

Periodic Review: Fatwas, November-December 2011

The following report details the main fatwas published in November and December, 2011 on Minbar Al-Tawhid wal-Jihad, a Web site run by the Salafi ideologue Abu Muhammad Al-Maqdisi.¹ Web surfers' questions are answered by the site's Sharia Committee, which comprises a number of prominent Salafi sheikhs.



This publication presents some of the religious-legal rulings [fatwas] handed down in November and December 2011. Among them, we highlight fatwas concerning joining the Free Syrian Army and the revolutionaries in Libya; participation in protests against the continued rule of the Supreme Council of the Armed Forces in Egypt; participation in demonstrations against the regime in Morocco, alongside elements whose principles contravene those of Islamic religious law [shari'a]; the appropriate response to a French newspaper's having derided the prophet Muhammad; and the essence of the relationship with the Al-Nahdha Party in Tunisia.

¹ <http://www.tawhed.ws/FAQ/>

قراءة	التحجيب	القسم	السؤال
2575	اللجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	الفقه وأصوله	هل يشرح منع المرأة من قيادة السيارة ؟ المصدر بالعزير 15:16:19 2011-12-24
3049	اللجنة الشرعية في المنبر [الخطيب البغدادي]	تراجم ودرج وتعديل	لماذا كفر تقي الدين الدمشقي شيخ الاسلام ابن تيمية ؟ الله اكبر دين الله عاب 15:05:46 2011-12-24
2401	اللجنة الشرعية في المنبر [أبو همام بكر بن عبد العزيز الأثري]	الفقه وأصوله	أين توضع اليد في قيام الصلاة؟ ومتى ترفع اليدين عند القيام من التشهد الأول؟ داحر الطواعيت 23:50:55 2011-12-22
1885	اللجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	الفقه وأصوله	ما حكم تخصيص أموال الزكاة فقط للجهاد دون بقية الأصناف الأخرى ؟ abouzobair 23:50:19 2011-12-22
2533	اللجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	مسائل الإيمان و الكفر	ما هي الأمثلة والأدلة على أن الكفر قد يكون بالقول والفعل ؟ بن أبوكبر 01:00:10 2011-12-21
2939	اللجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	الفقه وأصوله	ما تطبيق قاعدة : الاجتهاد لا ينقض بالاجتهاد ؟ alhor2000 23:53:09 2011-12-20
2518	اللجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	الفقه وأصوله	ما حكم العمل في شركة ملابس تستعمل في الحفلات المختلطة ؟ Abomos3abnador 00:22:25 2011-12-15
4046	اللجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	واقع المسلمين	إجابة أسئلة من الإخوة في تونس معدنيكو 00:12:27 2011-12-15

The Fatwas chat room on the website

- ❖ Sheikh Abu Muslim Al-Jazairi was asked whether mujahideen are permitted, as a preventive measure, to kill anyone found proximate to their camps or installations, lest he be a spy who would reveal their secrets. The Sheikh responded by first explaining that the mujahideen are fighting against divisiveness in the Muslim nation, and to impose the law of Allah; therefore, the wise course for their leadership is to develop a military strategy to this end, and not only to inflict losses on the enemy. The mujahideen must embrace the people they wish to rule, and not enter into conflict with them, lest they lose not only specific battles but also the war [for Islam] as a whole. The mujahideen and their leaders must know that their goal is for jihad to

lead them to power and rule, and [thereby] to end injustice against the Muslim nation. Therefore, according to Sheikh Al-Jazairi, the leadership of the mujahideen must work toward this end and not cause further injustice, which would only prevent the mujahideen from being the fuel of jihad. No doubt, the enemy does all it can to foil the mujahideen, including recruiting spies. But the leadership of the mujahideen must not kill merely on the suspicion that someone is a spy. Rather, proof must be brought and cross-referenced, lest it cause injustice – and injustice contravenes the law of Allah. The mujahideen and those who aid them must interrogate anyone they suspect of being a spy. According to Sheikh Al-Jazairi, it would be best for the leadership of the mujahideen to officially inform the public that areas proximate to the mujahideen's camps, where battles are waged, are dangerous, and should be avoided. At the same time, and despite publicizing a clear announcement to this effect, the mujahideen are forbidden from murdering someone who has been trapped on the spot; rather, they must interrogate him, especially if he is a Muslim.²

- ❖ Sheikh Abu Al-Mundhir Al-Shanqiti was asked to rule on participation in two of the recent uprisings in the Arab world: joining the Free Syrian Army to fight Bashar Al-Asad; and joining the rebel forces in Libya to fight Muammar Qaddafi. The Sheikh responded that it was permissible to cooperate with an army formed to defend Muslims against the aggression of a repressive regime, but that cooperation should not persist if the aim of the army becomes to establish a democratic regime; that is, contact with the army should cease as soon as the repressive regime has been overthrown. The

² http://www.tawhed.ws/FAQ/display_question?qid=5450&pageqa=2&i (Arabic).

Sheikh appealed to “the people of faith and the oneness of God [Tawhid]” to establish their own brigades, governed by Islamic religious law [shar’ia], to struggle to eliminate repressive regimes. The news from Syria seems to indicate that this is indeed happening there and, if so, then Sheikh urged all capable Muslims to help these brigades rid Syria of Bashar Al-Asad.³ One Web surfer was dissatisfied with this response, however, and further pressed the Sheikh: more pointedly, he asked whether, rather than merely cooperating with the army, it was permissible to fight as part of the army, if the army’s policy was to seek, with the help of Western nations, to establish a democratic civil society. This surfer felt it would have been more appropriate had the Sheikh called all Muslims to join the believers in the oneness of God [Tawhid] who were waving their standard in Syria. In response, the Sheikh stressed that if indeed some had raised this standard, then their ranks should be joined, and their strength multiplied. He added that, if this were the case, then it would be forbidden to join the Free Syrian Army. Instead, adherents to the oneness of God should make themselves known throughout Syria, so as to attract young people. If, on the other hand, they have not established their own brigades, or it is not possible to join them, then the protection provided to Muslims by the Free Syrian Army is essential, and grounded in Islamic religious law. In such a case, one should cooperate with the Free Syrian Army, as would be is better to fight alongside this army than to leave the Muslims to be slaughtered. The Sheikh clarified, however, that the mujaihdeen should not acknowledge any of the army’s goals that contravene the laws of Allah, and

³ http://www.tawhed.ws/FAQ/display_question?qid=5454&pageqa=2&i (Arabic).

which are slated for implementation after the fall of Bashar Al-Asad – the point at which, in effect, they should disengage from [the army].⁴

❖ Sheikh Abu Humam Bakr bin Abd Al-Aziz Al-Athari was asked whether an imam must own property or land if he is to be given an oath of allegiance [bayah]; and, if an imam is thrown off his land, like Mullah Omar was, to whom, then, should the oath of allegiance be sworn? The Sheikh responded that although it is necessary for the Great Imam to have authority and might, this does not mean he must reside permanently in a particular place or have dominion over an entire territory. Consequently, the loss of parts of the Islamic Emirate, conquest of some of its territory by infidels, or a decline in the imam's power, do not revoke the oath of allegiance [that the believers have sworn] to the imam – unless he is killed, or dies naturally, or is replaced by law. The Sheikh reminded the questioner that Mula Muhammad Omar [still] had power over sizable portions of Afghanistan, along whose length and breadth his minions were deployed.⁵

❖ Sheikh Abu Al-Mundhir Al-Shanqiti was asked whether it was permissible to participate in the protest of Friday, November 18, 2011 in Egypt to hasten the overthrow of the Special Council of the Armed Forces (SCAF) and prevent a *fait accompli* – that is, military rule, which would preclude future implementation of Islamic law – from being forced on the Egyptian people. The Sheikh ruled that SCAF was a link in the previous regime's chain, and as such, demonstrating to pressure SCAF to relinquish power was merely a continuation of the revolution, which SCAF had scuttled before it could be

⁴ http://www.tawhed.ws/FAQ/display_question?qid=5543&pageqa=2&i (Arabic).

⁵ http://www.tawhed.ws/FAQ/display_question?qid=5447&pageqa=2&i (Arabic).

completed. The Sheikh expressed the vain hope that Islamic forces had continued protesting and stayed in the [Tahrir] square to demand implementation of the law of Allah, and make the army and secular people understand that this was the will of the people and indeed of all Muslims. The problem, according to Al-Shanqiti, was that most of the Islamic forcers were mouthing slogans at these demonstrations, which had nothing to do with Islamic law. In so doing, they were serving democracy more than they were Islam. Nevertheless, he added, the protests provided an opportunity to give voice to truly Islamic slogans, and to demand that Islamic law be implemented and that democracy – whose origins are in heresy – be abandoned. He stressed that Islamic forces should come out in force to demonstrate and assert their will, even as they join the [other] people in struggling against the hegemony of SCAF.⁶

- ❖ Sheikh Abu Al-Mundhir Al-Shanqiti was asked whether it was permissible to have killed Qaddafi, even though the mujahideen had captured him alive, and in light of the imperative to try him under Islamic law, and only then for an Islamic [shari'a] judge to have passed a death sentence on him. In other words, the questioner asked, does a military commander, either of a brigade or an entire army, have the right to execute a prisoner of war without the permission of his superior(s), either military or civilian, or of a shar'ia [Islamic] court? Sheikh Al-Shanqiti responded that it was necessary to bring a person to trial only when it was necessary to prove that the indicted party had committed a crime. Since the crimes attributed to Qaddafi were confirmed,

⁶ http://www.tawhed.ws/FAQ/display_question?qid=5514&pageqa=2&i (Arabic).

there was no need to prove them. As for the law regarding killing a prisoner of war, Al-Shanqiti stated that religious scholars have agreed that this is permissible, and added that Sheikh Al-Islam Ibn Taymiyyah had also not found any dissent in this matter. However, Al-Shanqiti demurred, not everyone has agreed that this is correct behavior. Since free choice in deciding how to treat a prisoner of war belongs to the imam, religious scholars disagree as to whether it is permissible to kill a prisoner without an imam's permission. Some are in favor of killing prisoners of war, and some opposed, and their disagreement rests on the issue of whether or not the person who captured the prisoner of war is authorized to kill him. A person who has *not* captured the prisoner of war may *not* kill him, as this is seen as an aggressive act, and is forbidden. Both the Hanbali School and the Shafi'i School rule that someone who has killed a prisoner of war has no protection under shari'a, since this is [an act of] aggression.⁷

- ❖ Sheikh Abu Al-Mundhir Al-Shanqiti was queried by a Web surfer, apparently from Libya, in regard to a large group of [military] officers from Serbia, Russia and Ukraine who had been captured [by rebel forces], and who confessed to having fought alongside Qaddafi's forces. Some of these captives were freed, some were executed, and some were being sheltered by tribes. Sheikh Al-Shanqiti ruled that behavior toward a captive should be determined by the emir, who is the person of recourse for Muslims. According to Al-Shanqiti, in Libya at present, the "emir" is not the interim council, but rather the military commanders who maintain their allegiance to Allah. Al-Shanqiti recommended

⁷ http://www.tawhed.ws/FAQ/display_question?qid=5444&pageqa=2&i (Arabic).

a prisoner exchange, in which mujahideen leaders [captive] in Chechnya would be freed in exchange for these prisoners.⁸

- ❖ Sheikh Abu Al-Mundhir Al-Shanqiti was asked by a Web surfer whether it was permissible according to religious law to save money for jihad in “an ‘infidel’ bank”, in his words – that is, a bank that charges interest. The Sheikh responded that any involvement with interest was forbidden [regardless of the intended use of the money], and suggested that he keep his money himself and not invest it in a bank that charged interest.⁹
- ❖ A Web surfer, apparently from Morocco, wrote in to ask advice regarding his intention to sit for examinations at an institute of higher education in management, which trains students to work in government ministries and public corporations. The writer explained that the teachers at the institute were ministers, civil servants, and professors from Europe, and the materials studied included man-made laws, constitutional issues, and parliamentary practice. He explained that he would conceal his hatred for the infidel state’s policies and display devotion, especially to the European professors, so as to earn his diploma and find work in a job permissible under Islamic law. Sheikh Al-Shanqiti commented that as long as his work did not contravene the laws of Allah, there was no harm in his hiding his opinions. Moreover, perhaps he could use the job to serve the Muslims, or the laws of Allah. The Sheikh commented that, in this case, he must in fact learn the man-made laws presented in his course of study, not in order to obey them, but rather to

⁸ http://www.tawhed.ws/FAQ/display_question?qid=5560&pageqa=1&i (Arabic).

⁹ http://www.tawhed.ws/FAQ/display_question?qid=5132&pageqa=1&i (Arabic).

become familiar with the evil in them, and [be able to] explain this to Muslims.¹⁰

- ❖ A Web surfer, apparently from Egypt, who identified himself as a soldier who had until recently been serving in the army of the tyrant, told Sheikh Abu Al-Mundhir Al-Shanqiti that he had left the army for fear of being thought to have served the oppressive [Mubarak] regime. He added that an important sheikh in his country had reassured him that, through his service in the army, he had fought for Allah. He asked if he had acted correctly. Sheikh Al-Shanqiti responded in the affirmative, but explained that one should be wary of religious advice and legal rulings [fatwas] from those who sought to use the democracy of the infidels to assist Islam, as this was a great sin. He therefore ruled that it was forbidden to [return to] the army of the infidels, unless he was a representative [murasil] of one of the emirs and his aim was to spy the army from within. Serving in such an army was forbidden, especially as the individual soldier could not influence [military] decisions, which were made from on high.¹¹
- ❖ Sheikh Al-Khatib Al-Baghdadi was asked to clarify the law regarding security guards at schools, hospitals, and government offices whose activities were not forbidden, such as the ministry of industry and commerce. Sheikh Al-Baghdadi responded that, in general, it is permitted to work among the infidel if the work is permissible under shar'ia and does not harm other Muslims. However, government ministers are like infidels, because they take an oath to uphold oppressive laws. It is [therefore] forbidden by Islamic religious law to

¹⁰ http://www.tawhed.ws/FAQ/display_question?qid=5528&pageqa=1&i (Arabic).

¹¹ http://www.tawhed.ws/FAQ/display_question?qid=5500&pageqa=1&i3= (Arabic).

guard any government ministry, if the guard serves under the auspices of the ministry of the interior, which is considered autocratic.¹²

- ❖ A Web surfer from Morocco told Sheikh Abu Humam Bakr bin Abd Al-Aziz Al-Athari about the protests there, and stated that on February 20, 2011, a protest movement had been established by young people from all segments of the population, including Salafi-jihadists, among them former detainees and the relatives of current detainees. The Salafi-jihadists were demanding that the terrorism law be repealed, that detainees be freed, and that one of the secret prisons be closed and those responsible for it brought to justice. He explained that the Salafi-jihadists share some goals with the (protest) movement, but diverge from it on others. He admitted that the values of the February 20th Movement were liberty, democracy, justice, and equality, but that the Movement also sanctioned the demands of the Salafi-jihadists. He stated that the Salafi-jihadists participated in the Movement's demonstrations under their own banner, and with their own unique message, and only communicates with the Movement to coordinate the time and place of demonstrations. Recently, the Salafi-jihadists have begun to debate among themselves whether to continue on in this way or abandon the Movement. It is in light of this debate that the writer was asking the Sheikh to rule on cooperation and coordination with the Movement, provide guidelines for this, and hand down an Islamic legal ruling [fatwa] on joining the Movement. In response, the Sheikh explained that there was nothing to prevent the Salafis' uniting with those who genuinely called for justice, if they had common interests. He appealed to the writer to promulgate the Salafis' concerns and

¹² http://www.tawhed.ws/FAQ/display_question?qid=5252&pageqa=2&i (Arabic).

interests – especially regarding imposing the reign of Allah – in the media, through the Internet, and by mobile telephones. At the same time, he recommended that the Salafis not impede those who seek to overthrow the Moroccan government, even though there is something sinful and heretical in this. Also, the Salafis should gather the proponents of democracy and use them to withstand the tyrants of Morocco; that is, in this sly way, and on principle, they should use one set of agents of injustice to overthrow others, meanwhile ensuring that the Muslims remain unscathed and can reap the benefits. The Sheikh also appealed to the writer to show all Muslims in Morocco, especially those who support democracy, the right path.¹³

- ❖ Sheikh Abu Al-Mundhir Al-Shanqiti was asked whether it is permissible to comfort a Muslim on the death of a relative who had foresworn Islam. The Sheikh explained that a Muslim must comfort a Muslim on the death of such a relative not because he died, but because he died a heretic – which is a greater tragedy than his death.¹⁴
- ❖ Sheikh Abu Al-Mundhir Al-Shanqiti was asked to address the case of a French newspaper that had ridiculed the Prophet Muhammad in the name of freedom of speech, and whose offices had been torched in retaliation the same night. The writer asked the Sheikh what the punishment was for infidels who mocked the Prophet. Should the Muslims kill them? Or should they be patient because of their weakness, as the Prophet himself had been in Mecca? The Sheikh responded that anyone who does harm to the Prophet in effect declares war on Islam and the Muslims, who should therefore respond with

¹³ http://www.tawhed.ws/FAQ/display_question?qid=5207&pageqa=2&i (Arabic).

¹⁴ http://www.tawhed.ws/FAQ/display_question?qid=5116&pageqa=2&i (Arabic).

whatever deterrence they can muster. The Muslims are not weak, but strong, and can be strong if they will only exercise their will power and honestly desire [strength]. Al-Shanqiti ruled, "It is fitting that our souls and spirits redeem the messenger of Allah, peace and blessings be upon him, and guard his honor." Al-Shanqiti stated that the arson of the offices of a newspaper that had derided the Prophet was the least that was required of Muslims. Not reacting on the pretext of weakness was like heaping defeat upon the Prophet, and would only increase the brazenness of the infidels toward all that is sacred to the Muslims.¹⁵

- ❖ A Muslim woman living in the West asked Sheikh Abu Al-Mundhir Al-Shanqiti whether, under Islamic religious law, an infidel physician (a man or a woman) could treat her son. The Sheikh responded in the affirmative, but warned that an infidel physician might try to influence the boy to turn away from Islam.¹⁶
- ❖ A Web surfer claiming to be a Libyan asked Sheikh Abu Al-Mundhir Al-Shanqiti whether it was permissible to disseminate the photograph published in a French magazine defaming the Prophet Muhammad, and use it to incite the [Muslim] public to protest in support of the Prophet. The Sheikh ruled that dissemination of derisive photographs of the Prophet among Muslims [despite the writer's stated intentions] was forbidden, as it could lead to the photograph's further dissemination by other agents with other agendas. Al-Shanqiti suggested, instead, inciting public sentiment against the French

¹⁵ http://www.tawhed.ws/FAQ/display_question?qid=5526&pageqa=2&i (Arabic).

¹⁶ http://www.tawhed.ws/FAQ/display_question?qid=5635&pageqa=2&i (Arabic).

magazine by explaining the harm it had done to Islam and the Muslims, and by urging the Muslims to protect the Prophet.¹⁷

- ❖ A Web surfer identifying himself as being from Iraq asked Sheikh Abu Al-Mundhir Al-Shanqiti whether it was permissible to pray for the souls of Muammar Al-Qaddafi and Saudi Arabia's crown prince, Sultan Bin Abdul-Aziz Al-Saud. Al-Shanqiti responded that religious authorities had ruled that it was forbidden to pray for such tyrants either during their life or after their death.¹⁸
- ❖ A Web surfer identifying himself as an Egyptian asked about Sheikh Abu Baseer Al-Tartusi's ruling in support of the candidacy for president of Egypt of Hazem Salah Abu Ismail, who supported by the Muslim Brotherhood. Sheikh Abu Al-Mundhir Al-Shanqiti responded that Sheikh Al-Tartusi was not the first to rule that it was permissible to participate in Egyptian presidential elections. Many others had ruled before him that one should participate in the elections, but had now changed their minds! Al-Shanqiti believed that these [other religious authorities] were mistaken, because they had ignored the reason it was forbidden to participate in the elections: participation in an infidel regime. Since these Sheikhs believed that elections were a matter of ijtiḥad (that is, of passing a new religious-legal ruling where no clear precedent exists in the religious legal literature) – and this matter, like other matters of ijtiḥad, is debatable – Al-Shanqiti asked why they had denigrated the Muslim Brotherhood for [participating in elections] in the past. He also noted that Al-Tartusi had not explained why he had changed his ruling, aside from wanting

¹⁷ http://www.tawhed.ws/FAQ/display_question?qid=5524&pageqa=2&i (Arabic).

¹⁸ http://www.tawhed.ws/FAQ/display_question?qid=5453&pageqa=2&i (Arabic).

to preserve the achievements of the revolution. Al-Shanqiti asserted that the oneness of God [Tawhid] was more important than the achievements of the revolution, and therefore felt that Al-Tartusi was in error, since he had not provided anchored his ruling in religious law. In summary, Al-Shanqiti stressed that Hazem Salah Abu Ismail would not be able to impose Islamic religious law [shari'a] through democratic elections, and added that many of the sheikhs who had ruled that it was necessary to vote for Abu Ismail did not disagree with him (Al-Shanqiti) about the incompatibility of Islam and democracy.¹⁹

- ❖ A Web surfer claiming to be a Muslim living in a Western country asked Sheikh Abu Humam Bakr bin Abd Al-Aziz Al-Athari whether it would be an act of heresy for him to join his local police force. He also asked for a ruling on a Muslim who reported another Muslim to the police on suspicion of terrorist activity. The Sheikh responded that joining the police or military forces of the infidel would be heretical, as would spying on the mujahideen for the infidel, as these acts contravene the fundamental principles of Islam, and aid infidels against Muslims.²⁰
- ❖ Sheikh Abu Al-Mundhir Al-Shanqiti was asked whether it was permissible to collect customs duty to protect local products and the national economy against foreign goods. Al-Shanqiti began by explaining that citizenship is determined by religious affiliation and not by geographic location. A citizen of a Muslim country is anyone who belongs to Islam, and it is forbidden to close the borders of a Muslim country, because the territory of Islam belongs to all

¹⁹ http://www.tawhed.ws/FAQ/display_question?qid=5624&pageqa=1&i (Arabic).

²⁰ http://www.tawhed.ws/FAQ/display_question?qid=5634&pageqa=1&i (Arabic).

Muslims. Islamic lands are currently divided – a situation imposed on the Muslims – and Islamic law does not recognize this. Consequently, for Muslims, “local products” are those of any Muslim country, and “foreign goods” are goods from non-Muslim countries. Islamic lands should be a free trade zone for Muslims. Anyone who wants to protect local products, must protect them against non-Muslims. It is therefore not fitting for a ruler to collect customs duties various parts of one homeland, and thereby to protect some Muslims at the expense of others. Al-Shanqiti noted that it was the [traditional] practice of Muslims to levy customs duties against non-Muslims.²¹

- ❖ A group of Web surfers from Tunisia asked Sheikh Abu Al-Mundhir Al-Shanqiti a number of questions. He responded to them in brief, and explained that it would have been preferable for one person to have left his email address, so as to receive more detailed answers to the sensitive issues he raised, since “the eyes of the enemy are watching [this] Web site”.

One question the Sheikh was asked concerned public funds held by the regime. Al-Shanqiti explained that it was pointless for those engaged in da’wa [proselytizing] to hurl their arrows at regimes that had forsaken Islam and that held public funds, so long as the mujahideen were not in direct conflict with them. It was the task of the mujahideen to retrieve these funds through jihad. Yet this could hasten conflict, when the mujahideen are unprepared. The Sheikh explained that the only way those engaged in da’wa could retrieve these funds would be surreptitiously, in an act that would be interpreted as theft, which would in turn reflect negatively on their da’wa efforts. Thus, according to Al-Shanqiti, the mujahid acts in one arena, and the practitioner

²¹ http://www.tawhed.ws/FAQ/display_question?qid=5431&pageqa=1&i (Arabic).

of da'wa in another. Different tasks are suited to each. Da'wa practitioners must be sensitive to the negative implications of such an act. However, if the matter has been considered with due caution, there is no sin in retrieving monies from those who have renounced Islam, just as it is permissible to steal in dar al-harb [lit., "the house of war", that is, territory that is not part of the Muslim nation]. However, if the monies have been placed in a bank that is sanctioned by Islamic law [i.e. one that doesn't charge interest], then it is absolutely forbidden to target them. Monies that have been earmarked for government ministries, agencies or projects, like health and propaganda, that benefit the [Muslim] public, fall into this category.

The writers then asked the Sheikh how they should regard the Al-Nahdha Party in Tunisia. Al-Shanqiti responded that they should distinguish between the Party's leaders, who had diverged from the straight path, and the Party's members and supporters, especially those who espouse the straight path. One should not work with the Party's leaders and prominent representatives, who should be removed or distanced, and the public warned not to follow them and their Party. But the members and supporters of the Party should be shown the straight path, pleasingly and wisely. Speakers in the mosques must clarify the truth without repelling the people, and achieve what is required without fomenting divisiveness. These speakers must stress the necessity of consulting the laws of Allah, emphasize that the Islamic Party is the one that strives to implement Islamic law, and explain that democracy is an infidel idea, which Muslims may not use to amend religion or life in this world. Al-Shanqiti warns the speakers in the mosques not to name names.

In responding to another matter raised by the writers, Al-Shanqiti appealed to the residents of Tunisia to focus on the religious aspects of jihad rather than

on actual jihad, and to reconnect with Islam, which the despotic regime had forced them to abandon. Under the new circumstances, da'wa [proselytizing] and education should be [sufficiently] effective. At the same time, there is no reason not to help the mujahideen in the surrounding areas – financially, personally, and with enthusiasm – such that both jihad and da'wa will be preserved. Bearing arms and making preparations [for war] are fitting for those who have joined the frontlines [of jihad] in peripheral towns and villages.

Lastly, the writers asked the Sheikh to address the situation of Muslim women attending coed medical schools in Tunisia. Should they complete their studies? End them? Leave the decision up to their families? Al-Shanqiti answered that medicine is *fard al-kifaya*, that is, a sufficient duty, because Muslim women must have women physicians, so that they needn't have to seek the help of a male physician. These Muslim women are therefore obligated to complete their studies. He added that the evil of mingling with men while attending the faculty of medicine could be mitigated, if the Muslim women took care to keep their distance from men.²²

- ❖ A textile company employee, whose work involves sewing clothing that may be worn to events where men and women fraternize, wrote to ask Sheikh Abu Al-Mundhir Al-Shanqiti about this. Al-Shanqiti responded that there is no sin in such work, since if it were prohibited, all Muslims would be disadvantaged; moreover, it was not the manufacturer's intention that the clothing be worn to mixed events. The writer also asked Al-Shanqiti for advice concerning his father, who was too ill to perform the Islamic ritual of prayer properly. Al-

²² http://www.tawhed.ws/FAQ/display_question?qid=5552&pageqa=1&i (Arabic).

Shanqiti responded that the man's father should not be seen as an infidel because of his illness. In fact, the Qur'an should be read to him often; perhaps Allah would heal him.²³

- ❖ Sheikh Abu Al-Mundhir Al-Shanqiti was asked to rule on the distribution of charitable [zakat] monies solely for jihad, and not for other purposes dictated by Allah, such as to the poor and the needy. Al-Shanqiti explained that the Qur'anic verse on the distribution of zakat stipulates who is worthy of zakat, but does not state that zakat should be distributed among all worthy recipients. Therefore, zakat can be earmarked for any one of the eight permissible recipients listed in the verse, one of which is jihad. He added that his view was corroborated by most religious scholars, with the exception of adherents of the Shafi'i School, who believe it obligatory to distribute zakat monies among all eight recipients.²⁴
- ❖ Sheikh Abu Al-Mundhir Al-Shanqiti was asked for a ruling on detonating trains that transport oil to power stations that generate electricity for Aleppo, Syria, as a means of weakening the Syrian regime. The questioner noted that the train was driven by a Muslim. Al-Shanqiti responded that it is best to prefer actions in which no Muslim blood will be spilled. In this context, he cited the religious laws that established the prohibition against spilling Muslim blood, and the exceptions to it. For example, if a chosen target could not be attacked without shedding Muslim blood, but the evil that would ensue from it if it were not attacked was greater than the evil of shedding Muslim blood, then the target could be attacked. As to the target in question – transport trains – Al-

²³ http://www.tawhed.ws/FAQ/display_question?qid=5606&pageqa=1&i (Arabic).

²⁴ http://www.tawhed.ws/FAQ/display_question?qid=5517&pageqa=1&i (Arabic).

Shanqiti felt they could be hampered without spilling Muslim blood. The Sheikh reminded the writer that the Syrian regime would pounce on any error as an excuse to kill even more Muslims itself – for which it would then blame the mujahideen. However, according to Al-Shanqiti, if the train's driver were part of the regime, then he himself was a legitimate target. He then appealed to all supporters of the non-violent protests in Syria to vary their protests and their targets so as to better fight the tyrannical Syrian regime, which is using, and perfecting, any and all means [to harm Muslim Syrian citizens]. Al-Shanqiti made light of the non-violent protests, which he claimed had achieved nothing. They were worthwhile as long as they were limited to seeking the tyrant's removal; but now that self-defense was also involved, they had become insufficient. Sheikh Abu Al-Mundhir Al-Shanqiti thus determined that current state of affairs in Syria required protesters to take up arms. Some claim that violence from the protesters would only give the regime an excuse to go on a killing spree, on the pretense that it was fighting terrorism, and not only a few demonstrators. But what, the Sheikh asked, was the point of *not* bearing arms, when the regime never stopped killing in any case? It was better in his opinion to wage war than die without a fight, especially since those who fight and die are martyrs. Those who give in without a fight are in effect sentencing themselves to death. He therefore urged the young people of Syria to take up arms, if only to force those from outside Syria to address the situation. He asked them not to wait for

assistance from oppressed [Muslims], or from the Arab League, and certainly not from the Crusaders, but to fight tyranny, as Islam instructs.²⁵

- ❖ Sheikh Abu Muslim Al-Jazairi was asked whether it was permissible to buy goods from stores in Morocco that also sold wine. The Sheikh responded that, if located in a Muslim country, such stores should be boycotted, and their proprietors thereby prevented from selling wine. Muslims should also advise one another to boycott such shops.²⁶

- ❖ Sheikh Abu Al-Mundhir Al-Shanqiti was asked to clarify the law regarding vehicles looted in Libya. Al-Shanqiti replied that if it the vehicles were known to have belonged to Muslims who had not supported the despotic regime, then they could not be taken as spoils of war, but rather should be returned to their owners, since the law forbid looting from Muslims. Similarly, if the vehicles had belonged to institutions that served the public, they should not be damaged, because they were the public property of Muslims. Al-Shanqiti clarified that permitted booty included property that had belonged to a tyrant or his supporters.²⁷

- ❖ Sheikh Abu Al-Mundhir Al-Shanqiti was asked how one should view members of Tunisia's Al-Nahdha Party, who had joined the Constitutional Council, which was engaged in writing and passing the country's laws. Were all members of

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http://www.tawhed.ws/FAQ/display_question?qid=5707&pageqa=1&i=&PHPSESSID=7cf642142f70cea124f0e9582aa23e2c (Arabic).

²⁶

http://www.tawhed.ws/FAQ/display_question?qid=5749&pageqa=1&i=&PHPSESSID=7cf642142f70cea124f0e9582aa23e2c (Arabic).

²⁷

http://www.tawhed.ws/FAQ/display_question?qid=5748&pageqa=1&i=&PHPSESSID=7cf642142f70cea124f0e9582aa23e2c (Arabic).

the Constitutional Council guilty of heresy? Or should a distinction be made between those who participated in writing and passing laws that contravened Islamic law, and those who did not vote for such laws? The writer also asked whether the party members who had become ministers, such as the prime minister and the ministers of justice and the interior, and who were not ruling according to the laws of Allah, were guilty of heresy. Al-Shanqiti explained that participating in the Constitutional Council was not in and of itself an act of heresy, since the Constitutional Council could also write an Islamic constitution. Anyone who joined the council with this aim should not be seen as a heretic. A heretic was someone who had joined the council to formulate or promote an heretical constitution. At the same time, the problem with the Constitutional Council in Tunisia was that it had been formed through a democratic process, and this alone obviated participation in it. Moreover, members of the council, including those from the Al-Nahdha Party, had not declared their intention of formulating an Islamic constitution. Regarding the second part of the writer's question, Al-Shanqiti explained that any government minister who did not rule according to the laws of Allah, had putatively left Islam. The Al-Nahdha Party had declared openly that it did not intend to implement Islamic law. However, because of the situation in Tunisia, those who favor the oneness of God [Tawhid] should publicize their opinions, and not give the new government any excuse to constrain them or deem their opinions illegal – otherwise, the adherents of the oneness of God would not have benefitted from the atmosphere of revolution in Tunisia. For now, according to Al-Shanqiti, conflict with the new government over its failure to impose the law of Allah must take a back seat until the adherents of Tawhid, the oneness of God, can disseminate their belief. The fundamental principles

of Islam – including, for example, that a government that does not rule by the laws of Allah is heretical, and that a democratic regime is an infidel regime since democracy contravenes the laws of Allah – should be trumpeted from the mosques. Also in private, for example at conferences and symposia, it should be clearly stated that the [new] Tunisian government is guilty of blasphemy for not ruling according to the laws of Allah. This does not mean that one should say different things at private conferences than at public ones, but rather that, at present, the time is not right to enter into a war against the [new] regime and accuse it of heresy.²⁸

❖ A Web surfer posted a video clip (<http://www.youtube.com/watch?v=WamYKbSX4Z0>), in which Sheikh Ayman Al-Zawahiri claims there is nothing wrong with elections, as long as they are held under the auspices of Islamic religious law. The surfer then asked, “Does Al-Zawahiri recognize the principle of the majority? Of voting and voting booths? Of the transfer of power? Sheikh Abu Al-Mundhir Al-Shanqiti responded that Al-Zawahiri’s comments were incorrect, since he made elections conditional on the sanctions of Islamic law. Al-Shanqiti then asked, rhetorically, whether it was possible to hold elections under the auspices of Islamic religious law. He answered his own question by saying that elections were merely a means of learning the opinions of all or some of the public, and were not necessarily relevant to a particular regime. Elections could be held in a democratic regime, or in a regime ruled by Islamic law. In a democratic regime, elections were used by the governing body to know how to act, in

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http://www.tawhed.ws/FAQ/display_question?qid=5774&pageqa=1&i=&PHPSESSID=6104bb62d879feaa157290c67df10f1e (Arabic).

accordance with the position of the public – that is, in effect, in such regimes, the public decides. In an Islamic regime, elections may be used to learn the attitude of the people, but not necessarily to impose the public's opinion, although there is nothing to prevent the ruler from taking the public's opinion into account now and then. Al-Shanqiti stressed that it was permissible for a ruler to consult with the public and consider public opinion on certain sensitive matters that concerned the public, such as economics, health, and education. He also noted that Al-Zawahiri had distinct opinions regarding democracy.²⁹