

The Verdict of Shaykh Muhammad Ibn Sālih Al-‘Uthaymīn

The Shaykh, may Allāh be merciful towards him, said in a tape recording regarding this topic :

“And the second (matter) is the forbiddance of killing women and children in times of war.

But if it is said: ‘If they (the kuffār) do this to us- meaning that they kill our children and women- Then do we then kill them?’

The apparent [Thāhir] is that it is (permissible) for us to kill their women and children- even if it means that we lose profit/benefit from it [since keeping them alive is a profit/benefit because they become the property of the Muslims]; (and killing them in this situation is permissible) due to it threatening the hearts of the enemies and a humiliation for them.

And due to the generality of the Statement of Allāh:

فَمَنْ اعْتَدَىٰ عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَىٰ عَلَيْكُمْ

“**Then whoever transgresses the prohibition against you, you transgress likewise against him**” [Al-Baqarah: 194]

And to (purposely) destroy property (which could later belong) for the Muslims (by killing them in this case) is nothing strange.

And due to this, the baggage, the baggage of the one who steals from the Ghanīmah is burned, even though in that, there is the loss of some property of one the fighters.

Then if someone says:

‘If they rape our women then do we rape their women?’

No, this, no, no we do not do it.

Why? Because this is prohibited as a (whole) category [i.e. it is forbidden within itself], and it is not possible for us to do it.

Meaning, it is not forbidden out of respect for the rights of others [i.e. not because we are respecting their rights] - rather, because it is forbidden as a category [i.e. the action of ‘intercourse’]. So it is not permissible for us to rape their women.

But if the dividing (of the Ghanīmah) takes place, and the woman from them ends up as a slave woman, then she becomes property of the right hand. The person can have intercourse with her as a right hand possession, which is permissible and there is nothing wrong with this”

Later on, the Shaykh was asked about the fact that the women being killed are not the ones who killed our women, so is this justice? So he answered:

“فَمَنْ اعْتَدَىٰ عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَىٰ عَلَيْكُمْ

Then whoever transgresses the prohibition against you, you transgress likewise against him” [Al-Baqarah: 194]

What is justice? Not at all. They kill our women, we kill their women. This is the justice. It’s not justice to say ‘if they kill our women we won’t kill your women.’

Because this, I notice from this that it has many enormous affects on them”

End of quote from Shaykh Muhammad Ibn Sālih Al-‘Uthaymīn, may Allāh have mercy upon him.

Refer to the side “B” from the third cassette of Kitāb al-Jihād from Sharh Bulūgh al-Marām. Or download it from the Shaykh’s own website: <http://www.binothaimeen.com/sound/snd/a002...020/A0020-3B.rm> . Brothers and sisters are requested to download this before it is taken down by the Enemies of Allāh. Starting at time frame 29:09 .