

Source: <http://www.gaysarthur.net/sunni-scholars-more-than-condemnation-of-isis/>
(accessed 29 September, 2014)

Translation of Fatwa concerning the “State of Iraq and Syria” – Da’esh

By the Majlis al-Islami al-Suri endorsed by Rabita ‘Ulama al-Sham and others (June 15, 2014)

Question: You are aware of what has been happening in Syria since the announcement of the “State of Iraq and Syria”, known as DA’ESH (ISIS) and what they have been doing to the people of Syria by way of excommunication (*takfir*), killing, and bombing. People are divided concerning them: there are those who say that they are Khawarij who must be eradicated, there are those who say they are rebels, those who say this is sedition (*fitna*) which all are duty bound to avoid even as they make ready to fight the criminal regime. There are those who say that this is a true state which all are duty bound to pledge allegiance to and to fight under their standard. So how would they be designated in the Sacred Law and what is our duty regarding them? Give us counsel and may you be rewarded.

Answer: Praise belongs to God, the Lord of the universe and let there be no aggression save against the perverse. And may benediction and peace be upon the one sent as a mercy to the worlds, and likewise upon his folk, and companions all, and upon those who follow them with integrity till the last day. To proceed: Indeed Allah, Most High, has privileged the people of Syria with jihad in His way against the tyrannical and criminal regime. Notwithstanding what that entails of pain and sacrifice, the rabidness of the enemy, and betrayal by those close and afar, yet Allah has kept them firm – supporting them with His assistance, and decreeing in all of its attainments for his slaves that they never anticipated.

The greatest distinction with which the Syrian jihad was characterized in its early days was its genuineness and sincerity for Allah, Most High without divergence in its objectives or means despite its humble military prowess and financial resources. Yet sedition (*fitna*) would soon raise its head with the appearance of the group, “The State of Iraq and Syria” which has introduced to Syrian society subversion, vices, and infractions of the Sacred Law (*Sharia*). It has thus become necessary to make plain its reality and characteristics, and what is incumbent on Syrians regarding it. This group has committed unambiguous and obvious infractions of the Sacred Law and criminal acts the most brazen of which follow:

1. Victimizing the people of Syria by the declaring of a state with no legitimate Sharia procedure, nor clearly outlined vision, nor consultation, and without any legal or actual elements of a state.
2. The claim that they are on the side of the truth and that everyone besides them is either a disbeliever or an innovator then drawing from that dangerous legal rulings.

3. Exceeding all bounds in excommunication and testing people concerning it. Until it has reached a stage where statements of excommunication and vilification along with intimidation and death threats have become widespread and without censure among those associated with them. Rather some of them have gone to the extent of making disbelief and apostasy the default assumption regarding the Muslims of Syria. Indeed there are those who regard the regime and its followers with greater respect than the *mujahidun* and revolutionaries.

4. Accusing whoever opposes them of treachery and betraying the jihad with the term “*al-sahwat*” – even those who are upright or are of the people of jihad against the Assad regime and its allies.

5. Their refusal to be subject to any of the Sharia agencies that specifically deal with dispute and disagreement except those that are under the control of, and subservient to the “State of Iraq and the Syria”.

6. Utilizing the troops of the jihad that are opposing the tyrannical Assad regime in the pursuit of secondary objectives aimed at expanding the territory of their “state” and getting the pledge of allegiance, as well as being diverted from struggling against the common enemy while rushing to gain control of economic and military assets in liberated areas after seizing them from the *mujahidun*.

7. Deliberate confrontation and engagement with various jihad military divisions in Syria along with involvement in shedding innocent blood and trivializing doing so.

8. Capturing activists, broadcasters, fighters, and religious figures and the obstruction of aid work and religious work due to supposed doubts concerning the methodology or due to allegations of treachery or deception.

9. Perfidy after having promised security to emissaries, and *mujahidun* in general. Thereafter there was betrayal, with many of them being captured, tortured, and killed. Indeed news of the victims of their perfidy has become pervasive, acknowledged far and wide by Syrians and non-Syrians.

Indeed all evidence and indicators establish that this group has become the basis for the thwarting of the struggle against Assad and his regime in Syria as well as the proliferation of division, killing and subversion, and plundering the good of the country. With regard to this group, what is obligatory in the Shari’a is to confront it in order to eradicate it and thwart its designs in Syria, and to take every lawful means to that end due to the following:

Firstly: Refusing to comply with the rule of law then fighting based on that. When they are summoned to have the matter arbitrated according to the Shari’a they reject and refuse it while there is consensus of the scholars concerning the obligation to fight any party that refuses to either discharge obligations or refrain from prohibitions to say nothing of when that occurs in a context like Syria.

Shaykh al-Islam Ibn Taymiya has said in Majma' al-Fatawa, "There is consensus of the scholars of the Muslims concerning the party that refuses, if they refuse any clear obligation of Islam that is mass-transmitted then it becomes obligatory to fight them once they having declared the two testifications, then refuse to pray; or pay Zakat; or fast in the month of Ramadan; or undertake the Pilgrimage to the Primordial House; or any ruling concerning them with the Quran and Sunna; or concerning the prohibition of indecency... and other such things as are legislated in Islam. They are to be fought over such until the Religion is entirely for Allah."

Secondly: Aggression against those whose blood and wealth are protected. Allah has legislated repelling aggression. He (Allah bless him and grant him peace) has said, "Whoever is slain without his wealth (defending it) is a martyr. Whoever is slain without his blood is a martyr. Whoever is slain without his religion is a martyr. Whoever is slain without his family is a martyr." (Tirmizi who said it is "well authenticated".)

Thirdly: Rebellion. If there is a rebel party then it is legislated to fight it once it rebels. It follows then more-so that a party that has combined rebellion, extremism, and excommunication without right, is more deserving of such and the obligation is greater. The Most High has said, "And if two parties of believers fall to fighting, then make peace between them. And if one party of them doeth wrong to the other, fight ye that which doeth wrong till it return unto the ordinance of Allah; then, if it return, make peace between them justly, and act equitably. Lo! Allah loveth the equitable." Quran 49:9 Al-Qurtubi has said by way of explaining it, "In this verse is proof for the obligation to fight the rebel group that is known to have rebelled with force against the leader or one of the Muslims."

Fourthly: Their resemblance to the Khawarij who the Prophet (Allah bless him and grant him peace) commanded be fought. All the characteristics of the Khawarij are present in them such that they are considered the same. From those characteristics are: excommunication of those who differ with them, fighting the people of Islam with obstinacy, rejecting the truth with affectation and disdain towards the pronouncements of the people of knowledge, utter contempt for humanity while being ignorant of the teachings of the Religion, harshness and boorishness towards the believers and impertinence towards them, in addition to the perfidy, treachery, breach of covenant, and betrayal of trusts.

Now the Prophet (Allah bless him and grant him peace) called for those who are thus characterized to be fought having said, "Slay them wherever you find them. Indeed there is merit, on the Day of Judgment, in slaying them for whoever does so." (Agreed upon).

And he (Allah bless him and grant him peace) said, "Were I to encounter them I would slay them as was done to 'Ad."

Indeed the Prophet (Allah bless him and grant him peace) considered those of them who are killed to be the worst of those killed, while those of the Muslims who are killed at their hands to be the best of those killed saying, "Great tidings for whoever slays them or is

slain by them. They call to the Book of Allah, yet they have nothing of it whatsoever. So whoever fights them is more deserving of Allah than they.” (Abu Dawud) Further he said, “They are the worst of those killed under the sky, while the best of those slain are those slain by them.” (Ahmad)

Conscientious restraint is not permitted regarding fighting them neither is refusal to do so. Rather it is an obligation to continue doing so until they desist from their rebelliousness, subject themselves to independent Shari’a legal processes, and refrain from their repugnant doings actually and effectively, not rhetorically as the Most High says, “...fight ye that which doeth wrong till it return unto the ordinance of Allah...” Quran 49:9 Al-Tabari has said by way of explaining it, “So if one party of the two refuses to comply with the judgment of the Book of Allah for it or against it, contravening that which Allah has made just among His creatures, while the other party complies then ‘fight ye that which doeth wrong’. He says: then fight the one that contravenes, and refuses to comply with the judgment of Allah ‘till it return unto the ordinance of Allah’ until it returns to the judgment of Allah which was ordained in His Book for His creatures.”

As regards those of them who are captured, those whom we determine were overcome by the situation and in whom we find indicators of repentance we shall set free on condition that he is not able to revert to that which he was upon or to his group.

As for refusal to fight them on the basis that it is sedition (*fitna*), that is invalid since the seditious fighting which it is prohibited to participate in is fighting that ensues between two groups of Muslims who are both upon falsehood or they are both fighting for worldly gains or the matter is ambiguous regarding them such that it cannot be determined the right from the wrong party.

Involvement in such fighting is prohibited, it being that we are commanded to withdraw and not participate in it under any circumstance. That is what is intended by the statement of the Prophet (Allah bless him and grant him peace), “When two Muslims engage each other with their swords then both the killer and the slain are in the Fire.” (Agreed upon) And he also said concerning these trials, “So let whoever finds a haven or refuge from it take refuge in it.” (Agreed upon) So it is in such trials that the Muslim refrains and distances himself from to stay safe from its evil. His motto regarding it is, “Be the slave of Allah who is killed and don’t be the slave of Allah who has killed.”

As regards the group, “The State of Iraq and Syria” in Syria, their oppression and rebelliousness, and their aggression and assault against person and property are obvious, as well as their association with intelligence apparatus and agencies opposed to the rights of Syrians, seeking to foil their revolution and jihad. Fighting them is thus something prescribed by law, indeed an obligation in order to stop their evil and repel their harm.

Al-Tabari has said, “Were it the case that the obligation in all instances of dispute between two groups of the Muslims was avoiding it and standing one’s ground then no right would be upheld and no wrong would be stopped.” He related that from al-Qurtubi in his exegesis. Ibn Battal, in his commentary of Sahih al-Bukhari, has said, “It is

necessary for whoever the matter of their dispute proves problematic to withdraw from both parties and stand his ground until the truth becomes clear to him and it becomes apparent which if them is in the right with the ambiguity having been lifted. It will then be binding on him to come to the aid of those in the right with whatever those of insight deem appropriate.”

To conclude, the group, “The State of Iraq and Syria” in Syria is a gang of rebellion, extremism, and excommunication. They are the highest degree of transgressors, having combined between splitting the ranks of the *mujahidun* and revolutionaries by spreading the ideas of the Khawarij, and being infiltrated by the Asad regime and its allies as well as other intelligence apparatus. From this we can make sense of why the places where they are located and based are not targeted and why they do not engage with the Asad regime and its allies in battle. Rather they devote all their strength to warring with the *mujahidun* who are engaging Asad and his regime, and to consolidating their power. With that it becomes binding in the Shari’a to fight them and to quash their enterprise until their influence among Syrians and in their land is terminated. Praise is for Allah, Lord of the universe.

17 Sha’ban 1435H / 15 June 2014