

Pakistan

Rebellion by Khawarij Takfiri Taliban & Shari'ah

By: Aftab Khan



Introduction:

Three decades after introduction of the religious militancy by USA to defeat USSR in Afghanistan and later US invasion of Iraq and Afghanistan after 9/11 many armed groups have resurfaced in Afghanistan to resist US lead NATO occupation. As fallout some groups have rebelled against the state of Pakistan on the pretext of establishing Shari'ah rule. Known as Taliban, they consider the rulers and other Muslims to be disbelievers, apostates who must be killed unless they returns to the rule of "their brand of extremist ideology", the claim rejected by Muslim scholars on the grounds of heretic extremist Takfiri doctrine of Khwarij of early days of Islam. It is considered as a doctrinal deviation [*bid'at*], heresy. Leaders such as Hassan al-Hudaybi (died,1977) and Yousf al-Qaradawi reject 'Takfir' as un-Islamic and marked by bigotry and zealotry. Dr.Tahir ul Qadari has issued a comprehensive edict (fatwa). Such narrow mindedness has exacerbated the evil of sectarianism and the resulting intolerance among the masses has led to a dangerous trend towards sectarian militancy. Recently even the Saudi, Salafi scholars also condemned and strongly rejected the 'Takfir' doctrine.





The Muslims have always been ruled by the Islamic law [Shari'ah] in the empires and Caliphates till end of Ottomans in 1918. Even the Moghul in India known for their tolerance of non Muslims adhered to Shari'ah. In the book, 'The Fall and Rise of the Islamic State', Noah Feldman, a Harvard Law professor, writes: "The scholars exercised control over meaning of Shari'ah, interpreting the divine law and acting as a restraint on the caliph's power. The caliph relied on the scholars for legitimacy and divine sanction, which created an institutional balance of power that gave stability and longevity to the Islamic state'. Feldman argues that this institutional balance of power is what ensured justice in the Ottoman Empire, and that it is also exactly what is lacking in today's Islamism".

After the fall of Abbasid Caliphate, the Tatar (Mongols) abided by the law that they inherited from their king Genghis Khan who wrote Al-Yasiq, for them. This book contains some rulings that were derived from various religions, such as Judaism, Christianity and Islam. Many of these rulings were derived from his own opinion and desires. Later on, these rulings became the followed law among his children, preferring them to the Law of the Book of Allah and the Sunnah of His Messenger (pbuh). This was opposed by the Muslim scholars like Imam Ibn Taymiyah and Ibn Kathir. During four centuries most of Muslim countries were colonised by Christian West who introduced their law based upon Roman law. On independence, the rulers under influence of West continued the same practice. The people's desire to be governed by Shari'ah is ignored, the Islamic provisions introduced in the constitution have not been implemented in true spirit, which have been exploited by extremists to declare others as apostate, creating anarchy which only helps the enemies of Pakistan and Muslims. Islam does not preach extremism and violence. Allah says: "We have made you (true Muslims) a moderate nation" (Quran;2:143). Here effort has been made to analyse this extremist ideology in the light of Quran and Sunnah of Prophet (pbuh) and to ascertain the religious legitimacy of their armed revolt against Islamic Republic of Pakistan on the pretext of implementation of Shari'ah, its relevance vis-à-vis, Islamic concept of Disbelief, Apostasy Major & Minor Sin, Crime, Repentance, Mercy, Forgiveness & Punishment here and hereafter. At the end rebuttal to the 'illogical logic' of Taliban, published in a renowned Urdu newspaper have included.

The Islamic Law: Shari'ah

Total and unqualified submission to the will of Allah is the fundamental tenet of Islam: Islamic law [Shari'ah] based upon revelations from Allah is therefore the expression of Allah's command for Muslim society and in application, constitutes a system of duties that are incumbent upon a Muslim by virtue of his religious belief. Known as

the Shari'ah (the path leading to the watering place), the Islamic law constitutes a divinely ordained path of conduct, that guides the believers towards a practical expression of his religious conviction (rituals) and all aspects of life (social, economic, political etc) in this world and the goal of divine favour in the world to come. Divine law (Shari'ah) is also mentioned in Torah and Gospel, for practice and application to their followers. Allah says: [لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا] “..To each among you have we prescribed a law and an open way.(Quran; 5:48). The previous injunctions remain valid till abrogated by the final and last revelation, the Quran.

Since Islam is a complete code of life covering all aspects including social, economic, political, and military and other aspects of human life, hence the Islamic law (Shari'ah) spells out the moral goals of the community, where state and religion are not separate entity. In Islamic society, therefore, the term law has a wider significance than it does in the modern secular West, because Islamic law includes both legal and moral imperatives. For the same reason, not all-Islamic laws can be stated as formal legal rules or enforced by the courts. Much of it depends on conscience alone. The Shari'ah duties are broadly divided into those that an individual owes to Allah (the ritual practices or *'ibadat*) and those that he owes to his fellow men (*mu'amalat*). It is the latter category of duties alone, constituting law in the Western sense, that is penal law. The other laws include; offences against the person, homicide, law of transactions, family law, succession law, procedure and evidence etc.

The Qur'anic revelations laid down basic standards of conduct for the first Muslim community established under the leadership of the Prophet (peace be upon him) at Medina in 622 C.E. The Qur'an is the book of guidance for the believers; it also lay down the parameters of legal code. The Qur'an contains about ninety verses directly and specifically addressing questions of law. Islamic legal discourse refers to these verses as Allah's law and incorporates them into legal codes.

The remainder of Islamic law is the result of jurisprudence (*fiqh*), human efforts to codify Islamic norms in practical terms and legislate for cases not specifically dealt with in the Qur'an and Sunnah. Although human generated legislation is considered fallible and open to revision, the term Shari'ah is sometimes applied to all Islamic legislation. Modern scholars have however challenged this claim, distinguishing between Shari'ah and *fiqh* and call-ing for reform of *fiqh* codes in light of modern conditions through *Ijtehad* which means 'independent reasoning' as opposed to *taqlid* (imitation, blind following). In the absence of direct guidance from Qur'an or Sunnah for a given situation, the exercise of rational judgment by a competent authority is termed as *Ijtehad*. It is a unique and important component of Shari'ah. *Ijtehad* is fallible since more than one interpretation of a legal issue is possible. Hence there is enough flexibility in Shari'ah to meet demands of modern society within basic parameters of divine law.

Shari'ah and Western Law:

In classical form, the Shari'ah differs from Western systems of law (based on Roman Law) in two principal respects. In the first place the scope of the Shari'ah is much wider, since it regulates man's relationship not only with his neighbours and with the state, which is the limit of most other legal systems, but also with his Allah and his own conscience. Ritual practices,(*ibadat*) such as the daily prayers, almsgiving, fasting, and pilgrimage, are an integral part of Shari'ah law and usually occupy the first chapters in the legal manuals. The Shari'ah is also concerned as much with

ethical standards as with legal rules, indicating not only what man is entitled or bound to do in law, but also what he (obligatory) ought, in conscience, to do (*halal*), something that is lawful and permitted in Islam, or refrain from doing (*haram*) not permissible. Accordingly, certain acts are classified as praiseworthy (*mandub*), which means that their performance brings divine favour and their omission divine disfavour. There is an other category not *halal or haram* but some thing doubtful, classified a Undesirable (*makruh*), it is divided into *Makruh Tahrimi* "that which is nearly unlawful without it being actually so," and *Makruh Tanzihi* "that which approaches the lawful or undesirable yet is closer to the lawful." For example it is undesirable (*makruh*) for a person to buy back what he has given in charity (*sadaqah*, or *zakat*), or "to wish for one's death, or pray to Allah for it, due to poverty, distress, illness, or the like. However in neither case is there any legal sanction of punishment or reward, nullity or validity. Thus the Shari'ah is not merely a system of law, but a comprehensive code of behaviour that embraces both private and public activities.

The second major distinction between the Shari'ah and Western legal systems is the result of the Islamic concept of law as the expression of the divine will, being based upon revelations. Shari'ah law though appears to be rigid in certain aspects but there is room for flexibility in fiqh through Ijtihad to meet the challenges of growing and changing needs of society. In Islamic jurisprudence it is not the society that moulds and fashions the law, but the law that precedes and controls society, however the legitimate changes and requirements of the modern society are kept in view within bounds of Divine Will. The Western Law, is not based on the Bible, they have discarded the Law of Moses, which Jesus declared as his mission (Mathew; 5:17-20). By contrast in the Western Law, it is the society that moulds and fashions the law thus consumption of alcohol, homosexuality, gay marriages (not permitted in Bible) have been made legal, on the desire and public support of the Western Society, where as in Shari'ah, it is not possible to make such laws which are unnatural and clearly against the Divine Will, manifested in Qur'an and Sunnah. As it can be observed that the most part of Shari'ah relates with the duties and obligations of Muslims, between himself and God, and with in society. How can all the Shari'ah can be applied to non Muslims? In Muslims countries the non Muslims live as free citizens, according to their own religious laws in matters like marriages, worships etc. The criminal law of the land is applicable to all. Similarly a Muslim living in non Muslim country is governed through the criminal law of the land. Indian Muslims have Muslim personal law on religious matters but criminal law of India is applicable as for all citizens. If majority of a country accepts Islam, then that society should opt for the Islamic law. No Muslim can deny Shari'ah but presently many Muslim countries are not adhering to Shari'ah in totality, though mostly people want to be governed by Shari'ah which creates a society based upon justice not oppression and exploitation.

Major and Minor Kufr [Disbelief]

Kafir (كافر) is an Arabic term used in a Islamic doctrinal sense, usually translated as "unbeliever," "disbeliever," or "infidel." The term refers to a person who rejects God or who hides, denies, or covers the "truth." According to Oxford Dictionary of Islam the word 'Kafir' means: 'Unbeliever. First applied to Meccans who refused submission to Islam, the term implies an active rejection of divine revelation. In Islamic parlance, a kāfir is a word used to describe a person who rejects Islamic faith, i.e. "hides or covers [viz., the truth]. Kufr is disbelief an act of Kafir. Kufrul-Istibdaal is the a type of 'Disbelief' due to trying to substitute Allah's Laws. This could take the form of:

- Rejection of Allah's law (Shari'ah) without denying it.
- Denial of Allah's law and therefore rejecting it, or
- Substituting Allah's laws with man-made laws. Allah says: Or have they partners with Allah who have instituted for them a religion which Allah has not allowed. (Quran; 42:8) & "Say not concerning that which your tongues put forth falsely (that) is lawful and this is forbidden so as to invent a lie against Allah. Verily, those who invent a lie against Allah will never prosper. (Quran; 16:116)

Scholars differentiate between the major and minor Kufr [disbelief] in four aspects:

- 1) The major Kufr constitutes apostasy, and nullifies the good deeds. While the minor Kufr **neither** constitutes apostasy nor nullifies good deeds, but it diminishes them, and subjects one who commits it to the threatened punishment.
- 2) The major Kufr condemns one who commits it to eternal abode in Fire. While one who commits the minor Kufr, if he enters Fire, he would not remain in it eternally. It may be that Allah forgives him, and he would not enter it in the first place.
- 3) The major Kufr justifies violating the blood and property of the one who commits it. While the minor Kufr does not.
- 4) The major Kufr makes it incumbent upon the believers to treat with enmity the one who commits it, thus, it is not permissible for the believers to love or befriend the one who commits it even if he is a very close relative. As for minor Kufr, it does not prevent loving and befriending him at all. Rather, he should be befriended proportionately to the faith [*Iman*] he possesses and be abhorred proportionately to the disobedience he commits.

Sin:

In Islam, a sin is defined as any act which contradicts the commandments or Will of Allah. Some sins are regarded as major, while others are considered minor.

Major Sins in Islam:

Some scholars assert that there are seven major sins, based on the following narration (Hadith) by the Prophet Muhammad (peace be upon him): "Avoid the seven noxious things: associating anything with Allah, magic, killing one whom Allah has declared inviolate without a just case, consuming the property of an orphan, devouring usury, turning back when the army advances, and slandering chaste women who are believers but indiscreet." (Bukhari and Muslim).

Other scholars cite evidence that Islam's major sins are actually much greater in number. These religious scholars define major sins as acts which are expressly forbidden in the Qur'an or by the Prophet Muhammad (peace be upon him), or for which there is a *Hadd* punishment under Islamic law. A *Hadd* punishment is a punishment specified by Allah in the Qur'an. Under this definition, the list of major sins includes (but is not limited to) the following acts:

1. Worshiping others, or associating partners with Allah (shirk)
2. Believing in superstition, fortune telling and astrology

3. Using magic or sorcery
4. Committing murder
5. Committing suicide
6. Bearing false witness
7. Committing adultery or fornication
8. Cheating, stealing, and lying
9. Charging or paying interest or usury (*riba*)
10. Consuming pork or alcohol
11. Consuming the wealth of an orphan
12. Not fasting for Ramadan
13. Not observing daily prayers
14. Not paying Zakah (annual charity)
15. Gambling
16. Oppression and unjust leadership
17. Bribery, betraying trusts and breaking contracts
18. Backbiting and slandering
19. Breaking the ties of kinship
20. Disobeying or not honouring one's parents

Minor Sins in Islam

Minor sins are acts which are displeasing to Allah but for which no specific punishment or severe warning has been issued. In this case, a Muslim's conscience and heart help him to know that an act is sinful. The Prophet Muhammad (peace be upon him) said, "Righteousness is good character, and sin is that which wavers in your heart and which you do not want people to know about." (*Abu Muslim*). Minor sins are not, however, to be taken lightly, as disobeying Allah is always a serious matter. Allah says: "You counted it a little thing, while with Allah it was very great." (Qur'an 24:15). Minor sins can easily lead someone to commit a major sin, and repeatedly committing a minor sin will change its status to that of a major sin. Furthermore, habitual sinning causes a Muslim to lose faith and disregard the commandments of Allah. In the Qur'an, Allah says: "Nay, their hearts have been sealed by the sins they have accumulated." (Qur'an 83:14).

Forgiveness and Expiation:

Scholars agree that while good deeds and extra acts of worship help expiate minor sins, they won't compensate for major sins. Instead, a Muslim must make sincere repentance for major sins by showing genuine remorse, praying for Allah's Mercy and Forgiveness, and avoiding that sin in the future.

Only a person who avoids major sins will have good deeds such as charity, praying, or fasting accepted as expiation for minor sins. Allah says: "*If you shun the great sins which you are forbidden, We will do away with your small sins and cause you to enter an honourable place of entering.*" (Qur'an 4: 31). Shirk, however, is the one sin which

Allah will not forgive. *"Verily, Allah forgives not that partners be set up with Him (in worship) but He forgives other than that to whom He pleases; and whoever sets up partners with Allah (in worship), he has indeed invented an enormous wrong."* (Qur'an 4:48). A Muslim should strive at all times to remember Allah, as this helps him refrain from sins of the tongue, heart, mind and hands. The Muslim should not look at how small or great the sin is, rather he should look at the greatness and might of the One Whom he is disobeying.

Sins, Crimes and Shari'ah:

Most of the sins, especially related with the dealings with other human beings fall in to the category of crimes punishable though courts established under Shari'ah (Islamic law), those which remain undiscovered will be punished hereafter. In Islamic society, the term law has a wider significance than it does in the modern secular West, because Islamic law includes both legal and moral imperatives. For the same reason, not all-Islamic laws can be stated as formal legal rules or enforced by the courts. Much of it like sin of backbiting (Qur'an; 49:12) not greeting (Qur'an; 24:27) etc depends on conscience alone.

While the state can not implement every aspect of Islam through force of law, in the religious matters, the scholars think that state has the responsibility of making arrangements to: 1) establish *Salah* (regular prayers) and 2) system of *Zakah* (obligatory charity), 3) enjoining right and forbidding evil, taking inference from Qur'an; 22:41, 9:5. Use of force as being done by non state groups (Taliban), forcing the men to keep beard, women to cover face, not to attend schools and colleges etc is considered as deviation. It is the responsibility of the well established government in a Muslim society which is competent to execute punishments after fair trial according to Shari'a while taking care of all the requirements of justice. Similarly to the performing Hajj and many other rituals and religious obligations are left to the individual Muslims for which they is answerable to Allah.

Doctrine of Takfir:

The doctrine of Takfir; is being used in the modern era especially by Muslim extremists in sanctioning violence against leaders and simple Muslims who are deemed insufficiently religious. Takfir is a pronouncement to declare any Muslim, to be an unbeliever (Takfir), apostate, (Murtad) hence liable to be killed. It has become a central ideology of militant groups such as those in Egypt, Iraq and across the world including so called 'Taliban', now also in Afghanistan and adjoining tribal areas of Pakistan. According to the 'Oxford Dictionary of Islam', doctrine of Takfir is claimed to be derived from the ideas of Sayyid Qutab, Maududi, Ibn Tymiyyah and Ibn Kathir. Mainstream Muslims and Islamic groups reject the pseudo concept of 'Takfir' as a doctrinal deviation [bid'at], heresy. Leaders such as Hassan al-Hudaybi (died,1977) and Yousf al-Qaradawi reject 'Takfir' as un-Islamic and marked by bigotry and zealotry. Such narrow mindedness has exacerbated the evil of sectarianism and the resulting intolerance among the masses has led to a dangerous trend towards sectarian militancy. Recently the Saudi scholars also condemned and strongly rejected the indiscriminate application of the 'Takfir' doctrine by individuals and groups. Award of capital punishment is the job of judges or courts specifically authorised by Islamic government to handle such a sensitive issue after fair trial.

How Takfiri Taliban are Khawarij?



During the reign of the third caliph, 'Uthman, certain rebellious groups accused the Caliph of nepotism and misrule, and the resulting discontent led to his assassination. The rebels then recognized the Prophet's cousin and son-in-law, 'Ali, as ruler but later deserted him and fought against him, accusing him of having committed a grave sin in submitting his claim to the caliphate to arbitration, they are called Khawarij. The word Kharaju, from which Khariji is derived, means "to withdraw" and Khawarij, believed in active dissent or rebellion against a state of affairs they considered to be gravely impious. The basic doctrine of the Khawarij was that: "A person or a group who committed a grave error or sin and did not sincerely repent ceased to be Muslim". According to them mere profession of the faith "there is no god but God; Muhammad is the prophet of God" did not make a person a Muslim unless this faith was accompanied by righteous deeds. In other words, good works were an integral part of faith and not extraneous to it. The second principle that flowed from their aggressive idealism was militancy, or Jihad, which the Khawarij considered to be among the cardinal principles, or pillars, of Islam. Contrary to the orthodox view, they interpreted the Qur'anic command about "enjoining good and forbidding evil"(Qur'an;3:104) to mean the vindication of truth through the sword. The placing of these two principles together made the Khawarij highly inflammable fanatics, intolerant of almost any established political authority. They incessantly resorted to rebellion and as a result were virtually wiped out during the first two centuries of Islam. Although till recently Chasidism has been considered essentially a story of the past, which left permanent influence on Islam, because of reaction against it. It forced the religious leadership of the community to formulate a bulwark against religious intolerance and fanaticism. The Takfiri Taliban of Pakistan are following their footsteps hence should be called Khawarij of this era.

Rebellion against Ruler not Permissible for Unity and Peace of Ummah:

Islam is the religion of peace with in society, especially in the Muslim state. Hence it does not permit people to rise up in revolt on the pretext of eliminating injustice, oppression and other evils in the ruling elite. According to the traditions of the Prophet (pbuh) rebellion against a Muslim state or ruler is not allowed unless the rulers commit explicit, declared and absolute infidelity, and prevent the performance of religious rituals like prayer through the use of force. The struggle to reform impious Muslim rulers is not prohibited. The forbiddance of rebellion and armed struggle does not mean that the obligation to bid good and forbid evil be abandoned. Supporting

the truth and rejection of falsehood is binding upon Muslims. Likewise, seeking to reform society and fight off evil forces is one of the religious obligations. The adoption of all peaceful constitutional, legal, political and democratic ways to reform the rulers and the system of governance, and stop them from the oppression is not only lawful but also a religious obligation of Muslims. Prophet Muhammad صلي الله عليه وسلم said: "The best Jihad is to speak the truth before a tyrant ruler" (Bukhari). If this act is performed at large scale in present time, it may be termed as a strong protest. People of Pakistan and other democratic Islamic countries can reject the corrupt, tyrant and inefficient rulers through elections and elect good, pious Muslims who can establish justice and implement Shariah. People of Turkey with secular constitution have elected good Muslims as their rulers. People of Tunisia & Egypt kicked out corrupt rulers through protests. Egyptians have elected a pious Muslim as their president. Anarchy [*fisad-fil-ardh*] does not benefit any one but the enemies of Islam.

Declaring *Takfeer* against those who do not rule according to Shari'ah:

Declaring *Takfeer* against those who do not rule according to Shari'ah or 'ruling by law other than what Allah has revealed' is a complex issue which is to be considered keeping different aspects in view. The two great Salafi scholars Bin Baz and al-Albani, viewed it as minor Kufr [Disbelief] not major Kufr. [Takfiri Talibans are closer to the Salafi, Deobandi schools]. The newspaper ash-Sharq al-Awsat (no.6156, dated 12/5/1416 AH) published an article wherein the Mufti 'Abdul'Aziz Bin Baz stated:

A comprehensive answer came from the Sheikh Muhammad Nasirudin al-Albani, which was printed in the newspapers ash-Sharq al-Awsat and al-Muslimoon wherein the Sheikh answered a question regarding *Takfeer* due to non implementation of Shari'ah ['not ruling by what Allah has revealed'] without explanation. He made it clear that it is not permissible for anyone to make *Takfeer* in such a matter due to the mere action without knowing if the ruler or rulers considered it lawful to do that in the heart. He made use of what is found from narrations by Ibn 'Abbas and others. There is no doubt that what he mentioned in his answer in the *tafseer* [exegesis] of following verses of Quran;

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ (٤٤)

"Whoever does not rule by what Allah has revealed, then they are the disbelievers." [Quran: 5:44]

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ (٤٥)

"Whoever does not rule by what Allah has revealed then they are the transgressors (wrongdoers/sinners)." [Quran: 5:45]

يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ (٤٧)

"Whoever does not rule by what Allah has revealed then they are the sinful (defiantly disobedient)." [Quran: 5:47]

لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَا جَاةٌ

"..To each among you have we prescribed a law and an open way.(Quran; 5:48)

Those who do not rule by "what Allah has revealed" [i.e. Shari'ah] are addressed as:

- الْكَافِرُونَ [disbelievers]
- الظَّالِمُونَ [transgressors, wrongdoers/sinners] and

- الْفَاسِقُونَ [sinful, transgressors, defiantly disobedient]

Syed Abua'la Moududi in his tafseer "Towards Understanding the Quran" [*Tafheem-ul-Quran*] writes:

Quote: "Here three judgements are issued against those who do not judge in accordance with the Law revealed by God. The first is that they are Kafir (unbelievers); the second, that they are Zalim (wrong-doers); and the third, that they are Fasiq (transgressors). This clearly means that one who, in disregard of God's commandments and of the Laws revealed by Him, pronounces judgements according to man-made laws (whether made by himself or by others) is guilty of three major offences. First, his act amounts to rejecting the commandment of God, and this rejection is equivalent to Kufr (infidelity, unbelief). Second, his act is contrary to justice, for only the laws made by God are in complete accord with the dictates of justice. Any judgement in contravention of God's injunctions amounts, therefore, to committing injustice (Zulm). Third, when he enforces either his own or anyone else's law in disregard of the Laws of his Lord he steps out of the fold of subjection and obedience, and this constitutes Fisq (transgression).

Kufr, Zulm and Fisq are essential elements in deviation from God's commandments. One finds them wherever there is deviation from the commandment of God, there is variation in the degree of deviation and hence in the degree of these three offences. Whoever passes judgement on something in opposition to an injunction of God, believing that injunction to be false, and holds either his own or anyone else's judgement to be sound, is an unbeliever (Kafir), wrong-doer (Zalim) and transgressor (Fasiq). **A man who is convinced that the injunctions of God are right but makes judgements contrary to them in practice is not an unbeliever in the sense that he ceases to remain a member of the Islamic community, but he is guilty of adulterating his faith by blending it with Kufr, Zulm and Fisq.** In the same manner, those who deviate from the injunctions of God in all matters are unbelievers, wrong-doers and transgressors. For those who are obedient in some respects and disobedient in others, the blending of faith and submission to God with the opposite attributes of unbelief, wrong-doing and transgression in their lives will be exactly in proportion to the mixture of their obedience to and their deviation from God's commands." [Unquote]

Opinion of Salafi Scholars:

The rebellious extremists are considered to be closer to Salafi school, but even they have rejected the use of extremist Takfiri ideology. The Kufr [disbelief] is of two types, major and minor, similarly the transgression and likewise sin is also of two types, the major or minor. So in an Islamic country whoever makes a law which is against the Shari'ah like making adultery [Zina] as legal or legalise Usury [riba] or anything else which is strictly prohibited in Shari'ah, agreed upon as being impermissible, is disbeliever for committing major Kufr [Disbelief]. However who performs such acts without making them lawful, then his Kufr [Disbelief] is minor Kufr [Disbelief] and his transgression is minor transgression and likewise is his sin. [Fatwa no. 5741 by 'Standing Committee for Research and Legal Verdicts' presided by Shaykh 'Abdul'Azeez ibn Baaz]

However, if he makes that lawful and believes that it is permissible, then it is major Kufr [Disbelief], major transgression and major sin which expels one from the religion.

As for doing it out of bribery or out of another intent whilst believing that it is prohibited then such a person has sinned and is considered a disbeliever who has committed minor Kufr [Disbelief] and minor sin which does not expel the person from the religion, as the people of knowledge had elucidated in their explanations of the mentioned verses. Sheikh, Bin Baz said: Whoever rules by other than what Allah has revealed does not escape from four issues:

1. The one who says “I rule by this (i.e. man-made laws) because they are better than the Divine Legislation of Islam (i.e. Shari’ah)” then such a person is a disbeliever, who has committed major Kufr [Disbelief].
2. The one who says “I rule by these man-made laws as they are like the Divine Legislation of Islam, and ruling by it is permitted, just as ruling by the Divine legislation of Islam is also permitted” such a person is a disbeliever who has committed major Kufr [Disbelief].
3. The one who says “I rule by these laws, but the Divine Legislation of Islam is better, but ruling by other than what Allah has revealed is permitted.” Such a person is a disbeliever who has committed major Kufr [Disbelief].
4. The one who says “I rule by these man-made laws” yet believes that it is not permissible to rule by other than what Allah has revealed and says “Ruling by the Divine Legislation of Islam is better and it is not permissible to rule by other than it” yet is weak or does this out of what his rulers have originated before him, such a person who has committed minor Kufr [Disbelief] which does not expel him from the religion and the action is considered to be part of major sins, making him entitled to Divine punishment.

So if it is established that these are issues of *Ijtehad*, then making specific *Takfeer* does not occur in the issues which the people of *Sunnah* have discussed amongst themselves, the differences prevent making *Takfeer* specifically. Imam Muhammad ibn ‘Abdul Wahab said The pillars of Islam are five, the first being the two testimonies of faith (*Shahaadataan*), then the four pillars. If a person establishes the four pillars and then leaves them out of negligence, even though we say that such a person should be killed due to what the person has done, **we do not make *Takfeer* of him due to leaving the pillars and the scholars have differed with regards to the disbelief of the one who leaves the pillars out of laziness without rejecting them.** We do not make *Takfeer* except in accordance with what the all of the scholars have agreed upon (amount to Kufr [Disbelief]) and that is (leaving) the *Shahaadataan*. Imam Nawawee stated in *Riyadh us-Saliheen* when explaining the word ‘*buwaahan*’ meaning ‘clear and explicit’ and does not need any interpretation. The people of knowledge have differed over the interpretation of the prohibition of *Takfeer* because the person making *Takfeer* takes the opinion of the latter-day scholars and this is the actual difference is between the people of the *Sunnah* and they themselves (i.e. the latter-day scholars) are from the people of *Sunnah*.

[The Standing Committee for Research and Legal Verdicts, its members being: Abdullaah bin Ghudayaan, ‘AbdurRazzaaq ‘Afeefee (vice-president), ‘Abdul‘Azeez bin ‘Abdullaah bin Baaz (president). Further see: Majmoo’ al-Fataawa wa Maqaalaat Ibn Baaz (vol.3, pp.990-992) and what has been transmitted from Shaykh bin Baaz in the magazine al-Furqaan (nos.82 and 94). Qadeeyat ut-Takfeer Bayna Ahl us-Sunnah wa Furuq ad-Dalaal [The Issue of Takfeer Between the People of Sunnah and the Misguided Groups], pp.72-73]

Sheikh Muhammad ibn Saalih al-Uthaymeen also transmitted that *Takfeer* is not an issue which is disputed, in issues which came up during open sessions with the

Sheikh he stated this and also in his explanation to al-Qawaa'id al-Muthla wherein he said:

It is found that many people who claim to be religious and want to protect and practice the religion of Allah, start making *Takfeer* of those whom neither Allah made *Takfeer* nor His Messenger (pbuh). Rather indeed, unfortunately, some people have begun to discuss their rulers and try to accuse them with Kufr [Disbelief] according to them having merely done something which the accusers believe is forbidden [*Haram*]. This is the important matter on about which there are divergent opinions or the ruler could be excused due to his ignorance, as the ruler may sit with good people and may also sit with bad people. All rulers have two sides, either a side which is good or a side which is evil, some ruler for example have good people who visit them and say to them "this is Haram, it is not permissible to do this" yet other will come and say "this is permissible [Halal] for you to do!" As it is well known that most of the banks today are involved in usury which the Prophet (pbuh) has cursed also consuming, receiving, witnessing and signing transactions based upon usury. It is appropriate to close down such banks in exchange for Halal transactions through Islamic banks. So we should follow our *Deen* and then establish our economies. Therefore, being hasty in regards to *Takfeer* of the rulers of the Muslim countries due to these issues is a big mistake. We must be patient as maybe a ruler can be excused! So if the proofs are established upon such a ruler and he says "Yes, this is the Divine Legislation and this interest is indeed Haram, however I see that this matter will not be rectified at the current time except by interest!" then at this point he would become a disbeliever as he believes that the *Deen [Islam]* of Allah in this era is not suitable for the current era. As for a ruler who is confused and there is some doubt in him and thus says "This is Halal" and the Islamic jurists (fuqaha) have stated this! And Allah has said this!!" then such a ruler is excused as many of the Muslim rulers today are totally ignorant of the rulings and regulations of the Divine Legislation of Islam, or at least, most of the Divine Legislation of Islam. We have put forth these examples in order to make it clear that the issue is dangerous and *Takfeer* is something which has conditions which have to be taken into consideration before anything else. [*Ad-Durur as-Sunniyyah, vol.1, p.102*].

So if a *Takfiri* says "I have a proof from Allah's statement;

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيَسَلِّمُوا تَسْلِيمًا (٦٥)

"By Allah, they will not believe until they make you (O Muhammad) judge in the affairs amongst them..." [Quran; 4: 65]

...and that this points to the negation of the origin of *Eman* [Faith] and so from this the ruler by other than what Allah has revealed, due to his mere ruling by it, becomes a disbeliever who has committed major Kufr [Disbelief] as *Eman* [Faith] has been negated by him, unless there is an evidence which indicates that the negation here is for the perfection of desired *Eman* [Faith], such as the saying of the Prophet (pbuh): **"None of you truly believe until I am more beloved to you than his children, father and all the people"**, which is a Hadith that is agreed upon from Anas in the wording of Imam Muslim. I do not know of any evidence which refers this to being desired perfection (of *Eman* [Faith])." Those who do not make *Takfeer*, but tasfeeq (i.e. the Salafee) can say, "May Allah increase you in goodness for this strong foundation, yet I have more proof to show that *Eman* [Faith] here that is negated is desired perfected *Eman* [Faith], not the actual origin of *Eman* [Faith] itself:

1. The reason for this verse being revealed is mentioned by Shaykhayn from 'Abdullaah bin Zubayr that a man from the Ansar argued with az-Zubayr in the presence of the Messenger of Allah (pbuh) about the Camels of Harrah. In this Hadith the Ansare man was not pleased with the judgement of the Messenger of Allah (pbuh) and was angry saying "Is it because he (i.e. Zubair) is your aunt's son?" Ibn az-Zubayr said: "By Allah, I think the following verse was revealed concerning this event,

"By Allah, they will not believe until they make you (O Muhammad) judge in the affairs amongst them..." [Quran; 4: 65]

He found that this man, al-Ansare al-Badri, had a problem and he did not fully submit to the judgement of the Messenger of Allah (pbuh), yet he did not make *Takfeer* of him. It is also certain that there was an avoidance of making *Takfeer* of him the man as he was a Badri (participant of battle of Badar, the first battle of Islam) and the people who fought at Badr are forgiven of their sins as mentioned in the Hadith of the story of Haatib (rz) wherein the Messenger of Allah (pbuh) said "And what do you know, Allah might have looked at them (warriors of Badr) and said (to them), "Do what you like, for I have forgiven you."

This proves that major Kufr [Disbelief] is not forgiven, so this indicates that the people of Badr are infallible from being *Kuffar [unbelievers]*, Ibn Taymiyyah mentioned this. Also the Messenger of Allah (pbuh) did not ask them to enter into Islam again. The Hadith is as follows: An Ansare man quarrelled with az-Zubayr (rz) in the presence of the Prophet (pbuh) about the Hara Canals which were used for irrigating the date-palms. The Ansare man said to az-Zubayr, "Let the water pass" but az-Zubayr refused to do so. So, the case was brought before the Prophet (pbuh) who said to sz-Zubayr, "O Zubayr! Irrigate (your land) and then let the water pass to your neighbour." On that the Ansare got angry and said to the Prophet, "Is it because he (i.e. Zubayr) is your aunt's son (cousin)?" On that the colour of the face of Allah's Messenger (pbuh) changed (because of anger) and he said, "O Zubayr! Irrigate (your land) and then withhold the water till it reaches the walls between the pits round the trees." Zubayr said, "By Allah, I think that the following verse was revealed on this occasion..." The Hadith is also narrated by 'Urwah bin az-Zubayr (rz).

Narrated in the six Hadith collections except for Ibn Majah, Ibn Taymiyyah said (in al-Minhaj 9 vol.4, p.331): "The scholars have agreed on the authenticity of this story which is continuous (mutawatir) and well-known by the scholars of tafseer, the scholars of Hadith, the scholars of the science of the historic military expeditions, the scholars of Seerah [life of Prophet (pnuh)], the scholars of history, the scholars of fiqh and others." [Majmoo' al-Fataawaa, vol.7, p.490]

2. What has been relayed by Shaykhan from the Hadith of Abee Sa'eed al-Khudree who said: 'Ali ibn AbiTalib whilst in Yemen sent to the Prophet (pbuh) some gold which was divided into four segments. Then a man stood up while it was being divided up and said "O Messenger of Allah fear Allah!" The Prophet (pbuh) said "Woe to you! Who from the people on earth more deserves to fear Allah if not me?" Then the man went away. Khalid bin Walid said "O Messenger of Allah! Shall I not strike his neck (i.e. execute him)?" The Messenger of Allah (pbuh) said "No! Perhaps he prays." Khalid said "How many people pray but say with their tongues what is not in their hearts?" The Messenger of Allah (pbuh) said "I have not been instructed to open up people's hearts or to split open (and see) what is inside them."

This Proves: This man objected to the judgement of the Messenger of Allah (pbuh) and was not pleased with it and did not submit to his judgement. The Messenger (pbuh) found that the man had a problem yet did not make *Takfir* of him and prevented anyone from executing him fearing that the man prayed. Even if he may have fell into an issue of Kufr [Disbelief] his prayer would not have benefited him at all as major shirk and major Kufr [Disbelief] nullify actions, and prayer would not benefit. Also this Hadith indicates that the man did not fall into any issue of Kufr [Disbelief] according to the Messenger of Allah (pbuh) and even when Khalid tried to make the issue one of hidden Kufr [Disbelief] of the heart, the Messenger of Allah (pbuh) was not happy with this. If the man's statement was Kufr [Disbelief] Khalid would have adhered to it and when the Messenger of Allah (pbuh) said "I have not been instructed to open up people's hearts..." as the saying which is branded as one which necessitates *Takfeer*, emerged from him. What also makes it clear that this statement was not Kufr [Disbelief] is what is verified in the Sahehayn from 'A'ishah (rz) that the wives of the Prophet (pbuh) came to him complaining and asking him to be just with regards to the daughter of Abee Qahaafah (i.e. Abu Bakr). This complaining from them was not Kufr [Disbelief].

3. What is relayed in the Hadith from Anas ibn Malik that some people from the Ansar [Ansar (الأنصار) is an Islamic term that literally means "helpers" and denotes the Medinan citizens that helped Prophet Muhammad (pbuh) and the Muhajirun (mostly Qureshites) on the arrival to the city after the migration from Makka to Medina. They belonged to two main tribes, the Banu Khazraj and the Banu Aws] said on the day of battle of Hunain when Allah favoured His Messenger with the spoils of Hawazin tribe as Fay' (booty), he started giving to some Qureshites even up to one-hundred camels each, whereupon some Ansari men said about Allah's Messenger, "May Allah forgive His Messenger! He is giving to (men of) Quraysh and leaves us, in spite of the fact that our swords are still dripping with blood (of the *Kuffar [unbelievers]*)." In another narration when Makkah was conquered the spoils and booty were distributed among the Quraish and the Ansar said "This is strange, in spite of the fact that our swords are still dripping with blood (of the *Kuffar [unbelievers]*)."]

Hence those people of Ansar who rejected what the Messenger of Allah (pbuh) did and had a problem in themselves about the matter, yet the Messenger of Allah (pbuh) did not make *Takfeer* of them on account of it. For this reason, Ibn Taymiyyah said:

"Whoever does not adhere to the judgement of Allah and His Messenger (pbuh) in issues that they dispute over have been decided by Allah as not believing. **As for whoever adheres to the judgement of Allah and His Messenger (pbuh) internally and externally, yet disobeys and follows his own desires then this reaches the status of the likes of disobedience.** The Khawarij refer to the verse 4:65 of Quran ["By Allah, they will not believe until they make you (O' Muhammad) judge in the affairs amongst them..."] to make *Takfeer* of those in authority who do not rule with what Allah has revealed. Then they claim that their 'belief' is the rule of Allah. The people have spoken at length about this point mentioned here, what we have mentioned indicates the context of the verse. [Al-Minhaaj, vol.5, p.131]

If the *Takfiri* says: "There is *ijmaa* (consensus) on the Kufr [Disbelief] of whoever does not rule by what Allah has revealed and make it law. Ibn Kathir said: "In all of that is opposing the Divine Legislations of Allah revealed upon his Prophets (pbuh). Whoever leaves the clear revealed Divine Legislation of Muhammad ibn 'Abdullaah,

the seal of the Prophets and rules by other than it from abrogated legislations has disbelieved. So how can one rule by Yasiq and put it forth? Whoever does that has disbelieved by the consensus of the Muslims. [Kitaab ul-Bidaayah wa'n-Nihaayah, vol.13, p.128, Majmoo' al-Fataawa, vol.28, p.523, also see that which will make their condition clear to you in vol.28]

Our knowledge of the condition of the Tartars (Mongols) and Yasiq [Book of Genghis Khan] is specific for understanding this relayed consensus and this is as they fell into replacing which at the same time is *tahleel* (legalising) and *tahreem* (prohibiting). Ibn Taymiyah said: "They made the religion of Islam like the religion of the Jews and Christians and that all of this is the way to Allah as the same level as the four madhhab of the Muslims. They are some of them who prefer Judaism, some of them who prefer Christianity and some who prefer Islam. [Kitaab ul-Bidaayah wa'n-Nihaayah, vol.13, p.128, Majmoo' al-Fataawa, vol.28, p.523, also see that which will make their condition clear to you in vol.28, p.520-527]

Ibn Taymiyah made clear how they praised Genghis Khan and compare him to the Messenger of Allah (pbuh), and then said: It is known by necessity in Islam and the agreement of the Muslims that whoever formulates (allows) the following of other than Islam is a disbeliever and has disbelieved like one who believes in some of the Book and disbelieves in some." What also indicates that the consensus which is relayed from Ibn Kathir refers to *tahleel* (legalising) and *tahreem* (outlawing), what Ibn Kathir said himself was: "Allah denies whoever departs from the rule of Allah which comprises all that is good and forbids all that is evil, and resorts to what is not similar to it from opinions, vain desires, terms, ignorance all of which is placed according to their opinions and desires. The Tatar (Mongols) abided by the law that they inherited from their king Genghis Khan who wrote Al-Yasiq, for them. This book contains some rulings that were derived from various religions, such as Judaism, Christianity and Islam. Many of these rulings were derived from his own opinion and desires. Later on, these rulings became the followed law among his children, preferring them to the Law of the Book of Allah and the Sunnah of His Messenger. So whoever of them does this is a disbeliever who must be killed unless he returns to the rule of Allah and His Messenger; there is no similarity to it whether small or great."

From the statements of Ibn Kathir and his Sheikh Abi'l-'Abbaas Ibn Taymiyyah and others makes it clear that the relayed consensus is about whoever falls into *tahleel* (legalising) and *tahreem* (prohibiting) meaning: permitting ruling by other than what Allah has revealed wherein they made al-Yasiq akin to the *Deen* of Islam which can lead to Allah. Yet our issue is regarding whoever rules by other than what Allah has revealed whilst knowing that he is disobedient, not with the saying that it is permissible (to rule by other than what Allah has revealed) or saying that it is a path to (Allah's) pleasure. So one must pay attention to the statements of Ibn Kathir: "So how can one who rules according to al-Yasiq and puts it forward to rule by?" They combined between ruling by Yasiq and putting it in place over the Divine Legislation of Allah. Their sin was not merely about ruling which is an action, rather their sin was comparing it in belief and putting it forward (to rule by). [Tafseer, vol.3, p.131 From page 9-27].

Sheikh Abdul Aziz mentions a number of issues about Takfir, here only the main issues have been selected for brevity:

1. *Takfeer* is not an easy matter to be applied indiscriminately which is not acceptable because it is unbridled and unrestricted especially regarding those

in authority in a country who free themselves from assisting the *Kuffar [unbelievers]* against the Muslims. Indeed, this has even been noted by some Western *Kuffar [unbelievers]* newspapers as the enemies themselves see this very reality.

2. Even if we are able to reach it (i.e. make *Takfeer*) we still should not be hasty in making *Takfeer*. As the issue of being forced and compelled to do something may apply, as the dominance is with the *Kuffar [unbelievers]* states and compulsion prevents *Takfeer* being made as Allah says: "...not he who is compelled while his heart is at rest on account of faith..."(Quran; 16: 106)
3. Absolute *Takfeer* due to assisting the *Kuffar [unbelievers]* is not to be applied, as it is an issue which is disputed, as mentioned earlier.
4. The most correct opinion of the people of knowledge is that *Takfeer* due to helping and aiding the *Kuffar [unbelievers]* is not Kufr [Disbelief] on the basis of helping, there are some foundational issues which need consideration and research. However it is a serious sin and punishable crime, according to opinion of many jurists [details follows].

Dealings with the *Kuffar [unbelievers]* is not absolute Kufr [Disbelief] and rather takes on three levels:

FIRST LEVEL: disbelieving dealings which amount to allying one's self with them. Allah says; "And whoever is an ally to them among you, then indeed, he is one of them."(Quran; 5:51). Ibn Hazm said regarding the verse that it is When one openly allies oneself to being a disbeliever from the main body of disbelievers, this is the reality about which no two Muslims differ. The principle of a disbelieving allegiance is: loving the *Kuffar [unbelievers]* due to their *Deen*, or helping them due to their *Deen* or having pleasure with their *Deen*. So if you find one aiding them yet without these aspects of defending them then it is a worldly assistance to them which is Haram, yet it is not Kufr [Disbelief]. The evidence of this is what is narrated in the six books, except for Ibn Majah, in the Hadith of 'Ali ibn Abi Talib in the story of Hatib ibn Abee Balta'ah when Haatib wrote a letter to the Quraish informing them the Messenger of Allah (pbuh) was going to attack them. The Messenger of Allah (pbuh) said to Haatib "O Haatib what's this?" Haatib replied "Do not be hasty against me. I was an ally of Quraysh, but I was not one of the important ones; those who immigrated with you have relatives there to protect their families and friends, but since I do not have such links, I wanted to do them a favour so that they would protect my family. I did not do it out of Kufr [Disbelief] or due to apostasy from the *Deen [Islam]* or out of being pleased with Kufr [Disbelief] after Islam." The Messenger of Allah (pbuh) said "Indeed, you have spoken the truth." This speech from Haatib along with the verification of the Messenger of Allah (pbuh) makes it clear that the mere action of Haatib was not Kufr [Disbelief] due to his saying "I did not do it out of Kufr [Disbelief] or due to apostasy from the *Deen [Islam]*" so if the mere action of Haatib was Kufr [Disbelief] he would not have needed to say "I did not do it out of Kufr [Disbelief]" as the mere action was Kufr [Disbelief]. Just as in the same way it is not correct that the one who mocks Allah says "I did not say it out of Kufr [Disbelief]" as mere mockery is Kufr [Disbelief]. [Al-Muhalla, vol.11, p.138, al-Mumtahnah, 60:13].

Comments by Sheikh Abdul Latef bin 'Abdur Rahman bin Hasan:

Haatib is to be included among those who are addressed in the name of Eman [Faith] and is described as having Emaan [Faith] and he had a special reason which

indicated what he wanted and in the noble verses of the Qur'an which could include the action of Haatib as being a type of allegiance to the *Kuffar* [unbelievers] and the most evident indication of his love of them. If he did it due to these reasons (of loving them) then he would have strayed from the right path of guidance. However, due to his saying "you have spoken the truth" this indicates that he did not disbelieve due to that as long as he still believed in Allah and His Messenger (pbuh) without doubt. He only done that due to a worldly aim and if he disbelieved after it had been said "free their way" the Prophet (pbuh) would have said to 'Umar "And what do you know, Allah might have looked at them (warriors of Badr) and said (to them), "Do what you like, for I have forgiven you", this would not prevent from making *Takfeer* of him, as we say if he disbelieved what remained of his good actions it would not save him from falling into *Kufr* [Disbelief] and its rulings. As *Kufr* [Disbelief] destroys what came before it as Allah says; "And whoever disbelieves in faith, then his work is worthless."(Quran; 5: 5). "But if they had joined in worship others with Allah, all that they used to do would have been of no benefit to them." (Quran; 6:88).

Kufr [Disbelief] destroys one's good actions and Eman [Faith]:

This is agreed by consensus. As for Allah's saying: "And whoever is an ally to them among you, then indeed, he is one of them."(Quran;5:51), "You will not find any people who believe in Allah and the Last Day, making friendship with those who oppose Allah and His Messenger..."(Quran;58:22), "O you who believe do not as protectors and helpers those who take your religion as mockery and fun from among those who received the Scripture before you, nor from among the disbelievers; and fear Allah if you indeed are true believers."(Quran;5:57)

The *Sunnah* explains this and particularises this as being absolute and general allegiance. The basis of allegiance is love, supporting them and having close friendship with them and numerous other characteristics and every sin has its portion of censure and threat, this issue is well-known about amongst those firmly grounded in knowledge from the *Salaf*, the companions and the successors. [Ar-Rasaa'il wa'l-Masaa'il an-Najdiyyah, vol.3, pp.9-10. Also see ad-Durar as-Suniyyah, vol.1, p.474.]

Then comes the issue of Haatib ibn Balt'ah's speech being based upon an affirmation of *Kufr* [Disbelief] wherein he said "I did not do it out of being pleased with *Kufr* [Disbelief] after Islam." So if it is said: "Some of the scholars have stated that there is a consensus on absolute *Kufr* [Disbelief] due to aiding *Kufr* [Disbelief]." Then it should be stated: This reported consensus is between two states:

THE FIRST: That it is outside the area of dispute, such as the saying of Ibn Hazm in his book al-Muhalla: The *Takfiri* propagandists and ideologues frequently make references to there being 'a consensus' on issues related to *Kufr* [Disbelief]. An example of this is with Abu Qatadah al-Filisteni who stated in one of his discourses in London (held at the Lisson Green Recreation Centre, West-Central London) during the Algerian fitna that there was 'a consensus' regarding the '*Kufr* [Disbelief]' of Algeria. Shaykh 'Abdul Maalik ar-Ramadaane said "Where is this consensus? It is only a consensus among Aboo Qataadah and his savage barbarians."

"And whoever is an ally to them among you, then indeed, he is one of them." (Quran;5:51). ...is only on account of what he manifests as he is a disbeliever from the main body of disbelievers. This is the truth about which no two Muslims disagree. For that reason we do not differ on the *Kufr* [Disbelief] of the one who is an ally, but what is 'allegiance'? And what is an 'ally'? There are some differences of opinion in

this field of research. The speech of Ibn Hazm does not benefit a thing about explaining what 'allegiance' is, it is only of benefit about the Kufr [Disbelief] of the one who does it. This is clear and this is an important topic as many of the hasty youth are totally ignorant of it, they will thus compare warning against deviants in the media as being akin to 'allegiance to the *Kuffar [unbelievers]*' and this is false. So for example; Speaking to the media when they come and ask about an issue is not 'allegiance to the *Kuffar [unbelievers]*' as if a Muslim is asked about an issue then one should respond and answer the doubt, not run off and put one's head in the ground. Furthermore, this is not the same as going to anyone, as they have come to you. Clarifying Islam from distortions and misconceptions in Islamic understanding amongst youth in our experience is not to be equated with buttressing any particular government.

Ibn Hazm related that there was consensus in this issue, but the same is not applied in the second following case:

THE SECOND: Those who report that there is a 'consensus' utilised the presence of outward Kufr [Disbelief] with complete assistance to the *Kuffar [unbelievers]*, even in speech. This ijmaa' (consensus) is certainly annulled and no just scholar supports its devaluation. Proof of the nullification of the highlighted consensus is as follows:

Imam Shafi'e made clear that Haatib did not disbelieve even though his action was one of strongly aiding the *Kuffar [unbelievers]* against the Islamic army which the Messenger (pbuh) had put forth. It was said to Imam Shafi'ee: "Do you view that the Muslim who writes to enemy polytheist fighters informing them that the Muslims are about to attack them or informs about the secret plans of the Muslims as being one whose blood is permissible (i.e. for execution) as this indicates his allegiance to the polytheists?" Imam Shafi'ee replied: "According to Islam **it is not permissible to execute any one except if he commits murder or adultery after protecting himself or clearly disbelieves after Eman [Faith] and then his Kufr [Disbelief] is confirmed.** Informing of the secret plans of the Muslims and warning *Kuffar [unbelievers]* by informing that Muslims want to attack is not clear Kufr [Disbelief]." Then it was said to Imam ash-Shafi'ee: "Do you say this based on the text or out of analogy?" Imam Shafi'ee said "I say it because I have no knowledge of the Muslim in question that he goes against the clear *Sunnah* after the Book (i.e. Qur'an) and the *Sunnah* has been made clear to him." Then it was said to Shaafi'ee: "Mention what the *Sunnah* says about it." Then Imam Shaafi'ee brought the narration of Haatib and said: "Within this Hadith, along with what we described earlier, is the ruling of the use of doubtful matters (it is not a definite ruling) because when the letter has the meaning that Haatib said as he said it, i.e. that he did not do it doubting Islam, rather he did it out of saving his family and it could also be a slip (not an intention to hurt Islam) and the meaning could even be uglier than this, his word could mean his actual action. The ruling of the Messenger of Allah (pbuh) was that he not be executed or punished and nobody came with the likes of this and what is most probable no one approached him in this way because the Messenger of Allah (pbuh) made clear his great stature to all of humanity after him. Because he was an informer to the polytheists when the Messenger (pbuh) ordered an attack on them and they believed him from what is preponderant as can be seen in they did. For that reason anyone that came after him would also be accepted even if he was less in status and less important. So Imam Shaafi'ee contradicts the 'consensus' with frankness and lucidity.

Imam al-Qurtabi with frankness and lucidity stated that whoever (from the Muslims) informs of the secrets of the Muslims to the *Kuffar [unbelievers]* has not disbelieved. This is as long as the Muslim who does that is of sound belief and is only doing it out of preserving some worldly aim even if this is strong assistance to the *Kuffar [unbelievers]*. Imam Qurtabi said that: “Whoever informs of the secrets of the Muslims to the enemies of the Muslims then such a person is not a disbeliever if he is doing it out of a worldly reason yet his belief is sound, as Haatib done when he mentioned that he wanted to do the *Kuffar [unbelievers]* a favour (and by doing so protect his family) and not that it was done out of apostasy from the *Deen [Islam]*.” Is this not clear in devaluing any ‘consensus’ which claims that even the least form of assistance to the *Kuffar [unbelievers]*, whether in speech or in action, is disbelief? Haatib did this act and many people after him, lesser than him in status, would have their statements accepted too.

Imam Ibn al-Jawzee stated:

Allah’s saying, “And whoever is an ally to them among you, then indeed, he is one of them.” (Quran; 5:51). This has two important aspects.

- a. Having allegiance to them in their religion, then indeed such a person is one of them in Kufr [Disbelief]. So notice O noble reader Ibn al-Jawzee does not only negate the stated consensus but he does not state the consensus which is inferred in the following: “helping the *Kuffar [unbelievers]* is disbelief even if it is a small statement”, Ibn al-Jawzee does not state these positions, despite trying to combine all of these statements of the exegesis [*mufasssireen*] in his *tafseer* and being known for his far sightedness. As he mentioned to his son advising and making clear the great status of tafseer: “Do not leave al-Mugnee and Za’d ul-Maseer in any need that you may have in tafseer.”
- b. Whoever has allegiance to them in treaties after reneging on another treaty then indeed he is of them in opposing the treaty.

Imam Abu’l-Fadi Mahmood al-Aloosi stated: “The intent of Allah’s saying; “And whoever is an ally to them among you, then indeed, he is one of them.”(Quran;5: 51) ...is that the person is a disbeliever like them in reality and it has been narrated from Ibn ‘Abbaas. It is intended that their allegiance is out of their status of being Jews or Christians.”

The Imams of the four madhhab, Abu Hanefah, Malik, Ash-Saafi’e and Ahmad do not view the Kufr [Disbelief] of the spy who informs of the secrets of the Muslims to the *Kuffar [unbelievers]*, and this is also the opinion that Ibn Taymiyyah chose and an important quote from him will be mentioned later regarding allegiance.

Ibn Qayyim stated: “It is verified that Haatib ibn Balta’ah, when he spied and informed, ‘Umar asked if his neck should be struck (i.e. executed) but it was not possible for him to do this and the Prophet (pbuh) said: “And what do you know, Allah might have looked at them (Badr warriors) and said (to them), “Do what you like, for I have forgiven you.”” The ruling of the issue of fulfilling trusts has preceded and the jurists differ regarding this.

Punishment for Spying against Muslims:

Sahnoon, the famous Maliki jurist of Qairawan, said “If a Muslim writes to enemy combatants and is executed while he did not repent his wealth and inheritance

becomes permissible.” Others from the followers of Imam Malik said “He is to be whipped painfully, imprisoned for a lengthy period and to be expelled to a region close to the *Kuffar* [unbelievers].” Ibn ul-Qaasim said: “He is to be executed and his repentance [*tawbah*] is not accepted, as his situation is akin to that of the heretic (*zindeeq*).” Imams Shaafi’ee, Aboo Haneefah and Ahmad say that he is not to be executed and two of them use the story of Haatib as their evidence. Ibn ‘Aqeel from the followers of Ahmad agreed with Imam Malik and his companions. . Shaykh, Muhaqqiq, ‘AbdurRahmaan as-Sa’di in his tafseer of the ayah (al-Maa’idah 5: 51) says, “This is because full and complete total allegiance necessitates going over to their religion. Slight allegiance necessitates many stages which lead to one becoming a slave to them.” This clearly shows that Kufr [Disbelief] is only applied when there is full and complete allegiance and all else besides that is not Kufr [Disbelief]. Total allegiance is related to religions and this is an affair of belief.

The great Imams did not make *Takfeer* of the spy who informs of the plans of the Muslims to the disbelievers. **The Messenger of Allah (pbuh) established that Haatib was sinful, yet forgiven as he was from those who had fought in Badr, not out of the fact that he made his own interpretation.** Further elaboration on this matter reveals that those who make an (incorrect) interpretation are not sinful and neither are they in need of good actions (to expiate their interpretation and) to forgive them of their wrong actions, such as being present during the battle of Badr.

[Zaad ul-Ma’ad, vol.5, p.64, also see Zaad ul-Ma’ad, vol.3, pp.422-424, al-Bidaa’a’, vol.4, pp.939-941 and as-Saarim al-Maslool, vol.2, p.372. Adwaa’ ul-Bayaan, vol.2, p.111, Al-Maa’idah, tape no.51, side 2]

THIRD: Good Relations with Non Muslim Non-Combatants Permissible:

The Jews and Christians enjoy a special status as ‘People of the Book’ in Islamic states despite their religious transgression in belief. Muslims are allowed to marry Jewish or Christians women, eat their permissible food, establish normal relations with the non believers who do not fight the Muslims due to their faith. Hence during last fourteen centuries, non Muslims had been living in Islamic states as peaceful citizens. There is not restriction on establishing normal friendship with non Muslims, those who fight, expel or help in expulsion of Muslims are not to be made friend. This is natural and nothing discriminatory:

“Allah only forbids you to make friendship with those who fought you on account of your faith and drove you out of your homes and backed up others in your expulsion. Those who will take them for friends are indeed the wrongdoers”. (Qur’an;60:9).

Some translators have mixed up the meanings of Arabic verb *waliya* (from which the noun wali, pl. awliya’, is derived) which need to be understood. It signifies, primarily, the nearness or closeness of one thing to another: Although the term wali, when applied to God, as well as to the relationship between one created being and another, is often used in the Qur’an in the sense of “helper”, “friend”, “protector”, “guardian“, etc., none of these secondary meanings can properly – i.e., without offending against the reverence due to God – describe man’s attitude to, or relationship with, Him. Thus, God is spoken of in the Qur’an (2:257 and 3:68) as being “near unto (wali) those who believe” Consequently, reference to the believers as awliya’ of God is best rendered as “they who are close to God”, in the sense of their being always conscious of Him. Mostly in the context of non Muslims ‘wali’ is to

be understood to mean ‘protector friend’ or ‘guardian’, how some one opposed to your faith can be taken as protector or guardian?

Muslims have been cautioned against intrigue of enemies, because initially the hypocrites of Medina and Jews living around Medina, were playing double game of deception, some verses considered as discriminatory against non believers not to take them as wali, in each verse their negative behavior is cited as the reason, which is fully understandable:

“O ye who believe! Choose not My enemy and your enemy *Awliyaa* [protector, friends] Do ye give them friendship when they disbelieve in that truth which hath come unto you, driving out the messenger and you because ye believe in Allah, your Lord? .”[Qur’an; 60:1]

“Let not the believers make unbelievers their *awliyaa*’ [protectors, allies, friends] rather than the believers; anyone who does so will have nothing to hope for from Allah – except if you do so as a precaution to protect yourselves against their tyranny in this way. But God warns you to beware of Him: for with God is all journeys’ end.”[Qur’an; 3:28]

“Have you not seen the ones who have befriended those people who are under the wrath of Allah? They are neither on your side nor yet on theirs and they knowingly swear to falsehood.”(Qur’an;58:14).

“O you who have attained to faith! Do not take for your friends such as mock at your, faith and make a jest of it -be they from among those who have been vouchsafed revelation before your time, or [from among] those who deny the truth [of revelation as such] – but remain conscious of God, if you are [truly] believers: for, when you call to prayer, they mock at it and make a jest of it – simply because they are people who do not use their reason.” .”[Qur’an; 5:57-58]

The Faith is a fundamental matter in the lives of Muslims, their associations and friendships will naturally be with those who share their Faith. More than anything else, it obviously alludes to a “moral alliance” with the deniers of the truth: that is to say, to an adoption of their way of life in preference to the way of life of the believers, in the hope of being “honoured”, or accepted as equals, by the former. Since an imitation of the way of life of confirmed unbelievers must obviously conflict with the moral principles demanded by true faith, it unavoidably leads to a gradual abandonment of those principles. In ordinary every-day affairs of business, Muslims are asked to seek the help of Believers rather than Unbelievers. Only in this way can the community be strong and united. But where there is no question of preference, or where in self-defence they have to take the assistance of those not belonging to their Faith, that is permissible.

“O believers! Take neither Jews nor Christians as your protecting friends: they are only protecting friends of one another. Whoever of you disobeys this commandment will be counted as one of them. Surely Allah does not guide the wrongdoers.” [Qur’an; 5:51].

According to most of the commentators (e.g., Tabari), this means that each of these two communities extends genuine friendship only to its own adherents – i.e., the Jews to the Jews, and the Christians to the Christians – and cannot, therefore, be expected to be really friendly towards the followers of the Qur’an. This prohibition of a “moral alliance” with non-Muslims does not constitute an injunction against normal, friendly relations with such of them as are well-disposed towards Muslims. It should

be borne in mind that the term wali has several shades of meaning: “ally”, “friend”, “helper”, “protector”, etc. The particular choice depends upon context. It is gets more clear:

“It may well be that Allah will put love between you and those with whom you are now at odds because of the order which is given to you, for Allah is All-Powerful, and Allah is Oft-Forgiving, Most Merciful. Allah does not forbid you to be kind and equitable to those who had neither fought against your faith nor driven you out of your homes. In fact Allah loves the equitable.” [Qur’an; 60:7-8].

“Nearest in affection to the believers are those who say: “We are Christians.” That is because among them there are men that are priests and monks, who do not behave arrogantly.” [Qur’an; 5:82].

Muslims are cautioned to take non believers as protectors, [Wali] due to the negative and hostile behaviour of most of non believers. However normal friendship and working relationship with those with affable attitude is not forbidden. While forming any opinion, especially the non Muslims are requested to keep all the verses of Qur’an on the subject in view, there is no abrogation:

“The Words of your Lord have been completed with credibility and justice; there is no way to change His Words. He is the Hearer, the Knower”[Qur’an;6:115].

Hence it is wrong to treat all non Muslims as enemies.

Takfiri Taliban’s “Illogical Logic” of Killing - Refuted

Takfiri Taliban Pakistan through a letter to press tried to justify their immoral, illogical and un-Islamic rebellion against the state of Pakistan and its people. To justify killing of about 30,000 innocent Muslims including women, children, young & old non combatant civilians and soldiers.

Following points have been raised by Takfiri Taliban:

1. It is justified to fight against believing Muslims, because even early Muslims took up arms against each other.

Short Comment: Similar argument was given by Kuffar of Makkah, Allah says: When it is said to them: "Follow what God has revealed:" They say: "Nay! we shall follow the ways of our fathers." What! even though their fathers Were void of wisdom and guidance?(Quran;2:170). "They were a people that have passed away. For them is what they earned and for you is what you earn. And you will not be questioned as to what they did." (Quran;2:141). If some early Muslims were wrong or committed error of judgement should we follow them or follow clear instructions of Quran and Sunnah?

2. After defeat of USSR the Jihad in Afghanistan was not against USSR or USA, it was against the Muslims of Afghanistan, the Mujahideen who had previously fought against USSR. This was justified through *Fatwas* by Ulema [Islamic Scholars] on the grounds of implementation of Shari’ah rule in Afghanistan. If Jihad was justified against pious Mujahideen of Afghanistan, why it is not justified against people of Pakistan who are neither Mujahideen nor scholars of Islam?

Short Comments: After defeat of USSR, Jihad ended, what happened then in Afghanistan was fighting among different groups for power and wealth. If some Ulema [of Afghanistan] called it Jihad, it was their opinion, which could be based on their [error of] judgement or political considerations. How it could be applied in

Pakistan, an independent country with Islamic Constitution. Detailed response follows:

Extract from Jang Newspaper 18 August 2012

تکفیری طالبان پاکستان عجیب فلسفہ سلیم صافی

پانچ صفحات پر مشتمل اس خط کا ایک اقتباس کچھ یوں ہے کہ: اگر کوئی یہ کہتا ہے کہ طالبان کلمہ پڑھنے والوں کے خلاف لڑتے ہیں تو کیا اوائل اسلام میں کلمہ گو لوگوں کے خلاف قتال نہیں کیا گیا؟..... امیر المؤمنین ملاح محمد عمر مجاہد حفظہ اللہ کی قیادت میں جب افغانستان میں تحریک طالبان کھڑی ہوئی اور جہاد شروع ہوا تو اس وقت وہ جہاد امریکہ کے خلاف تھا یا روس کے خلاف؟۔ بلکہ وہ جہاد شروع سے آخر تک کلمہ گو حکومت کے خلاف ہی تو تھا۔ نہ صرف کلمہ گو بلکہ وہ لوگ پابند صوم و صلوة، علماء اور فضلا، بھی تھے بلکہ وہ تو سابق مجاہدین تھے جنہوں نے روس کی شکست میں اہم کردار ادا کیا تھا۔ آپ حضرات ہی نے امیر المؤمنین کو ان کے خلاف فوراً جہاد کا فتویٰ دیا، ان کی جنگ کو جہاد کہا، ان کے مقتولین کو شہداء قرار دیا اور خود ان کو امیر المؤمنین کے مبارک لقب سے نوازا..... اور ہمیں معلوم ہے کہ اس سے پہلے مجاہدین کی شوریٰ نے برہان الدین ربانی کو افغانستان کا صدر مقرر کیا تھا۔ تو ظاہر ہے کہ وہ پہلا امیر ہوا اور امیر المؤمنین حفظہ اللہ آخری۔ لیکن علماء نے امیر المؤمنین کے حق میں صرف اس وجہ سے فتویٰ دیا کہ وہ شریعت مطہرہ کو باطل نافذ کرتے تھے..... اب اگر ادھر افغانستان میں اقامت شریعت کے لئے کلمہ گو عالم اور مجاہد کے خلاف بھی لڑنا جائز اور جہاد ہے تو ادھر پاکستان میں ایسے لوگوں کے خلاف جو نہ عالم ہیں اور نہ مجاہد..... لڑنا جائز اور حرام کیوں ہے؟“

<http://jang.com.pk/jang/aug2012-daily/18-08-2012/col1.htm>

مولانا عتیق الرحمن سنہالی لکھتے ہیں کہ: سلیم صافی نے پاکستان کے اندر جہادی کارروائیاں کرنے کے جواز کی جو طالبانی دلیل اپنے اتفاق کے ساتھ پیش کی ہے اس میں اس معاملے کا ایک نہایت اہم پہلو نظر انداز ہوتا ہوا ملتا ہے؟ طالبان نے افغانستان میں ”مجاہدین“ کے خلاف جس جنگ کا بیڑہ اٹھایا، اس میں اور آج جو ”جہادی“ کارروائیاں پاکستانی طالبان، پاکستانی حکومت کے خلاف کر رہے ہیں، میں ایک بڑا بنیادی فرق ہے اور اسی کی بنا پر علمائے پاکستان کا ایک کو جائز اور دوسرے کو ناجائز کہنا بالکل برحق ہوتا ہے؟ افغانستان میں مسلم مجاہدین کے خلاف ہتھیار اٹھانے کا طالبانی اقدام اس کھلی حقیقت کی بنیاد پر تھا کہ ان کی آپس کی جنگ نے ملک کو ادنیٰ درجے کی لاء اینڈ آرڈر سے بھی محروم کر رکھا تھا؟ عوام کی زندگی فریاد کتنا تھی اور لاء اینڈ آرڈر قائم کرنے کی کوئی صورت اس کے سوا ناممکن تھی کہ ملک کو ان مجاہدین سے نجات دلائی جائے اور اس کے لئے جنگ کی کوئی صورت نہیں تھی لیکن پاکستان میں ایسی کوئی صورتحال نہیں ہے اور نہ پاکستانی طالبان کی یہ دلیل ہے

<http://search.jang.com.pk/details.asp?nid=17996>

Rebuttal:

If some non Muslims would have given such a logic to justify anarchy, mischief on land [fisad-fil-ardh] mass murder of innocent civilians, one might excuse him being ignorant, but such argument from those claiming to be pious and learned Muslims reflect nothing but their total ignorance of Quran, Sunnah & Islamic history.

Much after Prophet Muhammad (pbuh) some pious companions' رضي الله عنهم differed on some political issues, misunderstandings and intrigue resulted in to conflict. Their matter is with Allah, we refrain to comment any more because Allah says:

"They were a people that have passed away. For them is what they earned and for you is what you earn. And you will not be questioned as to what they did." (Quran;2:141)

رَضِيَ اللَّهُ عَنْهُمْ وَرَضُوا عَنْهُ

اللہ ان سے راضی ہے اور یہ اللہ سے خوش ہیں

Well-pleased is God with them (companions), and well-pleased are they with Him (Quran; 58:22)

وَالَّذِينَ جَاءُوا مِنْ بَعْدِهِمْ يَقُولُونَ رَبَّنَا اغْفِرْ لَنَا وَلِإِخْوَانِنَا الَّذِينَ سَبَقُونَا بِالْإِيمَانِ وَلَا تَجْعَلْ فِي قُلُوبِنَا غِلًا لِلَّذِينَ آمَنُوا رَبَّنَا إِنَّكَ رَءُوفٌ رَحِيمٌ

اور وہ جو ان کے بعد آئے عرض کرتے ہیں اے ہمارے رب ہمیں بخش دے اور ہمارے بھائیوں کو جو ہم سے پہلے ایمان لائے اور ہمارے دل میں ایمان والوں کی طرف سے کینہ نہ رکھے اور ہمارے رب بیشک تو ہی نہایت مہربان رحم والا ہے

Those who became believers after them say, "Our Lord, forgive us and our brethren who preceded us to the faith, and keep our hearts from harboring any hatred towards those who believed. Our Lord, You are Compassionate, Most Merciful."(Quran;59:10)

The un believers raised similar argument, Allah says:

وَإِذَا قِيلَ لَهُمُ اتَّبِعُوا مَا أَنْزَلَ اللَّهُ قَالُوا بَلْ نَتَّبِعُ مَا أَلْفَيْنَا عَلَيْهِ آبَاءَنَا أَوَلَوْ كَانَ آبَاؤُهُمْ لَا يَعْقِلُونَ شَيْئًا وَلَا يَهْتَدُونَ

اور ان سے جب کبھی کہا جاتا ہے کہ اللہ تعالیٰ کی اتاری ہوئی کتاب کی تابعداری کرو تو جواب دیتے ہیں کہ ہم تو اس طریقے کی پیروی کریں گے جس پر ہم نے اپنے باپ دادوں کو پایا، گو ان کے باپ دادے بے عقل اور گم کردہ راہ ہوں

When it is said to them: "Follow what God has revealed:" They say: "Nay! we shall follow the ways of our fathers." What! even though their fathers Were void of wisdom and guidance?(Quran;2:170) Also see Quran;32:21, 43:22,23

We have clear instruction and guidance from Quran and Sunnah/ Hadith of Prophet صلی اللہ علیہ وسلم available with us, we should follow that:

وَقُلْ جَاءَ الْحَقُّ وَزَهَقَ الْبَاطِلُ إِنَّ الْبَاطِلَ كَانَ زَهُوقًا وَنُنَزِّلُ مِنَ الْقُرْآنِ مَا هُوَ شِفَاءٌ وَرَحْمَةٌ لِّلْمُؤْمِنِينَ ۗ وَلَا يَزِيدُ الظَّالِمِينَ إِلَّا خَسَارًا

اور اعلان کر دے کہ حق آچکا اور ناحق نابود ہو گیا۔ یقیناً باطل تھا بھی نابود ہونے والا یہ قرآن جو ہم نازل کر رہے ہیں مومنوں کے لئے تو سراسر شفا اور رحمت ہے۔ ہاں ظالموں کو بجز نقصان کے اور کوئی زیادتی نہیں ہوتی

And say: "The truth has now come [to light], and falsehood has withered away: for, behold, all falsehood is bound to wither away!" THUS, step by step, We bestow from on high through this Qur'an all that gives health [to the spirit] and is a grace unto those who believe [in Us], the while it only adds to the ruin of evildoers: (Quran;17:81-82).

Allah will question them on the last day:

"The fire will burn their faces and they will grin therein with their lips displaced. Were not my Ayat (verses) rehearsed to you and you did but treat them as falsehoods? "They will say: 'Our Sustainer! Our misfortune overwhelmed us and we became a people astray!" (Quran;23:104-106)

People will further admit on that day: "They will (further) say: Had we but listened or used our 'Aql' (reasoning), we should not (now) be among the companions of the blazing fire!" (Quran;67:10)

What happened in Afghanistan is well known now that USA through CIA and ISI used concept of Jihad against USSR to successfully disintegrate it and left Afghan "Mujahideen" to fight among themselves. The *Fatwas* فتویٰ [non binding opinion] against Afghan government or groups might be politically motivated or error of judgement of local Ulema which is according to that particular situation, it cannot be binding on all for ever. [Earlier Fatwa was reportedly issued by Deoband against use of loudspeakers, now found in every mosque]. Ulema keep on issuing conflicting fatwas (opinions) on various new issues, through Ijtihad; like 'blood transfusion', 'abortion', 'organ transplant' etc, some Muslims follow and others don't, but they all remain Muslims. Recent example is the announcement of official committee for Eid moon sighting, which was not accepted by some Ulema of KP province, resulting in

three Eids in Khyber Pukhtunkhwa province, it was criticised but no one declared them Kafir [unbelievers]. Fatwas can not be issued on established principles of Islam clearly mentioned in Quran & Sunnah. Presently the Afghans are divided on the presence of US and NATO forces. One group of Afghans under President Hamid Karazi support them, while others like Mullah Omar & Haqqanis are resisting it with arms, they consider it to be foreign occupation.

The situation in Pakistan is different; it is an independent country with Islamic constitution and system of government, not occupied by any foreign power. According to constitution of Pakistan no law can be made repugnant to Quran and Sunnah, yet a lot need to be done to implement constitutional Shari'ah provisions. Some among the rulers may be corrupt, not good Muslims but no one has ever manifest open disbelief (Kufr). They all take oath of allegiance to the Islamic Constitution and claim to be as good Muslim as any one else. Only Allah knows the secrets of hearts (Quran; 3:29,119), Prophet Muhammad (pbuh) said: "I have not been instructed to open up people's hearts or to split open (and see) what is inside them." Hence any one claiming to be Muslim by tongue has to be considered as believer. Fatwa if any, is to be issued by Pakistani Ulema [scholars] in consensus with constitutional body like "Islamic Ideology Council", yet it remains non binding 'Opinion', which majority of Muslims may or may not accept. Fatwa by Afghan Ulema is for the consideration of the people of Afghanistan.

Pakistan as signatory of United Nation it is bound to support UN resolutions. It is bound to honour the covenant عهد to provide transit & logistic assistance to Afghan government as land locked country, which conflict with the interest of those Afghans brothers fighting against NATO & Afghan government forces:

وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا

And fulfil the covenant; surely the covenant shall be questioned of (Quran;17:34 also 7:32, 23:8)

Prophet Muhammad (صلي الله عليه وسلم) honoured the treaty of Hudabia, when a new Muslim Abou-Jandal escaped from the prison of non believers and the clause was already written which stated that if any Muslim escapes from Makkah and join Muslims, they are bound to return him...and if an outsider Muslim is captured in Makkah they are not bound to return him back.... Abu-Jandal was in chains he said, "O Muslims! Will I be returned to the pagans though I have come as a Muslim? Don't you see how much I have suffered?" Abu Jandal had been [previously] tortured severely for the Cause of Allah. It was very difficult decision...but Prophet Muhammad (صلي الله عليه وسلم) returned Abu-Jandal to polytheists of Makkah to honour the treaty.

Despite all this Pakistan is accused of providing help to Afghan fighters. Mullah Omar is blamed to be hiding with his council at Quetta, known as Quetta Shura, Bin Laden was killed at Abbotabad, US Drones frequently attack targets in FATA also killing many innocent civilians, women and children. 24 Pakistani soldiers were killed by NATO attacks at Salala post. Pakistan is constantly being pressurised to launch operation in Waziristan against Haqqani Group, the Afghan Mujahideen fighting against NATO occupation forces.

Most of Pakistanis like Imran Khan do not support policies of corrupt and inefficient Pakistani government, but they use peaceful protests, if every one takes up arms like

Takfiri Taliban [TTP] there will be anarchy [*fisad fil ardh*] which will only benefit the enemies of Islam, Muslims and Pakistan.

Rebellion against Muslim rulers is not allowed:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

مومنو! خدا اور اس کے رسول کی فرمانبرداری کرو اور جو تم میں سے صاحب حکومت ہیں ان کی بھی اور اگر کسی بات میں تم میں اختلاف واقع ہو تو اگر خدا اور روز آخرت پر ایمان رکھتے ہو تو اس میں خدا اور اس کے رسول (کے حکم) کی طرف رجوع کرو یہ بہت اچھی بات ہے اور اس کا مآل بھی اچھا ہے

“O ye who believe! obey ALLAH, and obey His Messenger and those who are in authority among you. And if you differ in anything refer it to ALLAH and His Messenger, if you are believers in ALLAH and the Last Day. That is best and most commendable in the end.”(Quran; 4:59)

Waging war against Allah and His Messenger (pbuh) and creating disorder on land is very serious sin & crime with capital punishment:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

جو اللہ تعالیٰ سے اور اس کے رسول سے لڑیں اور زمین میں فساد کرتے پھریں ان کی سزا یہی ہے کہ وہ قتل کر دیئے جائیں یا سولی چڑھا دیئے جائیں یا مخالف جانب سے ان کے ہاتھ پاؤں کاٹ دیئے جائیں، یا انہیں جلاوطن کر دیا جائے، یہ تو ہوئی ان کی دنیوی ذلت اور خواری، اور آخرت میں ان کے لئے بڑا بھاری عذاب ہے

“The only reward of those, who wage war against ALLAH and HIS Messenger and strive to create disorder in the land, is that they be slain or crucified or their hands and feet be cut off on account of their enmity, or they be expelled from the land. That shall be a disgrace for them in this world, and in the Hereafter they shall have a great punishment” (Quran; 5:33)

Syed Abul A'ala Maududi in his famous exegesis ‘Tafhee-ul-Quran’ [‘Understanding of the Qur'an’] has nicely explained this verse 4:59:

This verse [4:59] is the cornerstone of the entire religious, social and political structure of Islam, and the very first clause of the constitution of an Islamic state. It lays down the following principles as permanent guidelines:

- (1) In the Islamic order of life, God alone is the focus of loyalty and obedience. A Muslim is the servant of God before anything else, and obedience and loyalty to Allah constitute the centre and axis of both the individual and collective life of a Muslim. Other claims to loyalty and obedience are acceptable only insofar as they remain secondary and subservient, and do not compete with those owed to God. All loyalties which may tend to challenge the primacy of man's loyalty to God must be rejected. This has been expressed by the Prophet ((صلي الله عليه وسلم)) in the following words: 'There may be no obedience to any creature in disobedience to the Creator.' (Muslim, 'Iman', 37; Ahmad bin Hanbal, Musnad, vol. 3, p. 472 - Ed.)
- (2) Another basic principle of the Islamic order of life is obedience to the Prophet (peace be on him). No Prophet, of course, is entitled to obedience in his own right. Obedience to Prophets, however, is the only practical way of obeying Allah, since they are the only authentic means by which God communicates His injunctions and ordinances to men. Hence, we can obey God only if we obey a Prophet. **Independent obedience to God is not acceptable, and to turn one's**

back on the Prophets amounts to rebellion against God. The following tradition from the Prophet (peace be on him) explains this: 'Whoever obeyed me, indeed obeyed God; and whoever disobeyed me, indeed disobeyed God.' (Bukhari, 'Jihad', 109; 'Itisam', 2; Muslim, 'Amarah', 32, 33; Nasa'i, 'Bay'ah', 27; etc. - Ed.) This has been explained in more detail as we further study the Qur'an.

- (3) In the Islamic order of life Muslims are further required to obey fellow Muslims in authority. This obedience follows, and is subordinate to, obedience to God and the Prophet (peace be on him). Those invested with authority (*ulu al-amr*) include all those entrusted with directing Muslims in matters of common concern. Hence, persons 'invested with authority' include the intellectual and political leaders of the community, as well as administrative officials, judges of the courts, tribal chiefs and regional representatives. In all these capacities, those 'invested with authority' are entitled to obedience, and it is improper for Muslims to cause dislocation in their collective life by engaging in strife and conflict with them. This obedience is contingent, however, on two conditions: first, that these men should be believers; and second, that they should themselves be obedient to God and the Prophet (peace be on him). These two conditions are not only clearly mentioned in this verse they have also been elucidated at length by the Prophet (peace be on him) and can be found in the Hadith. Consider, for example, the following traditions: A Muslim is obliged to heed and to obey an order whether he likes it or not, as long as he is not ordered to carry out an act of disobedience to God (*ma'siyah*). When ordered to carry out an act of disobedience-to God he need neither heed nor obey.

There is no obedience in sin; obedience is only in what is good (*ma'ruf*). (For these traditions see Bukhari, 'Ahkam', 4; 'Jihad', 108; Muslim, 'Amarah', 39; Tirmidhi, 'Jihad', 29; Ibn Majah, 'Jihad', 40; Ahmad b. Hanbal, Musnad, vol. 2, pp. 17 and 142 - Ed.)

Prophet (pbuh) is reported to have said: "There will be rulers over you, some of whose actions you will consider good and others abominable. Who even disapproves of their abominable acts will be acquitted of all blame, and whoever resents them he too will remain secure (from all blame); not so one who approves and follows them in their abominable acts. They (i.e. the Companions) asked: 'Should we not fight against them?' The Prophet (peace be on him) said: 'No, not as long as they continue to pray.'" (See Bukhari, 'Jihad', 108 - Ed.) This means that their abandonment of Prayer will be a clear sign of their having forsaken obedience to God and the Prophet (peace be on him). Thereafter it becomes proper to fight against them. In another tradition the Prophet (peace be on him) says: "Your worst leaders are those whom you hate and who hate you; whom you curse and who curse you. We asked: 'O Messenger of God! Should we not rise against them?' The Prophet (peace be on him) said: 'No, not as long as they establish Prayer among you: not as long as they establish Prayer among you.'" (See Muslim, 'Amarah', 65, 66; Tirmidhi, 'Fitan', 77; Darimi, 'Riqaq', 78; Ahmad b. Hanbal, Musnad, vol. 6, pp. 24, 28 - Ed.) In this tradition the position is further clarified. The earlier tradition could have created the impression that it was not permissible to revolt against rulers as long as they observed their Prayers privately. But the latter tradition makes it clear that what is really meant by 'praying' is the establishment of the system of congregational Prayers in the collective life of Muslims. This means that it is by no means sufficient that the rulers merely continue observing their Prayers: it is also necessary that the

system run by them should at least be concerned with the establishment of Prayer. This concern with Prayer is a definite indication that a government is essentially an Islamic one. But if no concern for establishing Prayer is noticed, it shows that the government has drifted far away from Islam making it permissible to overthrow it. The same principle is also enunciated by the Prophet (peace be on him) in another tradition, in which the narrator says: 'The Prophet (peace be on him) also made us pledge not to rise against our rulers unless we see them involved in open disbelief, so that we have definite evidence against them to lay before God' (Bukhari and Muslim).

- (4) **In an Islamic order the injunctions of God and the way of the Prophet (peace be on him) constitute the basic law and paramount authority in all matters. Whenever there is any dispute among Muslims or between the rulers and the ruled the matter should be referred to the Qur'an and the Sunnah, and all concerned should accept with sincerity whatever judgement results.** In fact, willingness to take the Book of God and the Sunnah of His Messenger as the common point of reference, and to treat the judgement of the Qur'an and the Sunnah as the last word on all matters, is a central characteristic which distinguishes an Islamic system from un-Islamic ones. Some people question the principle that we should refer everything to the Book of God and the Sunnah of the Prophet (peace be on him). They wonder how we can possibly do so when there are numerous practical questions involved, for example, rules and regulations relating to municipal administration, the management of railways and postal services and so on which are not treated at all in these sources. This doubt arises, however, from a misapprehension about Islam. The basic difference between a Muslim and a non-Muslim is that whereas the latter feels free to do as he wishes, the basic characteristic of a Muslim is that he always looks to God and to His Prophet for guidance, and where such guidance is available, a Muslim is bound by it. On the other hand, it is also quite important to remember that when no specific guidance is available, a Muslim feels free to exercise his discretion because the silence of the Law indicates that God Himself has deliberately granted man the freedom to make his decision.

Since the Qur'an is not merely a legal code, but also seeks to instruct, educate, admonish and exhort, the earlier sentence which enunciates a legal principle is followed by another which explains its underlying purpose and wisdom. Two things are laid down. First, that faithful adherence to the above four principles is a necessary requirement of faith. Anyone who claims to be a Muslim and yet disregards the principles of Islam involves himself in gross self-contradiction. Second, the well-being of Muslims lies in basing their lives on those principles. This alone can keep them on the straight path in this life, and will lead to their salvation in the Next. It is significant that this admonition follows immediately after the section which embodies comments about the moral and religious condition of the Jews. Thus the Muslims were subtly directed to draw a lesson from the depths to which the Jews had sunk, as a result of their deviation from the fundamental principles of true faith just mentioned. Any community that turns its back upon the Book of God and the guidance of His Prophets, that willingly follows rulers and leaders who are heedless of God and His Prophets, and that obeys its religious and political authorities blindly without seeking authority for their actions either in the Book of God or in the practice of the Prophets, will inevitably fall into the same evil and corruption as the Israelites.

Bukhari and Muslim narrated from Abdullah ibn al-Abbas, "if someone dislikes his ruler, he must be patient, because if he comes against the ruler in a rebellious or destructive manner by only a hand span and dies, he dies in a state of pre-Islamic ignorance (*jahiliyyah*) and sin." Adherence to above principles create stability avoid anarchy [*fisad-fil-ardh*] and establish peace and justice so vital for development and progress of Muslims.

In reality, the corrupt ruler is imposed by Allah due to our own wrongdoings, thus it becomes necessary that we repent and seek Allah's forgiveness coupled with good actions, as Allah Most High says: "Whatever misfortune happens to you, is because of the things your hands have wrought" (Quran;42:30)..... And He says: "Thus do we make the wrongdoers turn to each other, because of what they earn" (Quran;6:129). Therefore, if a nation wants to free themselves from the oppression of their leader, they must refrain themselves from oppressing others.

So what else Muslims should do? Prophet Muhammad ﷺ said: "**The best Jihad is to speak the truth before a tyrant ruler**" (Bukhari). If this act is performed at large scale in present time, it may be termed as a strong protest. People of Pakistan and other Islamic countries can reject the corrupt, tyrant and inefficient rulers through elections and elect good, pious Muslims who can establish justice and implement Shari'ah. People of Egypt kicked out Husni Mubark through protests and elected a pious Muslim as their president.

Which religion the Takfiri Taliban are following? Definitely their religious practice is not based on Quran and Sunnah of Prophet Muhammad ﷺ. They follow the religion based upon desires of their own delf [*Nafas Ammarah*] and interpretations of semi literate Mullahs of village mosques, which contradict Quran and Sunnah of Prophet Muhammad ﷺ. They can be called Khawarij of this era.

Any sane person with common sense can read following verses from Quran with translation to understand and distinguish truth from falsehood:

مَنْ اهْتَدَىٰ فَإِنَّمَا يَهْتَدِي لِنَفْسِهِ وَمَنْ ضَلَّ فَإِنَّمَا يَضِلُّ عَلَيْهَا وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ

جو کوئی راہ راست اختیار کرے اس کی راست روی اس کے اپنے ہی لیے مفید ہے، اور جو گمراہ ہو اس کی گمراہی کا وبال اسی پر ہے کوئی بوجہ اٹھانے والا دوسرے کا بوجہ نہ اٹھائے گا

Whoever is guided, is guided for his own good, and whoever goes astray does so to his own detriment. No sinner will bear the sins of anyone else.(Quran;17:15)

مَنْ يَشْفَعْ شَفَاعَةً حَسَنَةً يَكُنْ لَهُ نَصِيبٌ مِّنْهَا وَمَنْ يَشْفَعْ شَفَاعَةً سَيِّئَةً يَكُنْ لَهُ كِفْلٌ مِّنْهَا ۗ وَكَانَ اللَّهُ عَلَىٰ كُلِّ شَيْءٍ مُّقِيبًا

جو بھلائی کی سفارش کریگا وہ اس میں سے حصہ پائے گا اور جو برائی کی سفارش کرے گا وہ اس میں سے حصہ پائے گا، اور اللہ ہر چیز پر نظر رکھنے والا ہے

Whoever recommends and helps a good cause becomes a partner therein: And whoever recommends and helps an evil cause, shares in its burden: And Allah hath power over all things.(Quran;4:85)

There is No verse in Quran or any Hadith which orders Muslims to kill innocent people, where as there are many Ayas of Quran which ask not to kill innocent people and Muslims.

هُوَ الَّذِي أَنْزَلَ عَلَيْكَ الْكِتَابَ مِنْهُ آيَاتٌ مُحْكَمَاتٌ هُنَّ أُمُّ الْكِتَابِ وَأُخَرُ مُتَشَابِهَاتٌ فَأَمَّا الَّذِينَ فِي قُلُوبِهِمْ زَيْغٌ فَيَتَّبِعُونَ مَا تَشَابَهَ مِنْهُ ابْتِغَاءَ الْفِتْنَةِ وَابْتِغَاءَ تَأْوِيلِهِ

وہی خدا ہے، جس نے یہ کتاب تم پر نازل کی ہے اس کتاب میں دو طرح کی آیات ہیں: ایک محکمت، جو کتاب کی اصل بنیاد ہیں اور دوسری متشابہات جن لوگوں کے دلوں میں ٹیڑھ ہے، وہ فتنے کی تلاش میں ہمیشہ متشابہات ہی کے پیچھے پڑے رہتے ہیں اور ان کو معنی پہنانے کی کوشش کیا کرتے ہیں

It is He who has sent down to you, the Book (Quran); in it are verses [that are] precise - they are the foundation of the Book - and others unspecific. As for those in whose hearts is deviation [from truth], they will follow that of it which is unspecific, seeking discord and seeking an interpretation [suitable to them].(Quran;3:7)

“Their doom is because Allah has revealed the Book with the truth; surely those who seek causes of dispute in the Book (The Qur’an) are in extreme schism (divergence).”(Qura’n;2:176).

Ignoring the clear verses/Ayas and following own logic and interpretations to justify killing of innocent children, women, old, young, Muslims or non Muslims through bombing and suicide attacks is against Islam and amounts to rejecting Ayas of Quran and creating mischief [فساد في الأرض] on land:

وَالَّذِينَ كَفَرُوا وَكَذَّبُوا بِآيَاتِنَا أُولَٰئِكَ أَصْحَابُ الْجَحِيمِ

Those who reject Faith and deny our Ayats will be companions of Fire in the Hereafter.(Quran;5:10, also in 7:10)

اسی وجہ سے بنی اسرائیل پر ہم نے یہ فرمان لکھ دیا تھا کہ "جس نے کسی انسان کو خون کے بدلے یا زمین میں فساد پھیلانے کے سوا کسی اور وجہ سے قتل کیا اس نے گویا تمام انسانوں کو قتل کر دیا اور جس نے کسی کی جان بچائی اس نے گویا تمام انسانوں کو زندگی بخش دی" مگر ان کا حال یہ ہے کہ ہمارے رسول پے در پے ان کے پاس کھلی کھلی ہدایات لے کر آئے پھر بھی ان میں بکثرت لوگ زمین میں زیادتیاں کرنے والے ہیں۔ جو لوگ اللہ اور اس کے رسول سے لڑتے ہیں اور زمین میں اس لیے تگ و دو کرتے پھرتے ہیں کہ فساد برپا کریں ان کی سزا یہ ہے کہ قتل کیے جائیں، یا سولی پر چڑھائے جائیں، یا ان کے ہاتھ اور پاؤں مخالف سمتوں سے کاٹ ڈالے جائیں، یا وہ جلا وطن کر دیے جائیں، یہ ذلت و رسوائی تو ان کے لیے دنیا میں ہے اور آخرت میں ان کے لیے اس سے بڑی سزا ہے

سورة المائدة 31-32: 5

ہمارے ساتھ قرآن و سنت ہے یہ بہت واضح ہے کہ مسلمان ایک دوسرے کو مارنے نہیں ہونا چاہئے۔ پاکستان میں . آئین ہے جس کا اعلان ہے کہ قرآن و سنت کے خلاف کوئی قانون نہیں بنایا جا سکتا ہے بے

إِنَّ شَرَّ الدَّوَابِّ عِنْدَ اللَّهِ الصَّمُّ الْبُكْمُ الَّذِينَ لَا يَعْقِلُونَ

یقیناً خدا کے نزدیک بدترین قسم کے جانور وہ بہرے گونگے لوگ ہیں جو عقل سے کام نہیں لیتے

Verily, the worst of all creatures in the sight of God are those deaf, those dumb people who do not use their intellect.(Quran;8:22)

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ

اور کسی جان کو جس کا مارنا اللہ نے حرام کر دیا ہے ہرگز ناحق قتل نہ کرنا

You shall not kill any person - for GOD has made life sacred - except in the course of justice(Quran;17:33)

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا

اور جو شخص کسی مسلمان کو قصداً قتل کرے تو اس کی سزا دوزخ ہے کہ مدتوں اس میں رہے گا اور اس پر اللہ غضبناک ہوگا اور اس پر لعنت کرے گا اور اس نے اس کے لئے زبردست عذاب تیار کر رکھا ہے

And whoso slays a believer intentionally, his reward shall be Hell wherein he shall abide. And ALLAH shall be wroth with him and shall curse him and shall prepare for him a great punishment.(Quran;4:93)

وَالْفِتْنَةُ أَكْبَرُ مِنَ الْقَتْلِ ۗ

فتنہ قتل سے بھی بڑا گناہ ہے

"tumult and oppression are worse than slaughter.."[Qur'an;2:217]

أُولَئِكَ الَّذِينَ كَفَرُوا بِآيَاتِ رَبِّهِمْ وَلِقَائِهِ فَحَبِطَتْ أَعْمَالُهُمْ فَلَا نُقِيمُ لَهُمْ يَوْمَ الْقِيَامَةِ وَزَنًا

یہ وہ لوگ ہیں جنہوں نے اپنے رب کی آیات کو ماننے سے انکار کیا اور اس کے حضور پیشی کا یقین نہ کیا اس لیے ان کے سارے اعمال ضائع ہو گئے، قیامت کے روز ہم انہیں کوئی وزن نہ دیں گے

"They are those who deny the Ayat of their Lord and the Meeting with Him (in the Hereafter). So their works are in vain, and on the Day of Resurrection, We shall not give them any weight.(Quran;18:105)

Friendship with Unbelievers:(Quran;60:6-8)

عَسَى اللَّهُ أَنْ يَجْعَلَ بَيْنَكُمْ وَبَيْنَ الَّذِينَ عَادَيْتُمْ مِنْهُمْ مَوْدَّةً وَاللَّهُ قَدِيرٌ وَاللَّهُ غَفُورٌ رَحِيمٌ (٧) لَّا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ (٨) إِنَّمَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ وَأَخْرَجُوكُمْ مِنْ دِيَارِكُمْ وَظَاهَرُوا عَلَىٰ إِخْرَاجِكُمْ أَنْ تَوَلَّوهُمْ وَمَنْ يَتَوَلَّهُمْ فَأُولَئِكَ هُمُ الظَّالِمُونَ

بہت ممکن ہے کہ اللہ تمہارے درمیان اور ان لوگوں کے درمیان جن سے (آج) تمہاری دشمنی ہے کبھی محبت پیدا کر دے اور اللہ بڑی قدرت والا ہے اور اللہ بڑا بخشنے والا، بڑا رحم کرنے والا ہے۔ (7) اللہ تمہیں اس بات سے منع نہیں کرتا کہ جن لوگوں نے دین کے معاملہ میں تم سے جنگ نہیں کی اور نہ ہی تمہیں تمہارے گھروں سے نکالا ہے کہ تم ان کے ساتھ نیکی کرو اور ان کے ساتھ انصاف کرو بے شک اللہ انصاف کرنے والوں کو دوست رکھتا ہے۔ (8) اللہ تو صرف تمہیں ان لوگوں سے دوستی کرنے سے منع کرتا ہے جنہوں نے دین کے بارے میں تم سے جنگ کی اور تمہیں تمہارے گھروں سے نکالا اور تمہارے نکالنے میں ایک دوسرے کی مدد کی اور جو ان سے دوستی کرے گا وہی ظالم ہیں۔

[But] it may well be that God will bring about [mutual] affection between you [O believers] and some of those whom you [now] face as enemies: for, God is all-powerful - and God is much-forgiving, a dispenser of grace. As for such [of the unbelievers] as do not fight against you on account of [your] faith, and neither drive you forth from your homelands, God does not forbid you to show them kindness and to behave towards them with full equity: for, verily, God loves those who act equitably. God only forbids you to turn in friendship towards such as fight against you because of [your] faith, and drive you forth from your homelands, or aid [others] in driving you forth: and as for those [from among you] who turn towards them in friendship; it is they, they who are truly wrongdoers!(Quran;60:6-8)

Takfiri Taliban violating all Islamic Rules and Ethics:

- Waging war against Allah & His Messenger (pbuh) by rejecting clear verses of Quran and Hadiths of Prophet (pbuh), creating disorder and anarchy on land [in Pakistan]. (see Quran; 5:33 & 4:59).



- Killing by Burning not Allowed: Narrated Abu Huraira: Allah's Apostle said: It is none but Allah Who punishes with fire, so, if you find them, kill them.(Sahih Al Bukhari, Hadith, Number.4.259). Narrated Ikrima : Ali burnt some people and this

news reached Ibn Abbas, who said, “Had I been in his place I would not have burnt them, as the Prophet said, ‘Don’t punish (anybody) with Allah’s Punishment.’ No doubt, I would have killed them, for the Prophet said, ‘If somebody (a Muslim) discards his religion, kill him. (Sahih Al Bukhari, Hadith, Number.4.260).



- Mutilation of Dead Bodies is Prohibited: Messenger of Allah (peace be upon him) prohibited to mutilate the dead bodies. (Sahih Muslim Hadith.804).
- Treachery: “If you fear treachery from any of your allies, you may fairly retaliate by breaking off the treaty with them (through properly notifying them to that effect), for Allah does not love the treacherous.”(Qur’an;8:58).
- Peace offer be Accepted: Allah says:” If the enemy is inclined towards peace, do make peace with them, and put your trust in Allah. He is the One Who hears all , knows all.”(8:61)
- Care of Sick & Hungry Captives: Narrated Abu Musa: The Prophet said, “Free the captives, feed the hungry and pay a visit to the sick.(Sahih Al Bukhari, Hadith, Number.4.282).
- Fulfilling Safe Conduct: Muslims have to fulfil commitment and not to kill by false promise. Yahya related to me from Malik from a man of Kufa that Umar ibn al-Khattab wrote to a lieutenant of an army which he had sent out, “I have heard that it is the habit of some of your men to chase an unbeliever till he takes refuge in a high place. Then one man tells him in Persian not to be afraid, and when he comes up to him, he kills him. By He in whose hand my self is, if I knew someone who had done that, I would strike off his head. (Al Muwata Hadith, Number.21.12).
- Grant of Asylum: Allah says: “If one amongst the pagans ask thee for asylum grant it to him so that he may hear the word of Allah and then escort him to where he can be secure: that is because they are men without knowledge.”(Qur’an;9:6).
- Taking Prisoners of War: Therefore, when you meet the unbelievers in the battlefield smite their necks and, when you have thoroughly subdued them, then take prisoners of war and bind them firmly. After the war lay down her burdens, then you have the choice whether you show them favor or accept ransom. Thus are you commanded. If Allah wanted, He Himself could have punished them; but He adopted this way so that He may test some of you by means of others. As for those who are slain in the cause of Allah, He will never let their deeds be lost.(Qur’an;47:4).

- Offer to Prisoners of War: Allah says: “O Prophet! Tell the captives in your custody: “If Allah finds goodness in your hearts He will give you even better than what has been taken from you, as well as forgive you. Allah Is Forgiving, Merciful. But if they have treacherous designs against you, O Prophet, they have already shown treason against Allah. That is why He made them your captives. Allah is Knowledgeable, Wise.”(Qur’an;8:70-71).



- Providing Cloths to Prisoners of War: Narrated Jabir bin Abdullah: When it was the day (of the battle) of Badr, prisoners of war were brought including Al-Abbas who was undressed. The Prophet looked for a shirt for him. It was found that the shirt of Abdullah bin Ubai would do, so the Prophet let him wear it. That was the reason why the Prophet took off and gave his own shirt to Abdullah. (The narrator adds, “He had done the Prophet some favor for which the Prophet liked to reward him.”). (Sahih Al Bukhari, Hadith, Number.4.252).
- Prohibitions-of Killing Religious People, Women, Children, Aged, Sick People, Animals and Cutting Trees in Military Expeditions: Narrated Abdullah: During some of the ghazawat of the Prophet a woman was found killed. Allah’s Apostle disapproved and forbade the killing of women and children. (Sahih Al Bukhari, Hadith, Number.4.257,258). Abu Bakr advised Yazid, the commander of Muslim Military Expeditions to Sham (Syria): “You will find a people who claim to have totally given themselves to Allah. Leave them to what they claim to have given themselves. You will find a people who have shaved the middle of their heads, strike what they have shaved with the sword. “I advise you ten things: Do not kill women or children or an aged, infirm person. Do not cut down fruit-bearing trees. Do not destroy an inhabited place. Do not slaughter sheep or camels except for food. Do not burn bees and do not scatter them. Do not steal from the booty, and do not be cowardly.” (Al Muwata Hadith. Number;21.10).
- Safety of Mosques, Churches and Synagogues: Killing of Muslims or other worshipper is prohibited: “Hence, who could be more wicked than those who bar the mention of God’s name from [any of] His houses of worship and strive for their ruin, [although] they have no right to enter them save in fear [of God]? For them, in this world, there is ignominy in store; and for them, in the life to come, awesome suffering.”(Qur’an;2:114). “Had not Allah repelled some people by the might of others, the monasteries, churches, synagogues, and mosques in which Allah’s praise is daily celebrated, would have been utterly demolished.”(Qur’an;22:40)



- Mutilation of the dead bodies is prohibited: Messenger of Allah (peace be upon him) prohibited to mutilate the dead bodies. (Sahih Muslim Hadith.804).
- Sectarianism: Allah says: “Be not like those who became divided into sects and who started to argue against each other after clear revelations had come to them. Those responsible for division and arguments will be sternly punished” (Quran;3:105). “Surely those who divide the religion into sects and identify themselves as a sect, O Muhammad, you have nothing to do with them. Their case will be called to account by Allah Himself, He will inform them as to what they did.”(Quran;6:159)

Allah has commanded the Muslims to follow Prophet Muhammad ﷺ as role model:

لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِّمَن كَانَ يَرْجُو اللَّهَ وَالْيَوْمَ الْآخِرَ وَذَكَرَ اللَّهَ كَثِيرًا

یقیناً تمہارے لئے رسول اللہ میں عمدہ نمونہ (موجود) ہے، ہر اس شخص کے لئے جو اللہ تعالیٰ کی اور قیامت کے دن کی توقع رکھتا ہے اور بکثرت اللہ تعالیٰ کی یاد کرتا ہے

There has certainly been for you in the Messenger of Allah an excellent pattern for anyone whose hope is in Allah and the Last Day and [who] remembers Allah often. (Quran;33:21)

Conclusion:

The doctrine of Takfiri Taliban Pakistan is not based upon any direct clear commandment or Ayah of Qur'an, it is derivative, based upon analogy (taweel), which can have more than one opinions. “The fact is that most of them follow nothing but mere conjecture and conjecture is in no way a substitute for the truth. Surely Allah is well aware of all that they do.”(Qur'an;10:36). However through their violent terrorist acts, Taliban are violating the clear verses (Ayahs) of Quran and Hadith. No Muslim worth the name will ever dare to even think of rejecting or violating the unambiguous commandments of Allah, clearly mentioned in Qur'an and Hadith, summarised here:

- Disregarding the Ayahs, which annuls good deeds: Qur'an;18:104-105.
- Killing a believer, major sin: Qur'an;4:93. “A Muslim is the one who avoids harming Muslims with his tongue and hands.”(Sahih Bukhari Hadith: 1.9)
- Killing of innocent human not permitted: Qur'an;5:32, 17:33.
- Mischief on land rejected: Qur'an;28:77,2:11-12, 2:60, 206, 3:63, 7:56, 5:33-34.

- Creating disorder and anarchy on land . (Quran; 5:33 & 4:59)
- Fighting permitted in defence with in limits – No Transgression: Qur’an;2:190.
- Kindness to Non Combatants: Qur’an; 60:8.
- Suicide is not permissible in Islam: Qur’an;2:195,4:29, Sahih Al Bukhari Hadith Numbr:8.126, Sahih Muslim Hadith. Number.486.
- Killing by burning not allowed: Sahih Al Bukhari, Hadith, Number.4.259, Sahih Al Bukhari, Hadith, Number.4.260. Bombing & explosions burn the victims.
- Safety of mosques, monasteries, churches, synagogues & worshippers: Qur’an;2:114, 22:40).
- Mutilation of the dead bodies is prohibited: Sahih Muslim Hadith.804.
- Prohibitions-of killing religious people, women, children, aged, sick people, animals and cutting trees in military expeditions: Sahih Al Bukhari, Hadith, Number.4.257,258, Al Muwata Hadith, Number;21.10.
- Freedom of faith-no compulsion: Qur’an;2:256,88:21-24, 45;50,109:6.10:100.
- No sectarianism : (Quran;3:105, 6:159).
- Rebellion against Islamic state and Muslim rulers not allowed: Quran; 4:59
- Fatwa by scholars is just a non binding opinion, which has no value against clear cut commandments of Quran and Sunnah, specially where it involves lives and unity of Muslim Ummah.
- Creating mischief [disorder] on land: “..do not spread mischief in the land.”(Qur’an;7:74. 5:33)

In an Islamic order the injunctions of God and the way of the Prophet (peace be on him) constitute the basic law and paramount authority in all matters. Whenever there is any dispute among Muslims or between the rulers and the ruled the matter should be referred to the Qur’an and the Sunnah, and all concerned should accept with sincerity whatever judgement results. Taliban should adhere to the Hadiths forbidding armed rebellion against Muslim ruler as long as they offer prayer and does not manifest open infidelity. The Qur’anic command not to create disorder on land (4:59) should be practiced. Any weakness shown in non implementation of Shari’ah by rulers does not make them infidel, till they openly reject it, which they don’t. Normal relations with non Muslims not hostile to Muslims are permitted by Allah (60:7-9). Government of Pakistan is bound to honour the international treaties as moral and religious obligation (17:34, 7:32, 23:8). Our beloved Prophet Muhammad (pbuh) has told us to resist the wrong practices of tyrant Muslim rulers peacefully, not through rebellion. Change of governments earlier in Turkey and in Tunisia & Egypt through peaceful means are recent examples, while in Malaysia, Indonesia and other democratic Muslim countries it is regular practice . Pakistan being democratic country offers peaceful method of change of rulers through power of free media and vote. No group like Takfiri Taliban can be allowed to create disorder in Pakistan on the name of Shari’ah through rebellion. This will only benefit enemies of Islam. Over 35000 innocent Pakistani women, children, young and old & soldiers have been killed by Takfiri Taliban and US drone attacks. The Takfiri Taliban and their sympathisers are requested to use the intellect to discern the truth from falsehood:

إِنَّ شَرَّ الدَّوَابِّ عِنْدَ اللَّهِ الصُّمُّ الْبُكْمُ الَّذِينَ لَا يَعْقِلُونَ

یقیناً خدا کے نزدیک بدترین قسم کے جانور وہ بہرے گونگے لوگ ہیں جو عقل سے کام نہیں لیتے

Verily, the worst of all creatures in the sight of God are those deaf, those dumb people who do not use their intellect.(Quran;8:22)

لِيَهْلِكَ مَنْ هَلَكَ عَن بَيِّنَةٍ وَيَحْيَىٰ مَنْ حَيَّ عَن بَيِّنَةٍ

جو ہلاک ہو، دلیل پر ہلاک ہو اور جو زندہ رہے، وہ بھی دلیل پر زندہ رہے

Who would perish might perish by clear proof, and he who would live might live by clear proof(Quran;8:42)

قَالَ رَبِّ انصُرْنِي عَلَى الْقَوْمِ الْمُفْسِدِينَ

پروردگار! اس مفسد قوم پر میری مدد فرما

“My Lord, aid me against these mischievous people.(29:30)

References available at: <http://goo.gl/LVjX3>