

5. Unanimous Fatwa

(May 26, 2017)

5.1 Request for Fatwa (*Istifta*)

What the Ulama (Religious Scholars) opine about the issue of continued involvement of certain groups in insurrectionary acts against the Government and Armed Forces of Pakistan. In the name of implementation of *Shari'ah*, these groups allege that the Government of Pakistan and its armed forces are infidels and apostates as they have yet to implement *Shari'ah* in its entirety. Basing on this analogy, these groups attract the youth for an armed uprising against the state, terming it as jihad. And during the process, they carry out suicide attacks to target innocent citizens and army personnel declaring these as righteously rewarding activities. In this context, answers to the following questions are required:

1. Whether Pakistan is an Islamic state or an un-Islamic state? Further, can a state be declared un-Islamic and its government and armed forces as non-Muslim if *Shari'ah* is not implemented in its entirety?
2. Under the given circumstances, is armed rebellion against the government or army permissible, in the name of struggle for implementation of *Shari'ah*?

3. Whether the Holy Qur'an and Sunnah provide any justification for suicide attacks that are being carried out all over Pakistan in the name of implementation of *Shari'ah* and jihad?
4. If the answer to the above three questions is in negative, then whether the actions taken by the government and armed forces of Pakistan to combat insurrection are permissible according to *Shari'ah*? Should the Muslims come forward and support these actions?
5. Several armed sectarian clashes are also taking place in our country aiming to impose ones ideology on others by force. Are these activities justified in *Shari'ah*?

5.2 Unanimous Fatwa (Response to the *Istifta*)

In the Name of Allah the Most Beneficent the Most Merciful

The Response:

All praise belongs to Allah and peace and blessings of Allah be upon the Messenger...

Response to the questions is as under:

1. Indeed Islamic Republic of Pakistan is an Islamic State according to its Constitution that begins with the following sentence of the Objectives Resolution, “Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust.”

This Objectives Resolution was made part of the Constitution with the consensus of all religious and political parties and remained part of every constitution from 1956 to 1973, and does exist as such in the current constitution. Additionally, Article 31 of the Constitution provides detailed policy principles to enable the Muslims of Pakistan to order their lives in accordance with the Islamic way of life. Likewise, in Article 227 it is affirmed that all existing laws

shall be brought in conformity with the injunctions of Islam as laid down in the Holy Qur'an and Sunnah, and no law shall be enacted which is repugnant to Islamic injunctions. The Federal Shariat Court and Shariat Appellate Bench of the Supreme Court of Pakistan, established under the Constitution, are empowered to ensure that these constitutional principles are respected. Every citizen of Pakistan has the right to challenge laws that are repugnant to the injunctions of Islam in these courts for bringing them in conformity with Islam.

Based upon the foregoing, Pakistan, without any doubt, is an Islamic State and merely due to some functional issues, declaring the country, its government or its armed forces as infidel is not permissible, rather it is a sin.

2. Since Pakistan is an Islamic State and its government and armed forces operate under and testify its Constitution upon oath, therefore, armed struggle against Pakistani government or its armed forces certainly fall within the category of rebellion that is categorically HARAM (illegal) as per the *Shari'ah*. Indeed, it is the responsibility of the government to fully implement Islamic Provisions of the

Constitution. And undoubtedly, peaceful and constitutional struggle for its attainment is an important responsibility of every Muslim. However, taking up arms to achieve this purpose is to mischief on the earth i.e. “fasaad fi’l-Arz”. And those who take part in such armed struggle or assist and support in any form, openly disobey the commandments of the Holy Prophet (peace be upon him). Prophet Muhammad (peace be upon him) said:

”أَلَا مَنْ وَلِيَ عَلَيْهِ وَالٍ، فَرَأَهُ يَأْتِي شَيْئًا مِنْ مَعْصِيَةِ
الله، فَلْيُكَرِّهِ مَا يَأْتِي مِنْ مَعْصِيَةِ اللهِ، وَلَا يَنْزِعَنَّ يَدًا مِنْ
طَاعَةٍ.“

(صحیح مسلم، کتاب الامارۃ، حدیث نمبر: ۴۷۶۸)

Mind you! One who has a governor appointed over him and he finds that the governor indulges in an act of disobedience to Allah, he should condemn his act, in disobedience to Allah, but should not withdraw himself from his obedience.

(Sahih Muslim, Hadith No. 4768)

This subject is discussed in several concurrent (*mutawatir*) Ahadith that bloodshed and taking up arms against an Islamic government are grave sins.

3. Suicide is unacceptable in Islam and considered a grave sin. The Holy Qur'an says:

﴿لَا تَقْتُلُوا أَنْفُسَكُمْ﴾ (سورة النساء: ٢٩)

And do not kill yourselves. (Qur'an 4:29)

It is stated in several Ahadith that committing suicide calls for severe punishment. In one Hadith the Holy Prophet (peace be upon him) said:

”مَنْ قَتَلَ نَفْسَهُ بِحَدِيدَةٍ فَحَدِيدَتُهُ فِي يَدِهِ يَتَوَجَّأُ بِهَا فِي بَطْنِهِ
فِي نَارِ جَهَنَّمَ خَالِدًا فِيهَا أَبَدًا“

(جامع الاصول بحواله بخاري ومسلم)

He who killed himself with a steel (weapon) would be the eternal denizen of Hellfire and he would have that weapon in his hand thrusting that in his stomach in Hellfire for eternity.

(Jami' al-Usul, with reference to Bukhari and Muslim)

Likewise, when the Holy Prophet (peace be upon him) was informed about the people who committed suicide, he (peace be upon him) issued serious warnings for such people and for one such person the Prophet (peace be upon him) even did not offer his funeral prayer. (*Abu Da'ud, hadith 1395*)

This is the ruling against committing suicide where an individual only kills himself, however, if suicide is committed to kill another believer then such suicide is like committing a double crime; one for committing suicide and the second for killing another person about whom the Holy Qur'an says:

﴿وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا﴾ (سورة النساء: ٩٣)

But whoever kills a believer deliberately - his recompense is Hell, wherein he shall remain forever, and Allah shall become angry with him and shall cast curse upon him, and has prepared for him a mighty punishment. (Qur'an 4:93)

Futhermore, the Prophet (peace be upon him) has issued the following strict warning about the one who kills non-Muslims living in an Islamic state peacefully:

مَنْ قَتَلَ نَفْسًا مُعَاهِدًا لَهُ ذِمَّةُ اللَّهِ وَذِمَّةُ رَسُولِهِ فَقَدْ أَخْفَرَ بِذِمَّةِ اللَّهِ فَلَا يُرَخَّ رَائِحَةَ الْجَنَّةِ.

(جامع ترمذی، حدیث: ۱۴۰۳)

Indeed, whoever kills a Mu'ahid that has a covenant from Allah and a covenant from His Messenger (peace be upon him), then he has violated

the covenant with Allah, so he shall not smell the fragrance of Paradise.

(Jami‘ Tirmidhi, Hadees: 1403)

The suicide attacks which are being carried out in Pakistan, constitute three different types of grave crimes; first, the suicide; second, killing an innocent person; third, rebellion against an Islamic State. Therefore, these attacks are not justified through any interpretation. Supporting such attacks is like supporting a collection of sins (crimes).

4. It is clear from the above three points that all those people involved in violent activities against the government, in the name of implementation of *Shari‘ah* or in the name ethnic groupings are in fact committing High Treason against an Islamic State, as per the Islamic injunctions. The Holy Qur‘an is clear about it when it states:

﴿فَقَاتِلُوا الَّذِينَ تَبْغِي حَتَّى تَفِيَّ إِلَى أَمْرِ اللَّهِ﴾ (الحجرات: ٩)

Then fight the one that commits aggression until it comes back to Allah’s command. (Qur‘an 49:9)

Therefore, it is not only permissible for the Government of Pakistan and its armed forces, by restraining

themselves within the limits of *Shari'ah*, to fight against these rebels but is obligatory under Qur'anic injunctions. In this regard, it is also obligatory on all Muslims to support and assist, within one's means, armed forces of Pakistan in their operations.

5. Ideological differences among various schools of thought are reality which can not be denied, however, these differences must be restricted within the limits of scholarly and ideological debates. In this regard, it is our duty to respect the sacredness of all the Prophets (peace and blessings of Allah be upon all of them), the Companions (Allah's pleasure be with them), the wives of the Prophet (peace be upon him) and members of the family (Ahl-e-Bayt). And there is no justification for anyone to abuse or defame others, or to incite violence and spread hatred among people. Moreover, on the basis of ideological differences, it is completely prohibited (HARAM) to kill each other, or to impose one's ideology on others by force and to commit homicide.

And Allah, the most Praiseworthy and the Almighty, knows the best.

Ratification of Unanimous Fatwa with Additional Note (Jamia Naeemia, Karachi)

In the Name of Allah the Most Beneficent the Most Merciful
**All praise to Allah, the Almighty, peace and blessings of
Allah be upon the Messenger...**

There is consensus that a person who denies the Holy Qur'an and rejects to obey the commandments of the Holy Prophet (peace be upon him) altogether, is indeed a disbeliever and as such to be considered outside the orbit of Islam. And the one who believes in Oneness of God (*Tawheed*) and has faith that Muhammad (peace be upon him) is the Messenger of Allah and accepts all what is revealed from Allah, the Almighty, but due to his human limitations and negligence, acts contrary to what is ordained can not be pronounced a disbeliever. Muslim rulers of Pakistan and the leadership of armed forces indeed believe in Oneness of God, Prophethood of Muhammad (peace be upon him), Qur'anic injunctions and the religious obligations, hence – we seek refuge from Allah – declaring them disbelievers and calling for armed struggle against them is not jihad but mischief on the earth (*fasaad fi'l-Arz*) and rebellion (*baghawwat*).

The Holy Qur'an, Hadith and Islamic fiqh provide ruling about the groups who start declaring Muslim rulers and personnel of armed forces as disbelievers merely due to

their human shortcomings while they believe in Oneness of God (*tawhid*) and the Prophethood of Muhammad (*risalat*). These groups are called Kharijites. And now the scholars of Haramayn Tayyibayn are also declaring such groups and individuals *takfiri* and Kharijites.

Kharijites' heresy, bloodshed and mischief on the earth is documented in books with reference to the history of Caliphate of Ali (may Allah be pleased with him). The arguments of terrorists presented in the question are exactly the same as were of Kharijites. Therefore, the ruling about these people is the same as was given by Caliph Ali (may Allah honour his face) about the Kharijites of his time whom he eliminated through jihad against them.

Hence, the current wave of terrorism against the state and general Muslims, according to the Holy Qur'an, is a declaration of war against Allah, the Almighty and against His honoured Messenger (peace be upon him) and is mischief on the earth. Allah, the Almighty says:

﴿إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ۚ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ ۚ إِلَّا الَّذِينَ تَابُوا مِنْ قَبْلِ أَنْ تَقْدِرُوا عَلَيْهِمْ ۖ فَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ رَحِيمٌ﴾

(سورة المائدة: ٣٣-٣٤)

The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter. Except for those who repent before they fall into your power: in that case, know that Allah is Oft-forgiving, Most Merciful.

(Qur'an 5:33-34)

The same ruling is mentioned in Surah al-Hujurat where Allah, the Almighty says “*then fight ye (all) against the one that transgresses until it complies with the command of Allah;*” (Qur'an 49:9). One form of “*exile from the land*” is to put the offender in jail.

It is *shar'i* (legal) responsibility of every Pakistani that he, within his means, support the government of Pakistan and its armed forces for elimination of terrorism. Moreover, peaceful struggle, within the limits of the law and Constitution for Nizaam-e-Mustafa (peace be upon him) or implementation of *shari'ah* is a responsibility upon Muslims and no one should have any objection to it. And Allah, the Almighty knows the best.

Note: With the above mentioned details, we endorse and approve this fatwa and pray that may Allah protect Pakistan

from all types of terrorism, chaos and mischief. May the political rulers of Pakistan fulfill their constitutional responsibility of implementing *shari'ah* in its entirety in Pakistan, Aameen.

5.3 Unanimous Fatwa: Key Points

This declaration is about terrorism and suicide attacks which are adversely affecting the country and its society by causing disorder and mayhem in Pakistan; advantage of which is being taken by the enemies of Islam. In light of the Holy Qur'an and the Sunnah, we the Religious Scholars and the Muftis of Pakistan representing all schools of thought unanimously issue the following Fatwa:-

1. Constitutionally the State of Pakistan is an Islamic Republic and the preamble of its constitution is based upon "Objectives Resolution" declaring that sovereignty over the entire Universe belongs to the Almighty Allah alone and the authority to be exercised by the people of Pakistan within the limits prescribed by Allah is a sacred trust. Furthermore, the Constitution also states that no law shall be enacted which is against or contrary to the tenets of the Holy Qur'an and Sunnah and all existing laws shall be brought into conformity with Islamic injunctions.
2. We unanimously reject extremist ideology and extremism in all its forms and manifestations.

Wherever exists, this is an evil ideology, therefore, shall be dealt with as a religious obligation through all means available i.e. ideological, kinetic and non-kinetic.

3. We believe that spreading sectarian hatred, armed sectarian conflict and imposition of one's religious ideologies by force are contrary to the Shariah/teachings of Islam; tantamount to creating chaos and mischief in the country "فساد في الارض". As per the Constitution of Pakistan and law of the land, these acts are heinous crimes against the humanity. We demand that government institutions should take all possible measures to eliminate these activities.
4. Use of force to impose *Shari'ah* in Pakistan, armed struggle against the Pakistani state and all other forms of terrorist activities to which our country is confronted with are "HARAM" and forbidden under the Islamic laws. All such actions are considered as rebellion against the state; benefiting the enemies of Islam and Pakistan.
5. We the scholars representing all Masalik/schools of thought unanimously declare that suicide attacks are

forbidden “HARAM”, in the light of Qur’an and Sunnah. In our opinion, those who are conducting, inciting, facilitating, financing and promoting such heinous acts are rebels and the State of Pakistan has legitimate authority to take all possible measures against them.

6. In light of the Holy Qur’an and Sunnah, using religious rituals, symbolism and slogans for self-aggrandizement are forbidden.
7. Declaration of jihad involving physical combat and waging war is the prerogative of the state, and no individual or group has the authority to declare and wage jihad. Such initiatives of an individual or group shall be deemed interference in the state authority, and further to that, such actions shall be considered as acts of rebellion against the State and according to Islamic teachings is a heinous crime punishable under *ta’zir*.
8. All Pakistani citizens are constitutionally bound to protect the national interests as top priority. Damaging public unity and national interest are also forbidden in light of Holy Qur’an and Sunnah. Renunciation/ breach of national interests is to be

taken as high treason and therefore shall be dealt as per the Islamic injunctions.

9. We strongly support the military operations initiated to strengthen the security and stability in Pakistan.