Executive Summary

1- It is forbidden in Islam to issue *fatwa*s without all the necessary learning requirements. Even then *fatwa*s must follow Islamic legal theory as defined in the Classical texts. It is also forbidden to cite a portion of a verse from the Qur'an—or part of a verse—to derive a ruling without looking at everything that the Qur'an and *Hadith* teach related to that matter. In other words, there are strict subjective and objective prerequisites for *fatwas*, and one cannot 'cherry-pick' Qur'anic verses for legal arguments without considering the entire Qur'an and *Hadith*.

2- It is forbidden in Islam to issue legal rulings about anything without mastery of the Arabic language.

3- It is forbidden in Islam to oversimplify *Shari'ah* matters and ignore established Islamic sciences.

4- It is permissible in Islam [for scholars] to differ on any matter, except those fundamentals of religion that all Muslims must know.

5- It is forbidden in Islam to ignore the reality of contemporary times when deriving legal rulings.

6- It is forbidden in Islam to kill the innocent.

7- It is forbidden in Islam to kill emissaries, ambassadors, and diplomats; hence it is forbidden to kill journalists and aid workers.

8- Jihad in Islam is defensive war. It is not permissible without the right cause, the right purpose and without the right rules of conduct.

9- It is forbidden in Islam to declare people non-Muslim unless he (or she) openly declares disbelief.

10- It is forbidden in Islam to harm or mistreat—in any way—Christians or any 'People of the Scripture'.

11- It is obligatory to consider Yazidis as People of the Scripture.

12- The re-introduction of slavery is forbidden in Islam. It was abolished by universal consensus.

13- It is forbidden in Islam to force people to convert.

14- It is forbidden in Islam to deny women their rights.

15- It is forbidden in Islam to deny children their rights.

16- It is forbidden in Islam to enact legal punishments (*hudud*) without following the correct procedures that ensure justice and mercy.

17- It is forbidden in Islam to torture people.

18- It is forbidden in Islam to disfigure the dead.

19- It is forbidden in Islam to attribute evil acts to God ﷻ.

20- It is forbidden in Islam to destroy the graves and shrines of Prophets and Companions.

21- Armed insurrection is forbidden in Islam for any reason other than clear disbelief by the ruler and not allowing people to pray.

22- It is forbidden in Islam to declare a caliphate without consensus from all Muslims.

23- Loyalty to one's nation is permissible in Islam.

24- After the death of the Prophet ﷺ, Islam does not require anyone to emigrate anywhere.

In the Name of God, the Compassionate, the Merciful
Praise be to God, Lord of the Worlds,
Peace and Blessings be upon the Seal of the Prophets and Messengers

By the declining day, Lo! man is a state of loss, Save those who believe and do good works, and exhort one another to truth and exhort one another to endurance. **(***Al-'Asr*, 103: 1-3**)**

Open Letter

To Dr. Ibrahim Awwad Al-Badri, alias 'Abu Bakr Al-Baghdadi',

To the fighters and followers of the self-declared 'Islamic State',

Peace and the mercy of God be upon you.

During your sermon dated 6th of Ramadan 1435 AH (4th July 2014 CE), you said, paraphrasing Abu Bakr Al-Siddiq ﷺ: 'If you find what I say and do to be true, then assist me, and if you find what I say and do to be false, then advise me and set me straight.' In what follows is a scholarly opinion via the media. The Prophet ﷺ said: '*Religion is [rectifying] advice*[1].' Everything said here below relies completely upon the statements and actions of followers of the 'Islamic State' as they themselves have promulgated in social media—or upon Muslim eyewitness accounts—and not upon other media. Every effort has been made to avoid fabrications and misunderstandings. Moreover, everything said here consists of synopses written in a simple style that reflect the opinions of the overwhelming majority of Sunni scholars over the course of Islamic history.

In one of his speeches[2], Abu Muhammad Al-Adnani said: 'God bless Prophet Muhammad who was sent with the sword as a mercy to all worlds.'[3] This statement comprises compounded confusions and a mistaken paradigm. Yet it is often repeated by followers of the 'Islamic State'. Now God sent the Prophet Muhammad ﷺ as a mercy to all worlds: '***We did not send you, except as a mercy to all the worlds.***' (*Al-Anbiya'*, 22: 107). This is true for all time and place. The Prophet ﷺ was sent as mercy to people, animals, plants, to the heavens and to subtle beings—no Muslims disagree about this. It is a general and unconditional statement taken from the Qur'an itself. However, the phrase, 'sent with the sword' is part of a *Hadith* that is specific to a certain time and place which have since expired. Thus it is forbidden to mix the Qur'an and *Hadith* in this way, as it is forbidden to mix the general and specific, and the conditional and unconditional.

Moreover, God has prescribed mercy upon Himself: '***… Your Lord has prescribed for Himself mercy …***' (*Al-An'am*, 6:54). God also states that His mercy encompasses all things: '***… My mercy embraces all things …***' (*Al-A'raf*, 7:156). In an authentic *Hadith*, the Prophet ﷺ said: '*When God created Creation, He wrote in place above His throne, with Himself "Truly, My mercy is greater than My wrath*[4]."' Accordingly, it is forbidden to equate 'the sword'—and thus wrath and severity—with 'mercy'. Furthermore, it is forbidden to make the idea 'mercy to all worlds' subordinate to the phrase 'sent with the sword', because this would mean that mercy is dependent upon the sword, which is simply not true. Besides, how could 'a sword' affect realms where swords

[1] Narrated by Muslim in *Kitab al-Iman*, no. 55.
[2] Published by SawarimMedia on YouTube on April 3rd, 2014.
[3] Ibn Taymiyyah says in *Majmu' Al-Fatawa* (Vol. 28, p. 270), 'The Prophet ﷺ said, "*I was sent with the sword as a sign of the Final Hour so that none would be worshipped save God, alone, with no partner. My sustenance has been placed under the shadow of my spear. Lowliness and humiliation will come to those who disobey my teachings. Whosoever imitates people is one of them*." Ahmad narrates this *hadith* in his *Musnad* [Vol. 2, p.50] on the authority of Ibn Umar, and Bukhari cites it.' However, the *Hadith* has a weak chain of narrators.
[4] Narrated by Bukhari in *Kitab al-Tawhid*, no. 7422, and by Muslim in *Kitab al-Tawbah*, no. 2751.

have no effect, such as the heavens, subtle beings and plants? The Prophet Muhammad's ﷺ being a mercy to all the worlds cannot possibly be conditional upon his having taken up the sword (at one point in time, for a particular reason and in a particular context). This point is not merely academic. Rather, it reveals the essence of much of what is to follow since it erroneously equates the sword and Divine mercy.

1. **Legal theory (*usul al-fiqh*) and Qur'anic exegesis**: With regards to Qur'anic exegesis, and the understanding of *Hadith*, and issue in legal theory in general, the methodology set forth by God in the Qur'an and the Prophet ﷺ in the *Hadith* is as follows: to consider everything that has been revealed relating to a particular question in its entirety, without depending on only parts of it, and then to judge—if one is qualified—based on all available scriptural sources. God ﷻ says: '***… What, do you believe in part of the Book, and disbelieve in part? ...***' (*Al-Baqarah*, 2:85); '***… they pervert words from their contexts; and they have forgotten a portion of what they were reminded of…***' (*Al-Ma'idah*, 5:13); '***… those who have reduced the Recitation, to parts***' (*Al-Hijr*, 15:91). Once all relevant scriptural passages have been gathered, the 'general' has to be distinguished from the 'specific', and the 'conditional' from the 'unconditional'. Also, the 'unequivocal' passages have to be distinguished from the allegorical ones. Moreover, the reasons and circumstances for revelation (*asbab al-nuzul*) for all the passages and verses, in addition to all the other hermeneutical conditions that the classical imams have specified, must be understood. Therefore, it is not permissible to quote a verse, or part of a verse, without thoroughly considering and comprehending *everything* that the Qur'an and *Hadith* relate about that point. The reason behind this is that everything in the Qur'an is the Truth, and everything in authentic *Hadith* is Divinely inspired, so it is not permissible to ignore any part of it. Indeed it is imperative to reconcile all texts, as much as possible, or that there be a clear reason why one text should outweigh another. This is what Imam Shafi'i explains in his *Al-Risalah*, with a universal consensus among all *usul* scholars. Imam al-Haramayn, Al-Juwayni, says in *Al-Burhan fi Usul Al-Fiqh*:

> Regarding the qualities of a mufti and the disciplines that he must master: … it is imperative that the mufti must be a scholar of language, for the *Shari'ah* is [in] Arabic. … it is imperative that he be a scholar of syntax and parsing … it is imperative that he be a scholar of the Qur'an, for the Qur'an is the basis of all rulings … Knowledge of textual abrogation is indispensable; and the science of the fundamentals of jurisprudence (*usul*) is the cornerstone of the whole subject … He should also know the various degrees of proofs and arguments … as well as their histories. [He should also know] the science of Hadith so that he can distinguish the authentic from the weak; and the acceptable from the apocryphal … [He should also know] jurisprudence.… Moreover, having 'legal intuition' (*fiqh al-nafs*) is needed: it is the capital of anyone who derives legal rulings … scholars have summarized all this by saying that a mufti is 'someone who independently knows all the texts and arguments for legal rulings'. 'Texts' refers to mastering language, Qura'nic exegesis and Hadith; while 'arguments' indicates mastering legal theory, analogical reasoning of the various kinds, as well as 'legal intuition' (*fiqh al-nafs*).

Al-Ghazali has said similar things in *Al-Mustasfa* (Vol. 1, p.342), as did Al-Suyuti in *Al-Itqan fi Ulum Al-Qur'an* (Vol. 4, p.213).

2. Language: As mentioned above, one of the most important pillars of legal theory is the mastery of the Arabic Language. This means mastering Arabic grammar, syntax, morphology, rhetoric, poetry, etymology and Qur'anic exegesis. Without mastery of these disciplines, error will be likely, indeed inevitable. Your declaration of what you have termed 'the Caliphate' was under the title 'This is God's Promise'. The person who phrased this declaration intended to allude to the verse: '***God has promised those of you who believe and perform righteous deeds that He will surely make them successors in the earth, just as He made those who were before them successors, and He will surely establish for them their religion which He has approved for them, and that He will***

give them in exchange after their fear security. "They worship Me, without associating anything with Me". And whoever is ungrateful after that, those, they are the immoral.' (*Al-Nur*, 24: 55). But it is not permissible to invoke a specific verse from the Qur'an as applying to an event that has occurred 1400 years after the verse was revealed. How can Abu Muhammad Al-Adnani say that 'God's promise' is this so-called Caliphate? Even if it were supposed that his claim is correct, he should have said: 'this is *of* God's promise'. Moreover, there is another linguistic error; wherein he has appropriated the word '*istikhlaf*' (succession) to refer to the so-called caliphate. Proof that this is not the correct usage of the word can be seen in the following verse: '***He said, "Perhaps your Lord will destroy your enemy and make you successors (yastakhlifakum) in the land, that He may observe how you shall act".***' (*Al-A'raf*, 7:129). Succession (*istikhlaf*) means that they have settled on the land in place of another people. It does not mean that they are the rulers of a particular political system. According to Ibn Taymiyyah, there is no tautology in the Qur'an[5]. There is a difference between '*khilafah*' and '*istikhlaf*'. Al-Tabari says in his exegesis (*tafsir*) of the Qur'an: '***make you successors*** (*yastakhlifakum*): Meaning He will make you succeed them in their land after their destruction; do not fear them or any other people.[6]' This proves that the meaning of '*istikhlaf*' here is not rulership but, rather, dwelling on their land.

3. Oversimplification: It is not permissible to constantly speak of 'simplifying matters', or to cherry-pick an extract from the Qur'an without understanding it within its full context. It is also not permissible to say: 'Islam is simple, and the Prophet ﷺ and his noble Companions were simple, why complicate Islam?' This is precisely what Abu Al-Baraa' Al-Hindi did in his online video in July 2014. In it he says: 'Open the Qur'an and read the verses on jihad and everything will become clear ... all the scholars tell me: "This is a legal obligation (*fard*), or that isn't a legal obligation, and this is not the time for jihad" ... forget everyone and read the Qur'an and you will know what jihad is."' People need to understand that the Prophet ﷺ and his noble Companions made do with as little material means as possible, without complicated technology, but they were greater than all of us in understanding, jurisprudence and intellect, and yet only a small number of Companions were qualified to issue fatwas. God ﷻ says in the Qur'an: '***... Say: "Are those who know equal with those who do not know?"...***' (*Al-Zumar*, 39: 9). God ﷻ also says: '***... Ask the People of the Remembrance if you do not know.***' (*Al-Anbiya'*, 21: 7); and: '***... If they had referred it to the Messenger and to those in authority among them; those among them who are able to think it out, would have known it from them ...***' (*Al-Nisa'*, 4: 83). Thus, jurisprudence is no simple matter, and not just anyone can speak authoritatively on it or issue fatwas (religious edicts). God ﷻ says in the Qur'an: '***... But only people of cores remember.***' (*Al-Ra'd*, 13:19). And the Prophet Muhammad ﷺ said: '*Whoever speaks about the Qur'an without knowledge should await his seat in the Fire*[7].' It is also high time to stop blithely saying that 'they are men, and we are men'; those who say this do not have the same understanding and discernment as the noble Companions and the imams of the Pious Forebears (*al-Salaf al-Saleh*) to whom they are referring.

4. Difference of Opinion: In regards to difference of opinion, there are two kinds: blameworthy and praiseworthy. Regarding blameworthy difference of opinion, God ﷻ says in the Qur'an: '***And those who were given the Scripture did not become divided, except after the clear proof had come to them.***' (*Al-Bayyinah*, 98: 4). As for praiseworthy difference of opinion, God ﷻ says: '***... then God guided those who believed to the truth, regarding which they were at variance, by His leave ...***' (*Al-Baqarah*, 2: 213). This is the opinion expressed by Al-Imam Al-Shafi'i in *Al-Risalah*, the other three imams and all the scholars for over a thousand years.

When there is a difference of opinion among eminent scholars, the more merciful, i.e. the best, opinion should be chosen. Severity should be avoided, as should the idea that severity is the

[5] Ibn Taymiyyah says in *Majmu' Al-Fatawa* (Vol. 13, p. 341), 'Tautology in [the Arabic] language is rare and in the Qur'an, it is even rarer or nonexistent.' Al-Raghib Al-Asfahani says in *Mufradat Al-Qur'an* (p. 55), 'This book is followed … by a book that informs the use of synonyms and their subtle differences. By doing so, the uniqueness of every expression is distinguishable from its synonyms.'

[6] *Tafsir Al-Tabari* (Vol. 9, p. 28).

[7] Narrated by Al-Tirmidhi in *Tafsir Al-Qur'an*, no. 2950.

measure of piety. God ﷻ says: '***And follow the best of what has been revealed to you from your Lord ...***' (*Al-Zumar*, 39: 55); and: '***Indulge [people] with forgiveness, and enjoin kindness, and turn away from the ignorant.***' (*Al-A'raf*, 7: 199). God ﷻ also says: ***'[Those] who listen to the words [of God] and follow the best [sense] of it. Those, they are the ones whom God has guided; and those, they are the people of pith.***' (*Al-Zumar*, 39: 18). In an authentic *Hadith*, it is related that the Lady Aisha said: 'Whenever faced by more than once choice, the Prophet ﷺ always chose the easiest one[8].'

The more severe opinion should not be considered more pious, religious or sincere to God ﷻ. Indeed, in severity there is exaggeration and extremism; God ﷻ says in the Qur'an: '***... God desires ease for you, and desires not hardship for you ...***' (*Al-Baqarah*, 2: 185). Moreover, the Prophet ﷺ said: '*Do not be severe with yourselves lest God be severe towards you. A people were severe with themselves and then God was severe towards them*[9] .' There is delusion and vanity in severity, because severe people naturally say to themselves: 'I am severe. Anyone less severe than me is deficient'; and thus: 'I am superior to them.' Herein lies an inherent attribution of ill-intention to God ﷻ, as if God ﷻ revealed the Qur'an to make people miserable. God says: '***Tā hā. We have not revealed the Qur'an to you that you should be miserable***'. (*Ta Ha*, 20: 1-2).

It is worth noting that most of the people who became Muslims throughout history, did so through gentle invitation (*da'wah hasanah*). God ﷻ says: '***Call to the way of your Lord with wisdom and fair exhortation, and dispute with them by way of that which is best. Truly your Lord knows best those who stray from His way and He knows best those who are guided.***' (*Al-Nahl*, 16: 125). The Prophet ﷺ said: '*Be gentle, and beware of violence and foul language*[10].'And while Islam spread politically from Central Asia (Khurasan) to North Africa due to Islamic conquests, the majority of the inhabitants of these lands remained Christian for hundreds of years until some of them gradually accepted Islam through gentle invitation, and not through severity and coercion. Indeed large countries and entire provinces became Muslim without conquest but through invitation (*da'wah*), such as: Indonesia; Malaysia; West and East Africa, and others. Hence, severity is neither a measure of piety nor a choice for the spread of Islam.

5. Practical Jurisprudence (*fiqh al-waq'i*): What is meant by 'practical jurisprudence' is the process of applying *Shari'ah* rulings and dealing with them according to the realities and circumstances that people are living under. This is achieved by having an insight into the realities under which people are living and identifying their problems, struggles, capabilities and what they are subjected to. Practical jurisprudence (*fiqh al-waq'i*) considers the texts that are applicable to peoples realities at a particular time, and the obligations that can be postponed until they are able to be met or delayed based on their capabilities. Imam Ghazali said: 'As for practicalities that dictate necessities, it is not far-fetched that independent reasoning (*ijtihad*) may lead to them [practicalities], even if there is no specific origin for them[11].' Ibn Qayyim Al-Jawziyyah said: 'Indeed, [a jurist] must understand people's propensity for plotting, deception and fraud, in addition to their customs and traditions. Religious edicts (*fatwas*) change with the change of time, place, customs and circumstances, and all of this is from the religion of God, as already elucidated.[12]'

6. The Killing of Innocents: God ﷻ says in the Qur'an: '***And do not slay the soul [whose life] God has made inviolable, except with due cause ...***' (*Al-Isra'*, 17: 33); and '***Say: "Come, I will recite that which your Lord has made a sacred duty for you: that you associate nothing with Him, that you be dutiful to parents, and that you do not slay your children, because of poverty - We will provide for you and them - and that you do not draw near any acts of lewdness, whether it be manifest or concealed, and that you do not slay the life which God has made sacred, except rightfully. This is what He has charged you with that perhaps you will understand."***' (*Al-An'am*, 6: 151). The slaying of a soul—any soul—is *haraam* (forbidden and inviolable under Islamic Law),

[8] Narrated by Bukhari in *Kitab al-Hudud*, no. 6786, and by Muslim in *Kitab al-Fada'il*, no. 2327.
[9] Narrated by Abu Dawood in *Kitab Al-Adab*, no. 4904.
[10] Narrated by Al-Bukhari in *Kitab al-Adab*, no. 6030.
[11] Al-Ghazali, *Al-Mustasfa fi Usul Al-Fiqh*, (Vol. 1, p. 420).
[12] Ibn Qayyim Al-Jawziyyah, *I'lam Al-Muqi'een 'an Rabbil-'Alamin*, (Vol. 4, p. 157).

it is also one of the most abominable sins (*mubiqat*). God ﷻ says in the Qur'an: '***Because of that, We decreed for the Children of Israel that whoever slays a soul for other than a soul, or for corruption in the land, it shall be as if he had slain mankind altogether; and whoever saves the life of one, it shall be as if he had saved the life of all mankind. Our messengers have already come to them with clear proofs, but after that many of them still commit excesses in the land.***' (*Al-Ma'idah*, 5: 32). You have killed many innocents who were neither combatants nor armed, just because they disagree with your opinions[13].

7. Killing Emissaries: It is known that all religions forbid the killing of emissaries. What is meant by emissaries here are people who are sent from one group of people to another to perform a noble task such as reconciliation or the delivery of a message. Emissaries have a special inviolability. Ibn Masoud said: 'The *Sunnah* continues that emissaries are never killed[14].' Journalists—if they are honest and of course are not spies—are emissaries of truth, because their job is to expose the truth to people in general. You have mercilessly killed the journalists James Foley and Steven Sotloff, even after Sotloff's mother pleaded with you and begged for mercy. Aid workers are also emissaries of mercy and kindness, yet you killed the aid worker David Haines. What you have done is unquestionably forbidden (*haraam*).

8. Jihad: All Muslims see the great virtue in jihad. God ﷻ says: '***O you who believe, what is wrong with you that, when it is said to you, "Go forth in the way of God', you sink down heavily to the ground"***' (*Al-Tawbah*, 9: 38); and: '***And fight in the way of God with those who fight against you, but aggress not; God loves not the aggressors.***' (*Al-Baqarah*, 2: 190); and many other verses. Imam Shafi'i, the other three imams, and indeed all the scholars see that jihad is a communal obligation (*fard kifayah*) and not an individual obligation (*fard ayn*) because God ﷻ says: '***yet to each God has promised the goodly reward, and God has preferred those who struggle over the ones who sit at home with a great reward***' (*Al-Nisa'*, 4: 95). The word 'jihad' is an Islamic term that cannot be applied to armed conflict against any other Muslim; this much is a firmly established principle. Furthermore, all scholars agree that jihad is conditional upon the consent of one's parents. The proof for this is that a man came to the Prophet ﷺ asking him to permit him to perform jihad, upon which the Prophet ﷺ asked him: '*Are your parents alive?*' to which he replied: 'Yes.' And the Prophet ﷺ told him: '*Then perform jihad (struggle) through [serving] them.* [15]' Moreover, there are two kinds of jihad in Islam: the greater jihad, which is the jihad (struggle) against one's ego; and the lesser jihad, the jihad (struggle) against the enemy. In regards to the greater jihad, the Prophet ﷺ said: '*We have returned from the greater jihad to the lesser jihad*[16].' If you say that this *Hadith* is weak or apocryphal, the answer is that evidence for this concept is in the Qur'an itself: '***So do not obey the disbelievers, but struggle against them therewith with a great endeavour*** **[**lit. a great jihad**]**.' (*Al-Furqan*, 25:52). 'Therewith' in this verse refers to the Qur'an, which is '***a healing for what is in the breasts***' (*Yunus*, 10: 57). This is clearly understood from the *Hadith* in which the Prophet ﷺ said: "'*Shall I tell you about the best of all deeds, the best act of piety in the eyes of your Lord which will elevate your status in the Hereafter and is better for you than spending gold and paper and better than going up in arms against your enemy and striking their necks and their striking your necks?*' They said: "Yes." The Prophet ﷺ said: *"Remembrance of God.*[17]*"*" Thus, the greater jihad is the jihad against the ego and its weapon is remembrance of God and purification of the soul. Furthermore, God ﷻ has clarified the relationship between the two kinds of jihad in another verse: '***O you who believe, when you meet a host, then stand firm and remember God much, that you may succeed.***' (*Al-Anfal*, 8: 45). Thus, standing firm is the lesser jihad and is

[13] The Prophet ﷺ did not kill the hypocrites who disagreed with him, nor did he permit that they be killed. Indeed the Prophet ﷺ said: '*So that people do not say that Muhammad killed his companions*.' Narrated by Bukhari in *Kitab Tafsir al-Qur'an*, no. 4907, and by Muslim in *Kitab al-Birr wal-Silah*, no. 2584.
[14] Narrated by Imam Ahmad in his *Musnad*, (Vol. 6, p. 306).
[15] Narrated by Al-Bukhari in *Kitab al-Jihad*, no. 3004.
[16] Narrated by Al-Bayhaqi in *Kitab al-Zuhd*, (Vol. 2, p. 165), and by Al-Khatib Al-Baghdadi in *Tarikh Baghdad*, (Vol. 3, p. 523).
[17] Narrated by Imam Malik in *Al-Muwatta'*; *Kitab al-Nida' Lissalah*, no. 490, also narrated by Al-Tirmidhi in *Kitab al-Da'awat*, and by Ibn Majah in *Kitab al-Adab*, no. 3790, and corrected by Al-Hakim in *Al-Mustadrak* (Vol. 1, p. 673).

dependent on the greater jihad which is the jihad against the ego through the remembrance of God and purification of the soul. In any case, jihad is a means to peace, safety and security, and not an end in itself. This is clear from God's words: '***Fight them till there is no sedition, and the religion is for God; then if they desist, there shall be no enmity, save against evildoers.***' (*Al-Baqarah*, 2: 193). In your speech of July 4th, 2014, you said: 'There is no life without jihad'. Perhaps this was based on Al-Qurtubi's exegesis of the verse: '***O you who believe, respond to God and the Messenger, when He calls you to that which will give you life …***' (*Al-Anfal*, 8: 24). True jihad enlivens the heart. However, there can be life without jihad, because Muslims may face circumstances where combat is not called for, or where jihad is not required, and Islamic history is replete with examples of this.

In truth, it is clear that you and your fighters are fearless and are ready to sacrifice in your intent for jihad. No truthful person following events—friend or foe—can deny this. However, jihad without legitimate cause, legitimate goals, legitimate purpose, legitimate methodology and legitimate intention is not jihad at all, but rather, warmongering and criminality.

a. **The Intention Behind Jihad:** God ﷻ says: '***and that man shall have only what he [himself] strives for***' (*Al-Najm*, 53: 39). Prophetic Tradition relates that on the authority of Abu Musa Al-Ash'ari, a man came to the Prophet ﷺ and said: 'A man may fight out of zeal, out of bravery or out of pride. Which of these is in the path of God?' The Prophet ﷺ replied: '*Whoever fights for the Word of God to be supreme is in the path of God*[18].' The Prophet ﷺ also said: '*The first to be judged on the Day of Resurrection is the man who died as a martyr. He will be brought forth and [God] will make His favours known to him, which he will recognize. He will be asked: "What did you do with them?" to which the man will reply: "I fought for your sake until I was killed." He [i.e. God] will say: "You have lied. You fought so that it would be said that you are bold, and so it was said." He will then be ordered to be dragged on his face and flung into the Fire …*[19]'.

b. **The Reason behind Jihad:** The reason behind jihad for Muslims is to fight those who fight them, not to fight anyone who does not fight them, nor to transgress against anyone who has not transgressed against them. God's words in permitting jihad are: '***Permission is granted to those who fight because they have been wronged. And God is truly able to help them; those who were expelled from their homes without right, only because they said: "Our Lord is God". Were it not for God's causing some people to drive back others, destruction would have befallen the monasteries, and churches, and synagogues, and mosques in which God's Name is mentioned greatly. Assuredly God will help those who help Him. God is truly Strong, Mighty.***' (*Al-Hajj*, 22: 39-40). Thus, jihad is tied to safety, freedom of religion, having been wronged, and eviction from one's land. These two verses were revealed after the Prophet ﷺ and his companions suffered torture, murder, and persecution for thirteen years at the hands of the idolaters. Hence, there is no such thing as offensive, aggressive jihad just because people have different religions or opinions. This is the position of Abu Hanifa, the Imams Malik and Ahmad and all other scholars including Ibn Taymiyyah, with the exception of some scholars of the Shafi'i school[20].

c. **The Goal of Jihad:** Scholars are in agreement regarding the goal of jihad, because God ﷻ says: '***Fight them till there is no sedition, and the religion is for God; then if they desist, there shall be no enmity, save against evildoers.***' (*Al-Baqarah*, 2: 193). The Prophet ﷺ further said: '*I have been ordered to fight people until they say: "There is no god but God", so whoever says: "There is no god but God" is safe in himself and his wealth except as permitted by law, and his reckoning is with God*[21].' This is the goal of jihad *once war has been waged on Muslims*. These texts specify what victory looks like in the case that Muslims are victorious, and that the *reason* for jihad must not be confused with the *goal* of jihad; all scholars are in agreement on this matter. The *Hadith* above refers to an event that has already taken place and is conditional upon God's words: '***It is He Who***

[18] Narrated by Al-Bukhari in *Kitab al-Tawhid*, no. 7458, and by Muslim in *Kitab al-Imarah*, no. 1904.
[19] Narrated by Muslim in *Kitab Al-Imarah*, no. 1905.
[20] Cf. Wahbi Al-Zuhayli's *Ahkam al-Harb fil-Islam*.
[21] Narrated by Al-Bukhari in *Kitab al-Jihad*, no. 2946.

has sent His Messenger with guidance and the religion of truth, that He may make it prevail over all religion. And God suffices as witness.' (*Al-Fath*, 48: 28). It took place in the Arabian Peninsula at the time of the Prophet ﷺ, for God ﷻ says: '***... and that you may warn the Mother of Towns [Um al-Qura] and those around it ...***' (*Al-An'am*, 6: 92); and: '***O you who believe, fight those of the disbelievers who are near to you ...***' (*Al-Tawbah*, 9: 123). The Prophet ﷺ also said: '*Evict the idolaters from the Arabian Peninsula.*[22]' How could this not have come to pass when God ﷻ promises the Prophet ﷺ: '***It is He Who has sent His Messenger with the guidance and the religion of truth, that He may make it prevail over all [other] religions, though the disbelievers be averse.***' (*Al-Saff*, 61: 9). What is meant here must be the Arabian Peninsula since this is what happened during the life of the Prophet ﷺ. In any case, if the commanders of jihad see that it is in the best interest of Muslims, it is permissible for them to cease combat, even if this goal has not been achieved, because God ﷻ says: '***... then if they desist, there shall be no enmity, save against evildoers.***' (*Al-Baqarah*, 2: 193). The circumstances and events of *Sulh al-Hudaybiyah* are proof of this.

d. **The Rules of Conduct of Jihad:** The rules of conduct of jihad are summarized in the words of the Prophet Muhammad ﷺ: '*Wage war but do not be severe, do not be treacherous, do not mutilate or kill children ...*[23].' The Prophet ﷺ also said on the day of the Conquest of Mecca: '*Those retreating are not to be killed, nor are the injured to be harmed, and whoever shuts his door is safe*[24].' Similarly, when Abu Bakr Al-Siddiq ﷺ prepared an army and sent it to the Levant, he said: 'You will find people who have devoted themselves to monasteries, leave them to their devotions. You will also find others whose heads are seats for devils (i.e. armed deacons[25]), so strike their necks. However, do not kill the old and decrepit, women or children; do not destroy buildings; do not cut down trees or harm livestock without good cause; do not burn or drown palms; do not be treacherous; do not mutilate; do not be cowardly; and do not loot. And truly God will support those who support Him and His Messengers while not seeing Him. Truly, God is Strong, Mighty[26].'

As for killing prisoners, it is forbidden in Islamic Law. Yet you have killed many prisoners including the 1700 captives at Camp Speicher in Tikrit in June, 2014; the 200 captives at the Sha'er gas field in July, 2014; the 700 captives of the Sha'etat tribe in Deir el-Zor (600 of whom were unarmed civilians); the 250 captives at the Tabqah air base in Al-Raqqah in August, 2014; Kurdish and Lebanese soldiers, and many untold others whom God knows. These are heinous war crimes.

If you claim that the Prophet ﷺ killed some captives in some battles, then the answer is that he only ordered that two captives be killed at the Battle of Badr: Uqbah ibn Abi Mu'ayt and Nadr ibn Al-Harith. They were leaders of war and war criminals, and the execution of war criminals is permissible if the ruler orders it. This is also what Saladin did upon conquering Jerusalem, and what the Allies did during the Nuremberg trials after World War II. As for the tens of thousands of captives that fell under the jurisdiction of the Prophet ﷺ over a span of ten years and 29 battles, he did not execute a single regular soldier; rather, he entrusted that they be treated with kindness[27]. The Divine Decree regarding captives and prisoners of war is in God's ﷻ words: '***…Thereafter either [set them free] by grace or by ransom …***' (*Muhammad*, 47: 4). God ﷻ commanded that captives and prisoners of war be treated with dignity and respect: '***And they give food, despite [their] love of it to the needy, and the orphan, and the prisoner.***' (*Al-Insan*, 76: 8). Indeed, the true *Sunnah* of the Prophet ﷺ regarding captives is pardon and amnesty, as was demonstrated during the Conquest of Mecca when the Prophet ﷺ said: '*I say as my brother Joseph said: "There shall be no reproach on you this day". Go, for you are free!*[28]'

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[22] Narrated by *Bukhari* in his *Sahih*, *Kitab al-Jihad*, no. 3053, and by Muslim in *Kitab al-Wasiyyah*, no.1637.
[23] Narrated by Muslim in *Kitab al-Jihad*, no. 1731, and by Al-Tirmidhi in *Kitab al-Diyyat*, no. 1408.
[24] Narrated by *Ibn Abi Shayba* in *Al-Musannaf* (Vol. 6, p. 498).
[25] The deacons were armed, combatant priests.
[26] Narrated by Al-Bayhaqi in *Al-Sunan Al-Kubra*, (Vol. 9, p. 90), and by Al-Marwazi in *Musnad Abi Bakr*, no. 21.
[27] Narrated by Ibn Abdullah in *Al-Isti'ab* (Vol. 2, p. 812), and by Al-Qurtubi in his *Tafsir* (Vol. 19, p. 129): 'Qatada said: "God ordered that prisoners be treated well."'
[28] Narrated by Al-Bayhaqi in *Al-Sunan Al-Kubra*, (Vol. 9, p. 118); Cf *Fayd Al-Qadeer Sharh al-Jami' al-Sagheer*, (Vol. 5, p. 171).

Finally, one of the most important principles when it comes to the manner of jihad is that only combatants may be killed; their families and non-combatants may not be killed intentionally. If you ask about the instance when the Prophet ﷺ was asked about bystanders and women being killed with idolaters and he said: '*They are from them*[29]', this *Hadith* refers to the killing of innocents by accident and in no way indicates that the intentional killing of innocents—such as in bombings—is permitted. As for God's ﷻ words: '***… and be harsh with them …***' (*Al-Tawbah*, 9: 73); and: '***… and let them find harshness in you …***' (*Al-Tawbah*, 9: 123), this is during war, not after it.

9. Declaring People Non-Muslim (*takfir*): Some misunderstandings about *takfir* are a result of the exaggeration of some Salafi scholars in matters of *takfir* (declaring people non-Muslim), and in their exceeding of what Ibn Taymiyyah and Ibn Al-Qayyim have said in many important aspects. In brief, *takfir* can be summarised correctly as follows:

a. Quintessentially in Islam, anyone who says: 'There is no god but God; Muhammad is the Messenger of God' is a Muslim and cannot be declared a non-Muslim. God ﷻ says: '***O you who believe, when you are going forth in the way of God, be discriminating and do not say to him who offers you peace: 'You are not a believer, desiring the transient goods of the life of this world. With God are plenteous spoils. So you were formerly, but God has been gracious to you. So be discriminating. Surely God is ever Aware of what you do.***' (*Al-Nisa'*, 4: 94). The meaning of ***'be discriminating***' in the above verse is to ask them: 'Are you Muslims?' The answer is to be taken at face-value without questioning or testing their faith**.** Moreover, the Prophet Muhammad ﷺ said: *'Woe to you! Look! After I die, do no return to being non-believers, striking each other's necks*[30]*.*' The Prophet ﷺ also said: '*... so whoever says: "There is no god but God" saves himself and his wealth except as permitted by law, and his reckoning is with God.*[31]' Ibn Omar and the Lady Aisha also said: 'Declaring the people of the *Qiblah* as non-Muslim is not permissible[32].'

b. This issue is of the utmost importance because it is used to justify the spilling of Muslim blood, violating their sanctity, and usurping their wealth and rights. God ﷻ says: '***And whoever slays a believer deliberately, his requital is Hell, abiding therein, and God is wroth with him and has cursed him, and has prepared for him a mighty chastisement.***' (*Al-Nisa'*, 4: 93). Moreover, the Prophet ﷺ said: '*Whoever says to his brother "O disbeliever", it will certainly be true of one of them*[33].' God ﷻ has warned, in the strongest terms, against killing anyone who verbally declares his Islam: '***… And so if they stay away from you and do not fight you, and offer you peace, then God does not allow you any way against them.***' (*Al-Nisa'*, 4: 90). The Prophet ﷺ warned against accusing people of polytheism and of taking up the sword against them; he said: '*The person I fear for you the most is the man who has read the Qur'an ... cast it off and thrown it behind him, and taken up the sword against his neighbour and accused him of polytheism*[34].'

It is not permissible to kill any Muslim, (nor indeed any human being), who is unarmed and a non-combatant. Usamah Ibn Zayd narrated that, after he killed a man who had said: 'There is no god but God', 'the Prophet ﷺ asked: "*He said: 'There is no god but God' and you killed him?!*" I replied: "O Messenger of God, he only said it out of fear of [our] arms." He said: "*Did you see inside his heart to know whether or not he meant it?*[35]"'

Recently, Shaker Wahib—who was affiliated with what was known at the time as the Islamic State in Iraq and the Levant (ISIL)—appeared in a YouTube video where he stopped unarmed civilians who said they were Muslims. He then proceeded to ask them the number of

[29] Narrated by Muslim in *Kitab al-Jihad*, no. 1745.
[30] Narrated by Al-Bukhari in *Kitab al-Maghazi*, no. 4403, and by Muslim in *Kitab al*-Iman, no. 66.
[31] Narrated by Al-Bukhari in *Kitab al-Jihad*, no. 2946.
[32] As related in Al-Hafiz Al-Haythami's *Majma' Al-Zawa'id*, (Vol. 1, p. 106).
[33] Narrated by Al-Bukhari in *Kitab al-Adab*, no. 6104.
[34] Narrated by Ibn Habban in his *Sahih*, (Vol. 1, p. 282).
[35] Narrated by Muslim in *Kitab al-Iman*, no. 96. Another narration reads: '"*Did you kill him after he said: 'There is no god but God'*. I said: "He was trying to save himself". [The Prophet] kept repeating his words ...'. Narrated by Al-Bukhari in *Kitab al-Maghazi*, no. 4369.

prostrations (*rak'ahs*) in specific prayers. When they answered incorrectly, he killed them[36]. This is absolutely forbidden under Islamic Law and is a heinous crime.

c. Peoples' deeds are tied to the intent behind those deeds. The Prophet ﷺ said: '*Actions are but by intention, and every person will have what they intended …*[37].' Furthermore, God ﷻ says: '***When the hypocrites come to you they say: 'We bear witness that you are indeed the Messenger of God'. And God knows that you are indeed His Messenger, and God bears witness that the hypocrites truly are liars.***' (*Al-Munafiqun*, 63: 1). God ﷻ thus describes the words of the hypocrites regarding the Prophet's message—an indisputable fact—as lies, because their intention when saying it was to lie even though it is true in itself. It is a lie because they uttered with their tongues a truth that God ﷻ knows their hearts reject. This means that disbelief requires the intention of disbelief, and not just absentminded words or deeds. It is not permissible to accuse anyone of disbelief without proof of the intention of disbelief. Nor is it permissible to accuse anyone of being a non-Muslim without ascertaining that intention. It is, after all, possible that the person was coerced, ignorant, insane or did not mean it. It is also possible that he misunderstood a particular issue. God ﷻ says: '***Whoever disbelieves in God after [having affirmed] his faith—except for him who is compelled, while his heart is at rest in faith—but he who opens up his breast to unbelief, upon such shall be wrath from God, and there is a great chastisement for them.***' (*Al-Nahl*, 16: 106).

It is forbidden to interpret the implications of a person's deeds; only the person himself or herself may interpret their own deeds—particularly when there is a difference of opinion among Muslims regarding that particular deed. It is also forbidden to declare others non-Muslim (*takfir*) based on any matter in which there is a difference of opinion among Muslim scholars. It is forbidden to declare an entire group of people non-Muslim. Disbelief applies only to individuals depending on their deeds and intentions. God ﷻ says: '***No laden soul will bear another's load.***' (*Al-Zumar*, 39: 7). Finally, it is forbidden to declare people who do not doubt the disbelief of others, or refuse to declare them non-Muslim, as non-Muslim.

The reason this point has been discussed in such detail is because you distributed the books of Muhammad bin Abdel-Wahhab as soon as you reached Mosul and Aleppo. In any case, scholars—including Ibn Taymiyyah and Ibn Al-Qayyim Al-Jawziyyah—distinguish between the actions of a disbeliever (*kafir*) and declaring people non-Muslim (*takfir*). Even if a person performs a deed that has elements of disbelief, this does not necessitate that that person be judged as a disbeliever for the reasons presented earlier. Al-Dhahabi[38] related that his teacher, Ibn Taymiyyah, used to say near the end of his life: 'I do not declare any member of the *ummah* non-Muslim ... The Prophet ﷺ said: "*Anyone who maintains his ablution is a believer*", so whoever observes the prescribed prayers with ablution is a Muslim.'

This is a crucial point; the Prophet ﷺ said: '*Subtle shirk [i.e. associating partners with God] is when a man stands to pray and embellishes his prayer for an onlooker*[39].' He thereby described ostentation in prayer as 'subtle *shirk*', which is minor *shirk*. This minor *shirk*, which some worshippers fall into, is not considered major *shirk* and cannot lead to *takfir* or to being cast out of the fold of Islam. For other than prophets and messengers, everyone else worships God ﷻ according to their capacity, and not as God ﷻ deserves. God ﷻ says: '***They measured not God with His true measure …***' (*Al-An'am*, 6: 91); and: '***And they will question you concerning the Spirit. Say: "The Spirit is of the command of my Lord. And of knowledge you have not been given except a little".***' (*Al-Isra'*, 17: 85). Nevertheless, God ﷻ accepts such worship. And people are not able to conceive of God ﷻ, because: '***…There is nothing like Him ...***' (*Al-Shura*, 42: 11); and: '***Vision cannot attain Him, but He attains [all] vision ...***' (*Al-An'am*, 6:103). Nothing is known of Him ﷻ except for what He has revealed through revelation (*al-wahy*) or He imparted to the Prophet Muhammad ﷺ: '***… He casts the Spirit of His command upon whomever He will of His servants …***' (*Ghafir*, 40: 15). So how can anyone take up a sword against others just because

[36] YouTube video, http://www.youtube.com/watch?v=9yrVPE_-f9I , June, 2014.
[37] Narrated by Al-Bukhari in *Kitab Bad' al-Wahy*, no. 1; also narrated by Muslim in *Kitab al-Imarah*, no. 1907.
[38] Al-Dhahabi's *Siyar A'lam Al-Nubala'*, (Vol. 11, p. 393).
[39] Narrated by Ibn Majah, *Kitab al-Zuhd*, no. 4204.

he or she believes that they do not worship God ﷻ as He deserves? No one worships God as He deserves except by His ﷻ permission. More fundamentally, the issue of *shirk* among the Arabs is moot, as the Prophet ﷺ said: '*The Devil has lost hope that those who pray in the Arabian Peninsula will worship him, but [aims] to sow discord among them*[40].'

10. People of the Scripture: Regarding Arab Christians, you gave them three choices: *jizyah* (poll tax), the sword, or conversion to Islam. You painted their homes red, destroyed their churches, and in some cases, looted their homes and property. You killed some of them and caused many others to flee their homes with nothing but their lives and the clothes on their backs. These Christians are not combatants against Islam or transgressors against it, indeed they are friends, neighbours and co-citizens. From the legal perspective of *Shari'ah* they all fall under ancient agreements that are around 1400 years old, and the rulings of jihad do not apply to them. Some of their ancestors fought alongside the Prophet's ﷺ army against the Byzantines; and thus have been citizens of the State of Medina since that time. Others are under agreements that were guaranteed to them by Omar ibn Al-Khattab, Khalid ibn Al-Walid, the Umayyads, the Abbasids, the Ottomans and their respective states. In short, they are not strangers to these lands, but rather, of the native peoples of these lands from pre-Islamic times; they are not enemies but friends. For the past 1400 years they have defended their countries against the Crusaders, colonialists, Israel and other wars, how, then, can you treat them as enemies? God ﷻ says in the Qur'an: '***God does not forbid you in regard to those who did not wage war against you on account of religion and did not expel you from your homes, that you should treat them kindly and deal with them justly. Assuredly God loves the just.***' (*Al-Mumtahanah*, 60: 8).

As for *jizyah*, there are two types of *jizyah* in *Shari'ah* (Islamic Law). The first type is that which is levied while the subjects are '***readily being subdued***'. This applies to those who fought Islam, as is understood from God's ﷻ words: '***Fight those who do not believe in God, nor in the Last Day, and who do not forbid what God and His Messenger have forbidden, nor do they practise the religion of truth, from among of those who have been given the Scripture, until they pay the jizya tribute, readily being subdued.***' (*Al-Tawbah*, 9: 29). As is clarified by a preceding verse in this *Surah* (chapter of the Qur'an), those intended by this verse are parties who pre-emptively attacked Muslims: '***Will you not fight a people who broke their oaths and intended to expel the Messenger - initiating against you first? Are you afraid of them? God is more worthy of your fear if you are believers.***' (*Al-Tawbah*, 9:13)[41]. The second type of *jizyah* is levied on those who do not wage war against Islam; it is levied on them instead of *zakat* (which only Muslims pay and which is higher in percentage than the *jizyah*) through a covenant and without harshness. Omar ibn Al-Khattab agreed to call it 'charity' (*sadaqah*). The *jizyah* is then deposited to the state treasury and is distributed among citizens, including needy Christian citizens as Omar ﷺ did during his caliphate[42].

11. Yazidis: You fought the Yazidis under the banner of jihad but they neither fought you nor Muslims. You considered them satanists and gave them the choice to either be killed or be forced into Islam. You killed hundreds of them and buried them in mass graves. You caused the death and suffering of hundreds of others. Had it not been for American and Kurdish intervention, tens of thousands of their men, women, children and elderly would have been killed. These are all abominable crimes. From the legal perspective of *Shari'ah* they are Magians, because the Prophet ﷺ said: '*Treat them as you treat People of the Scripture*[43].' Thus they are People of the Scripture. God ﷻ says: '***Truly those who believe, and those of Jewry, and the Sabaeans, and the Christians, and***

[40] Narrated by Muslim in *Kitab Sifat al-Qiyamah wal-Jannah wal-Nar*, no. 2812.

[41] Al-Tabari says in his *Tafsir* (Vol. 6, p. 157): 'In God's ﷻ words: "***Fight those who do not believe in God, nor in the Last Day ...***" there is no negation of the meanings of pardon and amnesty ... If they agree to being subdued and pay the *jizyah* after combat, it is permissible to order that they be pardoned for intended treachery or oaths they planned to break as long as they do not wage war without paying the *jizyah* or refuse to follow laws that apply to them.

[42] Jurists permitted the lifting of the *jizyah* if some of them joined the Muslim army, as happened in the time of Omar bin Al-Khattab.

[43] Narrated by Al-Imam Malik in *al-Muwatta'*, in *Kitab al-Zakat*, no. 617, and by Al-Shafi'i in his *Musnad*, no. 1008.

the Magians and the polytheists - God will indeed judge between them on the Day of Resurrection. Assuredly God, over all things, is Witness.' (*Al-Hajj*, 22: 17). Even if you doubt that they are People of the Scripture, from the legal perspective of *Shari'ah*, many scholars of the Pious Forebears considered them to be commensurate with Magians based on the aforementioned *Hadith*. The Umayyads even considered Hindus and Buddhists to be *dhimmis*. Al-Qurtubi said: 'Al-Awza'i said: "*Jizyah* is levied on those who worship idols and fire, as well as on unbelievers and agnostics." This is also the Maliki position, for Imam Malik's opinion was that *jizyah* is levied on all idol worshippers and unbelievers, be they Arab or non-Arabs … except for apostates[44].'

12. Slavery: No scholar of Islam disputes that one of Islam's aims is to abolish slavery. God ﷻ says: '***And what will show you what the obstacle is?, the freeing of a slave, or to give food on a day of hunger***' (*Al-Balad*, 90: 12-14); and: '***… then [the penalty for them is] the setting free of a slave before they touch one another …***' (*Al-Mujadilah*, 58: 3). The Prophet Muhammad's ﷺ Sunnah is that he freed all male and female slaves who were in his possession or whom had been given to him[45]. For over a century, Muslims, and indeed the entire world, have been united in the prohibition and criminalization of slavery, which was a milestone in human history when it was finally achieved. The Prophet ﷺ said regarding the pre-Islamic 'League of the Virtuous' (*hilf al-fudul*) during the time of *Jahiliyyah*: '*Had I been asked to fulfil it in Islam, I would oblige*[46].' After a century of Muslim consensus on the prohibition of slavery, you have violated this; you have taken women as concubines and thus revived strife and sedition (*fitnah*), and corruption and lewdness on the earth. You have resuscitated something that the *Shari'ah* has worked tirelessly to undo and has been considered forbidden by consensus for over a century. Indeed all the Muslim countries in the world are signatories of anti-slavery conventions. God ﷻ says: '***… And fulfil the covenant. Indeed the covenant will be enquired into.***' (*Al-Isra'*, 17: 34) You bear the responsibility of this great crime and all the reactions which this may lead to against all Muslims.

13. Coercion and Compulsion: God ﷻ says: '***you are not a taskmaster over them***' (*Al-Ghashiyah*, 88: 22); and: '***There is no compulsion in religion. Rectitude has become clear from error …***' (*Al-Baqarah*, 2: 256); and: '***And if your Lord willed, all who are in the earth would have believed together. Would you then compel people until they are believers?***' (*Yunus*, 10: 99); and: '***And say, "The truth [that comes] from your Lord; so whoever will, let him believe, and whoever will, let him disbelieve".***' (*Al-Kahf*, 18: 29); and: '***You have your religion and I have my religion***' (*Al-Kafirun*, 109: 6).

It is known that the verse: '***There is no compulsion in religion***' was revealed after the Conquest of Mecca, hence, no one can claim that it was abrogated. You have coerced people to convert to Islam just as you have coerced Muslims to accept your views. You also coerce everyone living under your control in every matter, great or small, even in matters which are between the individual and God ﷻ. In Al-Raqqa, Deir el-Zor and other areas under your control, armed groups who call themselves '*al-hisbah*' make their rounds, taking people to task as though they were assigned by God ﷻ to execute His commandments. Yet, not a single one of the Companions did this. This is not enjoining the right and honourable and forbidding the wrong; rather, it is coercion, assault, and constant, random intimidation. If God ﷻ wanted this, He would have obliged them over the minutest details of His religion. God ﷻ says: '***… Have they not realised, those who believe, that had God willed, He could have guided all mankind? ...***' (*Al-Ra'd*, 13: 31); and: '***If We will We will send down to them a sign from the heaven before which their necks will remain bowed in humility.***' (*Al-Shu'ara'*, 26: 4).

14. Women: In simple terms, you treat women like detainees and prisoners; they dress according to your whims; they are not allowed to leave their homes and they are not allowed to go to school.

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[44] Al-Qurtubi's *Tafsir*, (Vol. 8, p. 110).

[45] Cf Ibn Kathir's *Al-Bidayah wal-Nihayah* (Vol. 5, p. 284) in which he says: 'The Prophet ﷺ freed male and female slaves ... and after the Prophet ﷺ died, there were absolutely no slaves of his to be inherited.'

[46] *Ma'rifat as-Sunan wa Al-Athar*, Bayhaqi (Vol. 11, p. 135); *As-Sunan Al-Kubra*, Bayhaqi (Vol. 6, p. 596); *Sirah Ibn Hisham* (Vol. 1, p. 266).

Despite the fact that the Prophet ﷺ said: '*The pursuit of knowledge is obligatory upon every Muslim*[47]', and despite the fact that the first word revealed of the Qur'an was: '***Read***'. Nor are they allowed to work or earn a living; nor allowed to move about freely and they are forced to marry your fighters. God ﷻ says: '***O people, fear your Lord, Who created you of a single soul, and from it created its mate, and from the pair of them scattered many men and women; and fear God by whom you claim [your rights] from one another and kinship ties. Surely God has been watchful over you.***' (*Al-Nisa'*, 4: 1). And the Prophet ﷺ said: '*Treat women well*[48].'

15. Children: You have made children engage in war and killing. Some are taking up arms and others are playing with the severed heads of your victims. Some children have been thrown into the fray of combat and are killing and being killed. In your schools some children are tortured and coerced into doing your bidding and others are being executed. These are crimes against innocents who are so young they are not even morally accountable. God ﷻ says: '***What is wrong with you, that you do not fight in the way of God, and for the oppressed men, women, and children who say, "Our Lord, bring us forth from this town whose people are evildoers and appoint for us a protector from You, and appoint for us from You a helper".'*** (*Al-Nisa'*, 4: 75).

16. *Hudud* (Punishment): *Hudud* punishments are fixed in the Qur'an and *Hadith* and are unquestionably obligatory in Islamic Law. However, they are not to be applied without clarification, warning, exhortation, and meeting the burden of proof; and they are not to be applied in a cruel manner. For example, the Prophet ﷺ avoided *hudud* in some circumstances, and as is widely known, Omar ibn Al-Khattab suspended the *hudud* during a famine. In all schools of jurisprudence, *hudud* punishments have clear procedures that need to be implemented with mercy, and their conditions render it difficult to actually implement them. Moreover, suspicions or doubts avert *hudud*; i.e. if there is any doubt whatsoever, the *hudud* punishment cannot be implemented. The *hudud* punishments are also not applied to those who are in need or deprived or destitute; there are no *hudud* for the theft of fruits and vegetables or for stealing under a certain amount. You have rushed to enact the *hudud* while, in reality, conscientious religious fervour makes implementing *hudud* punishments something of the utmost difficulty with the highest burden of proof.

17. Torture: Your captives and some of those who were under your control have said that you tortured and terrorized them through beatings; murder and various other forms of torture, including burying people alive. You have decapitated people with knives, which is one of the cruellest forms of torture and is forbidden in Islamic Law (*Shari'ah*). In the mass killings you have committed—which are forbidden under Islamic Law—your fighters mock those they are about to kill by telling them that they will be killed like sheep, bleating and then indeed butchering them like sheep. Your fighters are not satisfied with mere killing, they add humiliation, debasement and mockery to it. God ﷻ says: '***O you who believe, do not let any people deride another people: who may be better than they are …***' (*Al-Hujurat*, 49: 11).

18. Mutilation: Not only have you mutilated corpses, you have stuck the decapitated heads of your victims on spikes and rods and kicked their severed heads around like balls and broadcast it to the world during the World Cup—a sport that is permissible in principle in Islam and which allows people to relieve stress and forget their problems. You jeered at corpses and severed heads and broadcast these acts from the military bases you overran in Syria. You have provided ample ammunition for all those who want to call Islam barbaric with your broadcasting of barbaric acts which you pretend are for the sake of Islam. You have given the world a stick with which to beat Islam whereas in reality Islam is completely innocent of these acts and prohibits them.

19. Attributing crimes to God in the name of humility: After tying Syrian soldiers of the 17th Division in North-eastern Syria to barbed wire, you cut off their heads with knives and posted a video of this on the internet. In the video you said: 'We are your brothers, the soldiers of the Islamic State. God has favoured us with His grace and victory by conquering the 17th Division; a victory

[47] Narrated by Ibn Majah, no. 224, and by Al-Tabarani in *al-Mu'jam al-Kabir* (10/195).
[48] Narrated by Al-Bukhari in *Kitab al-Nikah*, no. 5186; and by Muslim in *Kitab al-Rida'*, no. 1468.

and favour through God. We seek refuge in God from our might and power. We seek refuge in God from our weapons and our readiness.' You thus attributed this heinous crime to God ﷻ, and made as if this were an act of humility to God ﷻ, by saying that He ﷻ did it and not you. But God says: '***And when they commit any indecency they say, "We found our fathers practising it, and God has enjoined it on us". Say, "God does not enjoin indecency. Do you say concerning God that which you do not know?"***' (*Al-A'raf*, 7: 28).

20. Destruction of the graves and shrines of Prophets and Companions. You have blown up and destroyed the graves of Prophets and Companions. Scholars disagree on the subject of graves. Nevertheless, it is not permissible to blow up the graves of Prophets and Companions and disinter their remains, just as it is not permissible to burn grapes under the pretext that some people use them to make wine. God ﷻ says: '***… Those who prevailed regarding their affair, "We will verily set up over them, a place of worship".***' (*Al-Kahf*, 18:21); and: '***… Take to yourselves Abraham's station for a place of prayer …***' (*Al-Baqarah*, 2: 125). The Prophet ﷺ said: '*I had previously prohibited you from visiting graves. Permission has been granted for Muhammad to visit his mother's grave, so visit them [i.e. graves] for they remind [one] of death and the Hereafter*[49].' Visiting graves reminds people of death and the Hereafter; God ﷻ says in the Qur'an: '***Rivalry [in worldly things] distracts you until you visit the graves.***' *(Al-Takathur*, 102: 1-2).

Your former leader, Abu Omar Al-Baghdadi said: 'In our opinion, it is obligatory to destroy and remove all manifestations of *shirk* (idolatry) and to prohibit all means that lead to it because of Muslim's narration in his *Sahih*: on the authority of Abu Al-Hiyaj Al-Asadi, 'Ali ibn Abi Talib ﷺ said: "Should I not tell you what he [i.e. the Prophet] ﷺ sent me to do: not to leave a statue without obliterating it nor a raised grave without levelling it."' However, even if what he said were true, it does not apply to the graves of Prophets or Companions, as the Companions were in consensus regarding burying the Prophet ﷺ and his two Companions, Abu Bakr and Omar, in a building that was contiguous to the Prophet's Mosque.

21. Rebelling against the leader. It is impermissible to rebel against the leader who is not guilty of declared and candid disbelief (*al-kufr al-bawwah*); i.e. disbelief that he himself admits to openly and where all Muslims are in consensus regarding such a person being a non-Muslim—or by his prohibiting the establishment of prayers. The evidence of this is in God's ﷻ words: '***O you who believe, obey God, and obey the Messenger and those in authority among you ...***' (*Al-Nisa'*, 4: 59). The Prophet ﷺ also said: '*Listen and obey even if an Abyssinian whose head is like a raisin is given authority over you*[50].' The Prophet ﷺ also said: '*The best of your rulers are those whom you love and who love you, who invoke God's blessings upon you and you invoke His blessings upon them. And the worst of your rulers are those whom you hate and who hate you and whom you curse and who curse you.* It was asked (by those present): "Shouldn't we overthrow them by the sword?" He said: *"No, as long as they establish prayer among you. If you then find anything detestable in them, you should hate their administration, but do not withdraw yourselves from their obedience*[51]."' As for a ruler who is a reprobate or corrupt, he is to be removed by those qualified to elect or dispose a caliph on behalf of the *Ummah* (nation) (*ahl al-hall wal- 'aqd*)—if possible—without sedition (*fitnah*), armed rebellion or bloodshed. However, he is not rebelled against. It is forbidden to rebel against a leader even if he does not implement the *Shari'ah* or a portion of it, for God ﷻ says: '***… Whoever does not judge according to what God has revealed - such are the disbelievers.***' (*Al-Ma'idah*, 5: 44); and: '***… Whoever does not judge according to what God has revealed, those are the evildoers.***' (*Al-Ma'idah*, 5: 45); and: '***… Whoever does not judge according to what God has revealed - those are the wicked.***' (*Al-Ma'idah*, 5: 47). So, there are three levels of those who do not implement the *Shari'ah*: disbelief (*kufr*), evildoing (*fusuq*) and wickedness (*dhulm*). Whoever prevents the *Shari'ah* from being practiced at all in a Muslim country is a disbeliever, but one who does not implement part of it or only implements its higher purposes is

[49] Narrated by Muslim in his *Sahih*, no. 977, and by Al-Tirmidhi, no. 1054 and by others.
[50] Narrated by Al-Bukhari in *Ktab al-Adhan*, no. 693.
[51] Narrated by Muslim in *Kitab al-Imarah*, no. 1855.

merely an evildoer or wicked. In some countries, the implementation of *Shari'ah* is restricted due to matters of sovereignty on which national security depends, and this is permissible. In summary, Ibn Abbas[52] says that whoever does not implement *Shari'ah* is a wicked evildoer, but he is not a disbeliever and rebelling against him is forbidden. Ibn Abbas ﷺ said that ruling by other than God's commandments is 'disbelief short of disbelief.' He also said: 'It is not the disbelief that they mean; it is not a disbelief that casts one from the fold of religion.'

22. The Caliphate: There is agreement (*ittifaq*) among scholars that a caliphate is an obligation upon the *Ummah*. The *Ummah* has lacked a caliphate since 1924 CE. However, a new caliphate requires consensus from Muslims and not just from those in some small corner of the world. Omar ibn Al-Khattab ﷺ said: 'Whosoever pledges allegiance to a man without due consultation with Muslims has fooled himself; and neither he nor the man to whom he pledged allegiance should be followed for he has risked both their lives[53].'Announcing a caliphate without consensus is sedition (*fitnah*) because it renders the majority of Muslims who do not approve it outside of the caliphate. It will also lead to many rival caliphates emerging, thereby sowing sedition and discord (*fitnah*) among Muslims. The beginnings of this discord reared its head when the Sunni imams of Mosul did not pledge allegiance to you and you killed them.

In your speech you quoted the Companion Abu Bakr Al-Siddiq ﷺ: 'I have been given authority over you, and I am not the best of you.' This begs the question: who gave you authority over the *ummah*? Was it your group? If this is the case, then a group of no more than several thousand has appointed itself the ruler of over a billion and a half Muslims. This attitude is based upon a corrupt circular logic that says: 'Only we are Muslims, and we decide who the caliph is, we have chosen one and so whoever does not accept our caliph is not a Muslim.' In this case, a caliph is nothing more than the leader of a certain group that declares more than 99% of Muslims non-Muslim. On the other hand, if you recognize the billion and a half people who consider themselves Muslims, how can you not consult (*shura*) them regarding your so-called caliphate? Thus, you face one of two conclusions: either you concur that they are Muslims and they did not appoint you caliph over them—in which case you are not the caliph—or, the other conclusion is that you do not accept them as Muslims, in which case Muslims are a small group not in need of a caliph, so why use the word 'caliph' at all? In truth, the caliphate must emerge from a consensus of Muslim countries, organizations of Islamic scholars and Muslims across the globe.

23. National affiliations: In one of your speeches you said: 'Syria is not for Syrians and Iraq is not for Iraqis[54].' In the same speech, you called on Muslims from across the globe to immigrate to lands under the control of the 'Islamic State' in Iraq and the Levant. By doing so, you take the rights and resources of these countries and distribute them among people who are strangers to those lands, even though they are of the same religion. This is exactly what Israel did when it invited Jewish settlers abroad to immigrate to Palestine, evict the Palestinians and usurp their ancestral rights and lands. Where is the justice in this?

Simply, patriotism and loving one's country does not contradict Islam's teachings, rather, loving one's country stems from faith, being both instinctual and a *Sunnah*. The Prophet ﷺ said, addressing Mecca: '*How goodly a land you are, and how beloved you are to me. Were it not that my people forced me to leave, I would not have lived anywhere else*[55].' Patriotism and love for one's country have many proofs from the Qur'an and *Sunnah*. God ﷻ says in the Qur'an: '***And had We prescribed for them: "Slay yourselves" or "Leave your habitations", they would not have done it, save a few of them …***' (*Al-Nisa'*, 4: 66). Fakhr Al-Din Al-Razi commented: 'Leaving one's land is equal to slaying oneself[56].'And on the authority of Anas Ibn Malik ﷺ, the Prophet ﷺ 'would, upon seeing the walls of Medina when returning from travel, hasten the pace of his she-camel. If he was

[52] Narrated by Al-Hakim in *Al-Mustadrak 'ala as-Sahihayn*, (Vol. 2, p. 342).
[53] Narrated by Al-Bukhari in *Kitab al-Hudud*, no. 6830.
[54] BBC news online, 1st July 2014.
[55] Narrated by Al-Tirmidhi in *Kitab al-Manaqib*, no. 3926; and in *Sahih Ibn Hibban* (Vol. 9, p. 23).
[56] *Mafatih Al-Ghayb*, Al-Razi (Vol. 15, p. 515) in the exegesis of *Al-Anfal*, 8:75.

riding a mount, he would move it out of love for [Medina][57] .' Ibn Hajar said: 'This *Hadith* is proof of the virtue of Medina, and of the legal validity of loving one's country and longing for it[58].'

24. Emigration. You invited Muslims from across the globe to immigrate to lands under the control of the 'Islamic State' in Iraq and the Levant.[59] Abu Muslim Al-Canadi, a soldier of the 'Islamic State', said: 'Come and join us [in Syria] before the doors close[60].' It suffices to repeat the words of the Prophet Muhammed ﷺ who said: '*There is no emigration after the Conquest [of Mecca], but jihad and [its] intention [remain]. And when you are called to war, march forward*[61].'

Conclusion

In conclusion, God has described Himself as the '***Most Merciful of the merciful*'.** He created man from His mercy. God ﷻ says in the Qur'an: '***The Compassionate One has taught the Qur'an. He created man***' (*Al-Rahman*, 55: 1-3). And God ﷻ created man for His mercy: '***Had your Lord willed, He would have made mankind one community, but they continue to differ, except those on whom your Lord has mercy; and that is why He created them ...***' (*Hud*, 11: 118-119). Linguistically, 'that' refers back to the closest noun, which is 'mercy', not 'differ'. This is the opinion of Ibn Abbas, who said: 'He created them for mercy[62].'

The soundest way to attain this mercy is the worship of God ﷻ. God says: '***And I did not create the jinn and mankind except that they may worship Me.***' (*Al-Dhariyat*, 51: 56). Worshipping God is not a favour that one bestows upon God ﷻ, but rather, sustenance from Him: '***I do not desire from them any provision, nor do I desire that they should feed Me. Indeed it is God Who is the Provider, the Lord of Strength, the Firm.***' (*Al-Dhariyat*, 51: 57-58). Furthermore, God ﷻ revealed the Qur'an as a mercy from Him: '***And We reveal of the Qur'an that which is a cure, and a mercy for believers …***' (*Al-Isra'*, 17:82). Islam *is* mercy and its attributes are merciful. The Prophet ﷺ, who was sent as a mercy for all the worlds, summarized a Muslim's dealings with others by saying: '*He who shows no mercy, will not be shown mercy*[63]'; and: '*Have mercy and you will be shown mercy*[64].' But, as can be seen from everything mentioned, you have misinterpreted Islam into a religion of harshness, brutality, torture and murder. As elucidated, this is a great wrong and an offence to Islam, to Muslims and to the entire world.

Reconsider all your actions; desist from them; repent from them; cease harming others and return to the religion of mercy. God ﷻ says in the Qur'an: '***Say [that God declares]: "O My servants who have been prodigal against their own souls, do not despair of God's mercy. Truly God forgives all sins. Truly He is the Forgiving, the Merciful."***' (*Al-Zumar*, 39:53).

And God knows best.
24th Dhul-Qi'da 1435 AH / 19th September 2014 CE

[57] Narrated by Al-Bukhari in *Kitab al-Hajj*, no. 1886.
[58] *Fath Al-Bari*, Ibn Hajar (Vol. 3, p. 621).
[59] BBC news online, on 1st July 2014.
[60] He appeared in a recruitment video produced by Hayat Media Center, August, 2014.
[61] Narrated by *Al-Bukhari* in *Kitab al-Jihad*, no. 2783.
[62] Cf *Mafatih Al-Ghayb*, Al-Razi (Vol. 18, p. 412).
[63] Narrated by Bukhari in *Kitab al-Adab*, no. 5997, and by Musim in *Kitab al-Fada'il*, no. 2318.
[64] Narrated by Ahmad in his *Musnad* (Vol. 2, p. 160).

The Saying of Ali bin Abi Talib (k.)

Nu'aym ibn Hammad narrates in *Al-Fitan*, that the 4th Caliph, Ali ibn Abi Talib said:

When you see the black flags, remain where you are and do not move your hands or your feet. Thereafter there shall appear a feeble insignificant folk. Their hearts will be like fragments of iron. They will have the state. They will fulfil neither covenant nor agreement. They will call to the truth, but they will not be people of the truth. Their names will be parental attributions, and their aliases will be derived from towns. Their hair will be free-flowing like that of women. This situation will remain until they differ among themselves. Thereafter, God will bring forth the Truth through whomever He wills[65] .

People are asking: does this narration by Ali bin Abi Talib (k.)—that is related by Al-Bukhari's teacher (Nu'aym bin Hamad) over one thousand two hundred years ago in his book *Al-Fitan*—refer to the 'Islamic State'?

Is it possible to understand the narration as follows?

'***When you see the black flags***': The flags of the 'Islamic State' are black.

'***Remain where you are***': i.e., stay where you are, O Muslims, and do not join them.

'***And do not move your hands or your feet***': i.e. do not help them financially or with equipment.

'***Thereafter there shall appear a feeble insignificant folk***': i.e. 'weak' and 'insignificant' in terms of understanding of religion, morality and religious practice.

'***Their hearts will be like fragments of iron***': i.e. they will ruthlessly kill prisoners of war and cruelly torture people.

'***They will have the state***': For almost a century, no one has claimed to be an Islamic Caliphate other than the current 'Islamic State' in Iraq and the Levant.

'***They will fulfil neither covenant nor agreement***': The 'Islamic State' did not fulfil its agreement with the Sha'etat tribe after the tribe pledged allegiance to them; indeed the 'Islamic State' slaughtered them by the hundreds. They also killed journalists.

'***They will call to the truth***': The 'Islamic State' calls to Islam.

'***But they will not be people of the truth***'**:** The people of the truth are merciful. The Prophet Muhammad ﷺ said: '*Have mercy and you will be shown mercy.*'

'***Their names will be parental attributions***': Like: 'Abu Muthanna', 'Abu Muhammad', 'Abu Muslim' and so on.

'***And their aliases will be derived from towns***': Like: 'Al-Baghdadi', 'al-Zarqawi', 'al-Tunisi' and so on.

'***Their hair will be free-flowing like that of women***': 'Islamic State' fighters have hair precisely like this.

'***Until they differ among themselves***': Like the differences between the 'Islamic State' and its parent, the al-Nusra Front (al-Qaeda in Syria). The fighting between these two has led to around ten thousand deaths in a single year.

'***Thereafter, God will bring forth the truth through whomever He wills***': through a clear and correct Islamic proclamation (like this open letter).

The sage Luqman says in the Qur'an:

> '***O my son! Even if it should be the weight of a grain of mustard-seed, and [even if] it be in a rock, or in the heavens, or in the earth, God will bring it forth. Truly God is Subtle, Aware.***' (*Luqman,* 31: 16)

[65] Narrated by Nu'aym ibn Hammad in *Kitab Al-Fitan, Hadith* no. 573.

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125.	HE Sheikh Muhammad Sadiq Muhammad Yusuf	Former Grand Mufti of the Republic of Uzbekistan, Uzbekistan
126.	Prof. Zaki Zaidan	Professor of Shari'ah, Faculty of Law, Tanta University, Egypt