary is not negated by the difficult. What he has collected of evidence, circumstances can serve to increase the level of certainty about the crime and the guilt of the accused. This is not ruined by there not being any witnesses, or a confession by the accused.

"In the situation of the tirs, the intent of the heart of the attacker is used and only beneficial to the attacker, or else the act will undoubtedly lead to the spilling the blood of an innocent Muslim who has committed no wrong. God Almighty knows best.

"Religion has shown the permissibility of depending on circumstances and evidence in some areas where absolute proof is not possible, which striving for can lead to the dispersion of rights. I have said what I said based on the idea, given its meaning, that they, in truth, are wide and include every way possible to ascertain the truth. This is as the Imam Ibn-al-Qayim, may God rest his soul, wrote: 'In general, proof is a label for everything that shows the truth and makes it clear. It can be the two witnesses, or the four, or the one witness. The wording never came in the Koran meaning the two witnesses, but it came meaning proof and evidence, singularly or in a group. The two witnesses are part of the proof. There is no doubt that other proofs can be stronger than this to prove the case of the accuser. They are stronger from the words of the witness. Evidence, proof, argument, eyewitnesses, signs are closer to this meaning' (*Al-Turuq al-Hakimiah* 1/16). The usage of evidence and circumstances is used to strengthen the judgment. Relying on them is no doubt part of the religious way, because this type of proof is part of the book,

Sunnah, and consideration. About this the imam Ibn-al-Qayim, may God rest his soul, wrote: 'The lawmaker did not cancel evidence or signs. He who researches religion from its sources will find that they are supported as relevant, with judgments based on them' (*Al-Turuq al-Hakimiah* 1/16).

"This is in the situation where Islam is in control with authority and its state. What is meant here is that religion has permitted killing in some situations where it is not possible to establish absolute proof depending on the situation and its witnesses which in some cases is a stronger proof, a clearer attestation, and a more convincing truth than the evidence itself. Even more than the affirmation is 'the master evidence.' It is essential to warn that what we are doing with respect to this issue is not one of the private cases that pertain to designated people and their partial grievances. It pertains to the interest of the nation in general and is connected to the people's protection of themselves, their blood, their honor, their wealth, their faith, and their lives.

"Accordingly, the evils that result from the under-performance of viewing the proof and context are not limited to incomplete and nameless evils, but are the greatest of evils and the most severe damage. It is the eradication of Islam and the transcendence of the despotic non-believers and espionage, which is one of the means to falling into such evils -- which is our topic here -- by which misfortune became totally manifest, and the malice and harm of which appeared very apparent.

"So, if the Shari'ah has allowed the shedding of some blood in partial cases depending on the surrounding conditions and evidence in order to protect people's rights, and so as to permit this in cases like the ones we mentioned -- where harm is general and great --it is more appropriate and more adequate that we refer here to some of the legislative proof in which the surrounding conditions and evidences were considered sufficient evidence and accordingly legislative penalty was imposed.

"First Proof: Wa'il Ibn Hajar, may God be content with him, narrated that 'a woman was attacked by a man on a bleak morning while she was on her way to the mosque. So she called on a passerby to help her, and the aggressor ran off. Then it so happened that people who carried equipment came by and she called upon them to help her. The other man also tried to run away, but they overtook him and brought him to the woman. The man said that he was the one who saved her and that the aggressor had run off. So they took him to the messenger of God, prayers and peace be upon him. The woman told him that he had attacked her, and the people said that they had identified him. So the man told them that he was the one who saved her from the aggressor. The woman called him a liar and said that he was the one who attacked her. The messenger of God, prayers and peace be upon him, said 'Take him and stone him.' Then one of the people asked them not to do so, but to stone him instead because he was the aggressor, and he confessed. Then the three of them, the aggressor, the rescuer and the woman went to the messenger of God, prayers and peace be upon him. He told the woman that God had forgiven her sin and spoke well to the aggressor. Then Umar asked that they stone the man who confessed adultery,' but the messenger of God, prayers and peace be upon him, requested that they do not because he [the prophet] considered him to have repented to God.' He then told them that had the people of Medina or those of Yathrib repented, God would have accepted their repentance, and he sent the people away' narrated by Ahmad, Abu Dawud, Al-Turmuthi, Al-Nissa'i, Al-Tabarani as in 'Al-Kabir,' and Al-Buhayqi -- the expression is his -- and Ibn Al-Jarud. According to the story told by some of them that the prophet, prayers and peace be upon him, had ordered the stoning of Al-Muqir, but Al-Shaykh al-Albani reformed the Hadith except for his saying 'so stone him' as narrated in some stories.

"The Imam Ibn al-Qayim, may God have mercy on him, said, 'This Hadith has to be based on Shart Muslim, but he may have relinquished it as a result of the turmoil that happened. The Hadith revolves around Sammak, but in the way the story of the confessor's stoning varied. Asbat Bin Nasr said about Sammak that he refused to have him stoned. The story of Ahmad and Abu Dawud is a phenomenon, and that of Al-Turmuthi narrated by Muhammad Bin Yihya frankly said that he was stoned. This turmoil was either caused by Sammak, which it appears to be, or by someone lower than him. It is likely that he did not stone him as narrated by Ahmad, Al-Nissa'i, and Abu Dawud. They did not mention anything other than that, and the narrators said that the messenger of God, prayers and peace be upon him, was requested to have him stoned but he refused. The person who said that he ordered him to be stoned was either going with the flow or suspected that the person was stoned and thus said that he had ordered the confessor to be stoned. Those whom the messenger of God, prayers and peace be upon him, because of adultery were caught in the act were few and their stories were kept and known. There were six people, Al-Ghamidiyah, Ma'iz, Sahibat Al-

Assif and the two Jews. It seems that the narrator of the stoning in this story regarded as unlikely that he who confessed adultery to the messenger of God, prayers and peace be upon him, would not be stoned for he knew that the right guidance regarding an adulterer was to stone him, so he ordered his stoning' (*Al Turuq al-Hikmiyyah*: 87/1).

"In this Hadith, the prophet of God, prayers and peace be upon him, ordered that the succorer [the person seeking help] be stoned based on witnesses who were present because the woman mentioned some strong proof against him, among which were those by the wife of his enemy and witnesses who said that he ran off and catching him red-handed. When someone is caught in the act of adultery and there are witnesses, the case becomes one of extreme severity.

"It is also known that if a woman confirms that a man committed adultery with her but her confession would not apply to him. The context of the happening here forced on him the accusation like the vomiting of alcohol, although in the same case he was innocent. Had the person concerned not stood up and confessed, then the man would have been stoned. If this was justified in a casual incident and a partial issue, the corruption of which only pertains to one woman who was not right in her accusation of a man, what would be the matter if it were related to the safeguarding of the faith of the nation, the blood of Muslims and the lifting of the non-believers' dominance.

"Albeit most of the witnesses and those associated with them against those accused of spying are decisive and beyond the least doubt, with the possibility of accusing someone who is not guilty after painstaking, investigation and verification is like the succorer who was about to be killed, and God the Almighty is the most Knowledgeable.

"The scholar Ibn Al-Qayim, may God have mercy upon him, said 'If it were to be asked how then did the messenger of God, prayers and peace be upon him, order the man who succored to be stoned without having proof or confession? It was said that the best proof was the taking into consideration the context and the proofs of the situation regarding the accusations. This resembles imposing of punishment based on odor and vomiting as agreed upon by the companions of the prophet, and the imposing of punishment for adultery based on conception as specified by Umar. Law experts in Al-Medina, Ahamd of the manifest belief and also Al-Sahih went to him and said that punishment would be imposed on a thief if the stolen items were found in his place. For this man when he was on the run and the woman said that he was the aggressor, while he had confessed having been close to her and came to her but claimed that he was rescuing her not attacking her. But when those people did not see anyone but him, it was the most evident proof that he was the aggressor. So the assumption that was reached based on what happened was not less than the assumption based on an evident attestation. The chances of erring and the animosity of witnesses are equal to the chances of erring or animosity of the woman in this case. Even the chances of the woman's animosity in this case were extremely remote. To conclude, this oath is obvious and does not eliminate the evidence of punishment substantiated by the Shari'ah, such as he who by an oath is killed and perhaps is less than that in many situations. For this judgment is one of the best judgments and the most compensating by the Shari'ah. Obvious judgments are based on obvious evidence of facts, affirmations, and circumstantial evidence. Being in the same situation, but non-conforming, non-matching and non-disciplinary does not make it a means or cause to the rulings' (*I'l'am al-Muwaqi'in*: 9/3).

"Ibn al-Qiyam said about the same story, 'So was it to be said how he ordered the stoning of the innocent man? It was said that had he denied it he would not have stoned him, but when he was taken and she said that it was him and he did not deny nor object in defense of himself, along with the people who came by chance at the same time made it suspicious. So what the woman said and his suspicious silence was stronger proof than the woman's curses of the man and her silence' (*I'l'am al-Muwaqi'in*: 371/4).

"What the Imam Ibn Al-Qiyam, may God have mercy upon him, said that the succorer did not deny or object in defense of himself what appeared from the story was contrary to that. For in the story the man said, 'I was the one who succored you,' and his saying in front of the messenger of God, prayers and peace be upon him, 'I was only trying to save her from her attacker and then these people caught me' and what the woman then answered him saying: 'That is a lie for it was he that fell upon me.' This all proves that the man was trying to prove his innocence and distance himself from the accusation as well as stating that he was there to help

and no to transgress. How is it then that after all this, it can be said he has not denied it?

"It is apparent, and God knows best, that his passion and his fleeing, as rats do, along with information the woman that it was another man that did what was done to her although no one else was found on top of the fact that the women did confirm that she saw him, all this proves the accusation towards him. His denial bears no weight in light of all these facts and evidence. It is because of this that the prophet, peace and blessings upon him ordered him stoned.

"Based on this, Imam Ibn al-Qayyim, God rest his soul, stated: 'If it was said how will you react to his order to stone the accused in spite of his apparent innocence, his denial, lack of proof, and only based on the woman's testimony? It is then said: By God, this requires a transparent answer. The man did not confess, but rather stated that he was there to save her. It will then be said, and God knows best: This is like executing a punishment based on obvious strong evidence. It was he who was in the process of fleeing from the people and he admitted to being with the woman and also claimed that he came to her rescue although the woman stated that it was him. This is clear evidence. It is well known that the companions carried out punishments for fornication and drinking based on testimony, which is very similar or close to this situation. They used obvious evidence like impregnation and the obvious odor of intoxication. The prophet, peace and blessings upon him has allowed for the relatives of the individual that was killed to testify under oath as to the identity of the killer. If they were unable to testify this or how they came about it and should the issue turn out to be to the contrary, as is the case with adultery, were four witnesses are required and if they are, the individual is to be stoned but if the woman turns out to be a virgin, the ruling would be turned over. This is an issue that came about in this narration, something that is inherently a problem with such narration. God knows best' (*Paths to Wisdom*, 1-89).

"The second proof: Killing through testimony. This is a repeated oath that the relative of the murdered individual must take in the event the killed was unidentified and only testimony was required (*The Language of Jurisprudence Encyclopedia*, 1-362).

"It was narrated by Sahl Bin Abu Hathma: 'Abdullah bin Sahl and Muhaiyisa bin Mas'ud bin Zaid set out to Khaybar, the inhabitants of which had a peace treaty with the Muslims at that time. They parted and later on Muhaiyisa came upon Abdullah bin Sahl and found him murdered agitating in his blood. He buried him and returned to Medina. Abdur Rahman bin Sahl, Muhaiyisa, and Huwaiuisa, the sons of Mas'ud, came to the prophet and Abdur Rahman intended to talk, but the prophet said (to him), 'Let the eldest of you speak.' Since Abdur-Rahman was the youngest, Abdur-Rahman kept silent and the other two spoke. The prophet said, 'If you swear as to who has committed the murder, you will have the right to take your right from the murderer.' They said, 'How should we swear if we did not witness the murder or see the murderer?' The prophet said, 'Then the Jews can clear themselves from the charge by taking Alaska (an oath taken by men that it was not they who committed the murder).' They said, 'How should we believe in the oaths of infidels?' So, the prophet himself paid the blood money (of Abdullah).

"This sworn testimony is permissible when someone is killed and the killer is unidentified while someone is accused of the crime and all evidence points toward him. In this case, sworn testimony is acceptable and all the resulting punishment or reparations associated with that. While some scholars have debated this, the verified narration proves this. The intention behind it is that the jurisprudence does not allow for the killing of someone to go unpunished if there is no confession or witnesses. Jurisprudence finds other ways. There is sworn testimony. It is 'clear evidence that an action took place without witnesses. It is also derived from the narration: If someone is killed and his killer is unknown, circumstantial evidence must apply' (*The Language of Jurisprudence Encyclopedia*, 1-394).

"Sworn testimony has many forms and scholars have debated many of them. It is however governed what we previously stated, which is overwhelming circumstantial evidence. This is why assurance of the faith of the victim's relatives must be verified. That although they did not see the killer or can describe the killer, their view of the events justifies the life of the individual they have accused.

"Jurisprudence here did not allow the murder to go unpunished if the killer was not identified or the witnesses could not be available. It was otherwise, murder would increase and murderer would be safe from the sword of the executioner. Jurisprudence

has found another way to protect lives based on circumstantial evidence driven from sworn testimony along with faith.

"In relying on circumstantial evidence in justifying the execution of the accused, noting that this will only affect one individual, this became the alternative view. While murder may be driven worldly differences, what is to become of evidence that is driven from obvious circumstantial evidence that if ignored, may lead to non-believers reigning over the Muslims and an increase of murders cases among them. The issue here is not with the killing of one or two individuals but rather the ongoing conspiracy to continuously fight those that establish the religion of God and to make his scripture the rule of law. There is no difference between those and the accused except of their outright animosity towards the faith. Are those not more worth of being killed to repel their evil using evidence that is derived from near absolute probability especially when other evidence is missing. Such would suffice and serve the purpose and that the desired outcome.

"Imam Ibn Qayyim, God rest his soul, said: 'the testimony of Ibn Uqayyil was given more prominence using testimony under oath and his testimony was as good as can be. To rely on what is clearly obvious, it is permissible for him to make a sworn testimony to that regard. The ruler is then permitted, more over, it is his obligation, to ratify the right of the punishment or reparations, known that he did not witness it himself. If we allow blood to be spilled and go unpunished out of fear of being cautious, how will other cases be addressed?' (*Wise Paths* 15-1)

"It has also been said, with respect to the validity of ruling by sworn testimony, that there was no objection to such an action in this narration: 'Let people be judged by their claims. And that to those that allow for ruling to be based on sworn testimony must not just follow any claim. Both cases are justified by God and there can be no doubt in this. Sworn testimony is not on par with a claim and no one will rule with just a random claim against a Muslim brother. It is however more reliant on clear evidence that goes beyond a reasonable doubt than that of the presence of witnesses. It is based on circumstantial evidence, no credible doubt, animosity, and finding one party dead in the home of the other party. The wise ruling here would be to use this evidence over the testimony of 50 of the victim's relatives since it will be impossible for all of them to agree and it is likely that they can include a man that is not God conscious. If this ruling was presented to all the wise men and should the party where in its home, the body of the victim was found, had stated they did not kill them, they would have agreed that justice in this matter is clear as the earth and the sky are apart. If anyone was to be asked who killed this man, they would have said, it was the owner of the house he was found in. What is strange is that when one sees a victim lying in its own pool of blood and another individual is seen running with a bloody knife, how can one say that we'll go by the second individual statement and his swearing that he was not involved over the best and most just of rulings, that which uses wisdom and insight. All those with wisdom will surely agree on the latter and to no other.' (*Notifying the Cosigners*. 2-500).

"It was also said; 'Ruling using sworn testimony and giving more prominence to those whom have accused the murderer is to use evidence that goes beyond a reasonable doubt' (*Zad al-Ma'ad*, 3-129).

"Imam al-Qarafi al-Maliki, God rest his soul, said in reference to circumstance where circumstantial evidence was used in ruling: 'Something that took place in the prophetic traditions is that the prophet, peace and blessings upon him, did rule using circumstantial evidence and sworn testimony. He allowed for the accusers to recite 50 oaths and that they were given the right to kill the accused as was the case with the Hawis and Mahisah narration. The narration mentions the pre-existing animosity between them and that one was killed on the land of the other and that there are only Jews there and based on this circumstantial evidence it was ruled that it was the Jews that have killed him although no one witnessed the murderer. Such a case cannot be made using circumstantial evidence but rather sworn testimony is to be used' (*Shedding Light on Various Differences*, 7-475).

"The Third Proof: Narrated Abdullah Ibn Umar: The prophet fought with the people of Khaybar and captured their palm trees and land, and forced them to remain confined to their fortresses. So they concluded a treaty of peace providing that gold, silver, and weapons would go to the apostle of God, peace be upon him, and whatever they took away on their camels would belong to them on condition that they would not hide and carry away anything. If they did (so), there would be no protection for them and no treaty (with Muslims). They carried away a purse of Huyay Ibn Akhtab who was killed before (the battle of) Khaybar. He took away the

ornaments of Banu an-Nadir when they were expelled. The prophet, peace be upon him, asked Sa'iyah: Where is the purse of Huyayy Ibn Akhtab? He replied: The contents of this purse were spent on battles and other expenses. Later on they found the purse. So he killed Ibn Abu-Huqayq, captured their women and children, and intended to deport them,' narrated by Ibn Habban, as it was attributed to him, and Abu-Dawud, al-Bahiqi, Ibn-Munthir, and Imam Ibn Hajar, who said that Bahiqi released it through verification' (*Fatah al-Bari*, 7-479). It was also verified by Shaykh al-Albani, God rest his soul.

"What is amazing that the Shaykh of Islam, may God rest his soul, has leaned toward verifying this narration. He said: 'It was verified that the prophet, peace and blessing be upon him, had ordered Zubayr to afflict some torture on some of those who took the covenant when they refused to testify about the treasure of Huyay Bin Akhtab. He said: Muhammad, it went through wars and expenses. He replied, the wealth was more than this and deal was made recently. He then addressed Zubayr, take him and Zubayr applied some torture on him until her told them where the money was' (*Mukhtasar al-Fatawi*, 1-358). He also said in another setting, 'Al-Bukhari stated in his collection that it was narrated by Ibn Umar, may God be pleased with him, that the prophet, peace and blessings upon him, when he reached an accord between the people of Khaybaruntil the end of the Hadith' (*Jurisprudential Politics*, 41). God Almighty knows best.

"What is evident from this narration is that the prophet, peace and blessings be upon him, had utilized the reality of the situation to deny the Jews' claim with regard to the disappearance of the Musk of Hayyi. He said: 'The deal is near and the money is much more than this.' Based on this circumstantial evidence, he ordered Al-Zubayr to subject him to some torture, and his lie was exposed after he informed them about the location of the riches they have hidden. And on account of this, the prophet, may God's prayers and peace be upon him, regarded them as having as infringers of the covenant and consequently, he killed those he killed among them and enslaved their women and children. And he restrained it with intuitive evidence that cannot be questioned: 'The time is close and the money is more abundant, meaning that there is so much money that it can run out because of the expenditure in this little time, and this is circumstantial evidence that proved the man had lied, and so his defenses gradually deteriorated from being subjected to some torture, and after he produced the riches, he was put to death.

"Imam Ibn al-Qayyim, may God have mercy on him, said: 'Much circumstantial evidence and signs are stronger than abstention and intuition testifies to that, thus, how could the disruption of its testimony be justified. In that, the prophet, may God's prayers and peace be upon him, ordered Al-Zubayr to force the uncle of Huyay Bin Akhtab to confess through torture, so as to produce the riches he hid and claimed they have run out and told him the time is close and the money is more abundant. These are two strong pieces of circumstantial evidence, the abundance of riches and the short amount of time in which they [riches] were all spent. And so in this right tradition, there is reliance on eyewitness testimonies and clear signs, punishing the accused, and the permissibility to contract a truce on conditions and abrogate a covenant if they violate the condition upon which it was contracted. And in that, the ruling includes the disgrace that God puts on his enemies through their own hands and endeavors for He, the Almighty is most able to inform his messenger about the treasure and he could take him by force, however, in dealing with it in this manner, there was wisdom, benefits, and a disgrace to the non-believers themselves with their own hands, and God knows best. And in some accounts with respect to this story, it is recounted that Kinanah's cousin confessed to the presence of riches when the prophet, may God's prayers and peace be upon him, handed him over to Al-Zubayr, and he tortured him' (*Al-Turuq al-Hikmiyah* 9/11).

"And he said while citing the benefits derived from the incident 'and it includes relying on ruling on circumstantial evidence and signs as the prophet, may God's prayers and peace be upon him, said to Kinanah, 'The riches are abundant and the time is close,' and from these words and from his words 'they [riches] run out from the war and expenditures' he deduced that he lied' (*Zad al-Ma'ad*, 3/306).

"And those who kept secret the location of the riches were of the covenant, thus, the prophet ordered to put them to death when he ascertained their lies through circumstantial evidence and signs, for the riches were too abundant to run out in a short period of time. And, when they showed their location and Muslim extracted them, the prophet ordered to kill them and regard it [their behavior] as an infringement to the covenant they contracted with him.

"And it is known that there are eyewitness testimonies and signs and indications about the spying conducted by the accused that are much stronger than this, particularly in view of the fact that this is an instance in which a certain, real, and continuous harms ought to be repelled and because of the obstruction and the nonexistence of alternative means that would stop them or even mitigate them, although the story does not contain any report that the man whom Al-Zubayr had tortured is the man who hid the riches, and it was not mentioned that he knew its location. Rather, he indicated that he saw Huyay walking around some ruins to which he pointed out, and when the riches were found, it was the greatest proof that he knew about it, and that he participated even through his silence in hiding it and keeping it secret, thereupon, the prophet ruled on him and ordered his killing.

"Fourth Evidence: From Ibn Abbas, may God be pleased with him, said that Umar Bin Al-Khattab, may God be pleased with him, delivered a sermon, and he said, 'God had sent Muhammad in truth and he revealed the Book to him, and among the verses he revealed to him is *Al-Rajm* verses [the Stoning Surat] we read it, we made it known and we understood it. The messenger of God, may God's prayers and peace be upon him, threw the stones, and we threw the stones after him. I am afraid if much time passes on the people, that one of them might say, we did not find anything on stoning in the Book of God, and they might go astray by leaving out a divine precept, and stoning is a divine right in the Book of God Almighty on those who commit adultery, if those men and women are married, if clear evidence is established, or if there is pregnancy or a confession,' agreed upon [Hadith].

"And so the proof from this instance is that Umar had cited the matters through which adultery is ascertained on a woman and which would lead to the ruling that consists of her stoning, and it is proof or pregnancy or confession. Hence, pregnancy is one of the pieces of evidence that proves her falling into adultery as it was stated by the shaykh of Islam: 'Pregnancy is used as proof to establish that the act of adultery has occurred like eyewitnesses' (*Minhaj al-Sunnah al-Nabawiya*, 6/94) and he said this in the presence of companions, may God Almighty be pleased with them all, during a Friday sermon, and no one disagreed with him and there was almost a consensus among them.

"Imam Ibn al-Qayyim, may God have mercy on him, said, 'What is intended here is that the jurist did not stop the ruling in preserving determined rights on the testimonies of two males, neither in blood nor in wealth nor in honor nor in *hudud* [punishments prescribed in Islam], rather, the righteous caliphs and the companions, may Allah be pleased with them, set punishments in the case of adultery with [proved through a] pregnancy, in cases of drinking with [proved through] smell and vomiting.'

"And he said too: 'The companions of the prophet, may God's prayers and peace be upon him, had set a punishment in the case of adultery solely on the basis of a pregnancy, and in the case drinking on the basis of a smell and vomit, and that is rightness. And most definitely, vomit, smell, and pregnancy are better evidence for drinking and adultery than a testimony, hence how could it be thought that the Shari'ah might abrogate the two strongest proofs' (*I'lam al-Muwaqi'in*, 4/374).

"Imam Ibn Taymiyyah, may God have mercy on him, said, 'They have disagreed about the woman if she was found pregnant and she was not married and did not have a master. There are two opinions in the doctrine of Ahmad. It was said there no punishment is ruled against her for she might have become pregnant while forced or while enduring pain, or if there is uncertainty. And it was said, she gets a punishment and that is what was passed down by the righteous caliphs, and it is closest to the principles of the Shari'ah, and it is the doctrine of the people of Medina. Hence, the rare possibilities are not taken into account such as the possibility of her lying and the lying of witnesses' (*Al-Siyasa al-Shari'ah*, 1/133).

"He also said 'and in that, the people of Medina abide by what was said in the sermon given by Umar Bin al-Khattab on the pulpit of the messenger of God, may God's prayers and peace be upon him, when he said 'stoning in the Book of God is rightness on every adulterer among men and women if they were married and if a proof of their guilt has been established, or if there is a pregnancy or a confession was made. And they set a punishment in case of drinking if a person is found drunk or vomiting or if he gives off a smell, and that is what was passed down by the prophet and his righteous successors such as Umar and Uthman and Ali.'

"Abu Hanifa and Al-Shafi'i did not dispense a punishment but if a confession is made or with a proof about the act, and they alleged

it was a suspicion. And from Ahmad there are two accounts, and it is known that the first one is in line with the tradition of the messenger of God and his righteous successors, and it is a preservation of the hudud of God Almighty that he ordered to preserve, and the suspicion in this is like the suspicion in evidence and confession that might contain lies and error' (*Majmu'al-Fatawa*, 20/384).

"The erudite scholar Ibn Farhun al-Maliki, may God's mercy be upon him, cited some of what came in the Sunnah of reliance on witnesses in rulings, including the frequent ruling of Umar Bin al-Khattab, may God be pleased with him, and the companions with him on the stoning of women if a pregnancy showed on them and they are not married. Malik and Ahmad Bin Hanbal were of the same opinion based on clear evidence' (*Tabsiratul Ahkam*, 4/169).

"Fifth Proof: From Anas, may God be pleased with him, he said, 'Some people belonging (to the tribe) of Ukl and Uraynah came to the prophet, peace be upon him, in Medina, but they found its climate uncongenial. So the prophet, peace be upon him, said to them: If you so like, you may go to the camels that are part of the charity and drink their milk and urine. They did so and were all right. They then fell upon the prophet's shepherd and killed him and turned apostates from Islam and drove off the camels of the prophet, peace be upon him. This news reached God's apostle, peace be upon him, and he sent people on their track and they were brought and handed over to him. They put out their eyes, and their hands were cut off and then they were thrown until they died' narrated by Bukhari, Muslim, Abu Daoud, al-Tirmidhi, al-Nisa'i and Ibn Majih and others. Some scholars deduced from this Hadith that it is permissible to rely on evidence and witnesses in rulings for it was not conveyed that what those people have done has been ascertained by the prophet based on a testimony or a confession, however, their being alone with the prophet's shepherd, and their flight with what they have taken from his pasture constituted a greater proof on their committing the crime than the testimonies of eyewitnesses.

"The erudite scholar Ibn Farhun al-Maliki said while citing some tradition that relied on the testimonies of eyewitnesses, in that 'the prophet had done what he had done to the two people from Uraynah based on the testimony of an eyewitness, and he did not request an evidence on what they had done and the matter was not determined based on their confessions' (*Tabsiratul Ahkam*, 4/169).

"Imam Ibn al-Qayyim, may God have mercy on him, said, 'He ordered to capture the Jew, and a female servant gestured that he knocked him down between two rocks, and so he was taken, and he confessed and had his head knocked down, and this is proof that it is permissible to deal with the accused if the evidence on his guilt has been established against him. What is apparent is that evidence on his guilt has not been established, and he did not confess for fear to be killed, rather he was threatened or beaten and he confessed. Just the same with the people from Uraynah, he [prophet] did what he did to them based on the testimony of an eyewitness, and he did not demand for evidence on what they did, and the matter did not depend on their confessions' (*Al-Turuq al-Hikmiyah*).

"And last Shaykh Abd al-Qadir Uda, may God have mercy on him, said, 'Although many of the Shari'ah provisions are based on evidence, and the use by the judiciary since the revelation of the Shari'ah of proof, the majority of jurists do not recognize or regard evidence as a general proof among the substantiating proofs in crimes, but perhaps in some particular texts such as Al-Qasama, and perhaps their excuse in that is that evidences in the majority of instances are inconclusive, and might contain many aspects. Thus if it has been relied upon them as a proof to verify a crime, then it has been relied upon a questionable evidence whose veracity cannot be accepted in advance.'

"As for a minority of scholars, they see that relying on evidence to prove crimes should be in moderation, and among those scholars is Ibn al-Qayim who sees that if a ruler fails to rely on evidence, he would end up squandering a great deal of right and would have done a great deal of wrong, and if he expands and relies on them while ignoring the legitimate circumstances, he would have fallen in types of injustice and corruption' (*Al-Tashri' al-Jina'i* 3/372).

"Summary

"Therefore, the summary of the collective proof that I mentioned, along with other proof, shows that the Shari'ah allowed in some situations to rely upon the strength of the presumptions, the support of the evidence, and the assembly of the indications in establishing the judgments and punishing the guilty, including killing. Adopting and relying on it is not made up, especially in situations where it is definitely impossible to find proof. Taking charge of it results in losing and wasting rights that will lead to the propagation of oppression and the spread of crime because the criminals will find in the failure of not applying Shari'ah a safe-haven for them from the sentence of the Shari'ah, thereby their evil will spread, their corruption will increase, and their crimes will double.

"This is in the special cases that tie people with their supporters, but if the harm is general and the corruption is inclusive and the evil is impinging, as in the situation of the spies of the era matter, without the existence of other methods to fend the attack against Islam and the Muslims that will really conserve through it their religion, selves, blood, honor and monies, that will practically disprove the infidel's assault. Therefore relying upon the evidences, the proofs of the situation and the indication will assign a path to prove the accusations against those charging criminals who help the infidels against the Muslims, those who did not leave a house, a Bedouin tent or a town in which they infiltrated and lead the infidels to it. We know that some of the proof and indications are many times harder evidence to incriminate those with the crime of espionage from the testimony of witnesses and that the mention of doubting in its proofs is completely non-existing or barely there. As we saw through practicality the reliance of the mujahidin upon this had prevented many of their evilness that continues to generate and increase.

"Relying upon it is the best thing within the mujahidin grasp and the utmost of their investigation and precautions can attain and the ultimate of their efforts and proves can reach. To close this door from the beginning and taking charge in looking for witnesses or waiting for the optional voluntary recognition in every situation necessarily mean that it is useless practically to show the judgment of a spy who claims to be Muslim. Then, the conversation about his judgment will remain only in books and the pages of researches without it having a mentioned effect in stopping their evil and fending attack. For example contemplate in this fatwa that appeared on Al-Shabakah al-Islamiyyah site on the internet where they received a question asking: 'I would like to ask a question about what the helpers of the Jews are doing; from spying on the Muslims and harming them, and the matters are not only like that, even they use magic and contact the jinn through the one who is bewitched, thereby they know his secrets. Whoever of those die do they have the right to be buried and prayed for them in the mosques and the Muslims' cemeteries or are they infidels and hypocrites and apostates? I know who was with the enemy and died will die their death, then how about the one who carries out sorcery against the Muslims for the sake to harm them and to know their secrets and then delivering it to the Jews to arrest them or assassinate them?

"Within the reply after mentioning the details of the scholars' variances in judging the spy: it is necessary to make notice that the one who is in charge to apply the punishment against him is the Sultan [leader, highest ranked figure] after presenting him to a just legitimate court and taking a confession or proving it with evidence, as for the ummah's individuals [general public] they do not have the right to apply punishments' from Fatwa number 59804 under the supervision of our Shaykh Abdallah al-Faqih, may God protect him.

"Concerning that the ummah's individuals cannot apply punishment generally undisputed with details known in its place in situations where there is no imam at the time and something like that, but the person here asks about a certain rule concerning Palestine and spying for the Jews, who is the Sultan that will apply the punishment against those spies and where is the legitimate fair judiciary that they apply to examine their affair, and how would the people prove his guiltiness for the crime of spying without a confession or proof, and if they had the proof where there is no Sultan or judiciary, then what is the use of that and they cannot apply the punishment.

"Here we are talking about facts that everyone knows and the close and far [people] comprehend it and that Palestine is vacant from the possible Sultan and from the legitimate fair judiciary, so will a reply like this change a thing in the situation spies spreading in Palestine?

"The mujahidin, their shaykhs and their scholars should fear God, the Great and Almighty with in their abilities and be careful as much as they can to harm an innocent Muslim that is not soiled with the despicable spying business and to take the utmost precautions in this. They confirm within their abilities and capabilities and they investigate up to maximum efforts and research and to take time that suits their situation and circumstances and to be absolutely sure from the presumptions, evidences and the indications that they reply upon and that they consult and ask those who are close to them from the people of knowledge, experience, and wisdom. If the proof for these presumptions, evidence, signs, and indication become strong against a person where they arrive to a certainty of him belonging to the corrupting spying group and he was found to be guilty of this filthy business, then let them rely upon God, the Great and Almighty, and apply upon him the judgment I mentioned above, that appeared to me to be the outweighed, either killing is imperative if the type of his spying was clear aid to the infidels against the Muslims and he looks for their weaknesses or ijihad [referring back to the Islamic law] for rebuking him that suits his situation and crime if it were something else. It is alright to pardon sometimes for an obvious interest or to avoid a bad evil that might become to the mujahidin upon killing or punishing him. This is for the spy who falls into the hands of the mujahidin and is within their capabilities where they are able to interrogate him and reveal his situation.

"As for those abstaining through force either for his strength of the true incapability of the mujahidin to reach him and arrest him, with the proof of the crime against him where there is certainty beyond reasonable doubt, as he is being famous of spying, then after that it is alright to take the initiative to assassinate and kill him whenever and however they can to cut off his evil and fend his harm away, along with remembering what I mentioned first of fearing God, the Almighty and ijihad [referring to the Islamic law] as possible and spare no possible effort.

"Al-Bayan magazine mentions: 'Sixth: a group of Muslim scholars warned of the danger to cooperate with the Zionists and to collaborate in spying for them against Muslims and they clarified that the spy who leads the enemy to the mujahidin and attempt to corrupt the land, if this is known about him and he is famous of this then he is killed and his killer is rewarded, but if he is not known for [doing] this then his case is delegated to the Muslims' ruler and the people are in charge of matters, if they see for him to be killed then he is killed and if they find rebuking him then he is rebuked, and choose what is the best for the Muslims.'

"This is what seemed to me from this calamity matter that shows that the jihadist fields are in need for scholars and mujtahidin [a Muslim jurist who is qualified to interpret the Islamic law] who combine between the Shari'ah and the jurisprudence of the reality and to immerse into its details through living along with it and participating with it, not through envisioning and hypnotizing in which it may be the furthest thing from the reality and its events. Nonetheless, my writing is presented to the scholars and the people of religion and advice where they can take from it whatever they want and leave whatever they want putting in their perspective that the matter could not be delayed or to take time in researching it because the sparks from its raging fire are fly every second to burn whatever it burns [revokes] from the Islamic laws and the choice of the mujahidin and those who are really weak and oppressed, men, women, and children, who have no means in their power, nor a guide-post to their way. Therefore, anyone who looks at this calamity must give it its importance and avoid ignoring it and master its ins and outs so that this malady would be practically taken care of or else you will remain in the world of abstract research and distant hypothesis that does not solve the problem and does not lift off the conundrum. Whatever right I wrote it was a success from God and His help and whatever is wrong is from oneself and the devil and I withdrawal from it without hesitation and from God we seek help and ask for His forgiveness and his help and mercy that contains everything and He suffices us for everything and He is the most excellent guardian.

"Appendix for Scattered Matters and Sporadic Words

"First matter: even though the Hanafi doctrine, as I said before, states not to kill the Muslim spy, nevertheless, the mujahidin in Afghanistan and Pakistan, God support them, killed many of them, even they are the strictest people to pursue the spies and chasing them and killing them, due the harm that they witnessed from them and saw their great danger even if it were hard for them to employ the concept on them, until the general public every time they see a spy plane flying around in the sky they knew that it has a spy belonging to it on the ground.

"Among those mujahidin are the scholars (Al-Mawlawiyah) [Sufi order] and the Muftis [those who issue fatwas] who know the doctrine very well. They are the ones who give fatwas to kill the spies and urge them to pursue them. I might use the fatwas of some of their seniors, thus I give what Imam Ibn al-Qayim, God bless his soul, arrived at and its summary of imam Malik doctrine, God bless his soul.

"Nevertheless, I do not perceive their actions are originally inconsistent with Imam Abu Hanifah, God bless his soul, doctrine, because he goes into what they call in the doctrine (killing policy) because this for them is spreading corruption on earth and they have in this different matters.

"It is mentioned in Al-Hamidiyah reviews: '(Asked) about a mid-aged man who is a corruptor, mocker, troublemaker, and lures people to wrongfully steal their monies and killing the worshipers and harms the Muslims by his actions and words and does not stop doing these actions unless he is killed, what is his verdict? (Answer): If it was so and many Muslims said the same then he is killed and his killer is rewarded because it fends off his evilness from the worshipers of God, the Exalted' (*Revised Fatawa Al-Hamidiyah*: 2/170).

"Also mentioned in Fatawa al-Hindiyah: 'The ultimate sins through oppression, the road bandits and the tax collector and all the oppressors and their helpers and the seekers it is permissible to kill them all and their killers are rewarded same as in Al-Fa'iq River' (*Fatawa Al-Hindiyah*: 2/ 167).

"Mentioned in (*Durar al-Mukhtar*: 4/64): '(The ultimate sins through oppression, the road bandits and the tax collector and all the oppressors with the smallest thing that has value) and the ultimate sins and their helpers and the seekers it is permissible to kill them all and their killers. The end and Al-Nasihi gave the fatwa to kill every harmful being.

"Al-Nasihi issued an edict to the effect that every harmful person must be killed. The renowned scholar Ibn-Abdin explained this opinion by saying: 'The arrogant means the one who openly oppress people. He said in *Al-Misbah*: 'As for the highwaymen, this means that if you are traveling and met a highwayman, you can kill him even if he did not want to steal you because this will rescue people from his evil as denoted by the following words: 'his saying all other grave sins,' meaning the people who commit such sins.'

"The meaning, as I think, is the sins that cause damage to other people to include all mischievous people like the magicians, highwaymen, thieves, sodomites, and others whose evil prevails, provided that his evil will not stop unless he is killed.

"In his book *Ahkam al-Siyasah An Jam al-Nasafi*, Shaykh al-Islam was asked about the killing of the unjust people and the supporters in the days of their fitrah [weakness or vacation]. He said that it is permissible to kill them because they want to spread mischief in the world. But they said that they stop their activity in the days of their Fitrah. He replied: 'They do so because they are forced to.' 'But if they were returned they would certainly relapse to the things they were forbidden, for they are indeed liars' [partial Koranic verse; Al-An'am, 6:28]. I think that the meaning of the days of their fitrah mean the days of their vacations.

"He said: 'We asked Shaykh Abu-Shuja about this and he said that it is permissible to kill him and you will take the reward for that' (*Rad al-Mukhtar* 15\218).

"The damage caused by the spy who is appointed by the Americans and apostate is not less than those people since, undoubtedly, that his harm is general and his corruption includes life and religion as he targets souls, money, and honor. It is enough, according to their expression, that he [the spy] is one of the supporters of the unjust people. Actually, he is one of their leaders. God knows best .

"Famous scholar Ibn-Abdin, may he rest in peace, said: 'I read in the *Al-Sarim al-Maslul* of Ibn-Taymiyah that the principle rulings of the Hanfi scholars do not give the death sentences in some cases like if someone killed someone else by throwing a heavy thing on him or like the repetition of practicing anal sex. However, the imam believes that those who commit such crimes must be killed

and he can give heavy sentence if he sees the interest in doing so. They interpret the incidents in which the prophet, peace be upon him, and his companions killed those who commit the crimes by saying that they find a benefit in this.

"He can be killed as a corporal punishment in the repeated crimes. For this reason, many of those scholars allowed the killing of the Dhimmi person who is repeating the insult to the prophet, peace be upon him, even if he converted to Islam after his capture.

"In the chapter of apostasy, we will discuss that if the magician or the missionary heretic was arrested and then repented, his repentance will not be accepted and he should be killed unless he was arrested after declaring his repentance' (*Hashiyat Ibn-Abidin* 4\63).

"I have asked some great scholars, upon whose fatwas the mujahidin of the Emirate depend, about killing the Muslim spy and how to prove the accusation although the voluntary confession and the proof is difficult in these circumstances. He, may God protect him, said: 'I give my sentence on the spy due to strong signs of being involved in spying activity and this will be a proof to which I have to adhere. In addition, the conclusive proofs should be applied if we have no other evidence and there is no need for the two witnesses or the voluntary confession, especially with the spy who is not under our control. This is especially in the time of jihad during which we cannot imprison him or give just sentence because we lack just judges. We kill him because his endeavor to spread mischief and our references agreed that the one who wants to spread mischief should be killed. The spy tells the infidels the weaknesses of Muslims and this mischief is unmatched.'

"This noble mujahid scholar has a book about the rulings of jihad in which he discussed many modern issues. If his books were in Arabic, I would quote from them. I read the conclusion of this study for him and he approved it.

"Shaykh Abdallah Azzam, may he rest in peace, mentioned that some judges of the mujahidin in his time used to give death sentence to the spies as a corporal punishment. He said: 'In Afghanistan, Judge Muhammad Umar Bin-Birwan told me that he gave death sentence to the spies as a corporal punishment' (*I'l'an al-Jihad*: 7).

"The second issue: Shaykh Hasan Ma'mun, may he rest in peace, said in a long fatwa about espionage incident: 'Espionage is a material thing that is proved by confession and evidence as proved by the conclusive documents' (*Fatawa al-Azhar*: 6\73)

"Thus, he confirmed that the conclusive documents prove the espionage accusation although they are not the confession or the two witnesses. There are many modern technologies and modern equipment that are proved to be equipment of espionage and only used by spies, in addition to the secret security services badges which hold the photo, signature, and the fingerprints of the spy.

"These things are more conclusive than the documents which may be forged. They are indisputable evidence that we cannot ignore. The *Al-Ahkam* magazine includes 'the proof is the sign which reaches the level of certainty. For instance, if someone got out of an empty house with a knife in his hand which is stained with blood, and we entered the house to find a slaughtered person, he is certainly the killer. We will not take into account the mere illusionary possibilities, like to say that this person killed himself' (*Darar al-Hukam Sharh Majalat al-Ahkam*: 4\431).

"Famous scholar Abu-al-Hasan al-Tasuli al-Maliki, may he rest in peace, said in a long answer about the tribes that hide spies: 'The ruler forces them to abide by what he mentioned, he can appoint trusted watchers, from other tribes, in the roads who know the shortcuts of the roads. If he captured one of the spies from those guards or this accusation was proved by confession or proof, he can punish all of them. The punishment of the spy is to be killed and his repentance should not be accepted' (*The answers of Al-Tasuli of the questions of Amir Abd-al-Qadir al-Jaza'iri* 114-115)

"He considered that to know the spies you can secretly keep an eye on them in roads and he considered this enough to prove the accusation just like confession and evidence.

"The third issue: As it was reported in the story of Hatib, may God be pleased with him, the prophet, peace be upon him, know

about the message he sent to Quraysh with the women by the revelation. Hatib, may God be pleased with him, did this in secret and this indicates matters, including:

"First: The dangerousness of the action of the enemy to the extent that the revelation was sent from heaven to inform the prophet, peace be upon him. Without the revelation, the news of the prophet, peace be upon him, would have reached Quraysh although the message only includes that the prophet, peace be upon him, intended to invade them. It is well known that there is no revelation after the death of the prophet, peace be upon him, and the dangerousness of the spies is still happening and increasing by time. There is no doubt that to stop the evil of the spies is the purpose of the Shari'ah, otherwise, the revelation would not inform the prophet about the action of Hatib. Since there is no revelation to expose the spies' truth and divulge their secrets, there is no other alternative except vigilance and to follow up proof and evidence to know them as their work, basically, depends on concealing, maneuvering, and secrecy in conveying news and secrets. Therefore, one of the scholars understood from this Hadith that it is permissible to spy on the spies. Judge Ayyad, may he rest in peace, said: 'This Hadith includes the permissibility of spying on the spies and others who want to harm Muslims, and to read their books.'

"Second: The prophet, peace be upon him, used to know many of the key figures among the hypocrites, some of them by their features, and by their ungrammatical language. They used to declare their infidelity when they are together, as Almighty God said: 'When they meet those who believe, they say: 'We believe;' but when they are alone with their evil ones, they say: 'We are really with you: We (were) only jesting' [Koranic verse, Al-Baqarah, 2:14]. He used to be informed about their ugly deeds, however, he did not punish them nor was he tracing their inner intention, rather, he used to treat them according to their perceptible attitude. This is so because they were under the authority of Muslims. Indeed, the reason that they became hypocrites was because the Muslims became strong and powerful. That is why there were no hypocrites in Mecca when the infidels were the strongest side.

"As for the case of spying, we know that the prophet, peace be upon him, sent a number of knights under the command of Ali Bin Abu Talib, may God be pleased with him, and ordered them to take the letter from the women after telling them her whereabouts. When she attempted to deny, they threatened her. It was mentioned in some of the weak stories that the prophet, peace be upon him, told them: 'Proceed until you reach Rawdat Khakh. There you will find a lady with a letter sent from Hatib to the polytheists. Take the letter from her, and let her go, but if she refused, kill her' (*Asbab al-Nuzul*, page 282). Imam Al-Zayla'i, may God grant His mercy to him, said: 'This is exactly how it was mentioned in the interpretations of Al-Tha'labi, Al-Baghawi, and in the Book of *Asbab al-Nuzul* by Al-Wahidi. I said: 'This is a weird language' (*Takhrij Al-Hadith al-Kashaf*, part 3, page 448).

"The difference between the hypocrite and the spy is that the hypocrite conceals his disbelief and suppresses his grudges, thus, his damage is confined to himself. That is why there is no harm in overlooking him and applying the rules on him according to his perceptible attitude, in addition to dealing with him as a Muslim. As for the spy, his damage extends to Muslims; and his benefit to the infidels is irrefutable. Therefore, overlooking him may lead to a grave consequence that only God knows its limits.

"Therefore, even though that he hides his intention, the fact remains that his damage to Muslims is certain. Thus, it is imperative to stop this damage, and to protect Muslims from harm, evil, and affliction. Thus, there is a big difference between he who wishes Muslims bad fortune, and hides his ill wishes inside his chest and talks about his ill wishes with the confidantes of his group, and between he who seeks to inflict Muslims with hardships clandestinely, and works out to come to the aid of those who can afflict Muslims with these hardships. The former represents the hypocrites while the latter represents the spies. This is why the scholars deemed the damage incurred by the spy to be greater than the damage incurred by the highway robber. By God, they said the truth.

"As long as the hypocrite hides his hypocrisy, no punishment shall be imposed on him, and let him die in his fury and dismay. God Almighty said: 'Truly, if the Hypocrites, and those in whose hearts is a disease, and those who stir up sedition in the City, desist not, We shall certainly stir thee up against them: Then will they not be able to stay in it as thy neighbors for any length of time: They

shall have a curse on them: whenever they are found, they shall be seized and slain (without mercy). (Such was) the practice (approved) of Allah among those who lived aforetime: No change wilt thou find in the practice (approved) of Allah' [Koranic verse, Al-Ahzab, 33:60-62].

"Shaykh Al-Islam, may he rest in peace, said: 'This verse stated that unless the hypocrites desist, God would stir His prophet against them, consequently, they will not be able to stay in as neighbors to the prophet for any length of time. But this is in case they are cursed so that whenever they are found, they shall be captured and slain. And this is cannot be unless they reveal their hypocrisy. But as long as they conceal their hypocrisy, they shall not be killed.' Al-Hasan also said: 'The hypocrites wanted to reveal what in their hearts, but because of this verse they did not show their hypocrisy.' Qutada further stated: 'It was mentioned to us that the hypocrites wanted to reveal what is in their hearts of hypocrisy, but because of this verse, they kept it secret' (*Al-Sarim al-Maslul*, page 353).

"Fourth issue: I mentioned in the introduction of the research that I have sent some questions which are related to this subject to some of the esteemed scholars, but I received no answer from them. They may have their own excuses. Here I will post those questions so that they remain open, waiting for answers from those scholars whom I was not able to reach. The questions are mentioned in the following text:

"Praise be to God who said: 'If ye realize this not, ask of those who possess the Message.' [partial Koranic verse, Al-Nahl, 16:43]. Blessings and peace of God be upon His honest apostle, his pious family, his blessed companions and those who follow in their footsteps until the Judgment Day.

"Peace be upon you, and the mercy of God and His blessings.

"These are the questions which we are sending to our knowledgeable masters, venerable Imams, and noble examples, the beacons of guidance, hoping that they will provide us with the complete answers that satisfy the eyes of he who reads them. We ask God to guide us to what is good in the worldly life and in the Hereafter, to join our hearts in his Love and obedience, and make them sincere in their strife to establish His Shari'ah. Amen, amen.

"As you know, may God make you useful to others, the biggest obstacle that face the mujahidin in the various jihad fronts today, and as a result of which they suffer adversity after another, is the spies who are today considered to be the strongest of soldiers of the Cross and its stooges. Without them, the Americans will be rendered ineffective. Has not been for the spies, they Americans would have been able to reach their crucial and important targets. But finding those spies is not an easy matter, and convicting them through the usual legal procedures is next to impossible. The mujahidin assume no control of a land in which they can execute legal verdicts in the best way. In most of the times, the mujahidin are subjected to crackdowns which force them to change their locations. Also, capturing those spies requires a lengthy surveillance procedure. In fact, they are inaccessible, and it is not possible to capture them just by summoning them up. They must be monitored and busted. Any opportunity that leads to their apprehension must be seized. This is a brief on the situation which needs more elaboration, but what we wanted is to give a glimpse of the picture, which we assume that you are aware of. Based on that:

"First: some spies are caught with listening devices or identification documents which prove their affiliation to infidel organizations such as intelligence departments. When they are arrested, they confess to that, sometimes straight away and sometimes after a little torture such as hitting. So, based on this and along with other evidence, their convictions on charges of spying become conclusive. In such case, is it permitted to kill them based on their confessions?

"Second: Sometimes, some spies reveal, in the course of their confessions, the names of their accomplices who work with them in the same mission. These confessions are identical and the stories they narrated about their accomplices are same, knowing that those spies are separated from each other during detention. These confessions are so identical that it is not possible that they were fabricated. When it is not possible, for whatever reason, to have these accomplices arrested, is it permissible, in this case, to assassinate them based on the confessions of their colleagues, knowing that sparing them may lead to damages which only God

know their limits, such as air strikes against the hideouts of the mujahidin, or arrests in the ranks of the mujahidin?

"Third: As far as the issue of spies is concerned, is it safe to say that there is difference between when Muslims are in a state of empowerment as was evident in the case of Hatib, may God be pleased with him, who was summoned by the prophet, prayers and peace be upon him, and was asked and interrogated as a member who lives under and Islamic state with full authority where he can be summoned voluntarily or forcefully, and between the current state of the mujahidin who have no authority which make it very difficult for them to get into the investigation process in every case. This means that many spies would remain at large. This poses a great danger to the mujahidin because the dependence of the infidels at the present time on the spies is much more than their dependence on their well equipped military troops. There is a Hadith narrated by Salama Ibn Al-Akwa: 'Chase him and kill him' [referring to a spy who came to the prophet while he was on a journey and talked to him and his companions before he went away. The prophet asked his companion to chase and kill him] Can this Hadith be taken as an indication to the difference between the two situations? The prophet questioned Hatib when he was in Medina under the authority of Muslims, while he ordered the killing of the fugitive infidel because he was in his way back to his tribe, even though he could have been arrested because Salama killed him after he got him down from the back of his camel. So, Hatib was under the authority of the Muslim state, while the other was not. That is why the two cases were handled differently. Does this sound true?

"Fourth: in all this, what is the view of our masters, the scholars, in regard to the way to deal with this issue in practical manner? Here we are not asking whether it is permissible to kill the spy or not. Rather, we ask about the method by which we can proof the charge of spying which warrants death. Is it to use advanced devices, wiretapping their phones which proof by their voices that they are passing information to the enemy, or looking for pictures or reports taken or written by them? Or to resort to torture which is the most common method used by the mujahidin in almost all fronts? Or to rely on the confessions made by other spies, especially if these confessions are proofed to be true? Answer us and explain this issue to us, may God grants you the best of rewards.

"Fifth Issue: As I have mentioned before, the missions of modern spies are not restricted to transmitting information and transferring abstract news to the enemies as the case of most of the spies mentioned by the jurisprudents in their books.

"In modern times, spies take more effective roles in the operations, which move them from the abstract description of espionage to the level of actual soldiers.

"Here, I provide some images of what the spies use and face burdens and risks to reach the targets that were specified by their infidel leaders. These methods are the reason behind guiding the rockets of killing and destruction to pour their lava on the mujahidin and the wronged.

"Summary of the topics of the research and the outcome:

"God knows that when I first started to prepare this research, I did not imagine that I would reach this extent. That was why I have left some related issues uncovered. I wish if God prepares another chance for me to speak about them in details. Due to the length of the research and the complexity of its topics, I wish to summarize the most important parts of it in order to collect the scattered points and make them easier for the reader.

"First: The war of the mujahidin against the spies are the fieriest and the most dangerous and difficult battles. These battles are spread widely and very well hidden and plotted. Their characteristics are variable and their conditions are changeable and indistinct.

"Second: The spy mentioned in this research is the person who pretends to be a Muslim, who is acquainted with the defects of Muslims and transforms these defects to their enemies. Scholars identified this person as the Muslim spy.

"Third: The activities of modern spies are not restricted to just transferring the information through written messages, photos, or

video footages, but they exceeded this level. They are now playing effective and practical roles by using various techniques, including the missile-guiding electronic chips and guiding the forces during crackdowns, assaults, and other forms of help.

"Fourth: Spying for the infidels against Muslims is certainly considered part of allying with the infidels. This is clear in the beginning of the Chapter of Al-Mumtahanah concerning the story of Hatib, may God be pleased with him, which was the reason behind the revelation of the verses of this chapter. Scholars agreed unanimously upon this fact.

"Fifth: Backing the infidels and supporting them, with whatever means of support, is among the greatest reasons leading to infidelity as agreed upon by the scholars. Deeming the person infidel in this case is not bound with whether this support is based on love the religion of the infidels or not.

"Sixth: The aspect of espionage is included in the meaning of infidelity-leading backing through transferring the news of the Muslims to the infidels to use it in their war against Islam and Muslims.

"Seventh: By informing the infidels of Quraysh about the intention of the prophet, God's prayers and peace be upon him, to launch a massive conquest against them, Hatib, may God be pleased with him, did not reach the level of infidelity. His deed was not considered backing of infidels against Muslims. However, it was only considered a disclosure of a secret by the messenger of God, prayers and peace be upon him.

"Eighth: The differences among the scholars over the takfir of the spy who belongs to Islam do not overrule their unanimous agreement that the backing of infidels is a great aspect of infidelity. The right handling of this issue is to coordinate between their ideas and put every judgment in its place, but not to compare them or follow the repeated opinions and ignore the contradictions.

"Ninth: Spies who pretend to be Muslims are divided into two sections:

"First Section: The spy whose backing was a clear assistance to the infidels against Muslims, he is an apostate. Concerning the judgment of killing him or not, he should face the punishment of atheists. If he repents, his repentance is accepted. If he did not repent, he should be killed unless there was an important and clear interest in setting him free.

"Second Section: If his espionage did not lead to direct assistance, his punishment should be subject to the diligence of the scholars. The punishment, which might reach death penalty, should be suitable to his crime.

"Tenth: The previous conditions are applied on the spy captured by the mujahidin, who can possibly be investigated. As for the far-reached spy, whose evil can only be stopped by killing him, he should be killed; no matter whether he belongs to any of the two previous sections.

"Eleventh: Depending on the two-witness principle or determining the premeditation by confession in the crime of spying are not - often- possible to apply in the arenas of jihad and the conditions of the war. Therefore, abiding by these conditions will certainly require keeping the spies safe, which results in the continuation of their evil and the expansion of their harm.

"Twelfth: The Islamic Shari'ah proved in many places leaning on evidences, indication, and clues in strengthening the accusations and sometimes in emphasizing the punishments. Thus, the meaning of the evidence in religion is bigger than the term itself.

"Thirteenth: In their war against the armies of the spies, there is no harm if the mujahidin used the evidence, indications, clues, and circumstances that often lead to certainty in cases when it is difficult to prove the accusation by two witnesses or confession; either against the captured or the out-of-reach spies.

"Fourteenth: The mujahidin should fear Almighty God, exert their utmost efforts, be very cautious, and consult the people of knowledge and experience to avoid harming an innocent without evidence. If possible, they have to form a committee of those

people of experience to decide on such issues. This will be a better and safer way.

"Yet, Almighty God is the Most Knowledgeable. God's prayers be upon our master Muhammad, his household, companions, and who followed his guidance. Praise be to God, Lord of all creation.

"Written by: Abu-Yahya al-Libi (Hasan Qa'id)

"Sunday, 18 Dhu-al-Qi'dah 1429 [16 November 2008]

"Do not forget us in your sincere prayers.

"Your brothers in the Al-Fajr Media Center

"1430, corresponding to 2009"

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