

العهد والأمان في الإسلام

## **Covenants & Security in Islām**

Compiled from the Lecture & Book

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*In The Name of Allāh – The Most Beneficent – The Most Merciful*

Ignorance is the greatest cause of all mistakes and there exists much emptiness and ignorance with regards to covenants of security amongst the Muslims, which leads people to fall into mistake and error.

There are people who have made the issue of Covenants amongst the people a very light matter and not given any importance to it. To such an extent that some even joke and laugh about the matter even though it stems directly from what has been mentioned in the book of Allāh (Subhānahu wa-Ta'āla) and his Messenger (Salallāhu Alayhi Wasalam).

There is another thought amongst the Muslims which is to bring victory to Islām and themselves by any ways and means necessary, agreeing and allowing to do anything as long as it causes harm and hardship to the disbelievers and allow everything in this regard. It is of no importance to them that an action you may do is a betrayal of trusts. The desire for retaliation and revenge has caused peoples desires to go above the texts of the Sharī'ah and the Messenger Muhammed (Salallāhu Alayhi Wasalam) said: *None of you truly believes until his desires are in accordance with what I have brought.*

Here we will briefly touch upon the importance of covenants, security and trusts of safety in the Sharī'ah of Allāh (Subhānahu wa-Ta'āla), their sanctity and how they are established. The severity of treachery (*Ghadr*) and of betraying these trusts and the retribution that falls upon the person who does so.

## **The Importance Of Keeping Trusts And The Severity Of Betrayal..**

To Proceed, Allāh (Subhānahu wa-Ta'āla) says in the Qur'ān:

**Oh you who believe! Fulfill your Contracts** [al-Mā'ida 5:1]

**And purchase not a small gain at the cost of Allāh's Covenant.** [an-Nahl 16:95]

The Messenger (Salallāhu Alayhi Wasalam) said:

*I do not break the covenants nor do I arrest the one who is sent as a messenger from another nation.* [Sunan al-Bayhaqī, 18209]

The Messenger (Salallāhu Alayhi Wasalam) said this regarding the person who was sent as a messenger from the Quraish. After which the heart of that messenger entered into Islam. The Messenger of the Quraish said to Muhammed (Salallāhu Alayhi Wasalam); *by Allah I do not want to go back to the Quraish.* The Messenger (Salallāhu Alayhi Wasalam) sent him back and said: *if what is in your heart is still there when you go back to your people then come back to us.* [Abū Dāwūd]

The Messenger (Salallāhu Alayhi Wasalam) said:

*There is no Īmān for the one who does not keep his covenant and no Dīn for the one who does not keep his trusts.* [Ahmad]

The Messenger (Salallāhu Alayhi Wasalam) said:

*It is not allowed to take a small dot of wealth from the one you are in covenant with except if he is satisfied with that.* [Sahīh Sunan Abi Dāwūd 3229]

The Messenger (Salallāhu Alayhi Wasalam) said:

*Nations do not contravene their covenants except that their will occur fighting between them.*[Ibn Mājah]

The Messenger (Salallāhu Alayhi Wasalam) said:

*A Nation will not be destroyed except when they start betrayal between themselves.*

The Messenger (Salallāhu Alayhi Wasalam) said:

*Five will cause Five, It was said O Messenger of Allāh, what are these five, he (Salallāhu Alayhi Wasalam) said: (the first one) nations do not break their covenants except that Allāh (Subhānahu wa-Ta'āla) will allow their enemies to have power over them. [Abu Dāwūd]*

From Ibn Abbās who said:

*A nation which betrays their trust, Allāh (Subhānahu wa-Ta'āla) will cause their enemies to take power over them.*

Because of these texts we fear for the Muslims, their own betrayal more than the weapons of the Enemies. The one who falls into betrayal Allāh (Subhānahu wa-Ta'āla) will cause the enemies to take over them.

The Messenger (Salallāhu Alayhi Wasalam) said:

*Verily, every betrayer will have a banner (on the Day of Judgment) by which he will be known for his betrayal. [Ahmad]*

The Messenger (Salallāhu Alayhi Wasalam) said:

*The betrayer will have a banner on the day of judgment, Saying: This man is a betrayer.. so and so, son of so and so. [Narrated by Ibn Umar In The Sahihayn]*

The Messenger (Salallāhu Alayhi Wasalam) said:

*When Allāh (Subhānahu wa-Ta'āla) will gather the first and the last on the day of judgment, every betrayer will be raised with a banner. It will be said, This man is a betrayer.. so and so, son of so and so. [Sahih Muslim 1735]*

The Messenger (Salallāhu Alayhi Wasalam) said:

*Whosoever gives security to the blood of person then kills him, he will be given the banner of betrayal on the day of judgement. [Silsilah Sahīhah 440]*

The Messenger (Salallāhu Alayhi Wasalam) said:

*If a person is safe and secure with another person, then he kills him after he given him safety, he will have on the day of judgment a banner of betrayal.*[Ibn Mājah & al-Hākim in his Mustadrak]

The Messenger (Salallāhu Alayhi Wasalam) said:

*Whoever kills a soul who has been given a covenant without it being allowed to be broken, Allāh (Subhānahu wa-Ta'āla) has made prohibited for him to even smell paradise.*[Sahīh Sunan an-Nisā'ī 4423]

The Messenger (Salallāhu Alayhi Wasalam) said:

*Whoever has killed a person who has been given a covenant he will never smell the scent of paradise, Indeed the smell of paradise spans forty years of travel.* [Bukhāri]

In a Hadīth Qudsī, the Messenger (Salallāhu Alayhi Wasalam) says that Allāh (Subhānahu wa-Ta'āla) says:

*Three types of people I am against in the hereafter. From them; is a man who has given a covenant and then betrays it.* [Bukhāri]

The Messenger (Salallāhu Alayhi Wasalam) said:

*Anyone who oppresses a Mu'āhid (person who has been given covenant) or is deficient in providing what he promised, or he causes excess burden upon him, or takes something from the trust which the Mu'āhid is not happy about, he is the one who will get it back from him on the day of judgment.* [Sahīh Sunan Abī Dāwūd 2626]

There are many Hadith on this same topic of the importance of trusts and the severity of betrayal on which we cannot turn our backs on, without considering in which situation and how they apply. Betrayal is not from the attributes of the Muslim, rather it is from attributes of the disbelievers. Allāh (Subhānahu wa-Ta'āla) says:

**And those who break the Covenant of Allāh, after its ratification, and sever that which Allāh has commanded to be joined (i.e. they sever the bond of kinship and are not good to their relatives), and work mischief in the land, on them is the curse (i.e. they will be far away from Allāh's Mercy); And for them is the unhappy (evil) home (i.e. Hell).** [ar-Ra'ad 13:25]

Imām Qurtubī in his Tafsīr says:

Sa'ad Ibn Abī Waqās says: *By Allāh (Subhānahu wa-Ta'āla), whom there is no God but He, verily they are the Hurūriyah.*

Hurūriyah referring to the Khawārij who are known for breaking their covenants, and what follows from that in spreading corruption and mischief in the lands.

The Messenger (Salallāhu Alayhi Wasalam) said:

*Whoever has the following four (characteristics) will be a pure hypocrite and whoever has one of the following four characteristics will have one characteristic of hypocrisy unless and until he gives it up. Whenever he is entrusted, he betrays. Whenever he speaks, he tells a lie. Whenever he makes a covenant, he proves treacherous. Whenever he quarrels, he behaves in a very imprudent, evil and insulting manner. [Bukhāri]*

Allāh (Subhānahu wa-Ta'āla) says:

**and who fulfill their covenant when they make it, and who are As-Sābirin in extreme poverty and ailment and at the time of fighting (during the battles). Such are the people of the truth and they are al-Muttaqūn**

[al-Baqarah 2:177]

Imām Qurtubī in his Tafsīr says:

**(and who fulfill their covenant when they make it)** *that is between them and Allāh (Subhānahu wa-Ta'āla) and that is between them and the people.*

Allāh (Subhānahu wa-Ta'āla) says:

**Those who fulfil the Covenant of Allāh and break not the Mithāq (bond, treaty, covenant)** [ar-Ra'ad 13:20]

Ibn Kathīr in his Tafsīr states:

*And they are not like the Munāfiqīn those who when they speak, they lie; when they vow, they break it; and when they dispute, they are lewd.*

Know that betrayal is not the attribute of a Muslim. The texts regarding this matter are plentiful as we have just mentioned, to emphasise that a Muslim is not one that betrays the trusts rather establishes them. We should always stop and limit ourselves to what Allāh (Subhānahu wa-Ta'āla) has ordered and restricted us to, and not to go beyond that.

## **How Covenants And Trusts Of Security Are Established..**

The covenant is established in one of two ways, we mention them first before showing how the people of knowledge explained them.

The first way is by speech. Any statement which states explicitly and is understood to be a covenant, which constitutes as such. Greetings such as Welcome, how are you, carry the meaning of security i.e. that you are in security and safety with that person. For greater reason the one that is seeking asylum is under covenant rather it is a clearer indication of seeking security.

The second way is the customary covenant. This is how the people understand by the current customs as to what constitutes a covenant, trust and security. An example of such is getting a Visa for a country from the official channels, by getting this is a clear indication that you are getting security from the country you are entering and there is no need to mention such by writing or speech explicitly.

When a Muslim is working for a non-Muslim, this indicates covenant for the two parties. It is by what is customarily known, and does not require being explicit in stating that you are safe from me and I am with you, both are giving security to each other. Just by working for the person indicates that both parties are happy with the situation they are in and is a contract of such.

Likewise with the student who comes to study, he does not state I want to take a covenant of security with you and will not kill anyone and take their wealth etc. By you being there for that purpose, implies that you are at peace and to study, not at war.

Another example is a messenger sent from one nation to another or what is known as an emissary, it is known by custom that he comes in peace and not war. Similarly business men and tourists are not fighters and it is known by custom that they are not people of war but come in peace.

And like that, when travelling on buses, trains, airports, and taking companions therein, you do not go to everyone specifically stating that you and they are in security and that you want covenant with them. The very fact that you are getting on such transport implies that you are there to travel and not at war and that is the customary practice of the people.

The story narrated by Al-Mughīra Ibn Shu`ba in Bukhāri that before Islām he killed his travel companions and took over their money. After that he came to Islām. On hearing the story, the Messenger (Salallāhu Alayhi Wasalam) told him:

*As for you Islām, we accept it, As for the wealth, it is the wealth of betrayal and we are in no need of it.*

The Messenger (Salallāhu Alayhi Wasalam) saw this as betrayal, as when you accompany others in travel the customary understanding of it is that you are in peace and in covenant with each other.

Ibn Qayyim commented:

*The condition of custom, is the same as the verbal condition.*

And a principle of Ahmad Ibn Hanbal:

*The customary condition is as equal to the verbal condition*

## **How Much Needs To Be Said To Establish Covenants..**

Imām Shaybāni states in as-Siyar 1/99:

*If the Muslims call the people of war with security (bil-Amān) then all have security, if they (people of war) hear their (Muslims) voice in any tongue or language calling them, as in the narration of Umar Ibn al-Khattāb (May Allāh be pleased with him) who wrote to the his soldiers in Irāq: 'If you say to them, do not fear, then they have security, as indeed Allāh (Subhānahu wa-Ta'āla) knows the tongue.' And the meaning is what he indicated. Giving security forces you to stop killing from them and opposing them and this is the right of Allah (Subhānahu wa-Ta'āla). And If you call the people of war in a language they do not understand, and it is known from the Muslims that you are calling them to security they have security. If the Muslims say to the enemy: you are in security, do not fear, there is no harm in coming to us, or any word which resembles this then all of them are in security (Amān)'.*

Imām Shaybāni continues:

*Even if a Muslim points to a Mushrik in a fortress/castle, meaning for him to come here, or a sign to the people of a fort to open the door, or point towards the sky, and the Mushrikīn take it to mean that as security, and open the door thinking they have security, if was known between the Muslims and the people of war that these signs indicate peace and security then they are in security, these signs have the same level as you having security. It is established from the narration of Umar (May Allāh be pleased with him) who said: Any man from the Muslims who points towards a man from the enemy saying to him 'come here and if you come to me I will kill you', if he does come to you, he is in security (Āmin).*

So in this explanation and narration of Umar (May Allāh be pleased with him) proves that security is based upon what the Kufār perceive from you a sign of security, even though you are calling to kill them.

Imam Sarkhasī said in his explanation of as-Siyar:

*So he is in security (from the pointing) the same way it is said 'you are in security' because the process of giving security is built upon encompassing (all types), and staying away from anything that resembles betrayal. And it was known between the people that this type of pointing means security, then establishment by he customs is as if it has been established by text. If he did not offer security then this would be considered as betrayal. On the other hand, if (this pointing) was not*

*known to be customary then this coupled with the circumstances of the situation will make it upon the same level or more powerful than customary practice alone. Therefore their obedience to his pointing towards them is the clearest evidence of safety.*

Imām Shaybānī in as-Siyar 2/4 states:

*If the Muslims say to four from the people of the castle, 'come down, you are protected so we can negotiate a treaty', and twenty people from the fort come down instead of the four, the four are between then twenty but are not known to the Muslims, and each one of the twenty say 'I am from the four' (to whom security was given) then all of them are in security, It is not allowed to kill anyone of them nor take them as prisoners, you have to give them the right to return back to their fort as though you given all of them security together. If a Mushrik is in his castle or fort, shouting to the Muslims give me security give me safety, and the Muslim sarcastically replies 'you really want safety, you want safety', the Mushrik jumps and throws himself in front of the Muslims for security, and goes to the Muslim who gave him security, we do not consider what the Muslims intended rather from what the Kufār perceive.*

Ibn Qudāmah states in al-Mughnī 9/199:

*If a disbeliever enters Dār al-Islām without having any covenant, if he is carrying with him goods for sale in Dār al-Islām, and other merchants come with him without taking any covenant (physical or verbal from the Muslims), we are not allowed to fight and expel them. Imām Ahmad said: 'If you are riding upon a ship and you come across merchants from the disbelievers from the enemies land to the Muslims land, you are not allowed to reject them or kill them, and all who enter the land of the Muslims from the people or war as merchants, accept them and do not ask them anything'.*

Imām Baghawi states in his Sharh us-Sunnah 11/90:

*Even if a disbeliever was to come and was given security by a young boy and said 'I deemed it ok to take covenant from the child' we will return him back to his country because of his ignorance of the ruling. Shaqīq bin Salamah said that 'Umar bin al-Khattāb (May Allāh be pleased with him) wrote to us while we were in Khāniqīn: If one of you says to a man 'matras' - and it is a Persian word that means do not be afraid - then he has given him a pact of security, as Allah (Subhānahu wa-Ta'āla) knows the tongues.' And 'Amr bin Hamīq said: 'I heard the Messenger of Allah*

*(Salallāhu Alayhi Wasalam) say that whoever gives a man a promise of safety and then kills him, he will be given a banner of betrayal on the Day of Resurrection.'*

Ibn Abdul Barr in his book al-Istidhkār 14/84 states:

*One man asked Imām Mālik that if one just points does that take same level as someone saying come down you have security? Imām Mālik replied yes, I advise to those on the front of the armies (of the Muslims) not to kill those you point to, giving security to them. Because for me, and indication is the same as speech, I say this, as Ibn Abbās said: a nation will not betray the covenant except that Allāh (Subhānahu wa-Ta'āla) will empower their enemies over them. Imām Mālik continues: I do not know of any disagreement between the scholars regarding the one who gives security to the disbeliever (Harbīyan) in any speech or form, for him is complete security. And the majority of the scholars made the mere pointing as security and covenant the same level and covenant by speech.*

Some will claim that covenants and trusts have to be established explicitly by speech however from what has passed that is not the case. Thus any statement, word, action or even the pointing, that the other person understands as protection, then that is full protection.

## **Who Makes And Breaks Covenants..**

It is understood by some that only the rulers of the Muslims make and break covenants others say the Mujāhidīn are the ones who do so. Both of these are incorrect and contradict the agreement of all the scholars and understandings of texts we have presented.

We say: Every Muslim who has reached the age of puberty and has understanding he is able to give security be that male or female, be that a slave or a free person, a sinful person or pious person. Any person in this description who gives covenant of security in anyway explicit or implicit, by custom, by sign or speech to another person, it counts as such.

The Messenger (Salallāhu Alayhi Wasalam) said:

*The contracts of the Muslims are a single contract, the lowest amongst them can give it and it will be binding upon all of them. Whosoever breaks it from the Muslims, the curse of Allāh (Subhānahu wa-Ta'āla) the angels and all the people is upon him, and he will have accepted from him neither any obligatory or optional deeds. [Bukhārī]*

The security given by one Muslim to a disbeliever is binding upon all Muslims to adhere to. If a non-Muslim is welcomed by Muslims in a Muslim country as a tourist or the like, he is in security and it is not allowed for Muslims to violate that contract as long as he is not fighting against the Islām and the Muslims.

The security is on two sides and the way one is in safety with you, you are also to be in security with him, and it is not possible for you to be giving security to the non-Muslims and with that, they are fighting you, this type of covenant is not acceptable. If all the Muslims in a Muslim land were to give security to a group of Kufār who came to fight and occupy the Muslims this would not be valid. From the conditions of giving security is that one leaves their weapons, if a fighter has left his quarters and weapons, coming to the Muslims asking for security then that would be valid and binding, as he is not in a state of fighting the Muslims.

Imām Shaybāni in as-Siyar 1/175 states:

*The giving of security by one Muslim is binding upon all the Muslims regardless if the Muslim (who gave security) is a sinner or fearful of Allāh (Subhānahu wa-Ta'āla), as the Messenger (Salallāhu Alayhi Wasalam) said: The Muslims are united in their blood, and they are as one hand over those besides them, and their trusts are to be respected, even from the lowest of them." What is intended by trusts is the covenant whether temporary or permanent.*

The evidence that women are also able to give covenant and security is that the daughter of the Messenger (Salallāhu Alayhi Wasalam) Zaynab (may Allāh be pleased with her) put her husband al-'Ās bin Rabī' under her protection, and the Messenger of Allah (Salallāhu Alayhi Wasalam) considered this valid.

And from Umm Hānī (may Allāh be pleased with her) who said:

*I gave security to two of my neighbours who were from the disbelievers. Ali Ibn Abī Tālib entered and wanted to kill the two, he asked how did you give security to these disbelievers, I replied: if you want to kill these two you must start by killing me, then I left the house and said to the Mushrikīn, lock the doors, and I then went to the Messenger (Salallāhu Alayhi Wasalam) and said: O Messenger of Allāh, look what I found from Imām Ali, I gave security these to two people and Ali came and wants to kill them, the Messenger (Salallāhu Alayhi Wasalam) said: he is not allowed to do that, I have protected who you protect, I have given security to whom you given security.*

And from Umar (May Allāh be pleased with them) who said:

*A woman is allowed to give security to disbelievers and all Muslims are binded by it.*

And in a narration from Ā'isha (May Allāh be pleased with her):

*And she can take a promise of protection and security. [Sharh Sayir al-Kabīr]*

This shows the status of women in Islām whose security to a single person is binding upon all Muslims.

Imām Ibn Abdul Barr in al-Istadhkār 14/87 states:

*The covenant given by the eminent person and the humble person is binding and agreed upon by all the scholars. The majority say the giving of security is allowed by the women and the servant. And from Umar (May Allāh be pleased with him) who accepted security from the slaves, and there is no disagreement between the Salaf in that except the one who takes from the odd opinion.*

## **How Many People Is A Muslim Able To Give Security To..**

The Answer: It is not the right of a single Muslim individual to give a pact of security to an entire nation, army, or group that numbers in the hundreds of thousands, as this is from the specific responsibilities of the Muslim ruler and those with him. Rather, the right is for him to give a pact of security to other individuals, convoys, or a group of people that numbers in the tens, and does not exceed a hundred.

We say this from the treaty of Hudhaybiyah, from the Hadīth of Abdullah Ibn Mughfal al-Muznī who said that the Messenger (Salallāhu Alayhi Wasalam) said:

*Write! This is what Muhammed Ibn Abdullāh Ibn Mutalib agrees and I am the messenger of Allāh. So they wrote, and whilst writing thirty people came out with weapons and came towards our face, the Messenger (Salallāhu Alayhi Wasalam) made Du'ā against them and Allāh (Subhānahu wa-Ta'āla) took their sight. The Messenger (Salallāhu Alayhi Wasalam) said asking: Did you all come with Ahad (security) from any one (Muslim) and did he give you all Amānah? They said: No, and then they where let go. [Ahmad amongst others, Siratul-Nabawiyah for Ibrāhīm Ali 531]*

In a narration from Imām Muslim, they were listed as eighty people from the people of Makkah. As can be seen from the statement of the Messenger (Salallāhu Alayhi Wasalam) that one Muslim is able to give thirty or eighty of the disbeliever's security, if this was not permitted the Messenger (Salallāhu Alayhi Wasalam) would not have said so.

Ibn Qudāmah al-Maqdisī in al-Muqne' states:

*It is correct for a Muslim to give Amān (security), male or female, slave or free, and correct for the Imām of all the Muslims to give security to all the Mushrikīn. The Amīr can give security to whoever he is facing. And a single (Muslim) can give security to a congregation of one or ten or a convoy (Qāfilah).*

In Summary; Any Muslim who enters the lands of the disbelievers seeking asylum, or by visa for whatever reason, and similarly those who are living between them in their lands and have status of residency, then there is a binding covenant of security between them and it is not allowed for any of the parties to violate any sanctities and break that trust. Anyone who does not fulfil that or establish that he is betraying the trust with the people and has fallen into such a great matter that all the texts of warning of betrayal will apply upon him. We mention the statements of the people of knowledge to elaborate and clarify further to what has been shown already.

Imām Sarkhasī in his book al-Mabsūt 10/96 states:

*It is hated for the Muslim in his religion that he betrays those whom he has covenant with because betrayal is prohibited. The Messenger (Salallāhu Alayhi Wasalam) said: "Every betrayer will have a banner by his backside on the Day of Resurrection, by which his betrayal will be known" If a Muslim was to betray from the person and takes his wealth and expels him from the lands of the Muslims, It is hated for the Muslim to buy from him because he gained it from maliciousness. In buying from him may entice him to do what he did again and it is hated for the Muslim. The basis of this is the story of Mughīrah Ibn Shu'bah (May Allāh be pleased with him) at the time he killed his companion and came with his wealth to Madīnah then he embraced Islām, he requested from the Messenger (Salallāhu Alayhi Wasalam) to give a fifth of his wealth, the Messenger (Salallāhu Alayhi Wasalam) said: As for your Islām, we accept it, As for the wealth, it is the wealth of betrayal and we are in no need of it.*

Ibn Hajr in al-Fath 5/402 states:

*Deducing from it – the Hadīth of Mughīrah - that it is not allowed to take the wealth of the disbeliever in a situation of betraying trusts. Because one takes companionship dependent on security. And the security extends to the people if they were Muslims or non-Muslims. And indeed the wealth of the Kāfir is only allowed in war and combat.*

Imām Shāfi'ī said in al-Umm 4/284:

*If a Muslim man enters into Dār al-Harb (bi-Aman) with security.. and he is able to steal from their wealth it is not allowed for him to take from it be that a little or a lot. Because when he was in security (Amān) with them so like that they are in security with him as well. The way it is not allowed for you to take the wealth of the Muslims it is not allowed for you to take their wealth when in security with them.*

Imām Shāfi'ī states further in 4/292:

*If the enemies imprison a man from the Muslims, then free him and let him go, and give him security, and appoint him (to a position in office) or maybe not, the security they give him is security from him to them also, and it is not for him to kill or betray them. It is not for him to take their wealth as the way himself is in*

*security they are also in security with him. And we do not know any disreputable narrating different to this.*

Qādhī Abu Ya'lā in his book Ahkām al-Sultāniyah P152 states:

*If – any Muslim - enters into Dār al-Harb with security (Amān) or he was taken as captive with them and then released and given security, it is not allowed that he kills them or take their wealth, upon him is that he ensures security as they do so to him.*

Ibn Qudāmah in his book al-Mughnī 9/237 states:

*Anyone who enters into the land of the enemy with security (Amān) it is not allowed to betray them or deal with them in usury, betraying them is prohibited, because they gave him security on the condition with his leaving of betraying them, and he personally gave them a promise of safety, even if they did not point that out by words, it is known by connotation. Because of this, whoever comes to us from them with a promise of safety and then betrays us, he has nullified his pact. If this is known, it is not allowed for him to betray or prove treacherous to them, and betrayal is not part of our religion. The Messenger (Salallāhu Alayhi Wasalam) said: 'The Muslims are always upon their conditions'. If he breaches them, steals from them, or borrows from them, he is obliged to return what he took to whom he took from. If the owners of the wealth come to Dar ul-Islam through a covenant or by becoming Muslims it will be returned to him otherwise it must be sent back to him. This is because it had been usurped through an unlawful way and what has been taken should be returned as what would happen had it been stolen from the Muslims.*

Ibn Hamām al-Hanafī in his Sharh Fath al-Qadīr 6/17 states:

*If a Muslim enters Dār al-harb as a merchant, it is not allowed for him to intrude upon anything from their wealth or blood. By them giving him security it includes that he will not reject security to them, so opposing it is betrayal and betrayal is Harām by agreement.*

Ibn 'Ābidīn in his Hāshiyah 4/166 states:

*If a Muslim enters Dār al-Harb with Amān (security) it is prohibited for him to resist anything from their blood, wealth or honour, as Muslims abide by their agreements. So, if he brings to us something that he has acquired in a way that is forbidden due*

*to an act of betrayal, he is obliged to give it in charity, with this obligation being imposed strictly due to what he has brought out of their lands, and this is because if he has stolen something from them, he must return it to them.*

And Imām Muhammed Ibn Hasan al-Shaybānī in his book as-Siyar 2/66 states:

*If a body from the Muslims go to the frontier of the people of war and say: we are the messengers of the Khalīfah, and show a letter from the book of the Khalīfah, or they do not show it, and that was a trick from them to the Mushrikīn, who then say to them, 'Enter', and they enter into the land of war. Then it is not allowed for them to kill even one from the people of war, and it is not allowed to take anything from their wealth so long as they are in their land. Likewise, if this becomes apparent from them, he is to make what they are apparently indicating into a pact of security from them. If they give him a pact of safety, it is obligatory upon them to fulfil this.*

Again as mentioned before the disbelievers perceived from the Muslims that they are coming in security due to the signs mentioned, and allowed entry based upon that, even though the Muslims are being deceptive in their approach, the trust of security and its rules apply.

## **How Covenants And Trusts Of Security Are Dismantled..**

The covenant is dismantled when one of the two parties violate what was agreed on in the first place. If any of the two parties break their agreement then it is dissolved then there is no longer the contract of security between them. The second way that it can be dismantled is when you tell them you reject it explicitly and that you are free from it and that you are not in their protection any longer with it becoming known to them. And Allāh (Subhānahu wa-Ta'āla) says:

**If you (O Muhammad (Salallāhu Alayhi Wasalam)) fear treachery from any people throw back (their covenant) to them (so as to be) on equal terms (that there will be no more covenant between you and them). Certainly Allāh likes not the treacherous.** [EMQ an-Anfāl 8:58]

Ibn Kathīr in his Tafsīr states:

*(then throw back (their covenant) to them), meaning their treaty of peace. (on equal terms), informing them that you are severing the treaty. This way, you will be on equal terms, in that, you and they will be aware that a state of war exists between you and that the bilateral peace treaty is null and void.*

It is reported in Sunan Abu Dāwūd, Kitāb al-Jihād & Musnad Imām Ahmad:

*Between Muāwiyah and the people of Rome was a covenant. Once Muāwiyah marched forth towards their land in order to mount a surprise attack. A man from amongst the army called out: 'fulfil your covenant and do not betray! Fulfil your covenant and do not betray!' and he was Amru bin 'Absa. He said, 'I heard the Prophet (saw) say, 'whosoever has a covenant between himself and another nation do not violate nor break it until its specified period has passed or that you mobilize against them in the same manner (if they were to betray the covenant).'*

So he was ready with an army to conquer Rome, but upon one Hadīth of the Messenger (Salallāhu Alayhi Wasalam) regarding the announcement of the dismantling of the covenant, they stopped in their tracks and returned back.

And like that Uthmān Ibn Madh'ūn took the protection of Walīd Ibn Mughīrah, so no one from the Quraysh can harm him. After a period of time he wanted to come out of his protection. Walīd Ibn Mughīrah said:

*Proceed to the Masjid, and announce rejection of my protection as you sought it publicly. So they proceeded and left until they came to the Masjid. Then Walīd said: *This is Uthmān who came here to renounce my protection.* Uthmān said: *I deem him a loyal and noble protector, however I wish to have no protector except Allāh, so I returned his protection to him.* [Sahīh as-Siratul-Nabawiyah, by Ibrāhīm Ali, P130]*

Imam Shaybānī in his as-Siyar 1/184 states:

*Indeed for you to ascertain the rejection of the Amān, you must notify them and place it back to what it was before the Amān.*

## **Can Some Muslims Be In Security In The Lands of Kufr Whilst Other Muslims At The Same Time Are At War With That Nation..**

The Answer: Yes, the contract of security is between those Muslims who are in security with the non-Muslims in their lands and is not binding upon those Muslims who are not in their lands and have no such contract and maybe at war with them. So it is possible that a group of Muslims will be in security with a country and another group of Muslims are not and are fighting that country at the same time. And Allāh (Subhānahu wa-Ta'āla) says:

**Verily, those who believed, and emigrated and strove hard and fought with their property and their lives in the Cause of Allāh as well as those who gave (them) asylum and help, - these are (all) allies to one another. And as to those who believed but did not emigrate (to you O Muhammad (Salallāhu Alayhi Wasalam)), you owe no duty of protection to them until they emigrate, but if they seek your help in religion, it is your duty to help them except against a people with whom you have a treaty of mutual alliance, and Allāh is the All-Seer of what you do. [al-Anfāl 8:72]**

Ibn Kathīr in his Tafsīr commented:

*Allāh (Subhānahu wa-Ta'āla) commands, if these Bedouins, who did not perform Hijrah, ask you to aid them against their enemy, then aid them. It is incumbent on you to aid them in this case, because they are your brothers in Islām, unless they ask you to aid them against disbelievers with whom you have a fixed-term treaty of peace. In that case, do not betray your treaties or break your promises with those whom you have treaties of peace. This was reported from Ibn Abbās.*

Imam Shafī'ī in al-Umm 4/293 states:

*If a group from the Muslims enter into Dār al-Harb with Amān and the people of war capture some of those Muslims as prisoners, it is not allowed for the others to fight the people of war unless they reject (their Amān) with them. And if they reject them and caution them of it, and break off their Amān between them then they can fight them. However those who are still in security (Amān) it is not allowed for them to fight them.*

These explanations show that it is possible for a group of Muslims to be in security with the Kufār even though other Muslims are not in security with them at the same time and have been imprisoned even, and with that there is no contradictions between the texts and nothing that goes against the Wahī.

Huthayfa Ibn al-Yamān participated in all the military engagements except Badr. Explaining why he missed the Battle of Badr, he said:

*I would not have missed Badr if my father and I had not been outside Madīnah. The disbelieving Quraysh met us and asked whether we intended to meet Muhammad. We said we were going to Madīnah. We insisted that we only wanted to go to Madīnah. They allowed us to go only after they extracted from us an undertaking not to help Muhammad against them and not to fight along with them. When we came to the Prophet we told him about our undertaking to the Quraysh and asked him what we should do. He (Salallāhu Alayhi Wasalam) said: 'Go away. We will fulfill our pact with them, and seek God's help against them. [Sahīh Muslim]*

The above shows that there could be a group of Kufār who are fighting the Muslims and yet at the same time other Muslims are in security and covenant with them.

Imam Nawawi in his Sharh 12/144, commenting about his Hadīth, states:

*This shows how much one should stand by the covenant (ahd), and the scholars have differed in regards to the prisoner and his pact with a disbeliever that he will not escape from them. So, ash-Shafi'i and Abu Hanifah and the scholars of Kufah said that he is not bound to such a promise, and that he should escape whenever he is able. Malik said that he is bound by such a promise.*

And we know about the treaty of Hudaibiyah in which one of the conditions were that any Muslims who go from Makkah to Madinah must be returned back to the Quraysh. Among them were Abu Basīr who the Messenger (Salallāhu Alayhi Wasalam) commented upon his type of situation stating: *And the one who comes to join us from them (and is returned back) - Allah (Subhānahu wa-Ta'āla) will provide him with an opening and escape.* And Abu Basīr was able to relieve himself from the authority of the Quraysh and confined him self to the mountains. So whenever a man from Quraysh embraced Islām, he would go Abu Basir. And this kept on continuing, till they had formed a strong and mighty camp. And whenever they heard about a caravan of Quraysh heading towards ash-Shām - they stopped it, and attacked it killing them and seizing their wealth and properties.

The point of benefit we wish to take from the many benefits of this incident that on one front the Muslims were fighting the Quraysh and were at war with them and on the other from the Messenger (Salallāhu Alayhi Wasalam) were at security with the Quraysh via the treaty and were not fighting them.

It is said: America and Britain are fighting Islām on many countries how can there be covenants of security between Muslims and them?

We say: Their description as a nation fighting against Islām and Muslims is one thing and no one can really dispute that. However if a certain group of Muslims enter their lands or reside there without the description of fighting rather are in security and are given that - be that if one is from the very country that they are fighting against - then they must be loyal to that and fulfil its rules and obligations.

So it can happen that on one hand a group of Muslims are in contract of security with the disbelievers and another group of Muslims are at war with them, and vice versa with the Kufār. Just because you give security to one Mushrik does not mean you have given it to all the Mushrikīn and likewise just because some Muslims are in security with the Kufār does not mean all the Muslims are in an agreement of security between them. A non-Muslim from a nation that is at war with Islam and its people, may come into the same lands his nation is at war with, in peace and security, and Allāh (Subhānahu wa-Ta'āla) says:

**And if anyone of the Mushrikūn (polytheists, idolaters, pagans, disbelievers in the Oneness of Allāh) seeks your protection then grant him protection, so that he may hear the Word of Allāh (the Qur'ān), and then escort him to where he can be secure, that is because they are men who know not.** [at-Tawbah 9:6]

Ibn Kathīr says in his Tafsīr states regarding this Ayah:

*We legislated giving such people safe passage so that they may learn about the religion of Allah, so that Allāh's call will spread among His servants. Ibn Abī Nājih narrated that Mujāhid said that this Ayah, "Refers to someone who comes to you to hear what you say and what was revealed to you (O Muhammad). Therefore, he is safe until he comes to you, hears Allah's Words and then proceeds to the safe area where he came from.*

So these are a few of the many evidences and statements of the people of knowledge regarding the affairs of Covenants and Security in Islām. For full reference and details refer to the original Arabic text: *Man Dhakhala Diyāra Ghayril Muslimīn Bi-Ahad Wa Amān; Mā Lahu Wa Mā Alayhi.*

And our Final prayer is Praise be to Allāh Lord of the worlds.