

## Tafseer Al-Baqarah (2: 216-218)

From the book, Introduction to the Tafseer of the Quran,

by the Ameer of Hizb ut Tahrir, the eminent jurist and statesman, Ata Bin Khalil Abu Al-Rashtah:

﴿كُتِبَ عَلَيْكُمُ الْقِتَالُ وَهُوَ كُرْهٌ لَّكُمْ وَعَسَىٰ أَن تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَّكُمْ وَعَسَىٰ أَن تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ لَّكُمْ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ \* يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ وَصَدٌّ عَن سَبِيلِ اللَّهِ وَكُفْرٌ بِهِ وَالْمَسْجِدِ الْحَرَامِ وَإِخْرَاجُ أَهْلِهِ مِنْهُ أَكْبَرُ عِنْدَ اللَّهِ وَالْفِتْنَةُ أَكْبَرُ مِنَ الْقَتْلِ وَلَا يَزَالُونَ يُقَاتِلُونَكُمْ حَتَّىٰ يَرُدُّوكُمْ عَن دِينِكُمْ إِنِ اسْتَطَاعُوا وَمَن يَرْتَدِدْ مِنكُمْ عَن دِينِهِ فَيَمُتْ وَهُوَ كَافِرٌ فَأُولَٰئِكَ حَبِطَتْ أَعْمَالُهُمْ فِي الدُّنْيَا وَالْآخِرَةِ وَأُولَٰئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ \* إِنَّ الَّذِينَ آمَنُوا وَالَّذِينَ هَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللَّهِ أُولَٰئِكَ يَرْجُونَ رَحْمَتَ اللَّهِ وَاللَّهُ غَفُورٌ رَّحِيمٌ﴾

“Battle has been enjoined upon you while it is hateful to you. But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you. And Allah knows, while you know not. (216). they ask you about the sacred month - about fighting therein. Say, "Fighting therein is great [sin], but averting [people] from the way of Allah and disbelief in Him and [preventing access to] al-Masjid al-Harām and the expulsion of its people therefrom are greater [evil] in the sight of Allah. And fitnah is greater than killing." And they will continue to fight you until they turn you back from your religion if they are able. And whoever of you apostatizes and dies while he is a disbeliever - for those, their deeds have become worthless in this world and the Hereafter, and those are the companions of the Fire; they will abide therein eternally. (217). Indeed, those who have believed and those who have emigrated and fought in the cause of Allah - those expect the mercy of Allah. And Allah is Forgiving and Merciful. (218)”

Allah (swt) clarifies in these verses number of Ahkam Sharia in the same context as we have mentioned previously:

1- Jihad is an obligation. This verse is an indication (دلالة) for that in addition to the detailed evidence in the subject of jihad.

As for the indication of this verse, it is as follows:

a. ﴿كُتِبَ عَلَيْكُمُ الْقِتَالُ﴾ “fighting has been prescribed upon you”. This is a command of Allah (swt) for Muslims to fight and it is a request (طلب) for the fighting.

b. And He (swt) mentioned ﴿وَهُوَ كُرْهٌ لَّكُمْ﴾ “Whilst it is hateful to you”. This is a qareena (indication) for the request to be decisive (طلب جازم) and it is an obligation. This is because the word (الكره) “hateful” means (المشقة) ‘hardship’.

And the request with the hardship is an evidence (daleel) of decisiveness (jazm) of the request and this is only upon the mention of the hardship as a evidencing (dalaalah). This is because the mukallaf (legally responsible) does not have to perform the action if it is not a decisive request. Consequently, he would simply avoid hardship i.e. if it, hardship, was not mentioned as an evidencing.

As the mentioning of hardship is indicated with the request to do the action, this is an indication (qareena) for decisiveness. Thus the decisive request is an obligation (fard) as clarified in the Usool of jurisprudence.

Then, Allah (swt) clarifies that the human soul may hate what is heavy upon it, although it is of great reward so the soul gets affected by the current reality more than it is affected by its consequence later. Also the human soul may love what is easy for it, although it carries evil on its end.

The meaning is: perhaps you may hate hardships in jihad whilst it is good for you, as jihad is the way to victory, dignity and spreading of Islam. And it is the way of the two goodneses i.e. victory or martyrdom. Perhaps, you may love gentleness and abandoning of the fighting, whilst it is evil for you, as it is the way for humiliation, indignity and making your enemy to be daring and avaricious over you.

If you abandon the command, your whims will misguide you. However, if you follow the obligation of Allah (swt), you will be victorious as Allah (swt) is the All-Knower of the Unseen. ﴿وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ﴾ **“And Allah knows, while you know not.”**

2- The second verse is an answer to a question: is fighting permitted during the sacred month? Allah (swt) clarifies that the sin of fighting during the sacred month is great; however, this sin is not greater than the sin committed by the polytheists who disbelieved Allah (swt), averted (the people) from the way of Allah and from the Sacred Masjid, who expelled the Messenger (saw) and the believers from the Sacred Masjid (i.e. Mecca), and who exerted the effort to deceive the believers from their religion. All these are greater sins and are heavier than fighting during the sacred month.

Then, Allah (swt) clarifies in the noble verse that the disbelievers will not give up fighting against the believers, until they turn the believers away from their religion, if they could. And they will not be able to do that, with the permission of Allah.

Allah (swt) concludes the verse by saying that those who turn away from their religion and die upon it, then their deeds will become void in this world and the hereafter and they will be amongst the people of Hellfire who will remain there forever.

﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ﴾ **“They ask you ‘O Prophet’ about the sacred months”** i.e. they ask you about fighting in the sacred months. Thus (فَقَاتِلْ فِيهِ) **“fighting in it”** is the ‘Badl Ishtimal’ (inclusive replacement) of sacred month. (Badl Ishtimal is a replacement word (badl) to substitute the whole by a part)

As for the questioners, they are the delegates of disbelieving Quraish as Zuhri reported from Urwa. The delegates stepped onto the Messenger of Allah (saw) and asked him: “Is it allowed to fight during the sacred months?” [Tafsir al-Tabari: 2/347, Ibn Hisham: 2/252, 254, Durr al-Manthur: 2/602]. The question was asked about the expedition (سرية) of Abdullah bin jahsh (ra). The Messenger of Allah (saw) sent Abdullah bin Jahsh for an expedition to Nakhlah and He (saw) said: (كن حتى تأتينا بخبر من أخبار قريش، ولم يأمره بقتال) **“Be there to bring the news of Quraish”** and he (saw) didn't order him to fight.

And the Prophet (saw) did not order to fight according to the report of Ibn Ishaq, Bayhaqi and others narrated from Zaid ibn Rouman from Urwa bin Zubair (ra): **“أن رسول الله قد بعث عبد الله - معه ثمانية رجال من المهاجرين وذلك في رجب - الشهر الحرام - ولم يأمره بقتال وكتب له كتابا قبل أن يعلمه أين يسير، فقال: اخرج أنت وأصحابك حتى إذا سرت يومين فافتح كتابك وانظر فيه فما أمرتك به فامض له ولا تستكره أحداً من أصحابك على الذهاب معك، فلما سار يومين فتح الكتاب فإذا فيه “أن امض حتى تنزل نخلة فأتنا من أخبار قريش بما اتصل إليك منهم”** The Messenger of Allah (saw) sent Abdullah bin jahsh (ra) and eight Muhajiroon for an expedition. It was during Rajab, the sacred month. The Prophet (saw) did not order to fight and he (saw) gave a letter to Abdullah bin jahsh before informing him of where to go. The prophet (saw) said: **“march forth you and your companions until you travel for two days and then open the letter and read what I have ordered you. Then proceed the instruction and do not enforce it upon any of your companions to come with you”**. When Abdullah bin Jahsh travelled for two days, he opened the letter which read as **“go forth until you reach Nakhla and bring the news of Quraish what you have attained from them”**.

Abdullah bin Jahsh (ra) implemented the order of the Messenger of Allah (saw). When he arrived at Nakhla, Amr bin Hadrami passed by them with few men and they had the caravan of Quraysh carrying raisins and trade. The Muslims confronted them and killed Amr bin Hadrami and captivated two prisoners with them. This was during the last day of Rajab month. And the Muslims gave the caravans and two prisoners to the Messenger of Allah (saw). The Prophet (saw) said, **والله ما أمرتكم بقتال في الشهر الحرام. وأوقف رسول الله الأسيرين والبعير ولم يأخذ**

منها شيئاً **“By Allah, I have not ordered you to fight during the Sacred Month”** And the Messenger of Allah (saw) abstained from taking the two prisoners and the caravan and he (saw) did not take anything from it.

Then the spoils fell into the hands of the people of expeditions. They thought that they had ruined themselves. Other Muslim brothers were angry at them. The Quraish said when the news reached, ‘Muhammed has spilled the noble blood, taken the wealth and captivated the men and he permitted himself the sacred month.’ So the noble verse was revealed.

Zuhri reported from Urwa that the delegates of disbelieving Quraish went to the Messenger of Allah (saw), after the news of the incident had reached them. They asked the messenger of Allah (saw): “Is it permitted to fight during the sacred month?” rebuking Muslims for what they had done. Thus the noble verse was revealed.

The Messenger of Allah (saw) took the caravan and accepted the ransom for the two prisoners after the revelation of the noble verse.

According to other narrations, confrontation of the caravan and killing happened on the first day of Rajab month and the expedition was sent during the month of Jumadal Akhir. As such, this does not change the cause of the revelation (سبب النزول), since in both cases the incident occurred on Rajab month which is the sacred month, either on the first or last day.

3- It is clear from the noble verse that fighting in the sacred month is prohibited and whose sin is big ﴿قُلْ قِتَالٌ فِيهِ كَبِيرٌ﴾ **“Say (Oh! Muhammed), Fighting therein is a great [sin],”** However, Allah (swt) clarifies to the Quraish disbelievers what they had done in terms of disbelieving in Allah (swt), preventing (the people) from His path and Sacred Masjid, expelling the Messenger (saw) and believers and the attempts of the polytheists who exerted enormous efforts to seduce Muslims; all these are the greatest sins for Allah (swt). Therefore, it is upon the polytheists to consider what they had committed in terms of crimes over the rights of Allah, His Messenger, believers and the sacred place (haram), before rebuking the Muslims for their fighting during the sacred month. They would find much more predominance of their crimes, than fighting during the sacred months.

﴿وَصَدُّ عَنِ سَبِيلِ اللَّهِ وَكُفْرٌ بِهِ وَالْمَسْجِدِ الْحَرَامِ وَإِخْرَاجُ أَهْلِهِ مِنْهُ أَكْبَرُ عِنْدَ اللَّهِ وَالْفِتْنَةُ أَكْبَرُ مِنَ الْقَتْلِ﴾ **“Averting [people] from the way of Allah and disbelief in Him and [preventing access to] al-Masjid al-Haram and the expulsion of its people therefrom are greater [evil] in the sight of Allah. And fitnah is greater than killing.”** i.e. the disbelieving Quraish objected to the fighting in the sacred month, whilst they did not object to what they had done as crimes that surpassed the sin of fighting in the sacred month.

﴿وَالْمَسْجِدِ الْحَرَامِ﴾ **“And Masjid Al-Haram”** is a (معطوف) conjunct to the word ﴿سَبِيلِ اللَّهِ﴾ **“in the path of Allah”** and it is not a conjunct to the majrour (genitive) of the word ﴿بِهِ﴾ **“(disbelief) in Him”**. This is because conjunction to the genitive pronoun is outweighed, whenever there is no repetition of the genitive particle (حرف الجر). Therefore, it should not be said that “مررت به و زيد” (means ‘I passed by him and Zaid’, rather it should be said as ‘مررت به و يزيد’ (means ‘I passed by him and by Zaid’). This is one aspect.

As for the other aspect, the connotative meaning is preponderant for making the word ‘Masjid Al-Haram’ to be in conjunction with the word ﴿سَبِيلِ اللَّهِ﴾ **“in the path of Allah.”** This is such that the meaning with such conjunction becomes: ‘Preventing from the path of Allah and Masjid Al-Haram’ i.e. preventing from Masjid Al-Haram. This is preponderant over the conjunction to the genitive pronoun, for then the meaning would be ‘preventing from the path of Allah, and disbelief in Allah and disbelief in Masjid Al-Haram.’ Thus the relation of disbelief to Masjid Al-Haram is outweighed by the relation of preventing from Masjid Al-Haram.

Thus the verse has evidence for the prohibition of fighting in the sacred month. However, what the disbelievers had done in terms of disbelief, prevention and fitnah is the greatest sin and the most terrible crime.

The Messenger of Allah (saw) paid blood money for the death of Ibn Hadrami. He (saw) gave the blood money to the heirs of Ibn Hadrami as he was killed during the sacred month, when initiating the fighting was not correct. The prohibition of fighting during the sacred month remained until it was abrogated as we will clarify later insha Allah.

4- Allah (swt) clarifies the severe enmity of the disbelievers towards Muslims as they will not abandon fighting the Muslims until they turn the Muslims away from their Deen, if they could. Then Allah (swt) clarifies the destiny of those who turn away from their Deen from amongst Muslims and die upon that. Their deeds are in vain and their sins are greater and they will permanently be in the hellfire.

﴿حَتَّى يَرُدُّوكُمْ﴾ **“Until they turn you (away from)”** the word ‘حَتَّى’ here is for legal reasoning (Ta’leel (تعلييل) i.e. they will fight you in order to turn you away from your Deen.

﴿إِنْ اسْتَطَاعُوا﴾ **“If they can”**, it rules out their ability like you say to your enemy (إن ظفرت بي فلا ) ‘if you win over me, do not remain upon me,’ while you are confident that he will not win over you.

This is the indication that whatever be the plots, conspiracies and war waged by the disbelievers, they will not be victorious in turning away the Muslims from their Deen. It also has an indication for the severe enmity of disbelievers towards Muslims.

﴿وَمَنْ يَرْتَدِدْ مِنْكُمْ عَنْ دِينِهِ فِيمَتٌ وَهُوَ كَافِرٌ فَأُولَئِكَ حَبِطَتْ أَعْمَالُهُمْ فِي الدُّنْيَا وَالْآخِرَةِ وَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ﴾ **“Whoever of you reverts from his religion [to disbelief] and dies while he is a disbeliever - for those, their deeds have become worthless in this world and the Hereafter, and those are the companions of the Fire; they will abide therein eternally.”**

This verse has clarified the condition of those who apostatize and die upon disbelief. The verse has two things:

a- His deeds are void. Any of his deeds before his apostasy will be as if he has done nothing. If the apostate performed Hajj before the apostasy, then his Hajj becomes invalid.

b- He will be in the Hellfire permanently, since he dies as a disbeliever.

It should not be said here that Allah (swt) has made death upon apostasy being restricted to the invalidation of deeds alone. This is because the verse is not just saying, ﴿وَمَنْ يَرْتَدِدْ مِنْكُمْ عَنْ دِينِهِ فِيمَتٌ وَهُوَ كَافِرٌ فَأُولَئِكَ حَبِطَتْ أَعْمَالُهُمْ﴾ **“Whoever of you apostatizes and dies while he is a disbeliever, for those, their deeds have become worthless in this world and the Hereafter”**. If it were so, then the death upon apostasy would have led to the invalidation of deeds. However, the verse adds by saying, ﴿وَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ﴾ **“And those are the companions of the Fire; they will abide therein eternally.”** i.e. the verse connects two matters with two matters: “One’s apostasy and his death upon apostasy” is connected to “invalidation of his deeds and permanent stay in the hellfire”.

If he apostatised before dying upon that apostasy, in this case, Allah (swt) has clarified it in other verses: ﴿وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ﴾ **“And whoever denies the belief - his work has become worthless,”** [TMQ Surah Al-Maida: 5]

﴿لَنْ أَسْرُكَتَ لِيَحْبِطَنَّ عَمَلُكَ﴾ **“If you should associate [anything] with Allah, your work would surely become worthless,”** [TMQ Surah Zumar: 69]. This means that whoever apostatises alone, his deeds become worthless. If he performed Hajj before his apostasy and then he returned to Islam, it is upon him to perform Hajj again.

If he apostatised and died upon the apostasy, in this case, his deeds will be worthless and he will be in the hellfire eternally.

5- Narrations have come about the abrogation of this verse and its non-abrogation. The preponderance is that this verse ﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ﴾ **“They ask you about the sacred month - about fighting therein.”** is abrogated by what has come in Surah Tawba.

These verses were revealed early during the migration to Medina and before the battle of Badr. Fighting in the sacred months continued to be prohibited except for two situations:

a- If the disbelievers begin the fighting during the sacred months. This is from the verse: ﴿الشَّهْرُ الْحَرَامُ بِالشَّهْرِ الْحَرَامِ وَالْحُرُمَاتِ قِصَاصٌ﴾ “[Fighting in] the sacred month is for [aggression committed in] the sacred month, and for [all] violations is legal retribution.” [TMQ Surah Al-Baqarah: 194]. We have previously clarified the meaning of this verse.

b- If the fighting begins in months other than the sacred months and it does not end before the arrival of sacred months. Thus it is allowed to continue the fighting in the sacred months, if the war policy requires it.

And the evidence is the siege of Taif by the Messenger of Allah (saw) after the Conquest of Mecca and the Battle of Hunain, where the people of Thaqeef took side with Taif and fortified it. So the Messenger of Allah (saw) besieged the fort, whilst he was entering the sacred month and the blockade continued. We have clarified this in the Tafsir of the previous verse: ﴿الشَّهْرُ الْحَرَامُ بِالشَّهْرِ الْحَرَامِ وَالْحُرُمَاتِ قِصَاصٌ﴾ “[Fighting in] the sacred month is for [aggression committed in] the sacred month, and for [all] violations is legal retribution” [TMQ Surah Al-Baqarah: 194]

As for other than these two situations, beginning the fighting during the sacred months or in the sacred place (Haram) was prohibited, due to the texts of two verses; ﴿وَلَا تَقَاتِلُوهُمْ عِنْدَ﴾ “And do not fight them at al-Masjid al-Haram until they fight you there.” [TMQ Surah Al-Baqarah: 191] and ﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ﴾ “They ask you about the sacred month - about fighting therein.” [TMQ Surah Al-Baqarah: 217]

This continued until the revelation of Surah at-Tawba upon the Messenger of Allah (saw). After that, fighting is allowed in the sacred place (Haram) and during the sacred months as long as the war policy necessitates it.

As for the evidence, it is as follows: ﴿بِرَاءةٍ مِّنَ اللَّهِ وَرَسُولِهِ إِلَى الَّذِينَ عَاهَدْتُمْ مِّنَ الْمُشْرِكِينَ \* فسيحوا في الأرض أربعة أشهر واعلموا أنكم غير معجزي الله وأن الله مخزي الكافرين﴾ “This is a declaration of disassociation, from Allah and His Messenger, to those with whom you had made a treaty among the polytheists. So travel freely, [O disbelievers], throughout the land [during] four months but know that you cannot cause failure to Allah and that Allah will disgrace the disbelievers.” [TMQ Surah Tawba: 1-2]

The polytheists were given respite for four months without fighting i.e. they were safe during these four months. Adherence to these months means killing them is permissible after the passage of these four months, as Allah (swt) says: ﴿فَإِذَا انسَلَخَ الأشهر الحرم فاقتلوا المشركين حيث وجدتموهم﴾ “And when the sacred months have passed, then kill the polytheists wherever you find them” [TMQ Surah Tawba: 5] The sacred months here in this verse are not the sacred months of every year; rather, it is the expiration period set for the disbelievers i.e. after the four months that were mentioned in the previous verse (Surah Tawba: verse 2). The evidence for this is that they were given respite for four months and there are no consecutive four sacred months in each year. Therefore, the intended meaning here is the four month time limit. These four months could be either Shawwal, Dhul Qadha, Dhul Hajj and Muharram as came in some narrations, or it could be Dhul Qadha, Dhul Hajj, Muharram and Safar or any other consecutive months. It is not the known months (الأشهر المعروفة) of the year which are three consecutive months: Dhul Qadha, Dhul Hajj, Muharram and one separate month, Rajab Month. These known months are discontinuous and they are not four continuous months. Consequently, the meaning of the verse is, if the time limit that was set for four months expires, when such a time limit expires, kill the polytheists wherever you find them. And this means fighting them became permissible for all times and all places after the expiration of such time limit.

As for the permissibility of fighting for all time, it comes from the restriction of the time limit to the duration of (أَرْبَعَةَ أَشْهُرٍ) 'four months'. If that restriction ends, then your time duration of (أَرْبَعَةَ أَشْهُرٍ) 'four months' expires and fighting them becomes permissible for all time, after the expiration of such time restriction that is cited in the verse.

As for the permissibility of fighting for all places, the word 'حيث' 'wherever' mentions the place. Consequently, after the expiration of the time limit, polytheists will be fought in all the places. ﴿حَيْثُ وَجَدْتُمُوهُمْ﴾ 'Wherever you find them' i.e. in any places where you find them.

As for the saying, ﴿وَلَا تَقَاتِلُوهُمْ عِنْدَ الْمَسْجِدِ الْحَرَامِ حَتَّى يَقَاتِلُوكُمْ فِيهِ﴾ "And do not fight them at al-Masjid al-haram until they fight you there." [TMQ Surah Al-Baqara: 191], the verse is particular (khas) to Al-Haram. As for the saying, ﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ﴾ "They ask you about the sacred month - about fighting therein. Say, "Fighting during these months is a great sin." [TMQ Al-Baqara: 217], the verse is particular (khas) to the sacred month. As for the saying, ﴿فَإِذَا انْسَلَخَ الْأَشْهُرُ الْحُرْمُ فَاقْتُلُوا الْمُشْرِكِينَ حَيْثُ وَجَدْتُمُوهُمْ﴾ "And when the sacred months have passed, then kill the polytheists wherever you find them" [TMQ Surah Tawba: 5], the verse is general (A'am) for places and times. And the generality does not abrogate the particularity.

This is correct if the divine texts are inconclusive general evidential meaning (Dalalatul A'am Dhaneeyah) and conclusive particular evidential meaning (Dalalatul Khaas Qata'iyyah). However, here the verse is general meaning with conclusiveness, in places ﴿حَيْثُ وَجَدْتُمُوهُمْ﴾ "Wherever you find them" i.e. in all the places wherever you find them. It is also conclusive for the time in the saying ﴿فَإِذَا انْسَلَخَ الْأَشْهُرُ الْحُرْمُ فَاقْتُلُوا الْمُشْرِكِينَ﴾ "And when the sacred months have passed, then kill the polytheists" i.e. after the expiration of time limit, as we have mentioned previously which is four months, kill them at all times. This is because (تحديد مهلة) (جواز القتال بعدها) "setting the time limit prohibits the fighting therein" means "permissibility of fighting after the set time."

This is because this is the implied meaning (mafهوم) of the verse. Thus, both two conclusive evidential meanings of the verses, one with generality and one with particularity, contradict each other. If it is known that the particularity is precedent and the generality is later, it cannot be said that the previous text particularises the general text, as the general text was not revealed before or at that time. In fact, the general text was revealed later. Thus, the only thing left to say is that as long as the generality was revealed after the particularity and is conclusive in evidential meaning, then the generality abrogates the previous particularity which was revealed before it. Accordingly, it is true to say that abrogation of the verse is correct and preponderant.

As for the hadith of the Messenger of Allah (saw) narrated by Ibn Abbas (ra), the Messenger of Allah (saw) said, إن هذا البلد حرمه الله تعالى يوم خلق السموات والأرض فهو حرام بحرمة الله إلى يوم القيامة وأنه لم يحل القتال فيه لأحد قبلي ولم يحل لي إلا ساعة من نهار، فهو حرام بحرمة الله إلى يوم القيامة لا يعضد شوكه ولا ينفر صيده ولا تلتقط لقطته إلا من عرفها ولا يختلى خلاه. فقال العباس: إلا الإذخر فإنه لقينهم وليبيتهم. قال: إلا الإذخر Allah has made this town sacred since the day He created the Heavens and the Earth. So, it is sacred by Allah's Decree till the Day of Resurrection. Fighting in it was not legal for anyone before me, and it was made legal for me only for an hour by daytime. So, it (i.e. Mecca) is sacred by Allah's Decree till the Day of Resurrection. Its thorny bushes should not be cut, and its game should not be chased, its fallen property (i.e. Luqata) should not be picked up except by one who will announce it publicly; and its grass should not be uprooted," On that Al-`Abbas said, "O Allah's Messenger (saw)! Except the Idhkhir, because it is used by the goldsmiths and by the people for their houses." On that the Prophet (saw) said, "Except the Idhkhir." [Bukhari: 2951, Muslim: 2412]

The Messenger of Allah (saw) said this hadith on the day of the Conquest of Mecca in the eight year after Hijra i.e. before the verse of at-Tawba which was revealed in the ninth year of Hijra. Thus, the hadith does not influence the action upon the definite abrogating verse of Surah at-Tawba as we have clarified.

Then the Hadith carries the meaning that Mecca, after its conquest, had become Dar Al-Islam and polytheism and its authority ceased to exist there. And thus it becomes prohibited to fight therein with this consideration, similar to the saying of the prophet (saw) during the conquest of Mecca: (لا هجرة بعد الفتح) **“There is no Migration after the conquest (of Mecca)”** [Bukhari: 2575, Muslim: 3468]. This is because Mecca had become Dar al-Islam after the conquest and so it was the same as Medina and thus there was no Migration from Mecca to Medina after the conquest. When the reality changes, it is no longer considered as Dar Al-Islam. Thus, when the Khilafah is established, with the permission of Allah, in a place other than Mecca, then the migration will be from Mecca to Dar Al-Islam, as it was once before.

And it is the case here as well, because the Messenger of Allah (saw) prohibited fighting in Mecca, after the Conquest since it became Dar Al-Islam and its people became Muslims. With this consideration, the hadith prohibited fighting in Mecca until the Day of Judgement. Accordingly, when the reality of Mecca changes and when it is no longer considered to be Dar Al-Islam, nor their people as Muslims, then the hadith of Prohibition does not apply at that time, due to the difference of reality in applying the Hadith.

The verse is not about the subject of Sacredness (Hurmah) as Dar Al-Islam and its people to be Muslims, as it is prohibited (Haraam) from this consideration. However, the subject is about fighting the polytheists in the place of Haram and during the sacred months. Thus, there is no contradiction between the verse and Hadith in terms of the abrogation of the verse in at-Tawba over the verse in Baqarah, as we have clarified before.

6- Fighting the Polytheists which Allah (swt) has made lawful in the sacred place and sacred months is restricted by the conditional understanding (مفهوم الشرط) of the verse: ﴿فَإِذَا انسَلَخَ الْأَشْهُرُ الْحُرُمُ فَاقْتُلُوا الْمُشْرِكِينَ حَيْثُ وَجَدْتُمُوهُمْ وَخُذُوهُمْ وَأَخْصِرُواهُمْ وَأَقْعُدُوا لَهُمْ كُلٌّ مَرْصِدٌ إِن تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ إِنَّ اللَّهَ عَفُورٌ رَحِيمٌ﴾ **“And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakah, let them [go] on their way. Indeed, Allah is Forgiving and Merciful.”** [TMQ Surah Tawba: 5]

a- i.e. Permissibility of Fighting is to enter the people into Islam and raise the Word of Allah (swt) as the highest (إعلاء كلمة الله). This is because the saying of the verse ﴿فَإِن تَابُوا﴾ **“If they repent”** means ‘if they leave the disbelief’, and the saying ﴿وَأَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ﴾ **“establish prayer, and give zakah”** means ‘if they enter into Islam’ based on the subject of ‘calling by a part to denote the whole’ (إطلاق الجزء للدلالة على الكل), whilst the saying ﴿فَخَلُّوا سَبِيلَهُمْ﴾ **“let them [go] on their way”** means ‘do not fight them’. This is also because the conditional opposite understanding (مفهوم المخالفة للشرط) is applied to the verse. Accordingly, the verse means that they will be fought if they do not repent, establish prayer and give Zakah i.e. if they remain in their disbelief and do not enter Islam, whether they are early disbelievers, or Muslims who apostatised to become disbelievers.

Accordingly, fighting to spread Islam and raising the Word of Allah (swt) as the highest is valid in this aspect for every month of the year, be it sacred months or other than that. This is with respect to the time. Also fighting to spread Islam and raising the Word of Allah (swt) as the highest is valid for all places even in the place of Haram, if the reality of raising the Word of Allah (swt) and entering the people to Islam exists in Mecca, when the disbelief spreads in Mecca by apostasy or others and if the disbelievers controlled it such that its authority belongs to them. In this case, Muslims must fight to eliminate the disbelievers and return the authority of Mecca to Islam, even if the disbelievers fortify themselves in Haram and even if it is during the sacred months.

b- It is worth mentioning that the Islamic State must fight the disbelievers and apostates who fortified themselves in the place of Haram, if they are groups who challenge its power i.e. the reality of fighting is applied to them. If they are those who fortify themselves in the place of Haram as individuals or groups who do not challenge its power, then the reality of

fighting does not apply to them and thus they will not be fought, rather they will be punished and the Khalifah will tighten the noose on them until they surrender or they are arrested.

All these are pertaining to our initiative to fight the disbelievers in the place of Haram or during the sacred months. If they fight us or the battle continues whilst entering the sacred month, the divine texts are clear to fight them as we have mentioned it previously. c- Therefore, it is not permissible to initiate fighting in the sacred months and in the place of Haram, except to enter the disbelievers into Islam or to eliminate them and prevent from their enmity or to fight the apostates. This is the conditional understanding (mafhoom Shart) of the verse. ﴿فَإِنْ تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ﴾ **“But if they should repent, establish prayer, and give zakah, let them [go] on their way.”** [TMQ Surah Tawba: 5]

It is not permissible to fight other than them in the place of Haram or during the sacred months. Thus it is prohibited to fight the Muslims therein, nor shall they be made terrified or wronged. It is a great sin and severe crime in the Shariah of Allah. And the punishment for that is severe in Islam and is more severe than its occurrence in a place other than Haram or during a month other than sacred month.

Thus violating the sanctity of Haram and Masjid Al-Haram is a great sin in the Deen of Allah (swt), ﴿وَمَنْ يُرِدْ فِيهِ بِالْحَادِ بِظَلْمٍ نُذِقْهُ مِنْ عَذَابِ أَلِيمٍ﴾ **“Whoever intends [a deed] therein of deviation [in religion] or wrongdoing - We will make him taste of a painful punishment.”** [TMQ Surah Hajj: 25] ﴿مِنْهَا أَرْبَعَةٌ حُرْمٌ ذَلِكَ الدِّينُ الْقَيِّمُ فَلَا تَظْلِمُوا فِيهِنَّ أَنْفُسَكُمْ﴾ **“of these, four are sacred. That is the correct religion, so do not wrong yourselves during them.”** [TMQ Surah Tawba: 36]

Thus what is prohibited is also prohibited in places and months other than that. However, committing the prohibition in Haram and sacred month is a severe prohibition.

So what is crime is also a crime in places and months other than that. However, committing a crime in Haram and sacred month is a severe crime.

So what is wrongdoing is also wrongdoing in places and months other than that. However, committing the wrongdoings in Haram and sacred month is more severe and great.

7- Allah (swt) had forgiven Abdullah bin Jahsh and his expeditions for what they did in that expedition during the sacred month. Allah (swt) established an argument against the disbelieving Quraish for what they were doing in terms of disbelief, preventing from the Path of Allah (swt) and Masjid Al-Haram and fitnah that extensively surpassed what the expedition did to them.

As for the evidence for the forgiveness of Abdullah bin Jahsh and the people who were with him, the evidence is as follows:

a- The Saying of Allah (swt): ﴿إِنَّ الَّذِينَ آمَنُوا وَالَّذِينَ هَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللَّهِ أُولَٰئِكَ يَرْجُونَ رَحْمَتَ اللَّهِ وَاللَّهُ غَفُورٌ رَحِيمٌ﴾ **“Indeed, those who have believed and those who have emigrated and fought in the cause of Allah - those expect the mercy of Allah. And Allah is Forgiving and Merciful. (218)”** This verse was revealed about them and Allah (swt) praised them with the description of belief, migration and Jihad in the Path of Allah (swt). Allah (swt) praised them that they expect the mercy of Allah for what they have done. Allah (swt) concluded the praise with forgiveness and mercy for them.

b- Acceptance of the spoils of caravan and two prisoners by the Messenger of Allah (saw), after he (saw) had refrained from that, whilst denouncing their fight during the sacred month, until the revelation of the noble verse.

The acceptance of what they brought as spoils of war by the Messenger of Allah (saw) is an evidence for the forgiveness of Allah (swt) for them for what they did. Also it is an evidence for the acceptance of their deeds.

Allah (swt) concluded the noble verse by denoting His forgiveness and His praise towards them. ﴿أُولَٰئِكَ يَرْجُونَ رَحْمَتَ اللَّهِ وَاللَّهُ غَفُورٌ رَحِيمٌ﴾ **“They are those who expect the mercy of Allah. And Allah is Forgiving and Merciful.”**