

# The Islamic Ruling on the Permissibility of Martyrdom Operations

## Did Hawa Barayev Commit Suicide or achieve Martyrdom?

### Introduction

All praise is due to Allah, Sustainer of the Universe, Who informs us that:

***"Were it not for Allah's repelling some people by means of others, the earth would surely have become corrupt."*** [Quran]

The choicest peace and blessings be on the Chief of the Prophets, who has said,

*"By [Allah] in Whose Hand is my soul! I have surely wished to be killed in the path of Allah, then brought to life, then killed [again], then brought to life, then killed!"* [Bukhari, Muslim and others]

And who has also said, *"Act, and each will be eased to that for which he was created."* [Bukhari, Muslim and others]

Allah legislated Jihad for the dignity of this Ummah, knowing that it is abhorrent to us. People today have neglected this great duty, and pursued what they love, thinking good lies in what they love, and failing to realize that good lies in that which Allah has legislated.

Allah has blessed us, here in Chechnya, by allowing us to fight unbelief - represented by the Russian army, and we ask Allah to strengthen and assist us. We praise Allah also for allowing us to have scored victories over the enemy. Some of us have fulfilled their pledges; others are still waiting. Verily, Allah has fulfilled His promise to us, and granted us dignity through Jihad. Our martyred brothers have written, with their blood, a history we can be proud of, and their sacrifices only increase us in eagerness for our own martyrdom, so as to meet Allah, and to be resurrected with the Prophet (peace and blessings be upon him), his companions and all the other prophets, martyrs and righteous ones.

The Ummah has become used to hearing, through its history, about men who sacrifice their lives for the religion, but they are not as familiar with women doing the same. The young woman who was - inshaa-Allah - martyred, Hawa Barayev, is one of the few women whose name will be recorded in history. Undoubtedly, she has set the most marvellous example by her sacrifice. The Russians may well await death from every quarter now, and their hearts may appropriately be filled with terror on account of women like her. Let every jealous one perish in his rage! Let every sluggish individual bury his head in the dirt! She has done what few men have done. Every supporter of the truth should prepare to give the like of what she has given. The Ummah may well be proud that such a paragon has appeared in our midst. We are certain that an Ummah that contains people like her will never - by Allah's leave - become devoid of good.

However, while we were in the midst of rejoicing over our sister's self-sacrifice, and we were still supplicating for her to achieve forgiveness and mercy from Allah, we received mail which clouded our joy. It came, not from an enemy or envier, but rather from a handful of people whom we presume wanted to offer constructive advice. However, they erred, and accused the great Mujahidah, Hawa Barayev, of having committed suicide, saying that it was not permissible for her to have acted thus. Nor did they think it was permissible for us to mention her account on our website, rather that we should have criticized her. They mentioned evidences which they had misunderstood to imply what they claimed. In this study, we shall clarify that Hawa Barayev - and similarly `Abdur-Rahman

Shishani, Qadi Mowladi, Khatam, his brother `Ali, `Abdul-Malik and others - are, Allah willing, in Gardens of Eternity, in the bodies of green birds, betaking themselves to lanterns hanging from the `Arsh. This is how we regard them, but we do not sanctify anyone before Allah.

Before we embark on a detailed exposition concerning the Islamic verdict on martyrdom operations, it is appropriate for us to first present a brief, to-the-point response:

**Firstly :** If you did not know, could you not ask? It is not appropriate for someone who is unaware of a verdict to make sweeping statements accusing others of wrongdoing. If those who criticized us had only investigated the issue first, they would have found that the issue is, at worst, a disagreed issue among scholars, such that we cannot be criticized for following legitimate scholarship.

**Secondly :** We request our respected brothers, who seek the truth, not to criticize us for anything without backing the criticism with verdicts of scholars, and [especially] the understanding of the Pious Predecessors.

**Thirdly :** Dear brothers and sisters! Not every martyrdom operation is legitimate, nor is every martyrdom operation prohibited. Rather, the verdict differs based on factors such as the enemy's condition, the situation of the war, the potential martyr's personal circumstances, and the elements of the operation itself. Thus, one may not give a verdict on such operations without having an understanding of the actual situation, and this is obtained from the Mujahideen, and not the unbelievers. How, then, can you accuse us of ignorance when you are unaware of our situation, let alone the specific details of the operation in question?

### **Definition of Martyrdom Operations, and their Effect on the Enemy**

Martyrdom or self-sacrifice operations are those performed by one or more people, against enemies far outstripping them in numbers and equipment, with prior knowledge that the operations will almost inevitably lead to death.

The form this usually takes nowadays is to wire up one's body, or a vehicle or suitcase with explosives, and then to enter amongst a conglomeration of the enemy, or in their vital facilities, and to detonate in an appropriate place there in order to cause the maximum losses in the enemy ranks, taking advantage of the element of surprise and penetration. Naturally, the enactor of the operation will usually be the first to die.

Another technique is for an armed Mujahid to break into the enemy barracks, or area of conglomeration, and fire at them at close-range, without having prepared any plan of escape, nor having considered escape a possibility. The objective is to kill as many of the enemy as possible, and he will almost certainly die.

The name 'suicide-operations' used by some is inaccurate, and in fact this name was chosen by the Jews to discourage people from such endeavours. How great is the difference between one who commits suicide - because of his unhappiness, lack of patience and weakness or absence of iman and has been threatened with Hell-Fire - and between the self-sacrificer who embarks on the operation out of strength of faith and conviction, and to bring victory to Islam, by sacrificing his life for the upliftment of Allah's word!

As for the effects of these operations on the enemy, we have found, through the course of our experience that there is no other technique which strikes as much terror into their hearts, and which shatters their spirit as much. On account of this they refrain from mixing with the population, and from oppressing, harassing and looting them. They have also become occupied with trying to expose such

operations before they occur, which has distracted them from other things. Praise is to Allah. Many of their imminent plans were foiled, and furthermore, Putin issued a severe condemnation of the Home Affairs and Defense Ministers, placing the responsibility on them, and threatening high-level reshufflings in the two ministries. Those troops who are not busy trying to foil martyrdom operations are occupied with removal of Russian corpses, healing the wounded, and drawing out plans and policies from beneath the debris. This is all on the moral level.

On the material level, these operations inflict the heaviest losses on the enemy, and are lowest in cost to us. The cost of equipment is negligible in comparison to the assault; in fact the explosives and vehicles were captured as war-booty, such that we returned them to the Russians in our special way! The human casualty is a single life, who is in fact a martyr and hero gone ahead to Gardens of Eternity, inshaa-Allah. As for the enemy, their losses are high; after the last operation, they had over 1,600 dead and wounded, and the most crucial concentration of Russian forces in Chechnya was completely destroyed.

All of this was achieved by the efforts of only four heroes. We feel sure that the Russians will not remain long in our land with such operations continuing. Either they will fear aggregation, in which case they will become easy targets for attack, or they will gather together to combat the assaults, in which case the martyrdom operations will be sufficient - Allah willing - to disperse them. If they wish to keep matters under control, they would need more than 300,000 troops in every city, and this is no exaggeration.

One can see how much fear the operations in Palestine caused, and that they were a major factor in convincing the Jews to grant self-rule to the Palestinians, hoping that they could be more easily controlled in that way. In Chechnya, the damage is much greater than in similar operations in Palestine, on account of Russian fortification being much less than that possessed by the Jews.

## **Evidences for the Issue**

Before going into the verdict concerning the operations, citing the pronouncements of scholars about them, and resolving some unclear issues, it is appropriate for us to first present some of the Shar`i (Islamic law) evidences, and then follow them up with discussion and application thereof. We will not analyze the chains of transmission of each narration separately; we will regard it as sufficient that the basis of the evidence is in the collections of Bukhari and Muslim, and hence any reports outside of these two books is strengthened by them.

**1 - *"Verily, Allah has purchased from the believers their selves and their wealth, in return for Heaven being theirs. They fight in the path of Allah and they kill and are killed "* [Qur'an, 9:111]**

Hence, any scenario in which the Mujahid offers the purchase price in order to attain the merchandise is permissible unless an evidence exists to specifically prohibit it.

**2 - *"How many a small force has overcome a numerous force, by the permission of Allah. And Allah is with the steadfast ones."* [Qur'an, 2:249]**

This verse indicates that the measure of power in the Shari`ah is not primarily linked to material, worldly measures.

**3 - *"Among mankind is he who sells himself seeking the pleasure of Allah. And Allah is Pitying towards the servants."* [Qur'an, 2:207]**

According to the explanation of this verse by the Sahabah, as we cite below, one who sells himself for the sake of Allah is not considered to have committed suicide, even if he immerses himself into 1,000 of the enemy forces without armour.

4 - In the hadith in Sahih Muslim, containing the account of the boy and the king in the story of the Trenches referred to by Surah al-Buruj, we find that the unbelieving king tried various means to kill the believing boy, failing each time. Eventually, the boy told him, *"You will not be able to kill me until ... you gather people on one plateau, hang me on a palm-trunk, take an arrow from my quiver, place it in the bow, say, 'In the name of Allah, the Lord of the boy,' and shoot me."* The king did this, and thereby managed to kill the boy as predicted, but the people who had gathered began saying, *"We believe in Allah, the Lord of the boy!"* Thereupon, the king ordered trenches to be dug, and fires lit in them, and then for the people to be made to jump into them if they refused to give up their faith. This was done, and eventually a woman was brought with her infant, and she hesitated to jump on account of him, but he said, *"O mother! Remain steadfast for you are upon the truth."*

The boy, in this hadith, ordered the king to kill him in the interest of the religion, and this indicates that such a deed is legitimate, and not considered suicide.

5 - Imam Ahmad has narrated in his *Musnad* (1/310) [and a similar narration is in *Ibn Majah* (4030)] that Ibn `Abbas said that the Messenger of Allah said, "On the night in which I was taken by night, a pleasant fragrance came my way, and so I said, *"O Gabriel! What is this pleasant fragrance?"* He said, *"This is the fragrance of the hairdresser of Pharaoh's daughter, and [of the hairdresser]'s children."* I said, *"What is her situation?"* He said, *"While she was combing Pharaoh's daughter's hair one day, the comb fell from her hand, so she said, 'In the name of Allah.'" Pharaoh's daughter asked, "[You mean] my father?"* She said, *"No, rather my Lord, and the Lord of your father, is Allah."* She said, *"Can I tell him that?"* She said, *"Yes.""* The hadith goes on to describe that a huge brass pot was heated, and it was ordered for her and her children to be cast therein. She requested from Pharaoh - and he acceded to her request - that her bones and her children's bones be gathered in a single cloth and buried. Her children were then thrown into the cauldron one by one before her eyes, until they got to a suckling infant, and it seemed she wavered on account of him, but he said, *"O mother! Jump in, for the torture of this world is lighter than the punishment of the Hereafter."* So she jumped in.

The narrators of the chain [of Imam Ahmad's version] are reliable, apart from Abu `Umar al-Dareer, whom al-Dhahabi and Abu Hatim al-Razi considered truthful, and Ibn Hibban considered reliable.

According to this hadith, the child was made to speak, as was the child in the preceding story of the trenches, telling the mother to jump into the fire, which indicates the virtue of this deed.

6 - Abu Dawud (3/27) and Tirmidhi (4/280) have narrated (and Tirmidhi graded it as sahih) that Aslam ibn `Imran narrated that when they were fighting a mighty army of the Romans, a man in the Muslim army attacked the Roman ranks until he penetrated them. People shouted, saying, *"SubhanAllah! He has contributed to his own destruction."* Thereupon, Abu Ayyub al-Ansari stood up, and said, *"O people! You give this interpretation to this verse, whereas it was revealed concerning us, the Ansar, when Allah had given honour to Islam and its supporters had become many, whereupon some of us secretly said to one another ... 'Our wealth has been depleted, and Allah has given honour to Islam and its supporters have become many, so let us stay amidst our wealth and make up what has been depleted of it.'" Thereupon, Allah revealed to His Prophet [meaning] "And spend in the Path of Allah, and do not contribute to your own destruction" [Qur'an, 2:195] refuting what we had said. So, the destruction lay in staying with our wealth and repleting it, and abandoning combat."* Abu Ayyub remained fixed until he [was killed and] was buried in Rome.

Al-Hakim authenticated it, saying it conforms to the criteria of Bukhari and Muslim, and Dhahabi corroborated him. Nasa'i and Ibn Hibban also narrated it. Bayhaqi included it, and other narrations in his Sunan in a chapter entitled, "Permissibility of a man or men fighting alone in the enemy land,"

thereby citing it as evidence for the permissibility of advancing against a group, even if the more likely result is that they will kill him.

In this hadith, Abu Ayyub explained that the verse (Qur'an, 2:195) does not apply to one who plunges into the enemy ranks alone, even though it may seem to people that he is destroying himself. The Sahabah tacitly confirmed this explanation of his [by not objecting].

7 - Ibn Abi Shaybah has narrated in his *Musannaf* (5/338) that Mu`adh ibn `Afra' asked the Messenger of Allah, *"What makes Allah laugh upon His slave?"* The reply: *"[The servant] immersing himself into the enemy without armour."* Mu`adh then took off his armour and fought until he was killed.

This hadith is a clear evidence for the virtue of Jihad operations in which it is most likely that one will die, and it indicates that Jihad has some special rules which permit what may normally be prohibited.

8 - Ibn Abi Shaybah has extracted (5/289) [and similarly Tirmidhi (2491 and 2492, the latter narration he classified as sahih) and Nasa'i (1597 and 2523), and Ahmad (20,393), as well as Tabarani (in al-Kabir, with a hasan chain) and Ibn al-Mubarak (in Kitab al-Jihad, 1/84)], *"Three [categories of people] Allah loves, ..."* and among them is *"a man who was in a dispatchment and met the enemy, and they were defeated, but he faced them with his chest until he was killed or victorious."* Al-Hakim also narrated it, and said it is sahih.

9 - Ahmad narrated in his *Musnad* (6/22) from Ibn Mas`ud that the Prophet said, *"Our Sustainer marvels at two men: a man who stirs from his bed ... to salah ... and a man who fights in the path of Allah, and his companions are defeated, and he realizes what awaits him in defeat and what awaits him in returning [to combat], but he returns [to combat] until his blood is spilled. Allah says, "Look at My servant who went back [to combat] hopeful and anxious for what is with Me, until his blood was spilled."*

Ahmad Shakir said,; its chain is sahih. Haythami said in *Majma` al-Zawa'id*: Ahmad ad Abu Ya`la narrated it, as did Tabarani in al-Kabir, and its isnad is hasan. Abu Dawud and Al-Hakim narrated it in abbreviated form, and Al-Hakim authenticated it. Ibn al-Nahhas said: even if there were only this single authentic hadith, it would suffice us as evidence for the virtue of plunging [into the enemy ranks].

10 - Muslim has narrated from Abu Hurayrah, *"Among the best of lives for people is a man who clasps the reins of his horse in the path of Allah, rushing on its back; whenever he hears a cry [of battle] or advancement towards the enemy, he hurries to it, seeking death and being slain with eagerness."*

This indicates that seeking to be killed and pursuing martyrdom are legitimate and praiseworthy acts.

11 - Bayhaqi has narrated in *Al-Sunan al-Kubra* (9/100) with a sahih chain from Mujahid that the Prophet sent out `Abdullah ibn Mas`ud and Khabbab as one dispatchment, and Dihyah as a dispatchment on his own.

This indicates that regardless of the level of risk in a Jihad operation, it remains permissible by default, and the greater the risk, the greater the reward.

12 - Bukhari and Muslim have narrated that Talhah shielded the Prophet from arrows in the Battle of Uhud, and his hand was crippled thereby.

13 - Bukhari and Muslim have reported that Salamah ibn al-Akwa` was asked, *"For what did you pledge allegiance to the Prophet on the Day of Hdaybiyyah?"* He said, *"For death."*

14- Many have reported from Muhammad ibn Thabit ibn Qays Ibn Shimas, when the Muslims were disclosed on the Day of Yamamah, Salim, the freed-slave of Abu Hudhayfah, said, *"This is not how we used to act with the Messenger of Allah."* Then, he dug a trench for himself, and stood in it carrying the flag, and fought until he was killed as a martyr on the Day of Yamamah.

This and the next report indicate that steadfastness is desirable, even if it leads to death, and Salim attributed this type of action to the [days of] the Messenger of Allah.

15 - Ibn Jareer Tabari has narrated in his *Tarikh* (2/151) that in the Battle of Mu'tah, Ja'far ibn Abi Talib took the flag and fought until he became immersed in the fighting, whereupon he turned to a light-colored horse he had and wounded it [so he could not escape], then he fought until he was killed. Hence, Ja'far was the first Muslim to wound his horse [in this manner].

16 - Muslim has narrated that a man heard a Sahabi saying, when the enemy was near, *"The Messenger of Allah said : The doors of Heaven are under the shade of the swords."* The man, upon hearing this, got up and asked for verification of the hadith. When it was confirmed, he turned to his companions, gave them the greeting of salam, broke and discarded the scabbard of his sword and then advanced to the enemy with his sword, striking them until he was killed.

[The original study in Arabic contains 40 narrations, but for brevity we have omitted the remainder].

## **Verdicts of Scholars Concerning one who Attacks the Enemy Alone**

Having established the permissibility of plunging into the enemy and attacking alone even when death is certain, we proceed and say that the martyrdom operations are derived from this principle, realizing that the prohibition of suicide relates to deficiency or absence of faith. However, the former generations did not have knowledge of martyrdom operations in their current-day form, for these evolved with the changes in techniques of warfare, and hence they did not specifically address them. However, they did address similar issues, such as that of attacking the enemy single-handed and frightening them with one's own death being certain. They also deduced general principles under which the martyrdom operations fall, and in doing so they relied on evidences such as those we have mentioned in the previous section. There is one difference between the martyrdom operations and their classical precedent, namely that in our case the person is killed by his own hand, whereas in the other he was killed by the enemy. We also explain that this difference does not affect the verdict.

### **A. Scholars of the Sahabah and Tabi'in**

1 - Ibn al-Mubarak and Ibn Abi Shaybah (5/303) have reported, through a sahih chain, that Mudrik ibn 'Awf al-Ahmasi said, *"I was in the presence of 'Umar when the messenger of Nu'man ibn Muqrin came to him and 'Umar asked him about the people, whereupon he replied, "So-and-so and so-and-so were hit, and others and others whom I do not know." 'Umar said, "But Allah knows them." [The messenger] said, "O chief of the believers! [There was] a man who sold his life." At this Mudrik said, "That is my maternal uncle, by Allah, O chief of the believers! People claimed he has contributed to his own destruction." 'Umar said, "They have lied (or: are mistaken). Rather, he is among those who have bought the Hereafter with this world."* Bayhaqi mentioned that that was on the day of Nahawand.

2 - Ibn Abi Shaybah has extracted (5/322) that a battalion of unbelievers advanced, and a man of the Ansar faced them and attacked them, and broke through the ranks, then returned, repeating this twice or thrice. Sa'd ibn Hisham mentioned this to Abu Hurayrah, who recited the verse (meaning), *"Among mankind is he who sells himself seeking the pleasure of Allah."*

3 - Al-Hakim has extracted in the Book of Tafseer (2/275) and Ibn Abi Hatim (1/128), with a similar narration recorded by Ibn `Asakir, that Bara' was asked about the verse (meaning), "**And spend in the Path of Allah, and do not contribute to your own destruction...**"; does it refer to a man who encounters the enemy and fights until he is killed? He said, "*No, rather it is a man who commits a sin, and then says Allah will not forgive him.*" Al-Hakim said this is authentic according to Bukhari's and Muslim's criteria. This explanation of the verse was narrated by Tabari in his exegesis (3/584) from Hudhayfah, Ibn `Abbas, `Ikrimah, Hasan Basri, `Ata', Sa`id ibn Jubayr, Dahhak, Suddi, Muqatil and others.

## B. Verdicts of Renowned Exegetes

1 - Ibn al-`Arabi says in Ahkam al-Qur'an (1/116, and see also Qurtubi's tafseer 2/364), commenting on the verse, (meaning), "**And spend in the Path of Allah, and do not contribute to your own destruction...**," "*There are five views about [the meaning of] destruction [here]:*

- Do not give up spending [in the path of Allah]
- Do not go out without provision
- Do not abandon Jihad
- Do not take on an enemy you are not capable of withstanding
- Do not despair of forgiveness

Tabari said: "*It is general [in scope], and there is no contradiction between them.*" He is right, except regarding plunging into the enemy, for scholars have disagreed concerning this. Qasim ibn Mukhaymirah, Qasim ibn Muhammad and `Abdul-Malik from among our [Maliki] scholars said there is no objection to a man single-handedly taking on a large army, if he is strong and [the action] is sincerely for Allah. If he has no power, then that is self-destruction. It has been said [by some] that if he is seeking martyrdom and his intention is sincere, he can attack, for his goal is to kill one of the enemy forces, and that is clear in the verse (meaning), "**Among mankind is he who sells himself seeking the pleasure of Allah.**" The correct view by me is that of permissibility of rushing into an army one cannot withstand, for it contains four [possible] aspects:

- Seeking martyrdom
- Inflicting losses [on the enemy]
- Encouraging the Muslims to attack
- Demoralizing the enemy, showing them that if one man can do this, what will the totality be capable of!"

2 - Qurtubi says in his Tafseer (2/364), "Muhammad ibn al-Hasan al-Shaybani, the student of Abu Hanifah, said: If a man single-handedly attacks 1,000 pagans, there is no objection to it if there is hope of success, or inflicting loss on the enemy, otherwise it is disliked, for then he would expose himself to death without benefit to the Muslims. As for someone whose aim is to embolden the Muslims to emulate his feat, it's permissibility is not far-fetched, for it entails benefit to the Muslims in some ways. If his intent is to frighten the enemy, and demonstrate the Muslims' strength of faith, its permissibility is not far-fetched. If there is benefit in it for the Muslims, then giving one's life for the strengthening of the religion and weakening of the unbelievers, then it is the noble rank praised in the verse, (meaning), "**Among mankind is he who sells himself seeking the pleasure of Allah.**" and other verses."

3 - Shawkani says in Fath al-Qadeer (1/297) about the verse of self-destruction, "The reality is that the words have general implication, and are not specific to the circumstances of revelation, and so everything which may be described as worldly or religious self-destruction is covered by it, as stated

by Ibn Jareer al-Tabari. Among that which comes under this verse is a man attacking an enemy army which he can neither overcome, nor have any effect beneficial to the Mujahideen."

This implies that if there is a benefit it is permissible.

### C. Texts of the Madhahib

#### 1 - Hanafi

Ibn `Abideen says in his *Hashiyah* (4/303), "There is no objection to a man fighting alone, even if he thinks he will be killed, provided he achieves something such as killing, wounding or defeating [the enemy], for this has been reported from a number of the Sahabah in the presence of the Messenger of Allah on the Day of Uhud, and he praised them for it. If, however, he knows he will not inflict any loss on them, it is not permissible for him to attack, for it would not contribute to the strengthening of the religion."

#### 2 - Maliki

Ibn Khuwayz-Mandad said, as cited by Qurtubi in his *Tafseer* (2/364), "As for a man single-handedly attacking 100 or more enemy troops ... this has two scenarios: If he is certain, or reasonably so, that he will kill the subject of his attack, and emerge safe, then it is good, and similarly if he is reasonably certain that he will be killed, but will inflict loss or cause damage, or have a beneficial effect for the Muslims, then it is permissible also." Statements from Qurtubi and Ibn al-`Arabi have already preceded.

#### 3 - Shafi`i

In the completion of *Al-Majmu`* (19/291) by al-Muti`i, we find, "If the number of the unbelievers are twice the numbers of the Muslims, and they do not fear perdition, it is obligatory to stand firm ... If they are more convinced than not of destruction, then there are two possibilities:

1. That they may turn back, based on the verse (meaning), "***do not contribute to your own destruction...***"
2. That they may not turn back, and this is the correct view, based on the verse, (meaning), "***When you encounter a force, remain steadfast...***", and because the Mujahid only fights in order to kill or be killed. If the number of the unbelievers exceed twice the numbers of the Muslims, then they may turn back. If they are more convinced than not that they will not be destroyed, then it is better for them to remain steadfast so that the Muslims are not routed. If they are more convinced than not that they will be destroyed, then there are two possibilities:

- That they are obliged to turn back, based on the words of Allah (meaning), "***do not contribute to your own destruction...***"
- That it is recommended for them to turn back, but not binding, for if they are killed they will attain martyrdom."

#### 4 - Hanbali

Ibn Qudamah says in *Al-Mughni* (9/309), "If the enemy is more than twice the Muslims' number, and the Muslims are reasonably certain of victory, then it is preferable to remain steadfast on account of the benefit [involved], but if they turn back it is permissible, for they are not immune to destruction ... it is conceivable that they are obliged



to stand fast if they are reasonably certain of victory, on account of the benefit, but if they are reasonably certain or being defeated by remaining and being unscathed by turning back, then it is preferable for them to turn back, but if they remain put, it is permissible, for they have a goal of martyrdom, and it is also possible that they will be victorious. If they are reasonably certain of being routed whether they remain put or turn back, then it is preferable for them to remain steadfast to attain the rank or martyrdom, ... and also because it is possible they might be victorious."

Ibn Taymiyyah says, in *Majmu` al-Fatawa* (28/540),

"Muslim has narrated in his Sahih the story of the people of the trenches, in which the boy ordered his own killing for the benefit of the religion, and hence the four imams have allowed a Muslim to immerse himself in the enemy ranks, even if he is reasonably certain that they will kill him, provided there is benefit in that for the Muslims. "

#### 5 - Zahiri

Ibn Hazm says in *Al-Muhalla* (7/294), "Neither Abu Ayyub al-Ansari nor Abu Musa al-Ash`ari criticized a man plunging alone into a raging army and remaining steadfast until he was killed... It has been authentically reported that a man from among the Sahabah asked the Messenger of Allah about what makes Allah laugh upon a servant, and he said, "*His immersing himself into the enemy without armour,*" whereupon the man removed his armour and entered the enemy [ranks, fighting] until he was killed."

### D. Some Analysis

The hadith of the boy is the strongest of evidences for this issue. The hadith explains that when the boy saw that his being killed in a specific way would be a means for spreading the religion, and hence he advised the king - from whom Allah had protected him hitherto - how to kill him, for spread of the religion and people's entering into it was more weighty in his eyes than his remaining alive, and he thereby contributed to taking his own life. Yes, he did not take it by his own hand, but his opinion was the sole factor leading to his killing. This is just as if a man, suffering from painful wounds, asked someone else to kill him; he would be as guilty of suicide as if he had taken his own life, regardless of who did the killing, for he requested it. Similarly, Allah praised those who believed in the boy's Lord; those who were being forced to jump into the pits of fire for refusing to renounce their faith. Nay, even the infant spoke, encouraging its mother to advance when she hesitated about entering the fire. They were praised in Surah al-Buruj, which described their fate as being gardens beneath which flow rivers, and they are called successful. The story of Pharaoh's daughter's hairdresser is similar. We have cited evidences from our Shari`ah which fortify these two hadiths, and nothing has appeared to contradict sacrificing one's life for raising Allah's word. Hence, the content of these two hadiths is part of our Shari`ah, according to the majority of scholars.

In fact, we see that this sort of operation was carried out in the presence of the Prophet, and after him by the Sahabah, not once but many times. Furthermore, protection of the religion is the greatest service a Mujahid performs, and the evidences do not leave us with any doubt that a Mujahid may sacrifice his life for the religion. Talhah shielded the Prophet with his hand, and this supports the permissibility of a person sacrificing himself for others in the interests of the religion.

### E. Synopsis

It has transpired that scholars gave, to the issue of plunging single-handed into the enemy with reasonable certainty of being killed, the same verdict as in cases of death being certain, such that whoever permits the latter permits the former.

Further, the majority of scholars gave conditions for the permissibility:

1. Intention
2. Infliction of losses on the enemy
3. Frightening them
4. Strengthening the hearts of the Muslims

Qurtubi and Ibn Qudamah allowed plunging into the enemy with only a sincere intention, even if no other conditions are fulfilled, for seeking martyrdom is legitimate. Since there is no explicit stipulation of the majority's conditions in narrations, this view appears preferable. The majority deduced their conditions from general standards of the Shari`ah, but the general need not restrict the specific. Yes, we do say that if there is no benefit to the Muslims or the Mujahideen, an action should not be carried out, and is not the most optimal practice, but this is apart from the original permissibility of the act, for to condemn one seeking martyrdom without a firm basis is an injustice.

### **The Issue of using Prisoners as a Human Shield**

The issue of killing Muslim prisoners whom the enemy has used as a human shield resembles the issue at hand, although there is also a difference between them. The similarity is that both involve ending a Muslim life in the interests of the religion. The difference between the issues is that killing those used as a shield was permitted by scholars out of necessity, for there does not exist any text permitting the taking of someone else's life, rather it derives from the public interest overshadowing the individual interest. Hence, killing prisoners used as a shield is based on the rule of necessity permitting the unlawful, and of choosing the lesser of two evils when one is inevitable. As for martyrdom operations, no such rules need be applied, for we have clear texts encouraging plunging into the enemy ranks in spite of the certainty of being killed, and it is not a case of necessity.

Killing another person is an even greater sin than killing oneself; Qurtubi cites in his Tafseer (10/183) consensus of scholars that anyone who is coerced to kill someone else may not comply. Hence whoever allows killing another Muslim, where no textual evidence exists, but for an overwhelming religious benefit, should similarly allow killing oneself for an overwhelming benefit, for the taking of one's own life is less serious than taking someone else's life. This would be even if we did not have any texts to support martyrdom operations, although we actually do have specific evidences, as mentioned earlier.

The Muslim army is ordinarily prohibited from killing not only Muslims, but also dhimmis (unbelievers living as protected subjects of the Muslim state), as well as old men, women and children from among the unbelievers. If Muslim prisoners of war are used by the unbelievers then it is not permissible to fire on them except in cases of dire necessity. In the case of women and children of the unbelievers, however, they could be fired upon for an expediency of war even if it is not dire necessity, for war may need such action, but the intention should not be specifically to kill the non-combatants. The Prophet (peace and blessings be upon him and his Household) was asked about the pagans being hit by night, and some women and children being killed in the process, and he replied, *"They are from among them."* [Bukhari and Muslim] In the case of Muslims, however, firing is permissible only if abstaining will lead to a wholesale harm, such as a greater number of Muslims being killed than those being used as a shield, or the Muslims being defeated and their land overrun. In such a case, any Muslims killed as a result will be raised up according to their intentions.

The majority consider it obligatory to attack the enemy in cases of necessity, even if it leads to the members of a human shield being killed. [See: Shawkani's *Fath al-Qadeer* (5/447), *Mughni al-Muhtaj* (4/244), *Hashiyat al-Dusuqi* (2/178), and Ibn Qudamah's *al-Mughni* (10/505)] The author of *Mughni al-Muhtaj* gives two conditions which should be satisfied:

1. That the Mujahideen try their best to avoid hitting the shield deliberately.
2. That they do not intend to kill the people in the shield.

Ibn Taymiyyah said, "If the unbelievers use Muslims as a human shield, and the unbelievers cannot be repelled without killing [the Muslims], then [the Muslim army may fire], for inflictions and afflictions may smite one in this world who does not deserve it in the Hereafter, and it counts as a misfortune for him [for which he may be rewarded]. Some expressed this by saying, "The killer is a Mujahid and the killed one is a martyr.""

The majority of Hanafis and Malikis, as well as Imam Sufyan al-Thawri, have permitted attacking when the enemy have used a shield of Muslims, whether or not abstaining would be detrimental or lead to defeat, reasoning that otherwise Jihad would never take place. [See: *Fath al-Qadeer* (5/448), *Jassas' Ahkam al-Qur'an* (5/273) and *Minah al-Jaleel* (3/151)] The weakness of this position is clear, in that the sanctity of a Muslim life is greater than to allow its taking without a clear proof, and moreover such shields are not universally used, and so Jihad would not necessarily come to a halt.

In the case of women children and old men from among the unbelievers being used as shield, the majority of Hanafis, Shafi`is and Hanbalis have allowed attacking even if it is not a dire necessity. [See: *Al-Siyar al-Kabeer* (4/1554) *Mughni al-Muhtaj* (4/224) and *Al-Mughni* (10/504)] The Malikis differed, but for brevity we will not mention their reasoning. [See: Dardeer's *Al-Sharh al-Kabeer* (2/178) and *Minah al-Jaleel* (3/150).]

### **The View of the Majority Concerning one who assists in Killing**

Plunging into the enemy ranks without hope of escape is the greatest means by which a Mujahid contributes to his death, and contributing to one's own death is just like killing oneself, just as one who deliberately causes the death of someone is like one who actually killed him. The majority of scholars, from among the Malikis Shafi`is and Hanbalis, have subjected one who kills someone by consequence to being killed in retaliation just as in the case of direct murder.

Among the textual bases for this is that which Bukhari has reported, that a boy was assassinated, whereupon `Umar said, "*Even if all the inhabitants of San`a took part in it, I would kill them all.*" From a rational angle, if killing in retaliation were to be halted in such a case, murder would increase, for murderers would merely use one or more accomplices without fear of being executed for the crime. The monetary compensation of blood-money would not deter all murderers, especially the well-off. Hence it is fitting for all the participants to be executed, and in a similar light the Qur'an describes one who kills one person to be like one who has killed all mankind. [See: *Al-Sayl al-Jarrar* (4/397), *Tafseer al-Qurtubi* (2/251), *Majmu` Fatawa Ibn Taymiyyah* (20/382), *Al-Bahr al-Raiq* (8/354), Sam`ani's *Qawati` al-Adillah* (2/243)]

So, if one who kills himself by plunging into the enemy is praised, then this praise applies independent of the weapon and manner in which he gives up his life. We have already mentioned in evidence 14 the Sahabi's action, and no criticism or stipulation has been recorded from the Prophet (peace and blessings be upon him) of such a practice. Hence, if allowing oneself to be killed by the enemy is allowed when it is in the interests of the Muslims, then clearly killing oneself for the same purpose should be allowed, and in such a case a Mujahid is exempted from the general texts which prohibit taking one's own life.

## Definition of a Shaheed (martyr)

Nawawi has enumerated [in *Sharh Sahih Muslim* (1/515) and *Al-Majmu`* (1/277)] seven explanations for why the martyr is called Shaheed:

- (1) Because Allah and the Prophet have testified concerning his entry into Heaven
- (2) Because he is alive before his Lord
- (3) Because the angels of mercy witness the taking of his soul
- (4) Because he will be among those who testify over nations on the Day of Resurrection
- (5) Because his faith and good ending have outwardly been witnessed
- (6) Because he has a witness to his death, namely his blood
- (7) Because his soul immediately witnesses Heaven.

Ibn Hajar has mentioned fourteen means by which a person can acquire the title, some of them specifically related to being killed in the path of Allah and others not. [See: *Fath al-Bari* (6/43)]

Jurists have given the technical definition of a martyr as follows:

*According to the Hanafis:*

"One who is killed by the pagans, or is found killed in the battle bearing a mark of any wound, whether external or internal - such as blood emerging from an eye or the like." [*Al-`Inayah* published on the margins of *Fath al-Qadeer* (2/142) and *Hashiyat Ibn `Abideen* (2/268)]

"Anyone who is killed while fighting pagans, or rebels, or brigands, by a means attributed to the enemy - whether directly or by consequence - is a shaheed, anyone who is killed by a means not specifically attributed to [an action of] the enemy is not considered a shaheed." [Zayla`i's *Tabyeen al-Haqa'iq*, (1/247). See also *Al-Bahr al-Ra'iq* (2/211)]

*According to the Malikis:*

"One who is killed while fighting warring unbelievers only, even if killed on Islamic land such as if the enemy attacked the Muslims, [even if he] did not fight on account of being unaware or asleep, [and even if] killed by a Muslim who mistook him for an unbeliever, or trampled by a horse, or mistakenly smitten by his own sword or arrow, or by having fallen into a well or from a cliff during the fighting." [Dardeer's *Al-Sharh al-Kabeer*, (1/425)]

*According to the Shafi`is:*

"One who is killed in fighting unbelievers, facing and not running away, for the raising of Allah's word...and not for any worldly motive." [*Mughni al-Muhtaj* (1/350) and see *Fath al-Bari* (6/129)]

*According to the Hanbalis:*

"One who dies in a battle with the unbelievers, whether male or female, adult or not, whether killed by the unbelievers, or by his own weapon in error, or by having fallen off his mount, or having been found dead with no mark, provided he was sincere." [*Kash-shaf al-Qina`*, 2/113. See also *Al-Mughni* (2/206)]

From the above, it transpires that the majority - apart from the Hanafis - do not consider the identity of the killing party to be a factor in determining whether the victim is a shaheed. The majority view emerges preferable, based on:

i. A hadith narrated by Bukhari (4196) in which `Aamir while trying to kill an enemy man during the battle of Khaybar, mistakenly killed himself instead. Someone said he had invalidated his good deeds, but the Prophet said, *"Whoever says that is lying (or mistaken). Verily, he is has two rewards,"* and he coupled two of his fingers, *"He is a striver and a Mujahid."*

ii. A hadith narrated by Abu Dawud (2539) about a Sahabi who mistakenly hit himself with his own sword, and people asked, *"Is he a shaheed?"*, whereupon it is reported that the Prophet said, *"Yes, and I am a witness for him."*

Some people may waver about the permissibility of martyrdom operations because the Mujahid is killing himself. In order to dispel this confusion, we may remind ourselves that the Shari`ah often gives a differing verdict about two actions which externally appear the same, but differ in the intentions behind them. E.g.

- Marrying a divorced woman is permissible, but doing so with the sole intention of making her permissible to the first husband is prohibited.
- Paying back a loan with more than was borrowed is allowed, but if the excess is stipulated in the contract, it is prohibited, being riba.
- One who performs Jihad in order to raise aloft the word of Allah is a Mujahid, but one who fights for the sake of showing off bravery is among the first who will be taken to Hell.
- Mistakenly striking oneself with one's own weapon makes one shaheed (according to the majority) but deliberately killing oneself to escape the pain of wounds makes one deserving of Hell.

These examples, all based on the hadith, *"Verily, actions are only according to intentions..."*, clearly support the notion that the verdict concerning the shaheed does not differ based on who the killing party is, provided the intention is pure. So, one who has a bad intention and is killed by the enemy is deserving of the Fire, as would be the case if he kills himself out of pain. And, one who has a sincere intention will be in Heaven, whether he is killed by the enemy, or kills himself in error. And, one who helps in killing himself for the good of the religion will be in Heaven, like the boy, inshaa-Allah.

## Definition of Suicide

Suicide here refers to killing oneself on account of anger, pain or some other worldly motive, and scholars are unanimous that it is prohibited and moreover a major sin, making the offender deserving of Hell - either eternally if he legitimizes the act, or for a finite duration [if he did not legitimize it and died as a Muslim]. ***"Do not kill yourselves. Verily, Allah is merciful to you. And, whoever does that, out of animosity and, We shall burn him in a Fire. And that is easy for Allah."*** [Qur'an, 4:29-30; See Tafseer al-Qurtubi, (5/156)]

***"Among those before you, there was a man with a wound, and he was in anguish, so he took a knife and cut his hands, and the blood did not stop until he died. Allah said, "My servant has hastened the ending of his life, so I have prohibited Heaven to him."*** [Bukhari and Muslim]

***"Whoever strangles himself will be strangling himself in the Fire, and whoever stabs himself will be stabbing himself in the Fire."*** [Bukhari and Muslim]

The authentic ahadith on this subject are many. In fact, we have been ordered not to even wish for death.

*"Let not any of you wish for death on account of harm which has befallen him. But, if he must, he should pray, 'O Allah! Keep me alive as long as life is better for me, and take my life when death is better for me.'" [Bukhari and Muslim]*

All of these texts prohibiting suicide related to killing oneself for worldly motives such as pain or anguish or lack of patience, and not for raising aloft the Word of Allah. We have already cited the evidences for permitting a Mujahid to plunge into the enemy ranks without armour, and these exempt the Mujahid from the generality of the suicide texts. Can one then say that one who kills himself in order to lift the Word of Allah - to inflict losses on the enemy, to frighten them, and with a sincere intention - can we describe him as one committing suicide? That is a grave slander. We say that the prohibition of suicide is on account of its resulting from weakness or lack of faith, whereas the Mujahid in a martyrdom operation is killing himself on account of the strength of his faith. The boy in the account of the Trenches referred to in Surah al-Buruj effectively killed himself for such a reason, and his deed was praiseworthy. Similarly, the Prophet wished for death in the Path of Allah not once but thrice [the hadith was cited at the start of the article], and it was permissible because it was not on account of harm which had befallen him, but rather it emanated from strong faith. So, when the rationale of the prohibition of suicide becomes clear, one arrives at the conclusion that martyrdom operations are permissible and praiseworthy when undertaken for some religious benefit.

## Synopsis

We have arrived at the conclusion that martyrdom operations are permissible, and in fact the Mujahid who is killed in them is better than one who is killed fighting in the ranks, for there are gradations even among martyrs, corresponding to their role, action effort and risk undertaken. Then, we explained how martyrdom operations are the least costly to the Mujahideen and most detrimental to the enemy. We have heard, as you must have, that most scholars today permit such operations; at least 30 Fatawa have been issued to this effect. We explained how this issue is derived from the issue of plunging single-handedly into the enemy ranks; something which is praiseworthy by the agreement of jurists. We then further stated that we preferred the view that such an action is permissible even if martyrdom is the only goal, although it is certainly not the optimal practice. Martyrdom operations should not be carried out unless certain conditions are met:

1. One's intention is sincere and pure - to raise the Word of Allah.
2. One is reasonably sure that the desired effect cannot be achieved by any other means which would guarantee preservation of his life.
3. One is reasonably sure that loss will be inflicted on the enemy, or they will be frightened, or the Muslims will be emboldened.
4. One should consult with war strategy experts, and especially with the amber of war, for otherwise he may upset plan and alert the enemy to their presence.

If the first condition is absent, the deed is worthless, but if it is satisfied while some others are lacking, then it is not the best thing, but this does not necessarily mean the Mujahid is not shaheed.

We also explained how causing a death carries the same verdict as actual killing. Hence one who plunges without armour into the enemy ranks, being certain of death, just like one who engages in a martyrdom operation, is effectively causing his own death, but they are praiseworthy because of the circumstances and intention, and hence are not considered to have committed suicide. We also clarified that [according to the majority] the identity of the killer does not have an effect on whether the Mujahid will be considered shaheed. This dispels the wavering arising from the fact that the

Mujahid is taking his own life. Thus, such operations could take on any of the five Shar'i verdicts depending on intention and circumstances. Finally, we clarified that taking one's own life is not always blameworthy; rather it is contingent on the motives behind it. So, we conclude that one who kills himself because of his strong faith and out of love for Allah and the Prophet, and in the interests of the religion, is praiseworthy.

## **Conclusion**

Finally, we should point out that this topic needs a much more expansive study. However, we are thankful to Allah for having allowed us to complete this. If we are correct, it is due to Allah, and if we have erred, then all humans are prone to error. Finally, let the scholars and students of knowledge approach us with their feedback and advice, for we are in need of such help. Let them fear Allah in discharging their responsibility to us.

And peace and blessings be upon the Messenger of Allah, who rightly strove in the Path of Allah until he left this world, and also upon his Household and Companions and those who follow them in goodness until the Day of Judgment.

**And our final words are praise to Allah, Lord of the Worlds.**