

'Vanguards of Khurasan' Article by Shaykh Atiyatallah on 'Treatment of Infidels'

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[Please note: Images may have been removed from this document. Page numbers have been added.]

On 26 February, a forum participant posted on a jihadist website links to the 16th issue of the "Vanguards of Khurasan" magazine. This 68-page issue includes an article entitled "Proceed and Do Not Hurry, Part 6" by Shaykh Atiyatallah. The author offers "examples of the tolerance of the Islamic religion in the treatment of infidels" and details provisions in Islamic law for the treatment of "defeated" and "captured infidels," citing various Koranic verses and Hadiths throughout. OSC processed the table of contents of the 16th issue of the "Vanguards of Khurasan" magazine as GMP20100227121002.

A translation of the article follows:

" Proceed and Do Not Hurry, Part 6 by Shaykh Atiyatallah

" Examples of the tolerance of the Shari'ah of Islam in jihad and the subsequent treatment of infidels:

"Know that the infidel's non-belief and disobedience of his Lord and his Great, Exalted, and Almighty Creator is a great crime. He therefore deserves the harshest punishment imaginable. To reject God, His messengers, and His religion is the greatest iniquity and crime on Earth. When an infidel goes beyond his notional non-belief and wages war against religion (Islam) and its people (Muslims), when he fights, kills, oppresses, persecutes, and subjugates (Muslims) and strives to vanquish their nation (in which the religion and law of God reign supreme) so that he can replace (Islam) with something else (and anything that is not Islam is non-belief) and allow sin to spread and the word and might of Satan to rise, he causes much mischief and commits great crimes. God the Exalted said: 'Those who reject Allah and hinder (men) from the path of Allah, for them will we add penalty to penalty, for that they used to spread mischief' (Koranic verse, Al-Nahl, 16:88). For that, the infidel deserves in this world the severest punishment. He deserves to be executed and exiled from this life, just as he deserves the severest punishment in the Hereafter.

"Therefore, the infidel and his wealth are given no respect in the Shari'ah of Islam. Thus, he deserves to be killed, as I said. His wealth is to be appropriated, and his women taken prisoner (and there are specific, known rulings in Shari'ah for them, unless he is protected by a covenant with Muslims). A respected animal is considered better than the infidel in the Islamic Shari'ah. God the Exalted said of infidels: 'Many are the jinns and men we have made for hell. They have hearts wherewith they understand not, eyes wherewith they see not, and ears wherewith they hear not. They are like cattle, nay more misguided, for they are heedless (of warning)' (Koranic verse, Al-A'raf, 7:179). He also said: 'Or thinkest thou that most of them listen or understand? They are only like cattle, nay, they are further astray in path' (Koranic verse, Al-Furqan, 25:44). And He said: 'For the worst of beasts in the sight of Allah are those who reject Him. They will not believe' (Koranic verse, Al-Anfal, 8:55).

"The infidel is vile filth, neither respected nor trusted, for God Almighty degraded, debased, suppressed, forsake, and disavowed polytheism and its people. He said: 'Fight those who believe not in Allah nor the Last Day, nor hold that forbidden which hath been forbidden by Allah and His messenger, nor acknowledge the religion of truth, (even if they are) of the People of the Book, until they pay the jizyah (tribute tax) with willing submission, and feel themselves

subdued' (Koranic verse, Al-Tawbah, 9:29). He made their hearts and souls malicious. He forbade placing trust in them for their hostility, deceit, and hatred toward Muslims. He said: 'O ye who believe! Take not into your intimacy those outside your ranks. They will not fail to corrupt you. They only desire your ruin. Rank hatred has already appeared from their mouths. What their hearts conceal is far worse. We have made plain to you the signs, if ye have wisdom' (Koranic verse, Al-Imran, 3:118). He also said: 'O ye who believe! Take not for friends unbelievers rather than believers. Do ye wish to offer Allah an open proof against yourselves?' (Koranic verse, Al-Nisa, 4:144). (Ibn-Qayyim (al-Jawziyyah), from Ahkam ahl al-dhimmah (Rulings on the People Under the Protection Pact))

"The Exalted said: 'O ye who believe! Truly the pagans are unclean, so let them not, after this year of theirs, approach the sacred mosque' (partial Koranic verse, Al-Tawbah, 9:28). He said of their hidden brothers, the hypocrites: 'They will swear to you by Allah, when ye return to them, that ye may leave them alone. So leave them alone, for they are an abomination, and hell is their dwelling-place, a fitting recompense for the (evil) that they did' (Koranic verse, Al-Tawbah, 9:95).

"Despite this, it is out of the goodness of God the Exalted and the tolerance and loftiness of His pure Shari'ah that the Islamic Shari'ah respects the humanity (of the infidel) in the appropriate amount. In it, a human is revered because he is human: 'We have honored the sons of Adam, provided them with transport on land and sea, given them for sustenance things good and pure, and conferred on them special favors, above a great part of our creation' (Koranic verse, Al-Isra, 17:70). This is apparent in the proper treatment of (the infidel) in matters of killing, combat, and captivity. (It is demonstrated) by proper killing and slaughtering, abstaining from voluntarily striking (the enemy) in the face whenever possible, abstaining from the use of curses and slurs, and treating captives well. (There is a code and jurisprudence behind this, which will be shown with examples.) After death, this (respect for the humanity of an infidel) is shown when (the infidel) is buried. He is properly covered with dirt, his body is shown respect, and he is given dignity in death. Despite the great crime of the infidel, God Almighty often shows him kindness and clemency. The Exalted (praised be He) sent him messengers with tidings and warnings. He only visits His wrath on those who have seen His proof through the messengers and have heard the verses, tidings, commandments, and prohibitions of God as carried by the sent prophets (may the prayers and peace of God be upon them). God said: 'Nor would we visit with our wrath until we had sent an apostle (to give warning)' (partial Koranic verse, Al-Isra, 17:15). He prolonged the lives of many (infidels), and patiently gave them opportunity upon opportunity to repent to Him. The Exalted (praised be He) did this out of forgiveness to them, for He loves forgiveness (one of the signs of His great kindness, lenience, and complete power). The prophet (may the prayers and peace of God be upon him) said: 'God forgave a man, and He extended his life sixty years until (His word) reached him' (narrated by Al-Bukhari) (Hadith). The prophet also said: 'No one loves forgiveness more than God. For that reason He revealed the Book and sent the messengers' (narrated by Al-Bukhari and Muslim) (Hadith).

"He decreed that His faithful worshippers (His regents and obedient soldiers) should in many cases not kill infidels (though they deserve to be killed), showing patience toward them and hoping that they would repent, return to Him, become Muslim, and worship Him alone and without equal. He hoped that from their ranks would emerge those who worship Him and associate nothing else with Him. From here arose the classes (of infidels) whose killing is forbidden in war (such as women, children, the elderly, and the like). There are also instances in which forgoing the killing of a combatant infidel deserving of death is permitted out of the hope that he or his people will convert to Islam. In such a situation, he may be granted free release. All of this stems from the tolerance and mercy of Islam, even toward the enemies who war

against it. It is a small part of the meaning behind what the Exalted said: 'We sent thee not, but as a mercy for all creatures' (Koranic verse, Al-Anbiya, 21:107). It is a general introduction to the topic. I shall give a brief overview of the codes and gracious rulings of Islam regarding the treatment of infidels so that the people of Islam, as well as those infidels who wish, can contemplate them. God is the grantor of success.

"1. Islam mandates justice and fairness toward every Muslim and infidel. The Exalted said: 'O ye who believe! Stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just. That is next to piety. And fear Allah. For Allah is well-acquainted with all that ye do' (Koranic verse, Al-Ma'idah, 5:8). Where the truth has been demonstrated to the infidel, we have affirmed it and seen that it has gotten to him. The truth is what God says, and it is what His Shari'ah demonstrates with all forms of regarded guidance. This is taken with what was said about the infidel being disesteemed. Thus, the consequence of this principle can be seen most clearly in the case of the infidel under the covenant (a pact of protection, a peace agreement, or a covenant of protection). As for the warring infidel (the disesteemed), the consequences of the principle of justice appear in some of the following details. The truth is that the most just treatment (of the warring infidel) is death and execution, but then there is grace. Grace is a level higher than justice, meaning that it encompasses justice and kindness, and the infidel is shown patience and given the opportunity to repent. So show him the dignity of justice and grace. God is Great.

"2. God Almighty granted us the right of just war. This is jihad, and it is all just. It is launched for reasons that are just and kind. It is prosecuted according to justice, mercy, and kindness. If it is a war of defense, then this is apparent to both the Muslim and the infidel. If it is a war of aggression or conquest (which is called by the people of our Shari'ah offensive jihad), then it is a war to afford all of mankind the opportunity to choose Islam, if they wish. It is meant to grant them the absolute power of choice instead of having a tyrant force them to choose or drive them away from the path of God. (This jihad) does this by removing tumult: the idolatrous tyrants and infidel authorities that rule over people. The people are then liberated from their domination and able to choose Islam if they so wish. This is what God said: 'And fight them on until there is no more tumult or oppression' (partial Koranic verse, Al-Anfal, 8:39). Tumult is the infidel power and authority that turns mankind away from the path of God.

"This jihad is entirely for God, and it is in His path, the path of religion and Shari'ah. It is faithfulness and rightness. The end goal and all that is and is not done (to achieve that goal) are in the path of God. These are the rulings of the Shari'ah and jurisprudence on jihad in Islam. War in Islam is not simply to take possession of wealth and resources of other peoples or to enslave them. If that did happen, wholly or partially, it is because they had rejected Islam and fought against Muslims. Thus, God made it permissible for Muslims to take the wealth of warring infidels and to enslave and imprison them. However, to those who are fair and thoughtful, there is a great difference between the two cases. War in Islam is not simply to champion one people or tribe over another. Nor is it simply to gain rule over mankind. Rather, war (in Islam) is meant to do way with tumult, repel injustice, liberate people, save the downtrodden, and to spread the religion of God (Islam). It is to champion, strengthen, and protect (Islam) by protecting its foundation on Earth: the state of Islam, the country of Islam, and Islamic unity. It is to make the Word of God the highest. Therefore, there is no injustice, betrayal, or treachery in this war. There is no immorality or evil (may we seek shelter in God). Rather, there is nobility, virtue, honesty, loyalty, commitment to the religion and Shari'ah of God, and good morals. 'Fight in the cause of Allah those who fight you, but do not transgress limits, for Allah loveth not transgressors' (Koranic verse, Al-Baqarah, 190). Praise be to God who graced and honored us with this religion.

"3. It is forbidden to kill certain categories of combatant infidels. The virtuous Islamic Shari'ah forbade the killing of certain categories of combatant infidels. The term combatant infidels denotes those infidels who are not under one of the three forms of covenant (a pact of protection, a peace agreement, or covenant of protection). It forbade the killing of women and children. This is as certain (or nearly as certain) a principle in Shari'ah as the definitive matters (refers to Shari'ah tenets that command such things as prayer five times daily). This is an agreed upon principle among the scholars of Islam. The Shari'ah forbade the killing of the elderly, monks in their monasteries, the terminally ill, the poor laborers, and others like them. They essentially all share in common the fact that none of them are concerned with war, fighting, aggression, and turning people away from God, though some scholars of Islam may disagree over the details of these categories. They are spared on the condition (as indicated in the Shari'ah) that none of those belonging to these categories participate in battle or offer even verbal support, such as poetry, singing, or incitement to fight.

"4. Proper killing and slaughtering is one of the merits of the Islamic Shari'ah. It rises above the signs of rancor, simple malice, and the low gratification taken in violence, killing, and bloodshed. It serves to discipline and teach Muslims that we kill those who have killed us not for our own sake, but for God. We kill them when that is the only cure for them. It is like cauterization, a last resort in trying to treat someone. In all of this, favor is given to mercy and propriety. The prophet (may the prayers and peace of God be upon him and his family): 'Verily God has prescribed proficiency in all things. So if you kill, then kill well; and if you slaughter, then slaughter well. Let each one of you sharpen his blade and let him spare suffering to the animal he slaughters' (Hadith) (related by Muslim).

"5. Rules and jurisprudence in treatment of the defeated: These are many, and they show much tolerance, mercy, justice, and kindness. For example, they are allowed sufficient food. Our scholars have said: 'They were called to Islam, and then, if they did not convert to Islam, they paid the tribute tax. If they did not pay, they were fought and killed, except for the women (unless they participated in battle), children, the infirm (such as a dying or blind shaykh), and the monks who remained isolated in their monasteries and evinced no opinion. They were allowed only enough to sustain themselves. Their fighters were forgiven, such as those who did not receive the call. They retained the value of their possessions, and the monks were left with their freedom' (from the Mukhtasar of Khalil Bin-Ishaq al-Maliki).

"(Imam al-Nafrawi al-Maliki says in his) Al-Fawakih al-Dawani (fi) Sharh Risalat Ibn-Abi-Zayd al-Qayrawani : 'Those who are not allowed to be killed (such as monks and others who have been mentioned) are left with their wealth. Before they are allowed keep their possessions or be given aid, those among them who have killed must only repent. If they are given this right or aid and then they kill, they must pay a fine. This does not apply to the monks, who must pay blood money to the followers of their religion.'

"6. The treatment of prisoners: This includes the legality of granting a prisoner freedom in exchange for nothing with the goal of drawing him or his people to Islam or for other such benign purposes. The prisoner is shown kindness through proper food and clothing and not being tortured or degraded, as well as other such forms of treatment. The Exalted said: '...and who give food, however great be their own want of it, unto the needy, and the orphan, and the captive' (Koranic verse, Al-Insan, 76:8). If (the infidel) is taken as a slave or offered as one, then he is shown the same treatment. If he is killed, then he should be killed properly, as mentioned above. Women and children captives are protected and shown respect. Women are not dealt with until the captives are divided. If one's share of the captives contains a woman, he is

forbidden to have intercourse with her while she is menstruating or, if she is pregnant, until she delivers. It is also forbidden to separate mothers and children.

"7. Betrayal is forbidden. This is a great fundamental of the religion of Islam. It is among the merits of its pure Shari'ah. It is nobler than the fundamentals of good morals, complete virtues, and manhood.

"8. Reconciliation and concluding a peace agreement with the infidels (when fighting is ended) was legitimized by the Islamic Shari'ah for the wisdom this carries. Reconciliation brings mercy and benefits to all, which are known by the people of war and others.

"9. Safety: This is the granting safety to a combatant infidel who needs to enter Muslim territory. He and his money are protected. Here is an example: 'The Hanafi (School of Islamic Law) said that if a combatant infidel enters the land of Islam with money under safe passage, one tenth of his money is taken (if he is carrying a certain amount). This is if we do not know how much the infidels are taking from us (when we enter their lands). If we do know how much they are taking from us, we take that same amount in recompense. However, if it is known that they take all of the money (that a Muslim takes with him into their territory), we do not take all of it from them. This is to maintain the principle of safe passage' (The Kuwaiti Jurisprudence Encyclopedia).

"10. The protection pact: The infidel is given a permanent covenant (that guarantees his) safety under the protection and rule of Muslims. He is a subject of the Muslim state, and he is defended and protected by Muslims. In exchange, the infidel dutifully pays the tribute tax and complies with conditions laid out in the section on the protection pact.

"Though some of these rulings and conditions may seem harsh and disrespectful toward the infidel with protected status, they are not inconsistent with the principle of justice. To those who are fair and thoughtful, they are the very essence of justice and an even greater show of kindness and mercy. The infidel deserves death and the most severe punishment in the first place for the greatness of his crime. The unjust, unwise, ignorant infidels and those they have contaminated deny this. They vilify Islam and its people by claiming that these rulings are inconsistent with justice and human rights! 'That is as far as knowledge will reach them' (partial Koranic verse, Al-Najm, 53:30). At best, the following saying applies to them: 'You know one thing, but you are unaware of (many) things.' They assumed that justice is the establishment of absolute equality between people, and so they held justice to be an absolute expression of equality. But this is not the case. Indeed this is a false and corrupt assumption. The truth is that justice is the establishment of equality between identical things (between which there is no considerable difference) and making distinctions between those things that are different (and this difference must be shown with proof). What similarity and equality is there between a Muslim and an infidel? Praised be God! God the Exalted said: 'Shall we then treat the people of faith like the people of sin? What is the matter with you? How judge ye?' (Koranic verses, Al-Qalam, 68:35-36). He also said: 'Or shall we treat those who believe and work deeds of righteousness, the same as those who do mischief on earth? Shall we treat those who guard against evil, the same as those who turn aside from the right?' (Koranic verse, Sad, 38:28). He also said: 'Is then the man who believes no better than the man who is rebellious and wicked? Not equal are they' (Koranic verse, Al-Sajdah, 32:18).

"There are many other things in this section that demonstrate the tolerance and virtue of Islam. For example, the amount of tribute tax to be paid is very modest. Around a dinar (or something of equal value) is taken yearly, depending on what (the infidel) can afford. Although the amount is small, (the tax) is not taken from women, children, or the poor.

"No objective person will find rulings more just and virtuous than these with regard to the treatment of the defeated and the subjects of a state who differ with it in religion. Those who study history know this. If a state is established on a religious foundation, no matter what that foundation is, one who looks can clearly see that the tolerance found in Islam and its Shari'ah is great and incomparable. If a state is founded not on religion but on non-belief and the elimination of religion, then that is a great evil. The irreligious Western regimes, though they rant about freedom and human rights (under their deceptive regimes and their religion called democracy), in fact oppress the people of the Islamic religion (the worship of God alone who is without equal and following His messenger, may the prayers and peace of God be upon him, and his message that nullifies all others). This is an ongoing persecution, be it at the official or popular levels (or both). It may come in 'legal' and illegal forms, and it relies on intimidation, terror, discrimination, disparagement, assault, and inflicting harm. This will not stop until they become Muslim or until those Muslims under their rule (God forbid) become infidels or adopt the path of sin and debauchery. Even then, they will not be safe. We ask God to grant us safety.

"If the infidels have a state and they triumph, their oppression and persecution (of Muslims) would be great, despite their claims. They play with their laws and principles as they see fit. Their slogans will have no effect, for they operate according to their whims and self-interests. All that they see becomes wretched. They have no fear of God and no true faith in Judgment Day. When the Muslims have a state and they triumph, on the other hand, Islam clearly and truthfully says to the infidels under their rule: you are afforded this sort of treatment, and you deserve this. This treatment is suitable, and you will find nothing better. The people of Islam fear God. Both openly and within themselves, they obey God. Praise be to God, Lord of all creation. This explains the meaning of realism as articulated by our scholars and writers. It is one of the traits of Islam, and it is right.

"11. The virtuous Shari'ah commanded that the people of the protection pact and the covenant are treated well, and it granted them (certain) rights. This is based on the respect and glorification of the pact of God and His messenger (may the prayers and peace of God be upon him). Al-Bukhari related from Abdallah Bin-Umar Bin-al-As (may God be pleased with them), who reported that the prophet (may the prayers and peace of God be upon him) said: 'Whoever has killed a person having a covenant with the Muslims shall not smell the fragrance of Paradise, though its fragrance is found for a span of forty years' (Hadith). It commanded that the people of the protection pact are shown kindness, treated well, and not given tasks they cannot bear. Umar (Bin-al-Khattab), the Commander of the Faithful, said: 'I enjoin my successor to treat the first emigrants (refers to the camp that emigrated with the Prophet Muhammad from Mecca to Medina) well, give them their due, and protect their esteem. I enjoin him to treat well the supporters (refers to the camp in Medina that received and supported Muhammad and his followers) who had homes (in Medina) and had adopted the faith, and to accept their good deeds and forgive their sins. By the protection pact of God and His messenger (may the prayers and peace of God be upon him), I command him to remain true to their covenant, fight behind them, and not charge them with tasks they cannot bear' (Hadith) (related by Al-Bukhari). The Exalted said of them: 'Allah forbids you not, with regard to those who fight you not for (your) faith nor drive you out of your homes, from dealing kindly and justly with them' (partial Koranic verse, Al-Mumtahinah, 60:8).

"12. One of the greatest purposes of Islam in this area is to guide mankind. The protected infidel is given a great opportunity to come to know Islam and see its merits, the glory of its propriety, and its loftiness. He can see in the correctness its rulings and jurisprudence that testifies to the fact they are from God. He can see its mercy, justice, kindness, rightness, pureness, and perfection. He can see the extent of its good effect on the individual and society. He can see that

it is all good, right, and a blessing. He will know (if he wishes to know) that it is the clear truth from God, Lord of all creation, and so he will become a Muslim. This is the meaning of what God said: 'Ye are the best of peoples, evolved for mankind' (partial Koranic verse, Al Imran, 3:110). Abu-Hurayrah (may God be pleased with him) said: '(You are) the best people for the people. You bring them in chains around their necks until they enter Islam' (Hadith). Abu-Hurayrah reported that the prophet (may the prayers and peace of God be upon him) said: 'God Almighty marvels at people who enter Paradise in chains' (Hadith) (both related by Al-Bukhari). The scholars say that this means that (the infidels) are captured and bound, and that they then become Muslims and so enter Paradise.

"13. Kindness toward infidel parents and infidel kinship: God the Exalted said: 'And we have enjoined on man (to be good) to his parents. In travail upon travail did his mother bear him, and in years twain was his weaning. (Hear the command:) Show gratitude to me and to thy parents. To me is (thy final) goal ' (Koranic verses, Luqman, 31:14-15).

"The Exalted said: 'It may be that Allah will grant love (and friendship) between you and those whom ye (now) hold as enemies. For Allah has power (over all things), and Allah is Oft-Forgiving, most Merciful. Allah forbids you not, with regard to those who fight you not for (your) faith nor drive you out of your homes, from dealing kindly and justly with them, for Allah loveth those who are just. Allah only forbids you, with regard to those who fight you for (your) faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong' (Koranic verses, Al-Mumtahinah, 60: 7-9).

"These are its meanings, clear and apparent. Those who wish to contemplate them and know the good, truth, and guidance can refer to the interpretations. Praise be to God, Lord of all creation.

"Ibn-al-Qayyim (may God have mercy on him) said of this verse from the Al-Mumtahinah chapter: 'When at the beginning of the chapter God Almighty forbade Muslims from taking infidels as friends and proscribed affinity between the two, some mistakenly assumed that treating them with kindness was the same as taking them as friends and having affinity for them. But God Almighty showed that this is not the same as the friendship He had forbidden, and that He had not proscribed this kindness. Indeed, this kindness pleases Him and He proscribed it in all things. What is forbidden is taking infidels as protectors and giving them friendship.'

"Asma Bint-Abu-Bakr (al-Siddiq) (may God be pleased with them) said: 'My mother, who is a polytheist under a covenant with the Quraysh (tribe), came to visit me, so I asked the messenger of God (may the prayers and peace of God be upon him) for a ruling. I said: O Messenger of God to visit me, and she desires to be close to me and give me gifts. Shall I greet her and treat her well? He said: Yes, greet your mother and treat her well.'

"These are some examples of the tolerance of the Islamic religion in the treatment of infidels. We ask God the Exalted, whose mercy encompasses all things, to grant us mercy.

"To be continued (God willing)."