

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah
Ameer of Hizb ut Tahrir through his Facebook Fikri Page

Answer to Question

The Hadith «إِنَّ الْإِسْلَامَ يَجُوبُ مَا كَانَ قَبْلَهُ» “Islam Wipes Away What Was Before It”

To: Salah Fawzi

(Translated)

Question:

Assalam Alaikum Wa Rahmatullah Wa Barakatuh

Dear Brother, kind regards to you,

In the book, *The Draft Constitution, Volume I*, Article 95 states the following:

(As for dealing with the cases that inflict hurt upon Islam and the Muslims, this is because the Messenger ordered the killing of a few men who had caused harm to Islam and the Muslims during the time of Jahiliyyah after the conquest of Makkah, and so they were killed even if they tied themselves to the curtains of the Ka'bah, in knowledge that the Messenger of Allah said "إِنَّ الْإِسْلَامَ يَجُوبُ مَا كَانَ قَبْلَهُ" (reported by Ahmad and Al-Tabarani from Amr b. Al-As); in other words, whoever harms Islam and the Muslims is an exception to this narration)

I researched the reality of these people and found that some of them were Muslims and apostatized from Islam, and some did not convert to Islam and were killed. So, whoever was a Muslim and apostatized, the basic principle is that he will be punished for his apostasy, and whoever remains as a polytheist and is among those who harm Islam and Muslims will be punished by death or is pardoned, according to what the Imam (leader) of the Muslims deems appropriate, as stated above in the article. But in both cases, the Hadith: "Islam wipes away what was before it" does not apply to them, because what we know is that the Hadith: "إِنَّ الْإِسْلَامَ يَجُوبُ مَا كَانَ قَبْلَهُ" applies to those who have recently converted to Islam. So why was this Hadith cited as evidence in this article, knowing that some of the companions used the sword and killed Muslims, such as Khalid bin Al-Walid? And Wahshi bin Harb, may Allah be pleased with them, and the Messenger (saw) did nothing for them after they converted to Islam?

Barak Allah feek, may Allah guide your steps, and grant victory by your hands.

Salah Fawzi - Al-Quds Al-Sharif

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

It seems that there is confusion in understanding the issue, as the Hadith of the Prophet (saw) which was narrated by Ahmad and Al-Tabarani on the authority of Amr ibn Al-Aas «إِنَّ الْإِسْلَامَ يَجُوبُ مَا كَانَ قَبْلَهُ» "Islam wipes away what was before it." It indicates that whoever converts to Islam from the kufar, whatever he did before Islam is considered as it did not happen, that is, he will not be held accountable for what he did before Islam. So, entering into Islam erases the sin that he had committed before Islam because Islam wipes out what was before it... but the fact that the Prophet (saw) at the conquest of Makkah (has allowed the blood to be shed (i.e. the killing) of a few people who were harming Islam and Muslims in pre-Islamic times, their blood was allowed to be shed (i.e. their killing) even if they cling to the curtains of the Ka'ba), from which it is understood that they will remain accountable for what they harmed the Muslims with, even if they converted to Islam, because the words of the Prophet (saw): (وَأَنْ تَعْلَقُوا بِأَسْتَارِ الْكَعْبَةِ) "Even if they cling to the curtains of the Ka'ba". This indicates that the Prophet (saw) did not make an exception in the case of their conversion to Islam, but rather ordered their killing in every case. We understand from that that those who harm Islam and Muslims will be punished for what they do, even if they convert to Islam, so the Hadith of the Prophet (saw): «إِنَّ الْإِسْلَامَ يَجُوبُ مَا كَانَ قَبْلَهُ» "Islam wipes away what was before it". It does not include them, as they are the exception from this Hadith, meaning that whatever harm they caused to Islam and Muslims, it is not wiped out by Islam, rather they are held accountable for it, and their matter after that is up to the Imam (leader), if he wishes, he pardons them, and if he wishes, he punishes them.

The validity of this understanding is indicated by what Al-Nasa'i narrated in his Sunan on the authority of Mus'ab bin Sa'd on the authority of his father, who said: **«لَمَّا كَانَ يَوْمَ فَتْحِ مَكَّةَ أَمَرَ رَسُولُ اللَّهِ ﷺ النَّاسَ إِلَّا أَرْبَعَةَ نَفَرٍ وَأَمْرَاتَيْنِ وَقَالَ أَقْتُلُوهُمْ وَإِنْ وَجَدْتُمُوهُمْ مُتَعَلِّقِينَ بِأَسْتَارِ الْكَعْبَةِ عِزْمَةَ بْنِ أَبِي جَهْلٍ وَعَبْدُ اللَّهِ بْنُ حَظَلٍ وَمَقْبِسُ بْنُ صَبَابَةَ وَعَبْدُ اللَّهِ بْنُ سَعْدِ بْنِ أَبِي السَّرْحِ فَأَمَّا عَبْدُ اللَّهِ بْنُ حَظَلٍ فَأَذْرَكَ وَهُوَ مُتَعَلِّقٌ بِأَسْتَارِ الْكَعْبَةِ فَاسْتَبَقَ إِلَيْهِ سَعِيدُ بْنُ حُرَيْثٍ وَعَمَّارُ بْنُ يَاسِرٍ فَسَبَقَ سَعِيدٌ عَمَّاراً وَكَانَ أَشَدَّ الرَّجُلَيْنِ فَتَنَّهُ وَأَمَّا مَقْبِسُ بْنُ صَبَابَةَ فَأَذْرَكَهُ النَّاسُ فِي السُّوقِ فَتَقْتَلُوهُ وَأَمَّا عِزْمَةُ فَرَكِبَ النَّجْرَ فَأَصَابَتْهُمْ عَاصِفٌ فَقَالَ أَصْحَابُ السَّفِينَةِ أَخْلَصُوا فَإِنَّ إِلَهَكُمْ لَا تُغْنِي عَنْكُمْ شَيْئاً هَاهُنَا فَقَالَ عِزْمَةُ وَاللَّهِ لَنْ لَمْ يُتَجَنَّبِي مِنَ النَّجْرِ إِلَّا الْإِخْلَاصُ لَا يُتَجَنَّبِي فِي الْبَرِّ غَيْرُهُ اللَّهُ إِنْ لَكَ عَلَيَّ عَهْدٌ إِنْ أَنْتَ عَافَيْتَنِي مِمَّا أَنَا فِيهِ أَنْ آتِي مُحَمَّدًا ﷺ حَتَّى أَصْغَعَ يَدِي فِي يَدِهِ فَلَا جِدْتُهُ عَفْواً كَرِيماً فَجَاءَ فَاسَلَّمَ وَأَمَّا عَبْدُ اللَّهِ بْنُ سَعْدِ بْنِ أَبِي السَّرْحِ فَإِنَّهُ اخْتَبَأَ عِنْدَ عُثْمَانَ بْنِ عَفَّانَ فَلَمَّا دَعَا رَسُولُ اللَّهِ ﷺ النَّاسَ إِلَى النِّيْعَةِ جَاءَ بِهِ حَتَّى أَوْفَقَهُ عَلَى النَّبِيِّ ﷺ قَالَ يَا رَسُولَ اللَّهِ بَايِعْ عَبْدُ اللَّهِ قَالَ فَرَفَعَ رَأْسَهُ فَتَنَظَرَ إِلَيْهِ ثَلَاثاً كُلَّ ذَلِكَ يَأْتِي فَبَايَعَهُ بَعْدَ ثَلَاثِ نِمْ أَقْبَلَ عَلَيَّ أَصْحَابُهُ فَقَالَ أَمَا كَانَ فِيكُمْ رَجُلٌ رَشِيدٌ يُقُومُ إِلَى هَذَا حَيْثُ رَأَيْتَ كَفَفْتُ يَدِي عَنْ بَيْعَتِهِ فَيَقْتُلُهُ فَقَالُوا وَمَا يَدْرِينَا يَا رَسُولَ اللَّهِ مَا فِي نَفْسِكَ هَلَا أَوْمَاتَ إِلَيْنَا بَعِينِكَ قَالَ إِنَّهُ لَا يَنْبَغِي**

«On the day of the Conquest of Makkah, the Messenger of Allah [SAW] granted amnesty to the people, except four men and two women. He said: 'Kill them, even if you find them clinging to the covers of Ka'bah.' (They were) 'Ikrimah bin Abi Jahl, 'Abdullah bin Khatal, Miqyas bin Subabah and 'Abdullah bin Sa'd bin Abi As-Sarh. 'Abdullah bin Khatal was caught while he was clinging to the covers of Ka'bah. Sa'eed bin Huraith and 'Ammar bin Yasir both rushed toward him, but Sa'eed, who was the younger of the two, got there before 'Ammar, and he killed him. Miqyas bin Subabah was caught by the people in the marketplace, and they killed him. 'Ikrimah traveled by sea, and he was caught in a storm. The crew of the ship said: 'Turn sincerely toward Allah, for your (false) gods cannot help you at all in this situation.' 'Ikrimah said: 'By Allah, if nothing came to save me at sea except sincerity toward Allah then nothing else will save me on land. O Allah, I promise You that if You save me from this predicament I will go to Muhammad [SAW] and put my hand in his, and I am sure that I will find him generous and forgiving.' So he came, and accepted Islam. 'Abdullah (bin Sa'd) bin Abi Sarh hid in the house of 'Uthman bin 'Affan, and when the Messenger of Allah [SAW] called the people to give their Oath of Allegiance, he brought him, and made him stand before the Prophet [SAW]. He ('Uthman) said: 'O Messenger of Allah! Accept the allegiance of 'Abdullah.' He raised his head and looked at him three times, refusing his allegiance each time, then he accepted his allegiance after three times. Then he turned to his Companions and said: 'Was there not any sensible man among you who would get up when he saw me refusing to give him my hand and kill him?' They said: 'We did not know, O Messenger of Allah, what was in your heart. Why did you not gesture to us with your eyes?' He said: 'It is not befitting for a Prophet that his eyes be deceitful.'»

The Messenger (saw) wanted the Muslims to kill Abdullah bin Abi al-Sarh even though he had come to him as a Muslim asking to give allegiance. This indicates that the blood of these people was allowed to be shed in its entirety, so their entry into Islam does not necessarily protect them from that, but rather their matter returns to the Imam (leader), and if he wishes, he punishes them, and if he wishes he pardons them... Thus, the fact that the Prophet (saw) did not punish those from the kuffar who converted to Islam and were harming Muslims, as is the case with Ikrimah bin Abi Jahl, for example, would be included under the pardon of the Imam (leader), as stated in the book "The Institutions of the State in the Khilafah": (And since the Messenger (saw) pardoned some of them later, such as the Prophet has pardoned Ikrimah bin Abi Jahl. Therefore, it is permissible for the Caliph to move the case against these people or pardons them).

I hope that this ends the confusion in understanding of this issue.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

17 Rabi ul Awwal 1445 AH

2/10/2023 CE

The link to the answer from the Ameer's Facebook page:

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/873114221042615>