132520 - Ruling on killing foreigners in Muslim lands

the question

What is your opinion on the operations that are carried out in Muslim countries and are aimed at killing foreigners, but they lead to the killing of numerous Muslims too, along with the destruction of buildings and infrastructure? Does this come under the heading of jihad, as those who carry out such operations claim?

Detailed answer

Praise be to Allah.

Firstly:

These operations that are carried out in Muslim countries and are aimed at killing foreigners, as you say, are not jihad. Rather they come under the heading of spreading mischief, destruction and distorting the concept of jihad, and they are indicative of the ignorance and foolishness of those who carry them out. Those foreigners are granted safety in Muslim lands, and they only entered those lands with permission, so it is not permissible to transgress against them by beating and robbing them, let alone killing them. Their lives and wealth are protected, and the one who transgresses against them is in grave danger, as al-Bukhari, 3166, narrated from `Abdullah ibn ‘Amr (may Allah be pleased with him) that the Prophet (blessings and peace of Allah be upon him) said: “Whoever kills a mu`ahid [a non-Muslim who has a covenant with the Muslims] will not smell the fragrance of Paradise, even though its fragrance may be smelled from a distance of forty years.”

This includes the dhimmi [non-Muslim living under Muslim rule], the mu`ahid [a non-Muslim who has a covenant with the Muslims] and the musta’man [non-Muslim who has been granted safety by the Muslims].

Al-Hafiz Ibn Hajar (may Allah have mercy on him) said in *Fat-h al-Bari*: What is meant is one who has a covenant with the Muslims, whether it is on the basis of jizyah, a truce granted by a Muslim ruler, or one who has been granted safety by a Muslim. End quote.

The words “one who has been granted safety by a Muslim” refer to what is known to jurists, which is that it is not stipulated that safety should be granted by a ruler or sultan; rather it may be granted by any ordinary Muslim. The foreigners referred to enter the Muslim lands after being granted safety by the state, and also by a Muslim individual in many cases. Therefore it is not permissible to transgress against them, even if they come from a country that is at war with the Muslims.

Al-Bukhari, 3171, and Muslim, 336, narrated that Umm Hani’ bint Abi Talib (may Allah be pleased with her) said: I went to the Messenger of Allah (blessings and peace of Allah be upon him) during the year of the Conquest and I found him doing ghusl, and his daughter Fatimah was screening him with a cloth. I greeted him with salaam, and he said: “Who is this?” I said: Umm Hani’ bint Abi Talib. He said: “Welcome, Umm Hani’.” When he had finished his ghusl, he stood and prayed eight rak`ahs, wrapped in a single garment. Then I said: O Messenger of Allah, the son of my mother `Ali is saying that he will kill a man to whom I have granted safety, So-and-so the son of Hubayrah. The Messenger of Allah (blessings and peace of Allah be upon him) said: “We grant safety to the one to whom you have granted safety, O Umm Hani’.”

Ibn Qudamah (may Allah have mercy on him) said: Whoever among us – whether a man or a woman or a slave – grants safety to one of them, that granting of safety is valid.

To sum up: if safety has been granted to some individuals whose people are at war with the Muslims, it is prohibited to kill them, take their wealth or transgress against them. Safety granted willingly by any adult Muslim of sound mind – male or female, free or slave – is valid. This was stated by ath-Thawri, al-Awza`i, ash-Shafa`i, Is-haq, Ibn al-Qasim and most of the scholars.

End quote from *al-Mughni*, 9/195.

Secondly:

If one who has been granted safety or has a covenant with the Muslims breaks that covenant, it is not permissible for any Muslim individual to kill him, because of the bad consequences that will result from that. Hence the Prophet (blessings and peace of Allah be upon him) refrained from killing `Abdullah ibn Ubayy ibn Salul, the leader of the hypocrites, for fear that it would be said that Muhammad kills his companions. By the same token, it is not permissible for any individual Muslim to kill someone who apostatizes openly, whose life is no longer protected under Islamic law, for the reason that we have mentioned. How much evil and calamities such actions have brought upon the Muslims, and how much it has led to restrictions on efforts to call people to Islam and on the callers, and how often those with ulterior motives have used such incidents to distort the image of the truth and its followers.

Thirdly:

With regard to causing the death of Muslims whose lives are protected under Islamic law, this is a serious crime and grave sin, for “the destruction of the entire world is less grievous in the sight of Allah than the killing of a Muslim man,” as the Prophet (blessings and peace of Allah be upon him) said. Narrated by at-Tirmidhi, 1395; at-Tirmidhi, 3987 and Ibn Majah, 2619, from `Ubaydullah ibn ‘Amr. Classed as authentic by al-Albani in *Sahih at-Tirmidhi*.

As for these people’s claim that this is done in retaliation for the enemy using Muslims as human shields, this is to be rejected, and it is indicative of their ignorance and evildoing. We say that it is not permissible to kill a disbeliever whose life is not protected under Islamic law when he is alone [and is not using Muslims as human shields] because of the evil consequences that we mentioned above, so how about if, in addition to that, Muslims whose lives are protected under Islamic law are also killed?

Thus it becomes clear that the actions of these people are based on darkness upon darkness, and stem from ignorance, haste and a failure to consult the scholars, to whom we are enjoined to refer. Trustworthy and knowledgeable scholars are agreed that such operations are not allowed, and are to be regarded as crimes, because they are prohibited in the first place, or because of what they lead to of mischief and evil.

Everyone should fear Allah, may He be exalted, and be very careful to avoid violating the protection that has been granted by Muslims to non-Muslims, and to avoid shedding blood unlawfully and bringing troubles to Muslims.

May Allah help us all to do that which He loves and is pleased with.

And Allah knows best.