

Shaykh 'AbdusSalām as-Sihaymī
(hafidhahullāh)

FIGHTING SHOULD NOT BRING ABOUT A GREATER EVIL¹

Thirdly: that fighting the enemy does not bring about a greater harm than the harm of leaving off fighting.

The second principle has preceded which mentioned which mentioned the Divinely Legislated evidences which made the conditions of having strength and ability (to make jihad) but this is not sufficient itself as there also has to be added to this the issue of not bringing about a greater harm than leaving jihad. The Fuqahaa have also mentioned this wherein they say “if the kuffaar increase their numbers (on the battlefield) and it is most likely that we will be destroyed then we have to flee based on the saying of Allaah,

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ﴾

“...and do not throw (yourselves) with your own hands into destruction.”

{*Baqarah* (2): 195}

Or if we are not able to harm them, then it is recommended to flee.” Ibn Juzayy’ al-Maalikī stated that:

When the Muslims are being killed on the battlefield, then for them to flee is primary, Abū Ma’ālī stated “there is no difference of opinion in this.”²

Ash-Shawkānī said:

¹ Translation: 'AbdulHaq ibn Kofi ibn Kwesi al-Ashantī. From Shaykh, Dr 'AbdusSalām bin Sālim bin Rajā' as-Sihaymī (Associate Professor at the Department of Fiqh in the Sharī'ah College, the Islamic University of Madeenah).

See as-Sihaymī, A.S.R. (1430 AH/2009 CE). *Al-Jihād fi'l-Islām: Maḥūmahu, Dawābituhu, Anwā'ahu wa Ahdāfuhu* [Jihād in Islam: Its Understanding, Rules, Types and Objectives]. Madeenah an-Nabawiyah, KSA: Maktabat Dār un-Naseehah. pp.76-78.

² *Qawāneen ul-Ahkām ash-Shar'iyyah*, p.165.

“If it is known for sure that the kuffār are overpowering and getting the better of the Muslims, then the Muslims have to avoid fighting them and get more fighters and gain the help of the people of Islaam”, he based this on the saying of Allāh,

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ﴾

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And this is taken generally even within a specific reason, and it is oft repeated in Usūl than the general expression takes precedence and not a specific reason. It is well-known that whoever goes forth while seeing that he is going to be killed, defeated or overpowered has thrown himself into destruction.³

Shaykh al-'Uthaymeen (*rahimahullāh*) said:

There is a necessary condition within this which is that: the Muslims have ability and power that enables them to fight. If they do not possess the power yet put themselves forward to fight, they will be destroyed. For this reason, Allāh did not obligate the Muslims to fight whilst they were in Makkah as they were unable due to their condition of weakness. But when they migrated to Madeenah and established the Islamic state they assumed power and were instructed to fight. Based upon this there is no escape from this condition and if not the remaining obligations would be redundant as all of the obligations have the condition of ability...⁴

Shaykh 'Uthaymeen also stated when asked whether fighting is obligated or permitted without appropriate preparation:

It is neither obligated nor permitted without being prepared for it. Allāh did not obligate on His Prophet (sallallāhu 'alayhi wassallam) whilst he was in Makkah to fight the Mushrikeen and permitted His Prophet in the Treaty of Hdaybiyah to make an agreement with the Mushrikeen. This was an agreement which if a person read would think that within it was a setback

³ *As-Sayl ul-Jarār*, vol.4, p.529.

⁴ *Sharh ul-Mumti'*, vol.8, p.9.

for the Muslims. Many of you know how the Treaty of Hudaibiyah was to the extent that ‘Umar ibn al-Khattāb (radi Allāhu ‘anhu) said “O Messenger of Allāh! Are we not upon the truth and our enemies upon baatil?” The Messenger of Allāh (sallallāhu ‘alayhi wassallam) said “Yes.” ‘Umar said “Then why should we accept such difficult terms in the affairs of our deen?” ‘Umar thought that there was a setback for the Muslims within the treaty. However, there is no doubt that the Messenger of Allaah (sallallāhu ‘alayhi wasallam) has more understanding than ‘Umar and Allāh permitted the Messenger to do that. The Messenger of Allāh said “Indeed, I am the Messenger of Allaah and I would not disobey him and He will help me” so if it was clear that the treaty was a setback for the Muslims then this indicates to us brothers an important issue which is the strength of a believer’s trust in his Lord. So what is important is that it is obligatory upon Muslims to wage jihād in order to make the word of Allāh the most high and so that the deen will be entirely for Allāh. However, currently we do not possess as Muslims that which can enable us to wage jihād against the kuffār, even if is defensive. As for offensive jihād then there is no doubt that this is not possible right now until Allāh brings consciousness to the ummah which prepare the ummah in terms of imān, personally and militarily. As for us today in this regard we are unable to wage jihād.⁵

Shaykh Saalih al-Fawzān was asked: **“is the intent of strength here, during jihād, certified or doubtful?”** Answer from Shaykh Fawzān:

Strength is well-known and if it is achieved in actuality and the Muslims are able to establish jihad in Allāh’s Path then at that time jihad against the kuffar is legislated. Yet the strength is doubtful or uncertain then it is impermissible to put Muslims in danger and involve them in any danger which would lead them to a blameworthy end. The Seerah of the Prophet (sallallāhu ‘alayhi wassallam) at Makkah and Madeenah is the best testimony to that.⁶

⁵ Liqā’ (open session) Thursday, 33 during the Month of Safar 1414 AH/1994 CE; transmitted from the book *Muhimmāt fi’l-Jihād*, p.17.

⁶ *Murāj’āt fi Fiqh il-Wāqi’ as-Siyāsī ‘ala Daw’ il-Kitāb wa’s-Sunnah*, p.52; *Jihād wa Dawābituhu al-Mashrū’ah*, p.65.

I say: when the Muslims do not possess the ability to deflect the disbelieving enemies who are double the number of the Muslim forces then it is not a correct jīhād to perform under these circumstances. What was mentioned prior in regards to the Prophet's jīhād taking four stages clarifies this, and that this differs based on the different circumstances of the Muslims and if they are weak or powerful. Ibn Taymiyyah stated, as mentioned prior:

So whoever from the believers is weak in the earth or is weak in the time in which he is living in, must apply those verses of the Qur'ān which mention patience and forgiveness against those who are seeking to harm Allāh and His Messenger from those who were given the scriptures prior and also from the polytheists. As for those people who are in a state of strength then they are to apply the verses regarding fighting the leaders of kufr who slander the deen. They are also to apply the Qur'anic verses regarding fighting those who were given the scriptures prior until they pay the jizya and are subjugated.⁷

⁷ *As-Sārim al-Maslūl*, p.221.