

Fatwa of Shaikh Sidiyya Baba, issued 5 January 1903
Digital version: Courtesy of Bibliotheque Nationale de France

In: "Une Fetoua de Cheikh Sidia, approuvée par Cheikh Saad Bouh ben Mohammed El Fadil ben Mamin, frère de Cheikh Ma El Ainin," found in *Archives Marocaines*, 11.1 (1907), edited by Michaux-Bellaire. The original Arabic document was supplied by Robert Arnaud, the Director of Muslim Affairs in Dakar.

Context: Ma El Ainin was having some success in persuading Moroccan sultan to claim southern territories into which French are moving. Saad Buh could help counter that, since he was the younger brother of Ma El Ainin, who was leading the resistance. Sidiyya Baba's *fatwa* was more important, and aroused intense reaction, for and against, among the Muslim population of Mauritania. The *fatwa* took the form of a proposition of question and a response. These excerpts are English translations from the French translation.

English Translation of excerpts, completed by David Robinson 2014

Proposition. Must Muslims wage holy war, when Christians occupy their territory, and when they [the French] do not oppose anything which touches on religion but on the contrary favor the practice of this religion in establishing judges and organizing the judicial administration?

One must also consider that the Christians act in this way with the Muslims, who are not able to materially wage holy war, just as was true for those in the eastern Maghrib (Algeria and Tunisia).

Praise to God the master of the worlds; may the benediction and blessing be upon our lord Muhammad the Prophet, and on all the prophets and all the saints.

Response. It is required of Muslims who find themselves in similar conditions to not attack the Christians, and they should neglect nothing in order to live in peace with them. As the law and the commentaries say, they should never exhaust themselves in a futile effort to struggle against the Christians.

Shaikh Khalil said in his *Mukhtasar* [summary statement of the law]: It is the responsibility of the imam to declare a truce to the advantage of Muslims, so long as he is not required to accede to certain conditions, for example to abandon a Muslim, who is a prisoner of the Christians.... The duration of the peace is not limited, but it is preferable that it not be concluded for more than four months. In the case where the Christians betray the terms, the imam should move away and observe them closely. All the conditions of the truce must be executed, even if they require the restitution of hostages....

All of the sources are unanimous on this point: to conserve the greatest amount of advantage and, in choosing between two evil things, to choose the lesser. It is obvious that the obligation to wage holy war disappears before the impossibility of doing it.

God said: There is no reproach to make to the weak, the sick and the poor who act with sincerity towards God and the Prophet, if they are not able to accomplish their obligations. God is merciful and forgiving.

It is evident that the obligation [to wage] holy war disappears in the face of the inability to accomplish it....The inability of this land [of Muslims] to fight against the force of the Christians is obvious. Any sane man who hears and sees is aware of the absence of unity among Muslims, the absence of a public treasury necessary for any action, and the inferiority of their weapons in comparison to those of the Christians....[There is also no obligation] to emigrate, *en masse* or in part, from the territory conquered by the "infidel", because of poverty as well as the absence of destinations where the necessary security and resources exist...

It must be said, in addition, that the conduct of the Christians...[is what is required by Islam]. They not only do not oppose the exercise of religion, they also provide positive support in the construction of mosques, appointment of *qadis* and provision of a good organizational structure.

They punish theft and banditry and maintain peace among the warring tribes of this land without government, and do many other things of this sort. It is evident that they are very successful in these things. God has sent them in his mercy for his creatures and out of his goodness....

If the Prophet or the scholar realizes that it is impossible to put in place a government conforming to God's will, nor to combat injustice, then it is permissible to give power to the infidel, and he will know how to accomplish it.... God is the only one who knows all.

Written by the humble servant of God, Sidiyya ibn Muhammad Sidiyya. May God accord his pardon to him, amen. Written the fifth of Shawal 1320 [5 January 1903].

Approval par Saad Buh.

What the Shaikh has written is inspired by God and comes from his piety. I mean the saint of saints, the knowledgeable descendant of knowledgeable ones, Shaikh Sidiyya, who writes what is true and conforms to Islam.

He was inspired to write the above and to study the question by his generosity and the love of Muslims which fills his heart, and by the experience and judgment which his illustrious ancestors have always shown. May they be confirmed by God and may God bless them and show His care for them.

The knowledgeable one realizes that the Christians are very numerous and have taken over the powerful and populous empires in the East and the West, and knows equally that the Shaikh, inspired by God and by his piety (may God bless him and his ancestors), is one of the first among the inheritors of the Prophet, and is one to whom Muslims have given themselves more than anyone. They will submit to his judgment full of reason

Written by Saad Buh ibn Shaikh Mudammad El Fadil bin Mamin El-Qalwami.

Source

Archives marocaines : publication de la Mission scientifique du Maroc vol 11(1907) edited by Michaux-Bellaire pp. 129-139.

National Library of France, Philosophy department, history, science of man, 8-03J-166.

Catalog record:

<http://catalogue.bnf.fr/servlet/RechercheEquation;jsessionid=32DB6E068E30767CFF67C2D4942E9E5B?TexteCollection=HGARSTUVWXYZ1DIECBMJNQLOKP&TexteTypeDoc=DESNFPIBTMCJOV&Equation=IDP%3Dcb32701470c&host=catalogue>.

Digital file:

<http://gallica.bnf.fr/ark:/12148/bpt6k106575p/f3.image.r=Maroc.langFR>