

## Explanation of The Book of Tawheed

### Class Notes – Chapter 63

#### بَابُ مَا جَاءَ فِي ذِمَّةِ اللَّهِ وَذِمَّةِ نَبِيِّهِ

#### **What has been mentioned regarding the covenant of Allah and the covenant of His Messenger ﷺ.**

- **Relevance of the chapter to the book:** This chapter makes clear that fulfilling covenants and vows is a sign of veneration of Allah, whereas breaking them implies disrespect of Him, which no doubt affects the perfection of *tawheed*.
- Allah has a covenant on His servants, that they worship Him Alone without associating any partners with Him. Similarly, the servants have a covenant from Allah (which He imposed upon Himself) that He will not punish those who worship Him alone without associating partners with Him.
- The Prophet ﷺ also has a covenant upon his *ummah*, that they will follow the *sharee'ah* he came with, and not innovate in it. Similarly, his *ummah* has a covenant on him (which Allah imposed upon him) that He will convey the message and not conceal anything of it.
- (ذِمَّةُ اللَّهِ وَذِمَّةُ نَبِيِّهِ) – “Allah’s covenant and the covenant of His Messenger”. Generally speaking, they are the same thing, which is the *sharee'ah* mankind is obliged to follow. Intended in this, is the specific pledges and vows that are made between people which they are obligated to fulfill and not to break.

وقول الله تعالى: ﴿وَأَوْفُوا بِعَهْدِ اللَّهِ إِذَا عَاهَدْتُمْ وَلَا تَنْقُضُوا الْأَيْمَانَ بَعْدَ تَوْكِيدِهَا وَقَدْ جَعَلْتُمُ اللَّهَ عَلَيْكُمْ كَفِيلًا إِنَّ اللَّهَ يَعْلَمُ مَا تَفْعَلُونَ﴾

**Allah the Almighty said: And fulfill the covenant of Allah when you have taken it, and do not break the oaths after their confirmation while you have made Allah, over you, a security. Indeed, Allah knows what you do. [al-Nahl: 91]**

- {وَأَوْفُوا بِعَهْدِ اللَّهِ} – “And fulfill the covenant of Allah”. That is, the covenant of adhering to the *sharee'ah* and also the covenants that are made between people such as business contracts, marriage contracts, pledges of allegiance (*bay'ah*) and the covenants which exist between the Muslims and the disbelievers. All of these must be fulfilled according to their terms.
- {وَلَا تَنْقُضُوا الْأَيْمَانَ} – “And do no break the oaths”. Covenants are usually ratified by oaths taken in the name of Allah, which is why they are mentioned in the same context.
- {بَعْدَ تَوْكِيدِهَا} – “After their confirmation”. That is, after the oaths have been confirmed by taking them in the Name of Allah.
- {وَقَدْ جَعَلْتُمُ اللَّهَ عَلَيْكُمْ كَفِيلًا} – “While you have made Allah over you a security”. That is, Allah is a witness over you when you make covenants and oaths in His Name.

- {إِنَّ اللَّهَ يَعْلَمُ مَا تَفْعَلُونَ} – “Indeed Allah knows what you do”. This is a threat from Allah, for He knows when you break your covenants and oaths, so beware of breaking them intentionally.
- **General meaning of the ayah:** In this ayah Allah commands the believers to fulfill their covenants and pledges, and not to break the oaths taken in His name. By taking them in His name, they have made Him as their witness and an observer over them. He knows their actions and will proportionally recompense them.
- **Relevance of the ayah to the chapter:** The ayah proves the obligation of fulfilling pledges and covenants, because the order to fulfill them necessitates obligation.

عَنْ بُرَيْدَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أَمَرَ أَمِيرًا عَلَى جَيْشٍ أَوْ سَرِيَّةٍ أَوْصَاهُ فِي خَاصَّتِهِ بِتَقْوَى اللَّهِ وَمَنْ مَعَهُ مِنَ الْمُسْلِمِينَ خَيْرًا، فَقَالَ: اغْزُوا بِسْمِ اللَّهِ فِي سَبِيلِ اللَّهِ، قَاتِلُوا مَنْ كَفَرَ بِاللَّهِ، اغْزُوا وَلَا تَغْلُوا وَلَا تَغْدِرُوا وَلَا تَمْتَلُوا، وَلَا تَقْتُلُوا وَلِيدًا.

وَإِذَا لَقِيتَ عَدُوَّكَ مِنَ الْمُشْرِكِينَ فَادْعُهُمْ إِلَى ثَلَاثِ خِصَالٍ (أَوْ خِلَالٍ) فَأَيَّتَهُنَّ مَا أَجَابُوكَ فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ، ثُمَّ ادْعُهُمْ إِلَى الْإِسْلَامِ، فَإِنْ أَجَابُوكَ فَاقْبَلْ مِنْهُمْ، ثُمَّ ادْعُهُمْ إِلَى التَّحَوُّلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ، وَأَخْبِرْهُمْ أَنََّّهُمْ إِنْ فَعَلُوا ذَلِكَ فَإِنَّ لَهُمْ مَا لِلْمُهَاجِرِينَ وَعَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ، فَإِنْ أَبَوْا أَنْ يَتَحَوَّلُوا مِنْهَا فَأَخْبِرْهُمْ أَنََّّهُمْ يَكُونُوا كَأَعْرَابِ الْمُسْلِمِينَ يَجْرِي عَلَيْهِمْ حُكْمُ اللَّهِ تَعَالَى، وَلَا يَكُونُ لَهُمْ فِي الْغَنِيمَةِ وَالْفَيْءِ شَيْءٌ إِلَّا أَنْ يُجَاهِدُوا مَعَ الْمُسْلِمِينَ، فَإِنْ هُمْ أَبَوْا فَاسْأَلْهُمْ الْجِزْيَةَ، فَإِنْ هُمْ أَجَابُوكَ فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ، فَإِنْ هُمْ أَبَوْا فَاسْتَعِنَ بِاللَّهِ وَقَاتِلْهُمْ.

وَإِذَا حَاصَرْتَ أَهْلَ حِصْنٍ فَأَرَادُوكَ أَنْ تَجْعَلَ لَهُمْ دِمَّةَ اللَّهِ وَدِمَّةَ نَبِيِّهِ فَلَا تَجْعَلْ لَهُمْ دِمَّةَ اللَّهِ وَدِمَّةَ نَبِيِّهِ وَلَكِنْ اجْعَلْ لَهُمْ دِمَّتَكَ وَدِمَّةَ أَصْحَابِكَ، فَإِنَّكُمْ أَنْ تُخْفِرُوا دِمَّتَكُمْ وَدِمَّةَ أَصْحَابِكُمْ أَهْوَنُ مِنْ أَنْ تُخْفِرُوا دِمَّةَ اللَّهِ وَدِمَّةَ نَبِيِّهِ. وَإِذَا حَاصَرْتَ أَهْلَ حِصْنٍ فَأَرَادُوكَ أَنْ تُنْزِلَهُمْ عَلَى حُكْمِ اللَّهِ فَلَا تُنْزِلْهُمْ عَلَى حُكْمِ اللَّهِ وَلَكِنْ أَنْزِلْهُمْ عَلَى حُكْمِكَ فَإِنَّكَ لَا تَدْرِي أَتُصِيبُ حُكْمَ اللَّهِ فِيهِمْ أَمْ لَا. رَوَاهُ مُسْلِمٌ.

**Buraidah narrated: Whenever Allah's Messenger ﷺ deputed anyone as leader of an army or expedition, he admonished him to fear Allah, and be good to the Muslims with him. He used to say: Fight in the Name of Allah and in the way of Allah. Fight those who disbelieve in Allah. Fight and do not take unduly from the spoils, nor break any treaty, nor mutilate the dead bodies, nor kill the children.**

**When you meet your enemies from the polytheists, invite them to three courses of action. If they respond to any of these positively, accept them at their words and do not continue to fight them. Invite them to Islam and if they respond positively, accept it from them and ask them to leave their land and migrate to the lands of Muhajiroon. Inform them that after migrating they will be entitled to everything the Muhajiroon are entitled to and they will be under the same obligations as the Muhajirin. If they refuse to migrate then inform them that they will have the same status as the bedouin Muslims and shall be subjected to the commands of Allah like other Muslims but they shall not get any share from the booty or returns of war unless they fight jihad with the Muslims. If they refuse to accept Islam, impose the jizyah upon them. If they agree to this, then accept it from them and cease fighting them. But if they refuse (to pay the jizyah) then seek Allah's help and fight them.**

**When you lay siege to a fort and the besieged appeal to you for protection in the Name of Allah and His Prophet ﷺ, do not grant them the covenant of Allah and His Prophet ﷺ, but grant them your guarantee and that of your companions, for it is a lesser sin that the covenant of you and your companions is broken than if the covenant of Allah and His Prophet ﷺ is broken.**

**When you lay siege to a fort and the besieged request you to let them out in accordance with Allah's Command, do not let them out with His Command but do so at your own command, for you do not know whether you will be able to carry out Allah's command with regard to them. [Muslim]**

- (عَلَى جَيْشٍ أَوْ سَرِيَّةٍ) – “An army or an expedition”. A ‘sariya’ is a small part of the army which leaves independently on a separate incursion then returns again to the main body of the army.
- (مَنْ كَفَرَ بِاللَّهِ) – “Fight those who disbelieve in Allah”. Fight them because of their disbelief so that Allah’s word is the highest. Excluded from this killing is the women, children, elderly, non-combatants and those who have an existing treaty with the Muslims.
- (دَارِ الْمُهَاجِرِينَ) – “The lands of the Muhajireen”. Referring to Madinah at that time.
- (فَإِنَّ لَهُمْ مَا لِلْمُهَاجِرِينَ) – “They will be entitled to everything the Muhajiroon are entitled to”. This is referring to the booty and spoils of war, as well as the ‘fay’, which is the booty taken without fighting.
- (وَعَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ) – “And they will be under the same obligation as the Muhajireen”. Namely the obligation of *jihad* and other commitments upon them.
- (دِيْمَةَ اللَّهِ وَدِيْمَةَ نَبِيِّهِ) – “Appeal to you for protection in the name of Allah and His Prophet”. That is, they ask the leader to give them a pledge of protection in the Name of Allah and the Name of His Messenger, and they will exit their place of siege.
- **General meaning of the hadith:** In this *hadith*, Burayda narrates that whenever the Prophet ﷺ entrusted anyone with the command of an army or sent anyone in charge of a punitive expedition against the disbelievers, he would order them to adhere to a number of guidelines.

He would advise them to be pious and to fear Allah in the treatment of his troops and to treat them well. He would command them to fight seeking Allah’s assistance in their efforts to turn the disbelievers to the worship of Allah alone. Their fighting must also be done purely for the sake of Allah, and not for any other reason.

The Prophet ﷺ would also command the fighters not to break their covenants, embezzle spoils of war, mutilate the dead bodies, or kill children and non-combatants.

Furthermore, when coming face-to-face with the enemy, they were required to give the disbelievers three options before fighting them; to either embrace Islam, pay the *jizya* or to be fought.

If they embraced Islam, they were given two options; to migrate to the land of the Muslims (Madinah) and enjoy the privilege of the *muhajiron* and comply with their obligations, or stay with the Bedouin Muslims, not entitled to any spoils of war, unless they join the Muslims in battle.

Should the Muslim fighters lay siege to the disbelievers in their forts, and the besieged ask them to make a treaty of protection in the Name of Allah and His Prophet ﷺ, they should not agree, but rather offer them a treaty of protection in their own name. This is because breaking pledges taken in the Name of Allah and His Messenger is far more serious than breaking one’s own pledges.

Similarly, if the besieged ask to be treated in accordance with Allah’s law, the Muslim fighters should not agree, but rather treat them according to their best judgement. This is because their judgement may not comply with that of Allah, and this wrong judgment may then be wrongly ascribed to Allah.

- **Relevance of the hadith to the chapter:** The *hadith* proves the prohibitions of giving the disbelievers a treaty of protection (or any other treaty) in the Name of Allah and His Prophet ﷺ, because should

either party fail to fulfill these covenants, then they have abused Allah's pledge. This no doubt represents a deficiency in *tawheed*.

- **Important issues of the Chapter**

1. **The difference between the protection of Allah and His Prophet ﷺ and the protection of the Muslims.** As per the *hadith* of Burayda. The treaty of protection of Allah and His Messenger is one, and is not allowed to be given to the disbelievers. As for the Muslims, they can give a treaty of protection in their name to the disbelievers.
2. **Direction to choose the less dangerous alternative.** As per the *hadith* of Burayda. The breaking of a treaty given in the name of a Muslim is far less evil than breaking a treaty given in the Name of Allah and His Messenger.
3. **The Prophet's command: 'Fight with the Name of Allah and in the way of Allah'.** As per the *hadith* of Burayda. Fighting should be done for the sake of Allah while seeking assistance in Him.
4. **The Prophet's command: 'Fight against those who disbelieve in Allah'.** As per the *hadith* of Burayda. They are being fought because of their disbelief. There are other reasons why Muslims may fight, including the prevention of the obligatory *zakat*.
5. **The Prophet's command: 'Seek Allah's help and fight with them'.** As per the *hadith* of Burayda.
6. **There is a difference between the Command of Allah and that of the 'Ulama.** As per the *hadith* of Burayda. The ruling of Allah is always correct, whereas the ruling may or may not be known to the scholar, such that they will sometimes rule correctly and sometimes incorrectly.
7. **That when necessary, the companions would make a judgement without knowing if it would agree with Allah's Judgement or not.** As per the *hadith* of Burayda. This is applicable to the *sahabah* and those after them. In times of necessity, they may make *ijtihaad* as to what they believe to be the correct ruling.