

Fatwas, July-August 2012

This review reports the main fatwas [religious-legal rulings] issued in July and August 2012, in response to readers' questions, by Minbar Al-Tawhid wal-Jihad, the Web site of Salafist ideologue Abu Muhammad Al-Maqdisi.

Highlights:

1. One should forsake the Muslim Brotherhood utterly, and determine whether conflict or escalation serves [Salafist] interests. At the present time, one should avoid conflict with the new [Arab] governments, as this would not serve da'wa [missionary work], on which we must focus our efforts.
2. The method used to elect the Salafi-jihadist Shura Council in Jordan is valid, as long as the circumstances are satisfactory and lead to consensus, and the Shura Council aims to engage in da'wa and charity.
3. One may not kill a Muslim who has stolen money from the mujahideen, as his deed is not punishable by death, unless it caused significant harm and deterrence is impossible save through execution.
4. Muslims must not purchase American goods, whether or not they are imported. Products that the Muslims cannot do without are excepted.



السؤال	الاسم	المجيب	أجوبة
ما هو الموقف الشرعي من نجاح مرسي في مصر ؟ لو أسلم المصور ؟ 00:46:50 2012-08-30	واقع المسلمين	الفتحة الخيرية في المنبر (إيد منظر ششششششش)	4114
هل يجوز للمجاهدين ملاحقة أسرى المرتكبين إن احتاجوا إلى ذلك ؟ 00:59:48 2012-08-30	الجهاد وأحكامه	الفتحة الخيرية في المنبر (إيد منظر شششششش)	1347
ما حكم شراء السلع الأمريكية ؟ 02:32:51 2012-08-30	الجهاد وأحكامه	الفتحة الخيرية في المنبر (إيد منظر شششششش)	2226
ما حكم من يشتغل في سفارة للتصويرين ؟ وما حكم من يعمل في شركة أمريكية لتلفظ تهريب ثروات المسلمين ؟ 02:24:01 2012-08-30	الفقه وأصوله	الفتحة الخيرية في المنبر (إيد منظر شششششش)	2177
ما حكم تعارض الشهادات وما حكم عدة المرأة المفقود زوجها؟ 03:02:04 2012-08-31	الفقه وأصوله	الفتحة الخيرية في المنبر (إيد منظر شششششش)	2521
هل يجوز للمسلم أن يقتصر الصلاة و أن لا يمسى الجمعة؟ 02:49:30 2012-08-31	الفقه وأحكامه	الفتحة الخيرية في المنبر (إيد منظر شششششش)	3484
ما حكم الطريقة والتكسوت والتي تم من خلالها تشكيل مجلس شورى للثوار السلفي الجهادي في الأزمن ؟ 03:11:08 2012-07-30	واقع المسلمين	الفتحة الخيرية في المنبر (إيد منظر شششششش)	3884
ما حكم من يسرق أموال الجهاد ؟ 16:12:14 2012-07-17	الجهاد وأحكامه	الفتحة الخيرية في المنبر (إيد منظر شششششش)	3282
هل قولنا للعدو: تكلم أنت عدو ي. يعتبر أمانا ملازما ؟ 22:50:33 2012-07-13	الجهاد وأحكامه	الفتحة الخيرية في المنبر (إيد منظر شششششش)	3786

Questions Directed at Sheikh Abu Al-Mundhir Al-Shanqiti

Egypt:

*What Is the Religious-legal Ruling Regarding the Success of President Morsi?*¹

- ❖ Question: Many Salafist sheikhs in Egypt believed that President Mohammed Morsi would implement shari'a [Islamic law], and urged their followers to vote for him. Many continue to believe him when he says he will [implement shari'a], and ask their followers to be patient, and not to forsake or attack him; perhaps he will also grant additional freedoms [to the Salafists]. At the same time, he intends to pursue democracy, and has recognized parliament. Should one oppose and assail him and declare his regime heretical? Or should one be patient and exploit the current freedom of action?
- ❖ Answer: Morsi's rise to power in Egypt may be less deleterious than that of others who reject Islamist ideology in its entirety and adopt Western culture. It is no sin to rejoice in Morsi's election; [his regime] is a lesser evil than that of the Supreme Council of the Armed Forces (SCAF). However, neither does this mean that one should pin one's hopes on Morsi. The Muslim Brotherhood does not stress implementation of shari'a; rather, it aims merely to infiltrate the centers of power and influence. The Islam that the Muslim Brotherhood is fighting to inculcate is a neutered Islam, distorted and falsified by the Brotherhood's errant ideology. Their occupying the seat of power may not entrench Islam, but will show the public how wayward the Muslim Brotherhood is, how far it is from the law of Allah. Hamas in the Gaza Strip and the Al-Nahdha Party in Tunisia are examples of this. The Muslim Brotherhood will show the public that it aims to implement democracy and laws that contravene those of Allah. It is the Brotherhood's policy to show loyalty and friendship to the West, to pander to the West, to work with its charitable organizations – infidel organizations – and to succumb to UN regulations and international law. If the Muslim Brotherhood were hostile to the West, it would oppose the occupation of Afghanistan, Iraq and

¹http://www.tawhed.ws/FAQ/display_question?qid=6535&pageqa=1&i=&PHPSESSID=d774d018bc6a5566b39f718d24afc832

Gaza. But the opposite is the case: the Brotherhood has been an adversary of the mujahideen. True, a Muslim Brotherhood regime may grant greater freedom to the general public than did SCAF. However, the mujahideen and [proponents of] jihad should not expect the Muslim Brotherhood to be open [to them]. The mujahideen can expect to see their playing field narrowed, they can expect to be persecuted and imprisoned; this is what Hamas has done to Salafi-jihadists in the Gaza Strip, and what [similar regimes] have done in other countries. After all, Salafist-jihadism bitterly contests the perverse ideology of the Muslim Brotherhood. A government of the Muslim Brotherhood is therefore unlikely to let the mujahideen gain power, or prepare for or incite to jihad; rather, like the West, it is likely to try and destroy the mujahideen. The right thing to do is to utterly disavow the Muslim brotherhood, while assessing whether conflict and escalation truly serve [Salafist-jihadist] interests. We must exploit the freedoms we have been granted to the benefit of da'wa [missionary work]. Imprudent conflict with Muslim Brotherhood governments does not serve da'wa, which is what we should be concentrating on at present.

Syria:

A Test Case: Guarantees for the Life of an Enemy (a Syrian Soldier)²

- ❖ Question (posed by someone claiming to be from Syria): A soldier of the Syrian regime who had fired his weapon was captured during battle. Because the soldier thought he had been arrested by the Syrian intelligence services, he claimed to have killed 10 bearded men. However, once he realized that his captors were mujahideen, he admitted having lied – that is, that he had not killed a soul. During interrogation, one of the mujahideen told him that if he confessed, he [the mujahid] would guarantee his life. Is this guarantee valid? Or is it permissible to kill the soldier, especially as the mujahideen believe he could cause much harm?
- ❖ Answer: The guarantee is binding. According to the earliest interpreters of Islam, any statement that an infidel understands to mean that his life is not in danger – is binding. At the same time, the four principal schools of Islamic jurisprudence

²http://www.tawhed.ws/FAQ/display_question?qid=6529&pageqa=1&i=&PHPSESSID=501cfb5799e4d48421070b0be91eddd3

call for ensuring that conditions are suitable for giving such a guarantee – that is, that the guarantee is not harmful to Muslims, and does not impede jihad or the mujahideen. For example, spies have been executed even though their lives were guaranteed. Similarly, in the test case presented, the guarantee is not binding, because honoring it would harm Muslims – as indicated by the questioner's comment that [the soldier] could cause very great evil.

*Contradictory Evidence Regarding Disappearance or Death in Syria*³

- ❖ **Question:** In a battle between Syrian soldiers and mujahideen near Damascus, a mujahid went missing. Some of his friends testified that he died in the battle, but others testified that he had been wounded and taken prisoner. Each group swore by Allah that its statement was accurate. The regional commander of the mujahideen ruled the missing mujahid a shahid [martyr – i.e. dead]. His wife wishes to know the ruling regarding her husband: must she wait for him, or may she remarry after the period of time designated in religious law?
- ❖ **Answer:** You must determine which of these contradictory testimonies is correct, based on proof and evidence given by several witnesses for each claim. If it becomes clear that the mujahid died in battle, his wife may remarry after the period of time designated by Islamic law. If it becomes clear that the mujahid is missing in action, his wife must wait out the period of time designated in such cases, after which she may marry. Be advised that religious scholars disagree on cases of disappearance. Some rule that a woman must wait until her husband's death has been confirmed, while others rule that she must wait a certain number of years and months (and scholars differ on the number) before she may remarry.

Jordan:

*Selecting a Shura Council for the Salafi-Jihadist Movement in Jordan*⁴

³http://www.tawhed.ws/FAQ/display_question?qid=6530&pageqa=1&i=&PHPSESSID=a59ab151e35c4b6f151dd2bc9a8cca26

⁴http://www.tawhed.ws/FAQ/display_question?qid=6606&pageqa=1&i=

- ❖ Question: About 120 Jordanian Salafi-jihadists gathered to choose a Shura Council. They first devised a method for selecting the ten members of the Shura Council, whereby each person present would write down the names of ten attendees who were suited to serving on the Shura Council. The results were then tallied, with the ten people who had received a majority of the votes becoming members of the Shura Council. Some people objected to this method, which they saw as a democratic method of obtaining a majority contradictory to Islamic law. Conversely, others insisted that the method was acceptable under Islamic law. We therefore ask: does the method used to select the members of Jordan's Shura Council conform to Islamic law – or not?
- ❖ Answer: First of all, Shura Councils should be established if their goal is to spread da'wa [proselytizing] and benevolence, and if circumstances allow for their establishment. Second, everyone should be involved in the selection process, to ensure satisfaction and consensus. Persons with knowledge and experience should be preferred, and care should be taken lest unworthy persons be chosen. In this context, religious scholars should not be compared to laymen, and you should not collaborate with people who authorize participation in a democratic regime. You do not wish to be a party to heresy. Regarding the method of selection: we have received multiple queries on this topic, as well as comments describing the proceedings in varying ways. It is therefore impossible to know definitively happened. We therefore present the general conditions and Islamic laws for selecting a Shura Council, based on Islamic sources.

1. The Islamic-legal ruling regarding a majority:

There is nothing wrong with letting majority opinion rule in certain cases – for example, when Muslims must make a collective decision about taking an oath of loyalty [bay'ah] to an imam, or have asked their [elders] to choose a leader [an emir]. In fact, if two equal candidates for emir are available, there is no choice but to select one of them by majority vote. Similarly, it is permissible to rely on majority opinion when there is a disagreement about a matter on which the Qur'an is not definitive, or when the imam has authorized his advisors to decide a certain matter.

2. The Islamic-legal ruling regarding elections: The sanction against holding elections in a democratic regime does not derive from a prohibition on voting *per se*; rather, it exists because elections in a democratic regime contravene many principles of shari'a – e.g., reliance on the rule of the people; equating Islamically worthy candidates with candidates who are not worthy from an Islamic-legal perspective, equating Muslim and infidel candidates, righteous men and sinners, men and women; the primacy of the outcome of democratic elections over Islamic [God's] law. Elections may be held in a regime governed by Islamic law, but only as a tool for knowing the people's will on matters of concern to them, and not so that the people's opinion is the determinant. In summary, voting itself is not an act of heresy. However, some of its elements are anchored in Islamic law and others are not.

General:

*Methods of Interrogating Captives of the Mujahideen*⁵

- ❖ Question: Are there any limitations on interrogating a captive of the mujahideen? May we torture him, for example with electric shocks, to extract information?
- ❖ Answer: Based on the deeds of the Prophet [Sunnah], it is permissible to punish a suspect in order to subjugate him. Early interpreters of Islam have confirmed this. However, some believe that it is forbidden to punish a suspect before he has confessed to his deeds. As for the degree of punishment during interrogation: if the prisoner was captured from among the infidels, or if he was spying for the infidels, you may sentence him to any punishment, even if he is at death's door. The souls of such persons are not protected.

*If a Person Has Confessed to Performing Heretical Deeds, Is His Return to the Faith Valid?*⁶

- ❖ Question (posed by someone claiming to be from Syria): A sham of a sheikh, someone who deals in fortunes and magic, was arrested along with his

⁵http://www.tawhed.ws/FAQ/display_question?qid=6563&pageqa=1&i=&PHPSESSID=501cfb5799e4d48421070b0be91eddd3

⁶http://www.tawhed.ws/FAQ/display_question?qid=6528&pageqa=1&i=&PHPSESSID=501cfb5799e4d48421070b0be91eddd3

companion. His mobile phone contained the names of senior Syrian and Lebanese military and other officials. He admitted spying for the Syrian regime, but claimed that he had returned to the Muslim fold. He also admitted that he had used the contributions he had collected for the poor to buy alcohol and engage in lewd acts. We did not find any proof that his companion was a spy. However, the companion confessed that he had been with the sheikh when he had done these things. How should we treat the sheikh and his companion?

- ❖ Answer: This sheikh is like a man who has left the faith [murrtaḍ] – in fact, he has confessed to this. He only purported to return to the true Islam after his guilt had been proven. Such a “return to the faith” is invalid because he did not demonstrate it before his calumny was exposed; his return to the fold is useless. As for his companion, although he is suspected of committing infractions, his presence with the sheikh does not require ruling that he, too, spied against the Muslims. To divine the truth, his deeds should be scrupulously examined and a confession of any trickery extracted.

*What Is the Ruling Regarding Killing Corrupt Persons?*⁷

- ❖ Question: In order to rid Muslim lands, especially arenas of jihad, of their impurities, is it permissible to kill drug sellers, whores, and other purveyors of corruption, including secular people?
- ❖ Answer: If execution is the only way to eradicate the damage someone has done to Islam and the Muslims, it is permissible to kill agents of debauchery. All types of immorality are covered by this ruling.

*A Ruling Regarding a Thief of Monies Belonging to the Mujahideen*⁸

- ❖ Question: What is the ruling regarding someone who has stolen money he collected, purportedly for the mujahideen? What is the punishment? If the thief incurs a man's wrath and the man kills the thief, what is the ruling regarding that man? Especially if the thief's deed has been decisively proven? We add that the

⁷http://www.tawhed.ws/FAQ/display_question?qid=6562&pageqa=1&i=&PHPSESSID=501cfb5799e4d48421070b0be91eddd3

⁸http://www.tawhed.ws/FAQ/display_question?qid=6564&pageqa=1&i=&PHPSESSID=7d785196cc2150ab8c7af39b1005c4db

misdeed recurred, but when the thief was shown incontrovertible proof of this, he denied it.

- ❖ Answer: The deed in question is not considered theft. According to Islamic law, theft is covertly taking something from the place it is being kept. In the case in the question, the emir should condemn the acts [of the guilty party] as a measure of deterrence. You may not kill the perpetrator because his deed is not punishable by death under Islamic law – unless the damage he has caused is very grave, and killing him is the only way to deter him.

A Ruling Regarding Shortening One's Prayers⁹

- ❖ Question: What is the ruling regarding a prisoner who shortens his [daily] prayers and does not perform Friday prayers?
- ❖ Answer: A person who is in his own country, whether or not he is a prisoner, may not shorten his prayers. A prisoner who is being held captive away from his country, must perform his prayers in their entirety. However, Islamic legal sources state that someone who travels outside of his country may shorten his prayers.

A Ruling Regarding a Muslim Working for an Embassy or Foreign Company¹⁰

- ❖ Question: What is the ruling regarding a person who works for the French Embassy as a visa clerk? What is the ruling regarding the CEO of a US oil company that has usurped oil from Iraq, Pakistan and other Muslim countries, which he has visited as part of the company's work? What is the ruling regarding a man who has sold a parcel of land to a bank that charges interest so that the bank may expand, and who built a house with the money from the sale? May his son inherit from him? Would the ruling be different if the bank did not use the land it purchased to expand?
- ❖ Answer: The person who works for the embassy has not sworn loyalty to the infidel and neither helps the infidel nor harms Muslims; there is therefore no

⁹http://www.tawhed.ws/FAQ/display_question?qid=6629&pageqa=1&i=&PHPSESSID=a59ab151e35c4b6f151dd2bc9a8cca26

¹⁰http://www.tawhed.ws/FAQ/display_question?qid=6523&pageqa=1&i=&PHPSESSID=2dcca78a558a36d819ca52ff6ac56e3b

problem with his work. The oil company executive expresses loyalty to the infidel, and collaborates with them against the Muslims. The person who sold his land to the bank has sinned by collaborating with the bank. However, it is not a sin to inherit the [revenue from] the sale of the land. If the bank does not use this land to expand, but uses the land in a way permitted by Islamic law, we may hope that the man will be cleansed of his sin.

*A Ruling Regarding the Purchase of American Products*¹¹

- ❖ Question: Is it permissible to purchase American products, especially high-priced ones such as Ford and GMS [sic] vehicles?
- ❖ Answer: Every Muslim is obligated to wage jihad against sacrilegious infidels who defile things sacred to Islam and the Muslims. Jihad must be fought with money, might, and propaganda. We must weaken and paralyze the infidel, and use any means possible – including an economic boycott that will cause unbearable financial losses – to cause his collapse. If the 1,300 billion Muslims in more than 60 Islamic countries were to boycott American products, they would seriously damage the US economy. For example, after the attacks of 9/11, US airlines fired more than 120,000 employees, other foreign companies went bankrupt, and tourist concerns, hotels and large commercial centers struggled. Failing to purchase the enemy's products causes economic damage that weakens him. This is therefore no less important than bearing arms against the enemy. We must impose as extensive an economic boycott as possible, and urge everyone to adhere to it. In summary, Muslims must never purchase American products, whether they are imported via a second or third party or consumed in the regular manner. An exception is made for American products that Muslims cannot do without. The media must support these efforts by listing forbidden American products and promoting a boycott. Pamphlets about this should be disseminated and hung in mosques, and fatwas should be issued calling for a boycott.

¹¹http://www.tawhed.ws/FAQ/display_question?qid=5713&pageqa=1&i=&PHPSESSID=2dcca78a558a36d819ca52ff6ac56e3b

*A Ruling Regarding Collective Prayer*¹²

- ❖ Question: What is the ruling regarding someone who avoids collective prayer merely because he is angry at some members of the congregation or at the imam, because of weakness, or for any other reason?
- ❖ Answer: It is absolutely forbidden to interfere with collective prayer on the pretext of anger at the imam or at a few congregants, or because of a weakness that does not derive from severe difficulty. Collective prayer is most excellent; excuses [for avoiding it] are invalid.

*Freeing Prisoners Who Have Forsaken Islam*¹³

- ❖ Question: If necessary, may the mujahideen release prisoners who have abandoned the faith?
- ❖ Answer: If Muslims are forced to release prisoners who have forsaken Islam in order to ransom Muslim prisoners and avoid harming Muslims, or if killing an apostate would harm Muslims, they must avoid causing such harm by releasing the apostates in exchange for money. This does not mean they recognize apostates who have forsaken Islam.

¹²http://www.tawhed.ws/FAQ/display_question?qid=6444&pageqa=1&i=&PHPSESSID=d774d018bc6a5566b39f718d24afc832

¹³http://www.tawhed.ws/FAQ/display_question?qid=6444&pageqa=1&i=&PHPSESSID=d774d018bc6a5566b39f718d24afc832