

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 Fiqhi Page

### Answer to Question

## **Relying on the Oppressor**

### **The Principle of the Lesser of Two Evils**

To: Osama Alshanab

(Translated)

#### **Question:**

Assalam Alaikum Wa Rahmatullah Wa Barakatuh

First of all, I would like to thank you and praise you for your blessed efforts, and I ask Allah (swt) to support you with His victory, and to prepare for this call supporters such as Saad bin Muadh, and we ask Him that by that to relieve the hardship of the Ummah, and to restore it to its former era.

I have two important questions, and I hope that the answer will be as detailed as possible, knowing that the answers that are published are always detailed, but I would like many Shariah evidences with detailed explanations so that the understanding of these issues is comprehensive. As for my question:

**The first**, why is it not permissible to rely on the oppressor (or any person who has authority and influence and has useful capabilities, whether he is a hypocrite, a sinner, or even a kaffir) by asking him for money or help so that the Muslim can fight an occupied jihad, or even to support the Deen?

**The second**, if you are in a country, most of its people are Muslims, and there are elections for the presidency. All the candidates do not want to rule by what Allah has revealed except one, who wants to rule by some of what Allah has revealed, knowing that this candidate will preserve some Islamic manifestations. The other candidates may displace some of the inhabitants of that country and destroy many manifestations of Islam, and they will spread vice and immoral values. So, is it permissible for me according to Shariah to elect the least evil person from among them, as the colloquial saying goes: (a calamity is less than a calamity) and at the same time the Muslims have no power to stop this humiliation and it is an imposed reality. Therefore, if I allow the evil (leader) rule, he will make people displaced and may slaughter my Muslim brothers, and if I give my vote to the less evil person, then I would have accepted to be ruled by a person who does not want to rule by what Allah has revealed.

#### **Answer:**

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh,

#### **First: Regarding your first question, the answer is in the question:**

1- You ask [Why is it not permissible to rely on the oppressor (or any person who has authority and influence and has useful capabilities, whether he is a hypocrite, or a sinner, or even a Kaffir), by asking him for money or help so that the Muslim can fight an occupied jihad, or even to support the Deen?], as if you are referring by your saying (reliance to the oppressor) to His saying, the Most High: ﴿وَلَا تَرْكَبُوا إِلَى الَّذِينَ ظَلَمُوا فَمَا تَمْسِكُمُ النَّارُ وَمَا لَكُمْ مِنْ دُونِ اللَّهِ مِنْ أَوْلِيَاءَ ثُمَّ لَا تُنصَرُونَ﴾ **“And do not incline toward those who do wrong, lest you be touched by the Fire, and you would not have other than Allah any protectors; then you would not be helped”** [Hud: 113] It is clear from the verse that you refer to the prohibition of relying on those who have oppressed, so how do you ask about the permissibility of that?

2- The following was stated in Al-Qurtubi's tafseer of this verse:

[...It contains four issues: the first - His saying: (And do not incline) the reality of inclination is to depend, rely, comfort with the thing and be satisfied with. Qatada said: It means do not be friendly

to them and do not obey them. Ibn Jurayj (said): Do not lean towards them. Abu Al-Aaliya (said): Do not be satisfied with their deeds, and they are all convergent...

The third – Allah’s saying: ﴿إِلَى الَّذِينَ ظَلَمُوا﴾ **“to those who wronged”** it was said: the people of polytheism. And it was said: it is general about them and the disobedient in them, as in Allah’s saying: ﴿وَإِذَا رَأَيْتَ الَّذِينَ يَخُوضُونَ فِي آيَاتِنَا﴾ **“And when you see those who engage in [offensive] discourse concerning Our verses”** [Al-An’am: 68] This was explained previously. And this is correct in the meaning of the verse. it indicates abandoning the people of disbelief and disobedience from the people of innovation and others. Their company is Kuffr or disobedience, because company can only be out of affection.

Fourth – Allah’s saying: ﴿فَتَمَسَّكُمُ النَّارُ﴾ **“So the fire will touch you”** that is, it will burn you; by mingling with them, accompanying them, following their objections, and agreeing with them in their affairs...] End.

**It is clear from the tafseer of this verse that relying on the oppressor is strictly forbidden, and there is no doubt about it, whether the oppressor is a kaffir or a disobedient Muslim. So, relying on the oppressor through his affection, obedience, inclination to him, dependence on him, praising him, and remaining silent over his oppression...etc, they all come under reliance, which is prohibited due to the text of the noble verse.**

3- Also, according to your question, the oppressor may be a kaffir ruler, and he may be a disobedient ruler or a hypocrite who rules by other than Islam, as is the case of the rulers of the Muslims today.

a- If the ruler is a kaffir, then seeking help from him is not permissible according to Shariah, even if it is by taking money from him to carry out jihad because taking money from him undoubtedly leads to giving him authority over the party that took the money from him, which is a tangible scene, especially when it comes to the fighting factions and militias. They become a hostage to the countries that finance them, and their decisions are of no value, because whoever has the slightest knowledge of the facts of things realizes that countries do not give charity, so all the money that any country in the world gives to a party other than its citizens is to achieve certain goals for it, and it does not care about the interest of the party to which it provides aid. When individuals, groups, and factions take money from foreign, kaffir countries for the sake of jihad and fighting the occupier, it is certainly an association with the foreigner and political suicide, and it gives the kuffar authority over the Muslims, and Allah (swt) says: ﴿وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا﴾ **“...and never will Allah give the disbelievers over the believers a way [to overcome them]”** [An-Nisa: 141]

b- But if the ruler is disobedient, like the reality of the current rulers in Muslim countries, he also does not give money to any external party except to achieve certain goals, and often these goals are within plans drawn by the kaffir countries because Muslim rulers are agents of the kaffir colonial countries. Therefore, the party which is linked to any ruler in Muslim countries and receives help and support from him becomes a tool in the hands of that ruler who directs it as he pleases. What we saw in Ash-Sham is not far from us, in terms of the dependence of many factions and organizations on the dirty political money that the countries of the region offer them, not to mention the praise which is directed by the parties linked to the oppressive rulers and their allegiance, polishing their image and not rejecting them... etc. All of this is undoubtedly forbidden as well because it leads to neglecting the rights and goals of Muslims and makes the money-taker a servant of the oppressor and a traitor to his Ummah and his Deen.

4- Moreover, jihad in the way of Allah (swt) and the support of the Deen is not by seeking the help of the kaffir rulers or the oppressive rulers, because the kaffir rulers are the enemies of the Muslims and they are the ones that the Ummah must fight and confront. It is not imagined that their jihad is by taking aid and money from them, for this is a clear contradiction. Rather, the jihad and the support of the Deen is by relying on the Ummah and making it the source of strength and giving.

Moreover, the oppressive rulers in Muslim countries are tools in the hands of the kuffar, so how can it be imagined that a Muslim would take aid and money from them in order to fight the kuffar and support the Deen, as long as they are cheap tools in the hands of the kuffar, the enemies of the Ummah, and they subject the Ummah to the most severe punishment, and fight the truthful mujahideen and the sincere Dawah carriers?!

## Second: As for your second question:

**We have already answered in detail on 29/8/2010, about the principle of the lesser of two evils (or as you say in your question: (a calamity is less than a calamity), and this is its text:**

[The Principle: “The Lesser of Two Evils or Lesser of the Two Harms”

This is a Shariah principle adopted by many jurists. And according to scholars who adopt it, it has one meaning which is the permissibility to carry out one of two prohibited actions, which is the lesser prohibited action of the two **if the person assigned by Allah (Al-Mukalaf) has no choice but to carry out one of the two prohibited actions and he cannot abstain from both of them, because it is out of his ability in every way.** Allah (swt) says: ﴿لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾ **“Allah does not charge a soul except [with that within] its capacity”** [Al-Baqara: 286]. Allah (swt) says: ﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾ **“So fear Allah as much as you are able”** [At-Taghabun: 16].

That is, this principle according to those who adopted it is only applied if there is no way out of committing one of the two prohibitions, when you cannot get rid of both prohibited actions except by committing a bigger prohibited action, then the lesser of the two evils is taken. These scholars also do not define the lesser of the two evils according to the whims, but rather according to the Shariah rules. For instance, protection of two souls takes precedence than preserving one soul, and preserving of three souls is better, and so on. Preserving of a soul comes before preserving the wealth. Preserving of Dar ul Islam comes under preserving the Deen which is of greater importance than preserving the soul and wealth. Likewise, Jihad and the great Imamah fall under preserving the Deen which is the top and most important of necessities. The scholar Ash-Shatibi said in Al-Muwafaqat: “Souls are respected and preserved and must be saved, if a choice comes between allowing the soul to live or lose the wealth over it, or to kill the soul and keep the wealth, then keeping the soul alive takes precedence.”

Examples mentioned by these scholars in the application of this principle include:

1- If a woman faces danger in labour and it becomes difficult to save both mother and baby and a quick decision is needed: either to save the mother which leads to the death of the baby, or to save the baby which means the death of the mother, and if the situation is left and one of the two is sacrificed to save the other or one is saved by the death of the other, this could lead to the death of both. In this situation we can use “the lesser of two evils, or two prohibitions, or two harms, which is to carry out the action of saving the one required in this case, which is the mother, even if this same action kills the second one.

2- That a person is subjected to drowning or murder by another person, or to severe harm to his body and organs, or a woman assaulted with fornication, in the presence of a person assigned by Allah (Mukalaf) who can prevent these evils and he has an obligatory prayer that he may miss its time; either he prevents that prohibited action and he misses the performance of the duty, or if he performs the duty on time, then that forbidden action falls, and time is not sufficient for doing both things together. Here comes the application of the rule, and the balance is also decided by the Shariah, which made the lifting of these aforementioned prohibitions of precedence than of performing the aforementioned duty, but if it is possible to perform both duties together, then that becomes an obligation.

3- These are other examples mentioned by Imam al-Ghazali and Izz al-Din ibn Abd al-Salam, may Allah have mercy on them, that show the application of the principle of “the lesser of two evils”, according to them, and also show the balancing between rulings. Al-Ezz said in his book “Qawa'id Al-Ahkam Fi Masalih Al-Anam”: “If sheer evil is combined, if it is possible to prevent it, we will prevent it. If it is difficult to prevent all evils, we prevent the most harmful followed by the most harmful and the worst and worst,” that a person is coerced to kill a Muslim, and if he declines it means that he will be killed, so, he must avoid the harm of murdering (the Muslim) by having patience for being killing, because his patience for being killed is less harmful than carrying out the killing (of a Muslim) ...” This is a clear example that it is a choice for the lesser of the two harms or the two prohibitions, because he cannot avoid both, and if he can prevent the two harms, he must do so.

And he said in another example: “Likewise, if he is compelled to kill someone by making false

testimony or a false judgment (against a Muslim), or he will be killed. If the one who is forced to testify or make judgement that leads to the killing of someone, or to dismember him, or to commit Zina then the testimony or judgment is not permissible, because to surrender to being killed takes precedence than causing the killing of a Muslim without a sin committed, or dismembering him without a crime, or to commit Zina ... ", that is, if he will be either killed or testifies falsely against another that leads to his killing or dismembering him, or assaulting his honour, then it is not permissible for him to testify but rather he should be patient with being killed, because surrendering to his killing takes precedence over killing another Muslim.

In other words, the situation when one resorts to applying with the lesser of the two prohibitions or the two harms is when one is unable to avoid or prevent all of the two forbidden matters.

These are examples of the application of the principle of "the lesser of two evils", according to what the scholars who adopt it. However, what 'the government scholars' promote or those who want Muslim to turn away from the Shariah rules by misleading and falsehood is not from the examples of this principle.

Those who use the principle to do this forbidden action instead of that forbidden action, justifying their actions by their fear of imprisonment or being fired from their job, this is not an example of this principle.

Likewise, those who say we participate in the ruling of disbelief even though it is prohibited, so that we do not leave all the positions of ruling to the transgressors, because leaving it to them is more prohibited ... this is not one of the applications of the principle, rather it is like someone who says we open a bar (for alcohol) and earn money from it instead of letting the kaffir open it and earns the money.

It is not among the application of the principle that a person is presented with two prohibited matters and he chooses the lesser one when he is capable of abstaining from both of them, such as saying those who say elect so-and-so, even if he is a secular kaffir or a transgressor, or to support so-and-so and do not support the other, because the first helps us and the second does not help us, or anything like that, but what is said here: The two issues presented before us are prohibited, so it is not permissible to elect a secular person and it is not permissible to delegate him to represent a Muslim in opinion, because he does not adhere to Islam, and because he performs forbidden actions that are not permissible for the delegate to carry out like legislation and approving prohibited projects, and calling for forbidden things, accepting them and following them, i.e. he forbids what is good and enjoins the evil. Therefore, neither of them should be elected; because electing either of them is forbidden. And refraining from the election of either of them is within one's ability.

It is not one of the applications of the "lesser of two evils" that a Muslim faces two prohibited actions, and he is able to abstain from both, yet he chooses the easier according to his desire, and he carries it out claiming that it is difficult to stop both prohibitions...! Rather he must abstain from all prohibitions as long as that is possible for him according to the Shariah rulings.

This is a brief picture of "the lesser of two evils" or "the lesser of two harms"] End of quoting the answer to the previous question

I hope this is sufficient, and Allah is All-Knowing and Most Wise.

**Your Brother,**

**Ata Bin Khalil Abu Al-Rashtah**

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

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/832349678452403>