

Fatwas, September-October 2012

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

Highlights:

- **Sheikh Al-Shanqiti permits the killing of the US ambassadors throughout the Muslim world and also gives his seal of approval to attacks on US embassies.**
- **Warns against surrendering weapons to the establishment.**
- **Determines that Jihad must be waged against the Alawi in Syria until they are banished from the country and views their defeat as a step on the way to Jerusalem.**



السؤال	التقسيم	المجيب	التاريخ
هل يصح بيع وشراء النبي الغير مميز ؟ 15:46:54 2012-10-16 تاجر مسلم	فقه المعاملات	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	1769
أسئلة حول قنوى - هل يُشرع فتح الممتلكات الإباحيات أو رميها بالزنا ؟ 01:55:08 2012-10-14 مراسلات المنبر	الفقه وأصوله	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	2763
ما حكم إختلاف الأهل ؟ 01:23:40 2012-10-14 أبو البرية الباردي	الفقه وأصوله	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	1566
هل يجوز أن نحكم بالخلوة في النار للكافر الحي القلائي ؟ 12:40:55 2012-10-12 أبو قيسية	العقيدة	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	2350
هل تُشرع صلاة الاستسقاء بعد نزول المطر ؟ 12:27:57 2012-10-12 جنوب الأمازي	الفقه وأصوله	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	1490
هل يعتبر عضو البرلمان الذي يعلن أنه لن يُشرع حكما مخالفا للتشريعة .. هل يعتبر مشرعا من دون الله ؟ وشبهه 00:14:10 2012-10-02 أبو مسلم العنبر	مسائل الإيمان و الكفر	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	4097
ما حكم من كل في أرض الجهاد وهو تارك للصلاة ؟ 11:21:08 2012-09-28 نقى الدين التونسي	مسائل الإيمان و الكفر	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	3493
ما حكم ترك صلاة الجمعة في بلاد الكفر بغير أنه لا يوجد مسجد بالقرب من العمل ؟ 10:37:55 2012-09-28 القرية	الفقه وأصوله	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	2862
كيف نفرق بين البدع والمباحات المستحسنة عنها؟ 10:26:24 2012-09-28 أبو القاسم	العقيدة	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	2457
أسئلة متعلقة بحكم الإضمامت وتزاتي الداخلية والدفاع في ليبيا 01:10:42 2012-09-24 أبو حسيب	واقع المسلمين	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	3295
ما حكم قول الشاعر: إذا الشعب يوماً أراد الحياة .. فلا بُدَّ أن يستجيب القدر؟ 01:04:18 2012-09-24 أبو عبدالله المصري	الشعر والأدب	الجنة الشرعية في المنبر [أبو حنيفة بن عبد العزيز الأندلسي]	3013



Questions directed at Sheikh Abu Al-Mundhir Al-Shanqiti:

Syria

Receipt of funds in return for the purchasing of weapons and using it for Jihad¹

Q: A man in need of money in order to purchase weapons for use in the Syrian revolution, asked another man for the money. Eventually he learned that he can acquire the weapons without help. Can he use the money for other things pertaining to Jihad?

A: The money given by that man was given as charity or as a donation, and therefore it must be used for the purpose for which it was given. The money must not be returned unless given with the following preliminary condition: "If you cannot afford to purchase weapons, take this money". If this prerequisite was not stated, the donor must not be updated that the funds were finally obtained, and this money must be used for other things.

Surrendering a Mujahideen's weapon to the state²

Q: Is a Mujahideen allowed to agree to a condition, according to which he must surrender his weapons to the state after the regime has been brought down prior to having received money for it, but later not fulfill this term? Meaning – not surrender his weapons to anyone and use them for the benefit of the Muslims even after the regime was brought down.

A: If the Mujahideen received the weapon through a lease agreement, then the terms of the lease must be examined. One of the conditions of the lease are that its duration is determined in advance. In the event the lease is for an indefinite

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http://www.tawhed.ws/FAQ/display_question?qid=6531&pageqa=1&i=&PHPSESSID=c5618d05a45a71b5e80f68a7948b8199

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http://www.tawhed.ws/FAQ/display_question?qid=6531&pageqa=1&i=&PHPSESSID=c5618d05a45a71b5e80f68a7948b8199

period of time – it is invalid. In the event the Mujahideen's weapon was purchased with his own money, the weapons are not to be surrendered.

North Africa

An office engaged in magic operating according to Islamic law³

Q: Can one open an office engaged in magic (amulets) according to Islamic law, where the Muslims can turn to, especially when in southern Tunisia many witches and amulet holders operate. This question is asked following many long years where the public in the country has been removed from the true faith. The objective of opening such an office is to prevent the public from falling into the lure of witches, and to turn the office into a place of Da'awa for the true faith.

A: Ancient Islam forbade devotion to magic (amulets) and every one helped himself and others according to his abilities, as the Prophet stated: "He who can help others, let him help!". However, if there is need for magic, there is no sin in it, especially if the goal is to create an alternative to witches and cause the public to stay away from them, and especially if it serves for Da'awa amongst the public and warning it against heresy. In some places, this has even proven to be useful. However, it is not enough to warn the public against the bad path of witches and encouraging it to conduct itself according to the Sharia; a real alternative must be given, for the public to follow. In addition, books dealing in magic according to Islamic law must be studied so that everything is conducted according to the Sharia. One must not focus only on magic, but also invest efforts in additional activities and duties such as Da'awa, accumulating religious knowledge and transferring it on, and caring for the affairs of Muslims. Care must be taken against religious transgressions such as communion with women or meeting with them numerous times. Engaging in magic must not serve as a tool for making contact with women, for prolonged conversations with them or even for physical contact with them. Magic must not become an occupation generating income, and another occupation must be found for that end. That is why many turn to religious magic, which is for doing good and not for amassing money. It is

allowed to receive money for magic only in respect of healing, meaning only after the patient has been cured. Al-Shanqiti also explains that the best way for exorcising demons from someone's body is reading and not beating the body or strangulations, as is customary amongst some who practice magic.

Joining the regime establishing itself in Libya⁴

Q: Following the Sheikh's determination that those believing in the uniqueness of God may join the Ministries of Interior and Defense in Libya, if they are doing so in great numbers, so that they are not under the control of the secular transitional council in Libya, a question is raised on whether this does not constitute acknowledgment of the idea of government offices and democracy and what is the scale in determining the number of people? What is the rule regarding those signing employment contracts with these government offices. What is the rule regarding people who joined the Libyan Ministry of Defense individually and not collectively (refer to the previous report discussing the subject).

A: The Sheikh notes that he spoke of the matter in principle and not in practical terms. The determination of whether this principle must be applied in actuality is to be made only by someone with full knowledge and understanding in the matter. As for the number of people, as many people as possible must be obtained to complete the task, meaning – take over the government office and foil the continued influence of the secular entities. If the meaning of signing these contracts is partial joining of the army, then they are no more dangerous than joining it completely, which is permitted if the aim is to neutralize the secular elements and if it does not include actual participation in breaking the laws of Allah or in defending laws contradicting Allah's law. Through an independent entity, they can oppose any decision contradicting the Sharia, and without it they cannot. The absence of such an entity requires close and consistent coordination. There is nothing wrong in founding a covert independent entity. The absence of such an entity makes the permission to join the army redundant. As for people joining the Ministry of Defense individually, there is no benefit in this, as in this manner the influence of secular entities cannot be neutralized. This task will be

carried out only thanks to a collective effort. If the aim of this joining is to gather information, then it is possible that the individual can help, but he must act for a group that will benefit from this information. The Sheikh stresses that those advocating the uniqueness of God in Libya are under pressure to surrender their weapons, and determines that the weapon is the means for helping Islam. It must be protected and adhered to. It must not be surrendered as such surrender means their becoming easy prey for the secular elements.

General Islam

Is it permitted to kill an American ambassador and how can Islam be protected against harm to it and to its Prophet?⁵

Q: Is it allowed to kill the American ambassador in Libya, despite the fact he is not the one who personally offended the Prophet Muhammad, he has not permitted harming him and apparently has not agreed to it? In respect of a country that is not hostile to the Muslims, does not usurp their lands, but does include someone offending the Prophet, is it allowed to kill the ambassador of such a county? And what should the Muslims do in the face of an affront to Islam?

A: Some view the ambassador as a messenger and use hadiths forbidding to kill the messenger (meaning prophets), and apply them in our times to ambassadors. However, the connection between the two is not appropriate. There are a number of differences between an ambassador and a messenger. An ambassador is a representative of the country that sent him, while a messenger is the one delivering the message he was sent to pass on. Therefore, the role of the messenger is reduced to delivering a certain message he was sent to deliver, while an ambassador is representing the country that sent him and his role is not to merely deliver messages, but also to carry out many tasks imposed on him by his government. Another difference is that ambassadors are exchanged only between two friendly states. If there is disagreement or a severing of relations, each one of the countries calls back its ambassador. Therefore – Islamic law prohibits the killing of messengers – does not apply to what is referred to in our

days as ambassadors, even if we assume there is an argument as to whether is the prohibition on killing messengers applies to ambassadors as well, the condition for not killing a messenger is that he is not a spy and his actions do not harm the Muslims. This condition is not met in respect of the American ambassadors, as the American embassies worldwide are unlike any other embassy. These are embassies that have a role in intelligence and who act for implementing American influence in Islamic countries. The war on Islam, the war on Jihad and the propagation of the "religion" of democracy – are all a result of these embassies' plan. The American embassies throughout the Islamic world do not have religious approval. On the contrary – the religious duty is to sever the ties with the American administration and banish its ambassadors, as the US is a country fighting Islam and occupying Muslim countries. The US has killed more Muslims than Israel. Israel's credulity towards the Muslims is baked by the US, so why is the demand to sever ties only with Israel and not with the US? The connection between the US and the rulers of the Islamic countries is that of a master and servant. This is a connection based on enslavement, dictating decisions and forcing policy and not on equality and generosity. They serve their interests and collaborate with them against the Mujahideen and against anyone declaring their animosity towards the US. Anyone not conducting himself according to its wishes is considered to be an ally of terror such as the Taliban, the Shabab al-Mujahideen movement, the Islamic State of Iraq and the Ansar Al-Din movement in Azawad. Furthermore, the American embassies in Islamic countries do not have a religious authorization, and protecting them is not religiously required, as they are harmful to Islam and the Muslims and serve the enemies of Allah. The answer to the claim that the American diplomats do not agree with the movie offending the Prophet Muhammad and do not support it – is that every group or country where there is someone harming Islam and its sanctity, the entire group or country is responsible for it, unless it renounces his element and help the Muslims. In summary, even of these American ambassadors do not agree with the filming of this movie, they agree to the acts of their country – killing Muslims in Iraq and Afghanistan and the occupation of Islamic countries and stealing their resources, and they also act for the realization of these goals in a practical manner. This is enough to legitimize bringing them to justice. When the enemies of Allah cross all the lines, there is no escaping a response on the same level that will bring the heretics to think more before harming Islamic or its

Prophet. The US embassies and their employees are no more sacred than the Prophet. "Killing all of the American ambassadors and destroying all of the American embassies – is not enough for those who violates the sanctity of the Prophet, peace and prayer be upon Him. All those who apologized to the US for the attack on its embassy are traitors... the required response is to threaten American interests, threaten their safety, threaten their being and threaten their economy. This is the language they understand! ... The existence or presence of American embassies fighting Islam and harming the Prophet, peace and prayer be upon Him, must not be allowed in Islamic countries. If there are such embassies, they do not enjoy protection or safety. All of the Muslims must collaborate amongst themselves to fight it and attack it."

Is it permitted to give up the Friday sermon in Europe in the absence of a nearby mosque?⁶

Q: (By a surfer residing in Europe) is it permitted to give up the Friday sermon in the countries of heresy in Europe in the absence of a mosque near the workplace? There is concern that if the Muslim asks his employer to pray at a mosque, he will be fired, especially as there is almost no work in Europe.

A: The religious clerics have determined that it is mandatory to pray within a group based on the Quran and on the Prophet's Sunnah. Muslims must fulfill this duty, except for cases of urgent necessity. If the Muslim in Europe needs this work to pay for his necessities, and he has no alternative, then he may continue working at it until finding new employment. At the same time, he must seriously look for such alternative employment, even if it is less lucrative and harder. If the Muslim can give up the job, even he has not found alternative employment, he must do so.

Is it permitted to abandon prayer in order to go on Jihad?⁷

Q: (A surfer identifying himself as Tunisian) speaks about hearing of an enthusiastic man who abandoned prayer and left for Jihad in Iraq, where he was killed.

A: Abandoning prayer is an act of heresy for which a Muslim is thrown out the congregation of believers. Performing one act of heresy – is enough to seal the fate of its perpetrator as a heretic. There are transgressions that are not deemed as heresy, and they too undermine the Jihad, let alone acts that are deemed heresy! Therefore, anyone going on Jihad and committing the act of heresy of abandoning prayer is wrong.

What is deemed as heresy against Allah? Legislating laws contradicting Islamic Sharia or the mere act of legislation?⁸

Q: What is the fate of a Muslim parliament member who declares that he will not legislate any laws contradicting the Sharia, and not use his position except for voting in favor of laws that coincide with Allah's law, and vote against laws contradicting it, as is the case in Egypt. Is voting for such a parliament member deemed as a vote to a legislator who is not Allah? As there are those who say that the duty of the Caliph is to apply Allah's law, and compare this parliament member to a Caliph, as both are not deemed as legislators. Others believe that the democratic government allows parliament members to legislate laws unlike a Caliph who does not do so, but only applies Allah's law. They also quote Quran verses and traditions confirming this and contend that that if the laws made are consistent with Allah's law, then the legislators are not partners with Allah and are not heretics. They also note that a ruler may enact laws in matters not mentioned in the Sharia, such as issues pertaining to traffic, and deduce that laws contradicting the Sharia are heresy, and not the mere act of legislation.

A: Many from amongst those advocating participation in the elections ignore the fact that these means participation in a regime where the law is not Allah's law, and that participation in such elections cannot be done without accepting the authority of this government. This is a condition issued to every party before engaging in political activity. When they take part in the elections, they cannot warn the public against democracy, as they themselves are following it. Therefore, one can sum up that the problem lies with the mere participation in this government and in acknowledging it, and there is no relevance to the question whether the parliament members will enact laws or not. Consequently, merely belonging to such parliament is an act of heresy. The parliament member is committing an act of heresy, whether or not he is legislating laws. Anyone belonging to the parliament is a potential legislator, and anyone legislating laws is a de facto legislator. There is no difference between the two. Anyone truly acting to implement Allah's law, should not take part in a parliament based on the principle of elections and the majority rule, as thus he is subjugating the Sharia to a referendum and elections, while the Sharia is not subject to a vote and is mandatory. Coming out against laws contradicting Allah cannot be done through participation in parliaments of heresy and through them approving laws in the name of the people; it should be by boycotting them, by demanding they are abolished and by accepting the authority of Allah's law. The attempt to compare between a parliament member and a Caliph is fundamentally mistaken, as this claim chooses to ignore the difference between the legislative authority and the executive authority. The role of the Caliph is to execute Sharia law. Even though he may enact certain regulations, he must do so only provided they coincide with the Sharia, and do not contradict it, or exceed its authority. Therefore, according to this criterion, he is not deemed a legislative authority. On the other hand, a parliament member is a legislative authority, as there is no additional legislative authority above him, and anything he decides is given the title of "law". The legislation enacted at the parliament is in the name of the people and its will and not in the name of Allah. If they are not the majority, the parliament members cannot force legislation coinciding with the Sharia and cannot reject legislation opposing it. Hence, in parliament the authority is given to the majority and not to Allah. The contention that someone entering parliament and declaring he intends to oppose any law contradicting the Sharia cannot be deemed a legislator is baseless! Such a declaration by a parliament member is not deemed as a

rejection of democracy and the principle of the people's rule, as the rules of democracy allow him to say so. Rejecting democracy and the principle of subordination to the will of the people is only through boycotting the democratic system in its entirety, completely.

Holding prayers under the instruction of a tyrannical rule⁹

Q: From time to time the tyrannical rulers of Saudi Arabia order the holding of rain prayers across the kingdom, despite the fact that usually it has already rained or it is raining. Thus, the prayer is held in order to obey the ruler and not to ask Allah for rain. Under such conditions, is it allowed to hold the prayer, meaning – under the instruction of these tyrants?

A: The Maliki school of thought contends that praying for rain after it has rained, in order to ask for more rain, is not customary, but there is some disagreement as to whether it is permitted, while the Shafi'i school of thought has approved praying for additional beneficial rain. As for holding a prayer thanking for the rain, here to there are different opinions. Al- Shanqiti believes that according to the Prophet's Sunnah, praying for rain was meant to ask for rain, including for additional rain. As for praying in order to thank Allah for the rain, there is no proof the Prophet has done so and therefore it is an unwanted novelty. As for the tyrannical rulers, the Sheikh states that the Muslims must confront them, denounce them and disobey them. They must rise and pray the rain prayer and not wait for an order from the tyrannical rulers. If they prevent its holding and demand their approval is given – praying must be done covertly. It is forbidden to pray for rain just so as to obey the tyrannical rulers, unless it is to ask for rain and follow the path of Allah.

The duty to oppose the Alawi¹⁰

Q: Must the Muslims fight the Alawi?

A: One of the problems plaguing Islam today is that the sects rejecting Allah and his principles and faiths have become an integral part of the Islamic nation. There

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http://www.tawhed.ws/FAQ/display_question?qid=6468&pageqa=1&i=&PHPSESSID=6017b581b51c5a7d0e0d056b90f74f7d

¹⁰ <http://hanein.info/vb/showthread.php?t=299408>

are those operating today to hide the truth on the Alawi beliefs contradicting Islam. The Sheikh explains extensively who the Alawi are, what is their faith based on heresy, their hostility towards the Muslims and the duty imposed on them to fight the Muslims. He states that opposing the Alawi is a duty imposed on all Muslims, even if they are peaceful, as all of the Alawi are waging an all-out war against the Muslims, perpetrating one massacre after the other. He clarifies that the campaign is not against President Assad, and is not against the heretic Baath Party, but against the entire heretic Alawi population, as the Sunni in Syria fight not only the Alawi in Syria but also the close alliance between the Shiite in Iran, the crusading Christians and the Zionist Jews, as he calls them. According to him, all of them support the Alawi in Syria, and therefore the Muslims must rise and help the Sunni, and not leave them to succumb to the Alawi, as they have done with the Sunni in Iraq in face of the Shiite. In conclusion, he calls for Jihad against the Alawi "with the hand, with money and with the tongue" and clarifies that "anyone who can go out on Jihad in their aid, must do so, and anyone who can help them with funds – must do so, and anyone who can inflame against them and explain their heresy and the duty to fight them – must do so." He stresses that the defeat of the Alawi is the way to liberate Jerusalem and that is why one must go on Jihad against the Alawi as one must go on Jihad against the Jews. There is no hope for Islam in Syria unless the Alawi sect is removed. He praises the Jihad of the people of Syria and calls to them to stand firm.

Questions directed at Sheikh Abu Humam Bakr bin Abd Al-Aziz Al-Athari:

General Islam

Is offensive Jihad wrong?¹¹

Q: Is the heretics' heresy enough in order to fight them? Is fighting them mandatory only when they fight the Muslims? Meaning – is offensive Jihad wrong, and does Sheikh al-Islam Ibn Taymiyyah think the same, as contended by some people deviating from the true path?

A: This contention is a deviation from the true path. Those claiming that the invading armies of the Zionist-Christian alliance are not heretic men of war – have deviated from the true path. Anyone attributing this opinion to Sheikh al Ibn Taymiyyah is distorting his words. Sheikh Al-Athari quotes numerous examples of Islamic clerics validating his statement.

An act of God or an act of man?¹²

Q: (A surfer identifying himself as Egyptian) what is the meaning of the verse in the song "If the people wish to live someday – they must have the ability".

A: This verse is recited in every tongue in the Arab countries, especially during times of revolution. Ostensibly, this verse contains words of heresy, however if one delves into it, it coincides with Islam. The literal meaning of this verse is that the people are those who determine their fate and not Allah, unlike the Quran and the Prophet's Sunnah. However, the homiletic meaning of this verse is that Allah is the one generating things, and those fulfilling them in the best possible way – will bear the results. Commerce results in livelihood and Jihad results in victory. Fulfilling these things, means agreeing with Allah's fate.

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http://www.tawhed.ws/FAQ/display_question?qid=4311&pageqa=1&i=&PHPSESSID=b3071de72c1e57c63f8fa488a5e3be80