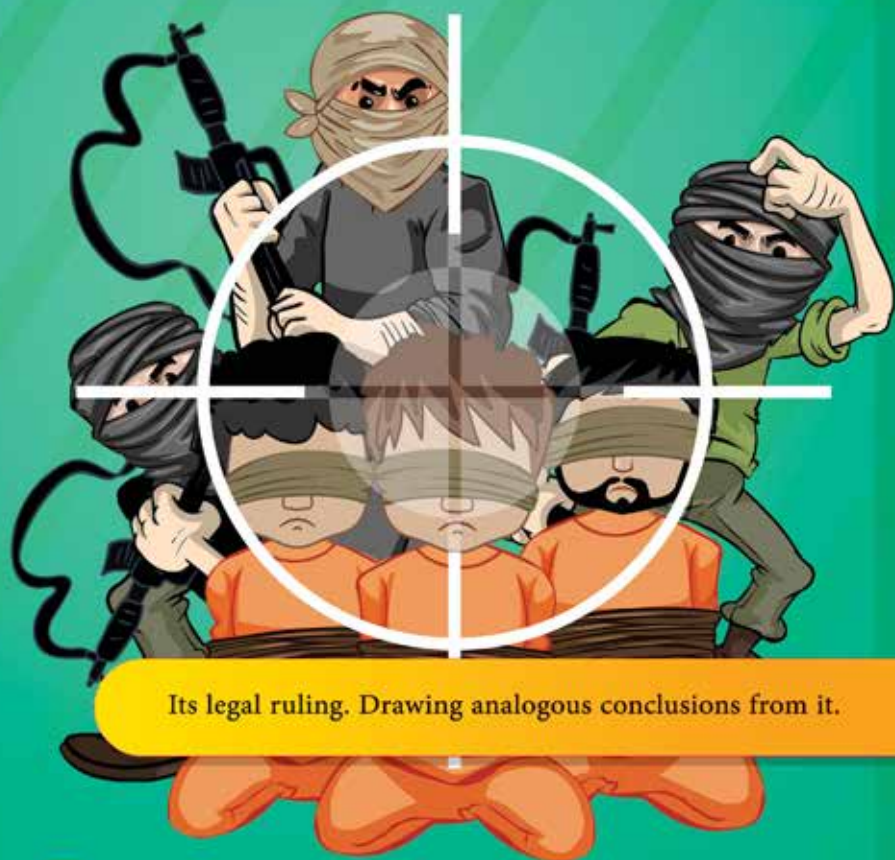


Human Shields



A series of distortions and arrogations



Its legal ruling. Drawing analogous conclusions from it.

In the Name of Allah, the Most Compassionate, the Most Merciful.

All praise be to Allah. Salutations and peace be upon our Master, the Messenger of Allah, and upon his family, companions and those loyal to him.

More Grievous

before Allah

than the extinction of the whole world

Some hardline currents exploit some jurisprudential issues, which are differed on among scholars, for destructive purposes. What is forbidden is thereby deemed lawful and what is sacred is violated, including taking the life of another, which is among the most sacrosanct things in the law of Islam.

Violation of this sacred ordinance is more grievous before Allah than the extinction of the whole world, as in a noble narration: “The extinction of the whole world is less significant before Allah than unjustly killing a believer.”¹

Nonetheless, these dissenters contravene the principles and aims of the religion.

Among what the ummah is unanimous about and the Imams are agreed upon is:

Blood is fundamentally inviolable

Reported by Tirmidhi (1395) [Chapters on blood money], Nasa'i (3987) [The book of the prohibition of spilling blood], ibn Maja (2619) [Chapters on blood money] and others, from the narration of Abdullah ibn Umar.

Among the legalities that the hardline currents invoke for their harmful actions is the **shielding issue** that was reported in the books of the principles of legal rulings .

It has been exploited, and analogous conclusions drawn from it, with the intention of permitting killing, explosion, devastation and destruction with no religious, conscionable, moral or conventional compunction.

They call this desecration by other than its name, claiming it to be jihad, without evidence from Allah's religion or proof from the Book or Sunna.

What does
shielding mean?



It is for the enemy to protect and conceal himself in the state of war using those whom it is forbidden to kill :

including Muslims

And those of the same status :
such as People of the Book, people
protected by a treaty, or children.

He puts them in front of himself like a shield to defend himself from the Muslims' attack
i.e. like human shields.



The Ruling of Shielding

The Scholars Differed on the Matter of killing Muslims being used by the enemy as human shields. A group of scholars said it is impermissible due to God the Exalted's saying: {If there had not been among them, unknown to you, believing men and women whom you would have trampled underfoot, inadvertently incurring something undesired on their account} [Surah Fath:25].

- ◆ Among the Imams who explicitly stated that are: al-Awza'i, al-Layth1, al-Qaffal2, al-Baghawi and an-Nawawi3.



Imam al-Layth ibn Sa'd (Allah's mercy be upon him) said:
"Abstaining from the conquest of a fort that can be conquered is better than wrongly killing a Muslim" [ibn Qudama's al-Mughni (9/288)].

A group of Imams permitted it by way of unrestricted welfare that is tied to the general aims and welfare of the ummah. They set conditions and parameters for it.⁴ Among them:

1- Ibn Qudama's al-Mughni (9/288)

2 al-Nawawi's Rawdhatut Talibin (10/246)

3 al-Nawawi's Rawdhatut Talibin (10/245)

4 Refer to al-Ghazali's al-Mustasfa fi Ilm al-Usul (1/175)

Conditions and parameters of shielding

It is forbidden to kill a Muslim that the enemies have used as a shield, except on conditions. Among them are:



1

That the welfare is universal and holistic, and not for a small group.

2

The shielding is while facing the disbelievers in battle.

3

The welfare from killing him is definite, not speculative.

4

There is a necessity that forces the Muslims to kill him.

If these conditions do not exist, doing so is forbidden. As for it being for necessary welfare and the consequent harm turning upon the entire ummah, such as the extirpation of Muslim existence, then it is not possible to stop it in this situation, because it necessitates the disappearance of the shield, Islam and the Muslims. This is by way of repelling universal harm by perpetration of specific harm. All rational people, Muslim and non-Muslim, agree upon this.

A False Analogy in Every Way

Is it right to compare bomb attacks and killing innocents to the issue of shielding



The answer: **No!**

A Corrupt Analogy:

It is a disparate analogy due to the difference between bomb attacks and disbelievers' shielding themselves using a Muslim. The difference makes it legally impossible to compare one to the other. There is neither anyone being used as a human shield nor prisoners in the hands of the enemy! Rather, it is treason and treachery. It is outright aggression. There is no likeness to shielding realized by it nor any sensitivity in it.

An exception to the principle:

Blood is fundamentally inviolable. Killing a human used as a shield is a violation of the principle and a disputed issue. Those who say it is permitted imposed conditions. So it is already wrong to draw analogous conclusions by extension from it!

A Different Place and Time :

It is incorrect to cite the disputed shielding issue from the battlefield and the era of ancient wars in our present time. It is unimaginable that in these bomb attacks in Muslim or non-Muslim lands enemies are shielding themselves with prisoners . Rather, what takes place in the present time is the enemies' protection of the lives of prisoners with the aim of exchanging them or the like, not killing them!

Other than a prisoner, such as someone who resides next to polytheists, guards or passers-by do not take the legal ruling of a shield, even according to those who permitted the shielding issue.

A rejected justification

Hardliners justify their acts by saying, "We do that to inflict injury upon the disbelievers."
It is exactly the opposite. This act these days results in :

1 It draws destruction and ruin on the Muslims!

2 It becomes a pretext for the enemy's authoritarianism, its imposition of blockades on them, its confiscation of their wealth, and disruption of their interests.

3 Its act cannot be conceived as other than an intent to spread corruption on earth, incite the entire world against the Muslims, and impute brutality and terrorism to them and their dawah.



So

it is a rejected justification and against the rules of the sacred law, including the great, important maxim that the scholars agreed upon.

An Important Maxim

In a situation where preventing harm and obtaining a benefit are both possible, avoiding harm takes precedence over obtaining benefit.

A Flimsy Argument

Those who assent to these matters, issue legal edicts for them, and those who undertake the killing of Muslims and blowing them up, argue saying, "We are hastening their entry to paradise!"

No one has ever said this before them. Nor has the Book or the Sunna stated it. It is a fabrication of a lie against Allah and His Messenger. In fact, it is in reality manipulation of the religion and the sacred law, and its firmly established rules.

Who gave them the right to bring a Muslim's life to an end? Perhaps life would be an increase for him in every good!

A Quranic incident that does away with the dissenters' confusion about the teachings of the Lord of the worlds

An incident that occurred in Hudaibiyya was immortalized clearly by the Quran, when Allah prevented the believers from fighting the Quraysh. The Exalted said: {If there had not been among them, unknown to you, believing men and women whom you would have trampled underfoot, inadvertently incurring something undesired on their account- God brings whoever He will into His mercy- if the [believers] had been clearly separated, We would have inflicted a painful punishment on the disbelievers} [Surah Fath:25].

{unknown to you,} i.e. you did not know that they were believers {whom you would have trampled underfoot,} by killing and attacking them. The meaning is: Were it not that you would have trampled underfoot believing men and women unknown to you, Allah would have permitted you to enter Mecca. And He would have made you overcome them. However, We have protected those in Mecca who are secretly believers. And His saying: {incurring something undesired on their account} something undesired: fault... i.e. the polytheists' would say, "They have killed people of their religion."

{If the [believers] had been clearly separated} i.e. distinguishably drawn apart from one another. Had the believers been separate from the disbelievers, swords would be drawn against the disbelievers...

This verse is a proof of deference for the disbeliever for the sake of the believer.¹

¹ Adapted from Tafsir al-Qurtubi (16/286).

Look at how this Quranic clarification and Divine way prevented fighting to protect the believers who were keeping their faith secret. And fighting would have brought fault to the people of Islam. So what then of those who kill the people of Islam and faith deliberately?!

Divine mercy and a dawah gesture

Then look at this Divine mercy and dawah gesture in The Exalted's saying : **{God brings whoever He will into His mercy}**, which opens the door for non-Muslims Allah wills to enter Islam and into His mercy. Such was the Messenger of Allah in all of his interactions, even with the disbelievers. He was full of concern for them, excuse them and pray for them. Likewise, a Muslim should be full of concern for conveying good to all of humanity.

And look at this destructive idea that is contrary to the magnanimous teachings that Islam came with, and at the killing, distortion of Islam's image and repelling others from it that the bearers of this idea undertake. In that, they are violators of every principle of reason and revelation.

Conclusion

1 The shielding issue (using humans as shields) is a theoretical issue. Scholars of the principles of jurisprudence struck it as an example to explain the meaning of some rules.

2 The shielding issue is disputed. A number of scholars did not permit it. Those who said it is permitted imposed conditions and parameters. What that means is that this situation, where the enemy has shielded himself with those whom it is forbidden to kill, is compulsory, and a Muslim has no choice in it.

3 Comparing bomb attacks and the killing of innocents to the shielding issue is a corrupt analogy in every way due to the non-fulfilment of the conditions of drawing analogous conclusions, and because killing a human used as a shield is a violation of the original principle.

4 What occurred in Hodaybiyya, which the Quran mentioned, which was the putting off of fighting out of fear that harm would befall the believers in Mecca is the greatest evidence of the nullity that these followers of falsehood, impostors and extremists believe about killing Muslims and innocents.

5 This idea does not relate to the aims of Islam. It brings nothing to it but distortion of its pure, magnanimous image and erosion of its dawah on earth, by disrupting the greatest Islamic principles and values, such as universal mercy for humanity, concern for their salvation and their entry into Allah's religion.