

Jihadist Fatwas

March-April 2013

Highlights

This review reports the main fatwas [religious-legal rulings] issued in response to readers' questions by Minbar Al-Tawhid wal-Jihad, the Web site of Salafist ideologue Abu Muhammad al-Maqdisi. In March and April 2013, Sheikh Shanqiti ruled as follows:

- The Alawites are idol-worshippers. It is therefore permissible to take their money as loot and even to harm their wives and children – albeit under certain conditions.
- Jewish and Christian houses of worship may be open to attack only if their congregations oppose Islam. However, it is preferable to take them over and convert them into mosques.



السؤال	الاسم	المجيب	التاريخ
ما حكم إرسال إحدى الأخوات صورة شخصية لأخ يريد خطبتها ؟ أبو بكر الأضاري 23:58:18 2013-01-30	فقه الأسرة	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	7914
أي الجبهات أولى بالتغيير إليها ؟ وهل يجب علي طلب العلم وحفظ القرآن قبل التغيير ؟ القاعد عن الجهاد 23:55:25 2013-01-30	الفقه وأصوله	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	6781
هل أترك الدراسة لهذه الأسباب ؟ أكرم دلدول 15:48:05 2013-01-30	الأداب والأخلاق والرقائق	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	6449
كيف تصلي أسي التي لا تتحرك ولا تدخل الخلاء ولا تنتظر الا كل حين ؟ أبو بكر الأضاري 15:39:10 2013-01-30	الفقه وأصوله	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	6826
ما حكم ولاية هذا الأب على ابنته في مسألة النكاح وفي مسألة الوصاية؟ أبي مجاهد 00:34:58 2013-01-29	فقه الأسرة	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	9562
ما حكم تقصير الحية دون القيضة؟ مراسلات المنبر 00:27:50 2013-01-29	الفقه وأصوله	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	6448
ما معني قول الله: [وَلَقَدْ عَلَّمْنَا الْمُسْتَقْدِمِينَ مِنْكُمْ وَلَقَدْ عَلَّمْنَا الْمُسْتَأْخِرِينَ] مراسلات المنبر 01:41:49 2013-01-28	القرآن وعلومه	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	5657
ما شرح حديث : ما ذنبان جانعان .. مراسلات المنبر 01:33:45 2013-01-28	الحديث وعلومه	الجنة الشرعية في المنبر [أبو المنذر الشنقيطي]	7092

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Questions Directed at Sheikh Abu al-Mundhir al-Shanqiti

Iraq

Joining Jihad Independently¹

- ❖ Question: A member of the Islamic State of Iraq reports that his commander has been arrested. According to an agreement between the two, the commander was meant to send someone to relieve him of his duty so that he could leave for jihad; however, the commander did not do so. Prior to his arrest, the commander told the man not to embark on jihad alone, and that if any question arose that he, the commander, could not answer, the man was to seek the advice of the Shari'a [Islamic Law] Committee of the Minbar Al-Tawhid wal-Jihad Web site. What should the man do?
- ❖ Answer: In principle, this man may fight Islam's enemies on his own without his commander's permission. However, he must obey the commander's instruction to be patient until a replacement for him has been appointed. If he cannot contact his commander, the man should join the mujahideen. If the man finds the waiting unbearable and is capable of causing the enemy severe damage without harming the mujahideen, he may do so.

Disseminating Guidelines for Making Explosives²

- ❖ Question: Is it permissible to post guidelines for making explosives on jihadist Web forums, which anyone can read?
- ❖ Answer: Do not hesitate. Trust in Allah, and post the guidelines on the forums for the good of the mujahideen. One should encourage the publication of such materials. Do not fear the forces who have these forums under surveillance; they can find such materials in any case.

North Africa

May a Pregnant Woman Martyr Herself?³

- ❖ Question: May a woman in the first month of pregnancy carry out a suicide attack and die a martyr's death?
- ❖ Answer: Suicide attacks are among the mujahideen's most potent weapons. However, it is always appropriate to consider the conditions under which they should be deployed.

¹ http://tawhed.ws/FAQ/display_question?qid=7244pageqa=2&i=

² Ibid.

³ http://tawhed.ws/FAQ/display_question?qid=7176&pageqa=3&i=

Suicide attacks are not always obligatory. You may not force someone to carry one out. What is obligatory, is the fight against the infidel. If the pregnancy has reached quickening – that is, if the soul has entered the fetus – then the woman may not carry out a suicide attack because of the sanctity of the life she is carrying. As has been stated elsewhere, an abortion is permissible under certain circumstances, but only during the first four months of pregnancy, before the fetus is considered a life and so becomes subject to the laws governing the sanctity of life. The ruling regarding committing a suicide attack accords with this ruling. However, to err on the side of caution, it is best to refrain from committing a suicide attack during pregnancy. In any case, the husband’s consent must be secured. If the leader of the mujahideen fears that canceling the planned suicide attack will lead to the killing of Muslims, or will cause more damage than that caused by the loss of the fetus, then of course the suicide attack is permissible.

Syria

Are Weapons Taken from Alawites Considered Booty? Is it Permissible to Kill Alawite Women and Children?⁴

- ❖ Question: Are weapons that have been taken from Alawites and the infidel army military booty, or are they sacred materiél that must be returned until the Islamic state is established? Is it permissible to kill the women and children of the Alawites, if one is not certain that they are unarmed?
- ❖ Answer: The Alawites are idol worshippers; one may take their money as loot. The ruling regarding Assad’s soldiers, according to the Sunnah, is akin to the ruling governing heretics.

In principle, it is forbidden to kill women and children. However, if they are not Muslims, you may kill them under the following circumstances:

- a. During a surprise attack, such as a night raid, when there may be confusion between the men targeted and their wives and children, and the latter may be unintentionally wounded or killed.
- b. If they are abetting the fighting in word, deed, or any other manner.
- c. In retaliation for something they have done, if it has caused danger.

⁴ http://tawhed.ws/FAQ/display_question?qid=7167pageqa=4&i=

At the same time, it is preferable not to attack women and children, even if one of these permissible conditions holds true. Killing women and children plays into the hands of the opponents of jihad, who are quick to sully the reputation of the mujahideen.

The Obligation to Syrian Refugees⁵

- ❖ Question: Increasing numbers of Syrian refugee women are begging at the entrance to Tunisia's mosques. How should one address this phenomenon? Should one first assist the mujahideen, or these women?
- ❖ Answer: Sustaining the Syrian refugees, hosting them, helping them in their distress – all these are important acts of charity. Leaving them to their fate is an ugly act of abandonment, and a great sin. In a country to which Muslim refugees have fled, a man who is well-off must take for himself only what he needs, and give the rest to the refugees; he should treat them as one treats the destitute. A man who has little should share what he has with the refugees, and give them food and drink. Today, we Muslims are responsible for our Syrian refugee brothers, for every hunger-wracked belly, for every thirst-parched throat, for the suffering of those who are ill. We must extend a hand to these refugees and welcome them as we know how – not as they would be greeted in an infidel land. If women are forced to beg at the mosques, the Muslims have failed to meet their obligation. If the need of the refugee women is so great yet is not being answered, then answering it is tantamount to promoting the Syrian jihad.

Egypt

The Egyptian Elections and the Attitude toward Morsi⁶

- ❖ Question: According to Sheikh Abd al-Qadr bin Abd al-Aziz,⁷ Mohamed Morsi is an infidel and so is anyone who voted for him, and the Muslim Brotherhood is a heretical group. Is the sheikh correct?
- ❖ Answer: It is a mistake – and an infraction against Islamic law – to lump together all those who voted in the election, without considering their situation and constraints. Sometimes an act may be deemed heretical, but the person who performed that act is not necessarily considered an infidel because he may have interpreted his choices erroneously. Even now, fatwas are being issued that permit participation in elections; how, then, is a Muslim to know Islamic law's true stance on this issue? The Muslim

⁵ http://tawhed.ws/FAQ/display_question?qid=7218&pageqa=4&i=

⁶ http://tawhed.ws/FAQ/display_question?qid=7275&pageqa=2&i=

⁷ A prominent Egyptian religious scholar who has been in prison since 2004 for opposing the regime.

Brotherhood is not heretical in its entirety. However, any government that does not keep Allah's commandments is heretical, and this includes the government of the Muslim Brotherhood in Egypt.

The Egyptian Constitution, and Who Is an Infidel⁸

- ❖ Question: Is someone who obeys the Egyptian constitution an infidel? Is anyone who does not declare Morsi an infidel, also an infidel? Are the Muslim Brothers infidels?
- ❖ Answer: The claim that "anyone who does not call an infidel an infidel is himself an infidel", is sometimes misinterpreted; it has been used to baselessly accuse others of heresy. Failing to declare someone an infidel may be the result of an error or a misunderstanding of certain acts, or of the law. Moreover, it is forbidden to charge whole groups with heresy because of the actions of a few of their members. This is true of the Muslim Brotherhood, as well.

The Gaza Strip

May One Pray Behind the Leaders of Hamas?⁹

- ❖ Question: May one pray standing behind a leader of Hamas or a member of its Legislative Council?
- ❖ Answer: If they are members of a government that commits deeds that contravene the will of Allah, or pass laws opposed to His commandments, then one may not stand behind them during prayer.

General Questions Concerning Islamic Obligations

Are All Man-Made Laws Heretical?¹⁰

- ❖ Question: Are all of the laws passed by men heretical? Or may some of these laws stand beside Islamic laws?
- ❖ Answer: Shari'a [Islamic law] is the Muslim constitution. All Muslims are obligated by it and may not contravene it. Any law made by man must accord with shari'a, as elucidated in "Criminal Law" by Sheikh Abd al-Qadr Ouda¹¹ of blessed memory. A law that meets this requirement is permissible. One that does not, makes infidels of the men who legislated it.

⁸ http://tawhed.ws/FAQ/display_question?qid=7049&pageqa=3&i=

⁹ http://tawhed.ws/FAQ/display_question?qid=5928&pageqa=3&i=

¹⁰ http://tawhed.ws/FAQ/display_question?qid=7105&pageqa=3&i=

¹¹ An Egyptian legal scholar who was active during the 20th century.

Practicing Forensic Medicine in a Country that Is Not Ruled by Shari'a¹²

- ❖ **Question:** May one work as a pathologist in a country that is not ruled by Islamic law? What is the ruling regarding women physicians?
- ❖ **Answer:** Despite the desire to overthrow regimes that do not impose shari'a, a distinction should be made between the military and security forces that are responsible for these regimes and their interests, and the various ministries, such as the ministries of health and education, which are responsible for guarding the interests of all Muslims. One must act with extreme caution. Care only for the good of the Muslims, not of the infidel regime. Having stipulated thus, it is permissible to work in government ministries that provide services to Muslims, for if these ministries do not function properly, harm will come to Muslims. Also, women physicians are necessary, so that Muslim women will not have to expose their genitals to male physicians. In fact, many women should enter the medical and education professions, where there is a great need for their services.

The Purity of Intention toward Jihad, and a Mujahid Who Died Fearing Death¹³

- ❖ **Question:** May a man who is planning to join jihad marry in the arena of jihad, or is such an intention impure? Is a mujahid who was killed in battle while he still feared death a martyr [shahid]? What is the ruling regarding crawling away from a battlefield?
- ❖ **Answer:** It is permissible to plan to marry in an arena of jihad; in fact, it is desirable to do so, as it boosts the spirit of the mujahid. Fear of death is no sin, provided it does not cause one to desist from jihad. Continuing to fight despite the fear brings immense rewards. Fleeing the battlefield by crawling away, without the permission of the leader of the mujahideen, is desertion.

May One Treat Someone as an Infidel If a Reliable Sheikh Has Done So?¹⁴

- ❖ **Question:** Under what conditions may infidels living in a Muslim land be considered protected peoples [dhimmi]?
- ❖ **Answer:** An infidel living in a Muslim land may be considered one of the protected peoples if he meets the following conditions: The guarantor of the infidel must be a Muslim and not another infidel, and guaranteeing the infidel must not disadvantage Muslims in any way. Infidels who harm Muslims are not guaranteed any protection.

¹² http://tawhed.ws/FAQ/display_question?qid=7080&pageqa=3&i=

¹³ http://tawhed.ws/FAQ/display_question?qid=7006&pageqa=3&i=

¹⁴ http://tawhed.ws/FAQ/display_question?qid=7107&pageqa=3&i=

- ❖ Question: May a man be considered an infidel because a reliable sheikh has deemed him an infidel? Are Ismail Hania, Khaled Mashal and Hassan Nasrallah infidels?
- ❖ Answer: If a reliable sheikh has issued a fatwa declaring someone an infidel, and has justified his ruling, then you may treat the man as an infidel. Hassan Nasrallah belongs to a sect that worships idols and stubbornly refuses to see the truth. As for the leaders of Hamas: They have seized power, made their own laws, and oppose those who wish to impose shari'a; their war against Islam is a profanation, and proves that the Hamas government has no interest in implementing shari'a. Although the first leaders of Hamas declared that implementing shari'a was among their chief goals, its latter-day leaders have strayed from the straight path.
- ❖ Question: A man's parents are pressuring him to work, but he refuses; one day, he wants to emigrate for jihad. Is he disrespecting his parents?
- ❖ Answer: One must obey one's parents in all things, as long as one does not break Allah's laws in doing so. Working is no sin. It is best to begin work early in the day, and forswear laziness. Work can prepare a man for jihad.

A Series of Questions about Heeding the Call to Jihad¹⁵

- ❖ Question: A 23-year-old man who lives with his family would like to embark on jihad. However, he would prefer to fight jihad in Syria and not in Iraq where his family lives, because he does not want them to be hurt in the fighting. What should he do? Also, may he join jihad without his parents' permission, and tell them he is leaving for another reason?
- ❖ Answer: If the man lives in Iraq, that is where he should fight jihad. However, one may join jihad in Syria if there is a real objection to engaging in jihad in Iraq – not merely fear for the safety of one's family. One does not need the consent of one's parents to join jihad; their pain and hardship cannot prevent one from meeting the obligation to jihad. Only if one's parents cannot manage on their own may a son stay behind to care for their affairs, while aiding the mujahideen as much as possible. One may also leave for jihad but give one's parents another reason for one's departure.
- ❖ Question: A man's brother went to fight jihad in Syrian and joined the ranks of the Al-Nusra Front. This man now wants to join his brother, but doing so would leave their parents on their own. May he leave for jihad?

¹⁵ http://tawhed.ws/FAQ/display_question?qid=7098&pageqa=3&i=

- ❖ Answer: If the parents cannot manage without him, the son must stay with them. He reaps half of the bounty of his brother's having joined jihad, because by taking his brother's place in caring for the family he is supporting jihad. Also, he must help the mujahideen in whatever way he can from where he is.
- ❖ Question: May a man who is studying a profession that may be of use to the mujahideen, such as weapons manufacturing, defer joining jihad until he completes his studies?
- ❖ Answer: It is permissible to defer jihad until one has finished a course of study that will benefit the mujahideen.
- ❖ Question: A man who recently married would like to join jihad. Must he leave money for his wife or find someone else to support her? Also, should he defer joining jihad until he has paid all his debts?
- ❖ Answer: The man must leave his wife money and the means to manage on her own while he is absent. If he is unable to do so, and the wife cannot be left with her family, then he must take his wife with him if possible. Moreover, he must find someone who will care for his family while he is away. As for clearing one's debts: If only a short time is needed to settle the debt, one may defer jihad.
- ❖ Question: A man is attending a private university. His father has loaned him the money for the expensive tuition, thinking the son will repay him when he has completed his studies. Is this a debt that defers joining jihad?
- ❖ Answer: A debt must not prevent someone from joining jihad. If the man's financial situation makes it impossible for him to join jihad at the present time, he may conclude his studies, especially if his profession will benefit the mujahideen. In the meantime, he should help the mujahideen in whatever way he can.
- ❖ Question: A man who lives in Europe left for jihad, leaving his young son behind with his Christian wife. Should he have done this? Or did he risk the child's conversion to Christianity?
- ❖ Answer: The man must ask close Muslim friends to guard his son lest he convert to Christianity. If he cannot find a way to protect his son, he must not stay [in the arena of jihad], unless he is playing a crucial role in supporting jihad, such as taking care of the families of other mujahideen.

General

A Ruling Regarding a Man Who Unintentionally Killed a Muslim¹⁶

- ❖ Question: A man was arrested, interrogated, and tortured on suspicion of kidnapping a child and demanding a large ransom from his family. The man never admitted to this. The next day, the man died of a heart attack. What is the ruling in such a case?
- ❖ Answer: If the man's death was indeed caused by the interrogation, the following must be considered: (1) Someone deliberately bore false witness against the man to frame him; in this case, whoever framed him is responsible for his death. (2) There was no actual evidence against the man. In this case, a distinction should be made between likelihood and a mere suspicion. When there is no evidence tying someone to a crime, torture to extract a confession is forbidden. In this case, whoever arrested and interrogated the man is responsible for his death. (3) The accusation against the man was either grounded in actual evidence or extremely likely, in which case arrest, interrogation and beating are permissible. In this case, the brothers who interrogated this man should pay blood money [to his family for his death].

Marriage to a Woman Who Wishes to Join Jihad¹⁷

- ❖ Question: A man wishes to marry a woman from another country, who wants to emigrate to join jihad. The woman's brothers oppose the mujahideen and aid the infidels. Her father, a retired soldier, will not let her marry a devout foreigner. May the man marry her without her family's knowledge?
- ❖ Answer: If the woman's family does not force her to commit acts that contravene Islam, then the family is fertile ground for the woman's da'wa [missionary] efforts. Da'wa should always be preferred over conflict with one's family, which can lead to alienation and a loss of family protection. The woman should expend as much effort in da'wa as possible to help her family mend its ways. She also must be patient. One who does not succeed in winning the hearts of those closest to him, will most likely not succeed in winning the hearts of others. If the family forbids the woman from practicing Islam and she cannot persuade them to respect her customs, then she may run away from home. However, it would be preferable for her to take shelter with people who have some connection to her family, so that she not lose contact with them entirely. The woman's father is not an infidel soldier because he is no longer on active duty. However, only when he returns to the true path will he cleanse himself of having been a soldier for the

¹⁶ http://tawhed.ws/FAQ/display_question?qid=7032&pageqa=3&i=

¹⁷ http://tawhed.ws/FAQ/display_question?qid=7153&pageqa=3&i=

infidels. If the family does not consent to let the woman marry a devout Muslim, he may disguise himself as less observant so as to marry her.

Is It Permissible to Blow Up Synagogues in Europe?¹⁸

- ❖ Question: Is it permissible to bomb Jewish synagogues in European countries?
- ❖ Answer: It is prohibited to attack the houses of worship of other religions because of their sanctity; this is indicated in the Qur'an itself. However, the ruling regarding such places is not absolute; rather, it derives from the congregation that worship in the sanctuary, as follows: (1) One may destroy the houses of worship of polytheist infidels who were formerly Muslims; (2) one may not destroy the houses of worship of protected peoples [dhimmi], as their existence is not prohibited; (3) one may not destroy the houses of worship of isolated monastics who do not harm Muslims; (4) of course, one may attack the houses of worship of people who oppose Islam if there is cause to do so – for example, if a place of worship is a fighters' base. However, it is preferable to take over the houses of worship of other religions and convert them into mosques. In any case, one should exercise caution when attacking houses of worship, as permitted above, so as not to cast aspersions on the mujahideen.

Using Monies Set Aside for Marriage to Join Jihad¹⁹

- ❖ Question: A man's mother gave him money, saying, "This is for your marriage". The man wishes to join jihad, but has no money. May he use the money his mother gave him for this purpose?
- ❖ Answer: The mother's statement may be interpreted in one of two ways. She may have meant what she said as a general intention, and not as a condition for her gift of money. In this case, the man may not return the gift [use the money for another purpose]. Alternatively, she may have been stipulating a condition for his receipt of the money. However, since it is forbidden to set conditions for the use of a monetary gift, such a condition would immediately be null and void – and the man could indeed use the money for jihad. The most worthy course of action would be to consult the mother. If she does not consent, the man should obtain money for jihad in some other way.

¹⁸ http://tawhed.ws/FAQ/display_question?qid=6923&pageqa=3&i=

¹⁹ http://tawhed.ws/FAQ/display_question?qid=7217&pageqa=2&i=

Devout Young Women Who Wish to Join Jihad²⁰

- ❖ Question: Two 17-year-old girls live in a country ruled by an infidel regime. Their families oppose their faith, prevent them from wearing the burka, force them to attend mixed-gender universities, and refuse to let them marry before they have finished their university studies. The girls wish to join the branch of Al-Qaeda that is active in their country and embark on jihad. However, they have been told they must have a male escort to jihad. What should they do?
- ❖ Answer: First and foremost, these girls must not forsake Islam but must cleave to it, and patiently suffer their trials. They must disobey their family's injunction and immediately don the burka, particularly if they must continue to attend mixed-gender universities; however, it would be better for them to find a way not to attend such universities. They must of course have a male guardian accompany them to jihad, where a woman may face many temptations. Women are weak and always need protection. If the girls are adamant about joining jihad, they are advised to marry respectable men who also wish to join jihad.

Questions Directed at Sheikh Abu Hamam Bakr Bin Abd al- Aziz al-Athari

General

Are Sheikh Abu Hamam al-Athari and Abu Issa al-Rifa'i One and the Same Man?²¹

- ❖ Question: Is Sheikh Abu Hamam al-Athari the man also known as Abu Issa al-Rifa'i, who claimed to inherit power in Pakistan in the 1990s?
- ❖ Answer: The sheikh you ask about is the sheikh responding to your question. His name is Abu Hamam Bakr Bin Abd al-Aziz al-Athari; he is not Abu Hamam or Abu Abdullah al-Rifa'i. The latter is known to have left the straight path.

Are Those Who Follow the Rules of Infidels Themselves Infidels?²²

- ❖ Question: Police and military personnel follow the rules set by infidel regimes. Does this make them infidels?
- ❖ Answer: Scholars dispute this matter. According to Sheikh Abu Yahya al-Libi²³ of blessed memory, during the period of the Prophet's companions [al-sahaba], anyone who aided

²⁰ http://tawhed.ws/FAQ/display_question?qid=7171&pageqa=2&i=

²¹ http://tawhed.ws/FAQ/display_question?qid=7086&pageqa=3&i=

²² http://tawhed.ws/FAQ/display_question?qid=7100&pageqa=3&i=

²³ A very prominent member of Al-Qaeda who was killed in a US drone strike in 2012.

infidels was subject to the same judgment as infidels, for breaking the ranks of the Muslims and interfering with their belief.