

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

مَجْمُوعُ فُقَهَاءِ الشَّرِيْعَةِ بِأَمْرِيْكَا



The Assembly of Muslim Jurists Of America

## Recommendations of the Twenty-First

Imams' Conference:

Contemporary Issues in Political and  
Human Rights Engagement and Social  
Activism



Assembly of Muslim Jurists of America | P.O. Box 7132, Folsom , CA 95763

Office +1 (916) 290.7601 [amjaonline.org](http://amjaonline.org) | [fb.com/amjaonline](http://fb.com/amjaonline) | [twitter.com/amjaonline](http://twitter.com/amjaonline)

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

مَجْمُوعُ فَقَهَاءِ الشَّرِيْعَةِ بِأَمْرِيْكَا



The Assembly of Muslim Jurists Of America

## The First Topic: The Shari'ah Foundations for Political Participation and Social Activism in Non- Muslim Societies

### First: Regarding the Shari'ah-Based Grounding

1. Political and social participation by Muslims in non-Muslim societies is among the issues of Sharī'ah governance (al-siyāsah al-shar'iyyah), whose ruling revolves around benefits (maṣlahah) in terms of their presence or absence, and in terms of their increase and decrease. In vast majority of cases, such participation is more likely to realize the objectives of the Sharī'ah than would a complete boycott. It is deemed lawful when it is regulated by the parameters and objectives of the Sharī'ah, insofar as it is considered among the means of enjoining what is right and forbidding what is wrong, and of realizing the objectives of the Sharī'ah .
2. Consultation (shūrā) is among the foundational principles of Islam and the firm obligations of its rulings. It operates within the sphere of permissible matters and lawful options, and when it is not available to the Muslim as an option in this manner, the democratic option is closer to realizing the objectives of the Sharī'ah than other man-made systems .
3. Islam, within the framework of its value system and the authority of its infallible revelation, affirms the mechanisms of the democratic system that is based on considering the Ummah as the source of authority, respecting the principle of pluralism, and the peaceful transfer of power—drawing a distinction between the source of



## The Assembly of Muslim Jurists Of America

political authority, which returns to the Ummah, and the source of the legal system in its absolute domains, which returns to the supreme, infallible revelation, and to what it has entailed and what has been derived from it by way of *ijtihād* .

4. Regulated political and social participation is not a repudiation of the *Shari‘ah* nor a preference for anything else over it, for legal responsibility is conditioned upon ability. Rather, it is considered a tool for protecting rights, repelling injustices, choosing between two matters one of which entails lesser harm, and realizing the public interest within the framework of a legitimate covenant of citizenship .
5. The default ruling regarding administrative and regulatory arrangements is permissibility, and adherence to them is the default—out of fidelity to the social contract that unites all partners of a homeland—so long as they do not contradict a definitive proof from an authentic text or an explicit consensus .
6. There is no contradiction between religious belonging and national belonging. For we are part of the greater Ummah of Islam in the sphere of religion, part of contemporary societies in the sphere of citizenship, and part of the human community in the sphere of human relations. Thus, we see no contradiction between religious, ethnic, and national belonging, so long as ethnic belonging does not incline toward arrogance or fanaticism, so long as the contract of citizenship does not include the criminalization of religiosity or the confiscation of the right to preserve religious particularities, and so long as international relations are founded upon truth and justice and do not incline toward the extension of dominance and hegemony.



The Assembly of Muslim Jurists Of America

## Second: The Parameters Concerning Representative Participation

7. [One must] purify one's intention in political participation, by adopting it as one of the avenues of servitude to God and of realizing goodness and the public interest of society in all its segments—Muslims and non-Muslims alike—rather than seeking leadership, prestige, or narrow worldly interests at the expense of religion. T
8. Political action must not lead to affirming definitive prohibitions or compromising foundational doctrinal constants; whatever leads to the demolition of foundational principles is to be given no consideration.
9. One is obliged to adhere to Islamic ethics in political disputes, and to avoid lying, fabrication, defamation, and buying loyalties, for Sharī'ah governance among Muslims takes into account the nobility of the objective and the integrity of the means; and in our Sharī'ah, means take the ruling of ends.
10. One must choose the most suitable and just candidate, or prevent the more corrupt by the less corrupt, in accordance with the principle of accepting the lesser of two harms. We advise those responsible for this matter among the Muslims to require of the candidate that he meet the demands of the Muslims in their region, and this is a matter that is customary and practiced.
11. There must be integration and balance between political work, social work, and dawah work, in order to achieve the public good for the Muslim community, and to avoid excess in one aspect at the expense of another. Political engagement should not lead to overstepping against others, nor should it exhaust the energies of



## The Assembly of Muslim Jurists Of America

the community to the point of diverting them from involvement in dawah, educational, or pedagogical activities.

12. Mosques or Islamic centers must not be turned into arenas for political contests for candidates, or exploiting religious discourse to support a particular candidate or a specific political cause, for this falls under pure *ijtihād*, and clothing it in the garb of religious legitimacy—whether as obligatory or forbidden—for partisan or political interests usually leads to dispute and discord. Mosques must remain places where hearts gather, elevated by the dignity and serenity of worship!
13. What people in this country have come to accept—the recognition of election results, congratulating the winner on their victory over their rival, and submitting to their leadership—is among the good customs that should be praised and emphasized.

### Third: The Role of Zakat Funds in Political Participation and Social Activities

14. There is no objection to allocating a portion of Zakat funds to support certain political and social activities, as they fall under a category of spending in the way of Allah, or for those whose hearts are to be reconciled, provided that this is done through trustworthy institutions, under the supervision of recognized Shariah bodies, and with due consideration for the priorities of the poor and essential dawah programs, as they are more deserving of *zakāh* expenditures.



The Assembly of Muslim Jurists Of America

## Second Topic: Cooperation and Integration in Societies: Guidelines and Applications

### First, grounding cooperation in righteousness and piety in the political sphere

15. The positive integration of Muslims in Western societies requires disciplined adaptation to their civilizational system and living conditions, through participation in their cultural, social, political, and economic activities, in a way that does not conflict with the preservation of religious and cultural particularities. It also involves joint efforts to cultivate the earth in accordance with the will of its Creator, who created humanity from it and entrusted them with its development and reform .
16. The divergence in foundations between man-made constitutions and Islamic values does not prevent cooperation on common human concerns, such as general mercy, the establishment of justice, respect for human dignity and freedom, the promotion of peace and cooperation among peoples, and the protection of the family from violence or sexual deviation, as well as the general principles of righteousness and piety in their broad sense with all who call to them, regardless of their identity, faith, or cultural and civilizational background.
17. Political and social participation is a means of showcasing the civilizational face of Islam, and of demonstrating that Muslims are an integral part of their homelands, contributing to the protection of



## The Assembly of Muslim Jurists Of America

shared human values and rejecting injustice, discrimination, and corruption.

18. Muslim women have the right to participate in social and political spheres, within the limits of Shariah guidelines, whenever they are qualified for it and when the interest of the community requires it.
19. Care should be taken to strengthen the position of the community in political work, financially and as an electoral bloc, so that those responsible for it have political influence over candidates and their representatives in their electoral districts. This ensures that their demands are reasonable and within their actual capabilities and what they can offer.
20. It is necessary to emphasize the importance of raising Muslim generations on the creed (Aqeedah) and rulings of Islam, and of supporting cultural and social activities that help preserve the identity of Muslims, while paying attention to establishing leadership and institutions that safeguard their interests and provide guidance.

## Second: Terrorism: Its Concept and Contemporary Manifestations

21. From the Islamic perspective, terrorism is aggression committed by individuals, groups, or states against a person's religion, life, mind, wealth, or honor. In this sense, it is categorically prohibited in Islam, and some forms of it are closer to the crimes of *hirābah* (armed banditry) for which the Shariah prescribes the severest punishments. In our contemporary times, it is a vague term, defined differently according to the purposes of the one defining it.
22. There is to be condemning of terrorism in all its forms, declaring dissociation from it, and not justifying it under any circumstances,



## The Assembly of Muslim Jurists Of America

regardless of who commits it; and calling for solidarity to resist it wherever it occurs, from whatever source, and whatever faith it claims. This does not mean legitimizing other injustices, such as unjust wars, oppression, and tyranny, but it must be emphasized that these injustices do not justify one another, and a distinction must be made between them and the right to legitimate self-defense.

23. *Criminalizing violence as a means of political change, and the necessity of finding peaceful alternatives to establish justice in society and protect it from violence and terrorist acts that may result from political tension, the spread of hate speech and incitement in society, and the loss of hope for change.*
24. Emphasizing the necessity of addressing the causes that have led—and continue to lead—to the prevalence and expansion of terrorism, including the tyranny of states, the drying up of sources of true religiosity, the persecution of sincere scholars, criminal acts committed by resentful sectarian groups, unjust wars, and the organized plundering of the wealth and resources of peoples, including rhetoric that produces hatred by exaggerating self-exoneration, criticizing others, and demonizing them.
25. There must be an extensive propagation of Islamic moderation, condemning concepts of extremism, advising those who hold them, and alerting to the dangers of extremism in takfeer (declaring others to be non-Muslims), as well as refuting the claims of its proponents. Emphasizing that jihad is among the great matters entrusted to the legitimate authorities, as are Shariah punishments—including the hudood—and that there is no application of them by ordinary individuals, organizations, or groups. Engaging in dawah and



## The Assembly of Muslim Jurists Of America

clarification, rather than classifying people, is one of the most effective practical means of preventing extremism in religion.

26. One must find peaceful alternatives to redress injustices and revive hope in the hearts and minds of those in society who have adopted extremism, because they saw it as the only way to achieve change in the community.

### Third: Concerning the Institutional Mechanism

27. There is a necessity of the existence of specialized reference bodies (Shariah, political, and legal) that guide Muslims in their electoral decisions and determine priorities, in order to achieve unity of ranks and to avoid misjudgment and fragmentation.

28. Strategic planning for participation is necessary, and should not be limited to reactive responses; rather, focus should be on establishing lobbying groups, creating support funds, activating partnerships with fair political and human-rights institutions, and reaching agreement on political demands and on a body that represents Muslims in advancing those demands, so that their views do not become divided and their strength dissipated.

### Fourth: Assuming political, governmental, or security positions while maintaining religious commitment?

29. There is no objection to a Muslim assuming positions of authority outside the lands of Islam if he hopes thereby to realize the public good—by reducing harms as much as possible and establishing as much justice as can be established. Indeed, the assumption of such roles by righteous and competent people is better than leaving them to the people of evil and corruption, as was the case with the Prophet of Allah Yusuf (peace be upon him), and as al-Najāshī



## The Assembly of Muslim Jurists Of America

remained king over Abyssinia after his acceptance of Islam—provided that this objective is maintained from the outset and continuously, so that he is an agent for the wronged in lifting or lessening their oppression, and not an agent for the wrongdoer in aiding in injustice.

30. It is not appropriate to assume judicial authority under a regime that does not believe in the Shariah and does not abide by its rulings, except if this becomes a necessary means to avert a grave harm threatening the oppressed—whether Muslims or others. The assessment of such harm is to be referred to the people of legal opinion (fatwaa), and it is stipulated that the objective be to reduce as much evil as possible and to increase as much good as one is able to increase.
31. There is no objection to practicing law in order to claim a right or to repel an injustice, whether this is before Shariah courts or secular courts, and whether this is in Muslim lands or outside them. Everything for which litigation is permissible in one's own right is also permissible by way of representation, and there is no objection to a Muslim appointing a non-Muslim as an agent in litigation, whether the opposing party is a Muslim or a non-Muslim.
32. For the permissibility of practicing law, it is stipulated that the case one undertakes be just, such that one acts as an agent for the wronged in lifting his injustice, and not as one who assists the wrongdoer in his wrongdoing. It is also stipulated that the claims one brings before the court and demands on behalf of one's client be legally (Shariah) valid.
33. A Muslim may participate as a member of a jury, on the condition that his judgment accords with the Shariah, with the aim of doing

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

مَجْمُوعُ فُقَهَاءِ الشَّرِيْعَةِ بِأَمْرِيْكَا



The Assembly of Muslim Jurists Of America

justice to those being wronged—Muslims and others alike—by restoring their rights to them and standing up for them against the wrongdoers, and that he does not judge unjustly against any of them.



Assembly of Muslim Jurists of America | P.O. Box 7132, Folsom , CA 95763

Office +1 (916) 290.7601 [amjaonline.org](http://amjaonline.org) | [fb.com/amjaonline](http://fb.com/amjaonline) | [twitter.com/amjaonline](http://twitter.com/amjaonline)



The Assembly of Muslim Jurists Of America

## The third topic: Jurisprudence of weighing (benefits and harms) in political work and social activism.

### First: The fiqh of weighing (benefits and harms), in principle and in practice, applied to political work.

34. The fiqh of balancing between benefits and harms is among the fundamentals of the Shariah and its distinguishing features. It is founded upon attaining and perfecting benefits, and warding off and minimizing harms. In this regard, fatwaas will change according to time, place, and circumstances, and most of its matters are subject to independent reasoning (ijtihad). It is not permissible to hurl accusations of disbelief, immorality, or innovation at those who differ in such opinions. Its applications include matters related to political work in America: some lesser good may be left aside to achieve a greater good, and some harm may be committed to avert a greater harm, provided that it does not lead to the nullification of a definitive principle of religion. It may be excused for a Muslim to remain silent when the harm of expressing objection would be greater than the harm of remaining silent, and this should not be interpreted as the Muslim's approval or endorsement of it.
35. The fiqh of balancing and of benefits embodies the moderation of this Ummah; it does not rely solely on a materialistic or utilitarian perspective that justifies the means by the end, nor does it completely disregard consideration of benefits and consequences, or oppose Allah's laws in human nature and the universe. Both extremes in the approach to matters are blameworthy.



## The Assembly of Muslim Jurists Of America

36. Human intellect alone is not sufficient to determine what is beneficial or harmful; rather, it serves as a basis for recognizing them. When the Shariah specifies a benefit, there is no doubt that the intellect, if it does not necessitate it, does not prohibit it either.

37. The fiqh of balancing and weighing has three scenarios:

- One: Balancing between the good ends that one cannot achieve all of, choosing the better of the two; a good end is abandoned if it is forfeited for something better than it, or if it entails a harm greater than its benefit.
- Two: Balancing between degrees of evil that one cannot avert entirely, one avoids the greater of two evils; a harmful act is tolerated if doing so avoids something worse, provided it cannot be averted except by committing it, or if pursuing it results in a benefit greater than that of leaving it, provided that the benefit cannot be obtained except through it.
- Three: Balancing between good and evil, and between benefit and harm, when the occurrence of one necessitates the occurrence of the other.

38. The objectives of the Shariah have ranks: some are essential (*darūrī*) and indispensable for averting ruin, some are necessary (*hājī*) and required to remove difficulty, and some are complementary (*kamālī*) and sought to achieve comfort and ease. There are guidelines for balancing between these, for which one must refer back to the people qualified to make fatwaas. The applications of this matter are subjects for consideration among the the muftis, and the principle is that if a ruling is issued by its qualified authorities, one should not attack those who differ with it.



## The Assembly of Muslim Jurists Of America

39. A rejected “benefit” may not be used as a justification to suspend established Shariah rulings, because in reality it is a harm. Authentic texts do not contradict clear reason: the former is Allah’s command, and the latter is His creation, and they never conflict due to the unity of their Source.

40. In applying the “fiqh of balancing,” there must be incorporation of scholars and experts: the scholars are more knowledgeable about the objectives and guidelines of the Shariah, and the experts are more knowledgeable about the reality of the situation and the means of achieving outcomes. The combination of fiqh and knowledge of reality produces the ability to determine the optimal choice and the most proper means to achieve the Shariah benefit. The most complete situation is when both are brought together.

41. In the “fiqh of balancing,” a distinction is made between matters relating to individuals and those relating to public affairs. The latter should be referred to collective ijтиhad due to its wide impact and the seriousness of its consequences. Indeed, many issues of private affairs may also require collective ijтиhad because of their effects on others, given the closeness and interconnection of the world, which resembles a single village. This does not conflict with the principle that individual ijтиhad is permissible for those qualified for it, but in public affairs, collective ijтиhad should take precedence.

42. The “fiqh of balancing,” though it is a valid Shariah and rational principle, should not be used to justify the perpetuation of evils and harms without earnest effort to reform circumstances and strive for perfection.

43. Achieving balance in assessing benefits and harms can only be attained through deep knowledge, the purification of the soul, and



## The Assembly of Muslim Jurists Of America

the rectitude of morals. The one who considers the fiqh of balancing must revive godliness, sincerely turn to Allah Almighty, and humble himself before Him, in addition to combining consultation (shūrā) and seeking guidance through prayer (istikhārah) so that divine openings may draw near to him!

44. Many of the sought-after benefits in the field of political work are cumulative; they may not be realized within a single electoral cycle, but may take several years to build, and could even extend across generations. Therefore, the factor of time should be taken into account, and one should not rush to judgment when the desired results are not yet visible. Consequently, the one who considers the fiqh of balancing must take this matter into account when weighing options.
45. Attention should be given to teaching Muslim generations and youth of both sexes this great type of jurisprudence and training them in it, especially university students, due to what it achieves in combining realism in presentation with proactiveness in dealing with reality.

## Second: Political activity in cyberspace: Guidelines and ethics

46. Speaking about Allah without knowledge is among the most grievous of major sins. Let those who take the lead in these fields fear Allah, so as not to attribute to Allah, His Messenger (peace and blessings of Allah be upon him), or His religion what does not belong to them.
47. [It is a must to] uphold the etiquettes of disagreement and dialogue, and not treat opinions as if they were absolute truths; one should make excuses for others and presume good intentions of Muslims, especially in this field, which is among the most apparent matters of



## The Assembly of Muslim Jurists Of America

ijtihad and varies according to time and place. One who is known for his concern for religion and for supporting those who have been wronged should not be accused regarding his faith or honor, nor should such matters be publicized, for this only increases division and weakness among us.

48. Online activity and social media platforms have a significant impact on shaping public opinion; therefore, we advise Muslims to support those they deem worthy, to promote them, and to enable them to have a message and a reformatory role in society.
49. Much of the criticism directed at Muslims in the media stems from what some of them publish about Islam and religion, or from incorrect religious practices—whether innovative (bidah) or associating partners with Allah (shirk). Let everyone fear Allah in what they publish so that Islam is not maligned because of them.
50. Among the forms of jihad with the word and methods of calling to Allah Almighty are organized campaigns in defense of those who are wronged and in raising awareness of their rights, defending the true religion, spreading virtues in society, and encouraging people to engage positively in the community.
51. [One must always be aware of the following:] wisdom and balance in dealing with social media platforms, and raising awareness of the negative effects of excessive engagement, such as wasting time and sometimes neglecting religious obligations; highlighting the dangers of addiction to online posts and followings, and the circulation of images and clips that may lead to depression and crises, preventing a person from maintaining balance in his life and fulfilling his responsibilities toward his family and society.



## The Assembly of Muslim Jurists Of America

52. It is necessary to be aware not to publicize obscure agitators and corrupters by sharing their clips and commenting on them, which only increases their fame and spread. In some cases, the appropriate response is silence and disregard!

### Third: Dealing with Controversial Issues: Abortion and Homosexuality as a Case Studies

#### A) The Issue of Abortion

53. Social and political issues in American society are intertwined, and those engaged in political work must address certain social issues that are not free from Shariah concerns and require the application of the fiqh of balancing.

54. The issue of abortion in American society is a central and polarizing matter, drawing the attention of the society and dividing it into pro-life supporters—most of whom are conservative Republicans on the right—and, on the other side, pro-choice advocates who regard abortion as a woman's right, most of whom are liberal Democratic on the left.

55. The moderation of Islam in the issue of abortion is represented in balancing the preservation of the right to life of the fetus while giving priority to preserving the life and safety of the mother in case of conflict.

56. Abortion in the early stages of pregnancy is permissible in cases of necessity, need, or benefit, but abortion after the ensoulment is only permissible to save the life of the mother. Muslims have flexibility in their actions, whether they support those who advocate for life or those who permit abortion within the first 120 days.



## The Assembly of Muslim Jurists Of America

57. Islam clarifies its stance on major pivotal issues in these matters and others, and does not seek to impose it; rather, it engages with those who differ—from various sects, schools of thought, and cultures—within the framework of acknowledging for them what they believe and adhere to.

58. Sponsoring orphans or abandoned children and supporting care institutions that provide this service are alternative solutions to abortion strongly supported by Muslims, and these may encourage some women to refrain from abortion.

### **B) The Issue of Homosexuality and Sexual Liberation**

59. The issue of homosexuality and sexual liberation has become part of political debate, with liberal leftist groups advocating for it, and the conservative right opposing it, seeking to preserve the concept of the family as it has been known and established throughout human history.

60. The prohibition of marriage between homosexuals is known from the religion of Islam by necessity, and indeed all religious communities agree on its prohibition, even if some contemporary laws permit it. There should be no disagreement about this, nor should it be contested.

61. The difficulty and predicament in dealing with the issue of homosexuality is that many of its supporters also advocate for the freedoms of minorities, especially immigrants; some of them support certain causes of Muslims, such as the issue of Palestine, and they hold positive positions on some local issues, such as standing against racism and the like. In addition, the majority of the American public does not oppose them. This places Muslims in a delicate position from several angles: areas of political cooperation



## The Assembly of Muslim Jurists Of America

with these movements and the means of such cooperation; supporting candidates who endorse LGBTQ+ causes or running in constituencies where most voters support this movement; and determining the scope of rights that Muslims may defend concerning homosexuals and sexual liberation movements.

62. It is not permissible for Muslims to support disbelief or immorality directly; therefore, their support is limited to those who do not adopt or advocate these major evil. A candidate may be among such people yet still support fairness in dealing with Muslims as citizens, in contrast to those who are deeply hostile to them. Thus, the matter becomes one of ijtihad, and a person may be commendable from one perspective and rejected from another.
63. There is no objection to participating in marches, programs, or political events in which a group from this current takes part, provided that they are not the organizers; instead, they are merely a segment and participating group like others representing the society in all its factions. We advise scholars, well-known preachers, and role models not to play a prominent role in such events so that they do not become a source of confusion and fitnah for others.
64. A Muslim should not raise or wear LGBTQ+ slogans, nor is it permissible for him/her to display symbols that contradict his beliefs.
65. The states in this country, with regard to their connection to homosexuality, are not the same; therefore, there is no obligation to have a single uniform plan across all states. Rather, each state should be considered individually. A party may be supported in one state and another in a different state, according to the benefits and harms.



## The Assembly of Muslim Jurists Of America

66. There is no objection to cooperating with the governor of the state, or with those in authority in the city, even if they belong to this current, in public matters that benefit society as a whole, just as we interact with a colleague at work or school, or a neighbor, even if they have sexual inclinations that we do not approve of.
67. Recognizing that dealing with this issue will involve clear permissible actions and clear prohibitions, with matters in between being ambiguous, and that ijтиhad will be exercised regarding the extent, manner, and nature of joint cooperation in all of it. All along, one must keep in mind the principle of prioritizing general and overriding public benefits over perceived or partial ones, and that the application of this may differ according to times, places, and circumstances.
68. The Western reality in which we live has policies and foundations that must be taken into account when presenting this topic; we do not emigrate from our time and place, nor speak from a context or reality thousands of miles or hundreds of years away! Rather, we uphold the Shariah fundamentals and distinguish between the clear and the ambiguous, and between what is fixed and what is variable.
69. Joint cooperation with sexual liberation and LGBTQ+ movements in the context of Western reality is fraught with many harms, which those cooperating with adherents of this current must keep in mind. Among the most apparent of these are:
  - a. The sexual freedom they advocate leads to the destruction of the family, which is the foundation of building societies, and also promotes immorality and corruption, which are causes of societal collapse. The wise ones in every society must be aware of this and guard against it.



## The Assembly of Muslim Jurists Of America

b. The fascination of many of our youth with such calls, which may align with their own desires, may lead some of them to continue and justify them, considering them part of human rights, and even to form allegiance and disavowal based on them—especially in the presence of misleading doubts, lack of knowledge, and the predominance of desire. This constitutes a grave aqeedah deviation that goes beyond mere behavioral deviation. These harms—which are not few—must be kept in mind alongside the benefits arising from cooperation with their institutions, which possess enormous political, financial, and media power exceeding that of Muslims at the current stage, and given that they are willing to support some of our causes and preserve some of the rights and religious freedoms of Muslims.

70. Efforts must be made to mobilize research centers, media platforms, and social media to confront the ideology underlying these licentious movements through approaches based on knowledge, evidence, and empirical studies, rather than relying solely on emotional or purely religious discourse; and forming political lobbying committees to counter their specific lobby, focusing on protecting the family and children, especially from exposing them to their seduction, and distinguishing between what is affirmed by science and biological nature and what is illusion, hallucination, disease, or psychological tendencies.

71. Two considerations must be taken into account when dealing with this phenomenon:

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

## مَجْمُوعُ فَقَهَاءِ الشَّرِيْعَةِ بِأَمْرِيْكَا



### The Assembly of Muslim Jurists Of America

- a. Clearly conveying our religious stance on the principle of sexual freedom, homosexuality, and similar issues, and fortifying our community against these rejected ideas, which are religiously forbidden even if they are legally permitted. This does not necessarily have to occur in the same time and place where joint work with some of these individuals may take place. The following should be prioritized beforehand:
  - Muslim minorities do not seek to impose the laws of their religion on others; rather, they aim to call them to it and give them advice. Islam forbids its followers from prying, spying, seeking out faults, or violating privacy, and also forbids issuing legal judgments over individuals or groups regarding matters that fall within the purview of the authorities. It calls for avoiding aggression or oppression against those under covenant, whether they are homosexuals or others, for injustice is reprehensible in all religions.
- b. Avoid entanglement in media, legal, and political conflicts, except to offer advice when sought, or to explain the teachings of our religion when asked, and to direct our efforts toward nurturing our youth and protecting them from those pitfalls.



The Assembly of Muslim Jurists Of America

#### **Fourth: Levels of economic and political boycott and their manifestations**

- 72.Boycott is the abstention from dealing with others economically or socially according to a well-planned collective system. It is one of the familiar means of resistance in our contemporary reality, and a form of censure against aggressors to deter violent hostility and aggression.
- 73.The basic principle is the freedom to trade in lawful goods, buying and selling, regardless of whether the other party is righteous or sinful, Muslim or non-Muslim, provided it does not involve assisting in sin or aggression.
- 74.When boycott becomes a means to repel harm or prevent aggression, it becomes one of the legitimate means of resistance. Indeed, it is not far-fetched to say that it may even be a religious duty, according to what the Shariah establishes regarding means—that they take on the ruling of the objectives, permissible or prohibited.
- 75.Boycott is not uniform; it has different levels and forms. Among its most apparent forms is the prohibition of selling weapons to a combatant to use them in killing the innocent or defenseless. By analogy, this applies to anything that assists the enemy in their aggression against innocents, such as prohibiting work in any field that intentionally or directly aids in harming the innocent, whether in information technology, communications, or manufacturing devices that facilitate such actions.
- 76.It is necessary to distinguish between companies dedicated to military activities and those that provide general services, some of which are used by aggressor states in their unjust wars, such as



## The Assembly of Muslim Jurists Of America

utilizing satellites or wireless communications—not necessarily manufactured for war purposes—and where the company does not fulfill its duty to prevent the use of these means in igniting unjust wars. Dealing with such companies does not reach the level of prohibition unless the aid in aggression is intentional or direct. Moreover, whoever boycotts with the intention of supporting Islam and Muslims will be rewarded for their good intention, Allah willing.

77. The greatest and most impactful forms of boycott are those adopted by influential rulers. Accordingly, such a boycott should be issued by a decision of those in authority. If that is not feasible, then it should come from the people of authority and decision among the scholars and people of expertise, so that the boycott may be effective and achieve its intended purpose. Cooperation in this matter with non-Muslims has many considerable benefits, since a boycott requires broad popular mobilization, especially in countries where Muslims are a minority.
78. The application of boycotts in matters other than those that are categorically prohibited falls under the domain of *siyāsah shar‘iyah* (Islamic public policy). Rulings in this regard are to be referred to considerations of benefits (*maṣlahah*)—in terms of securing and enhancing benefit—and to considerations of harm (*mafsadah*)—in terms of preventing and minimizing it. The views of qualified jurists may differ on such matters; therefore, one should not denounce or censure those who hold a differing opinion, lest it become a means of our weakness and division rather than a weapon to weaken the unjust aggressor and break his power!



## The Assembly of Muslim Jurists Of America

79. Wisdom must be exercised in dealing with this matter so that it is effective. Accordingly, mobilizing a very large number of companies for boycott, or beginning with companies that most people cannot do without, or with companies that have no direct connection to injustice or corruption, all weaken the impact of the boycott and cause people to turn away from it. Therefore, it is necessary to distinguish between the different levels of these companies and the degree of injustice and corruption they propagate, and to offer practical proposals that can be implemented by the community—by setting priorities and making appropriate choices—in order to achieve partial gains that can then expand thereafter.

80. Those residing in the East are, in general, more capable of implementing a boycott than those residing in the West, where the vast majority of companies and public institutions have openly declared their support for aggression and genocide. In the East, alternative companies exist, whereas the situation in the West is otherwise. Thus, in the West one should limit the boycott to those entities that are most overt in their wrongdoing, most aggressive, and most vehement in openly proclaiming their hostility toward the oppressed and in backing tyrants and aggressors—where such backing is intended or direct. The practical implementation of this is something in which scholars and people of expertise cooperate, consulting and coordinating among themselves upon what is right.

81. Striving to make a boycott an official stance adopted by a city or a state toward a particular entity is among the proven and effective methods. In such cases, local representative councils vote to sever commercial relations with a country or with a governmental or civil institution due to its role in supporting aggression, violating human



## The Assembly of Muslim Jurists Of America

rights, or practicing racial discrimination. This mechanism can be activated at the level of cities and counties, and even within educational institutions and companies across different states.

82. We recommend the formation of a supreme committee tasked with advising Muslims regarding the companies and institutions that should be boycotted. It should be overseen by scholars knowledgeable in Islamic law and by those well-informed about current realities, so that the basis of the boycott rests on justice and fairness rather than on conjecture and suspicion—especially given the prevalence of rumors and commercial and political rivalries that may lead to the promotion of malicious propaganda.

### **Fifth: Dealing with rumors and misleading information in social activism**

83. Online activism and social media platforms have a major impact on shaping societal thought, forming public awareness, and developing culture. They also contribute to directing public opinion and influencing decision-making in all areas of life. For this reason, Muslims in general, and callers to Islam in particular, must give due attention to this in every time and place—subject to the following guidelines:

- a. First, verifying the information presented before disseminating it, adhering to truthfulness and objectivity in conveying it, and observing Islamic conduct and ethical standards in how it is presented.
- b. Second, it is not permissible to spread lies or rumors for political interests, whether these lies and rumors are negative or positive.

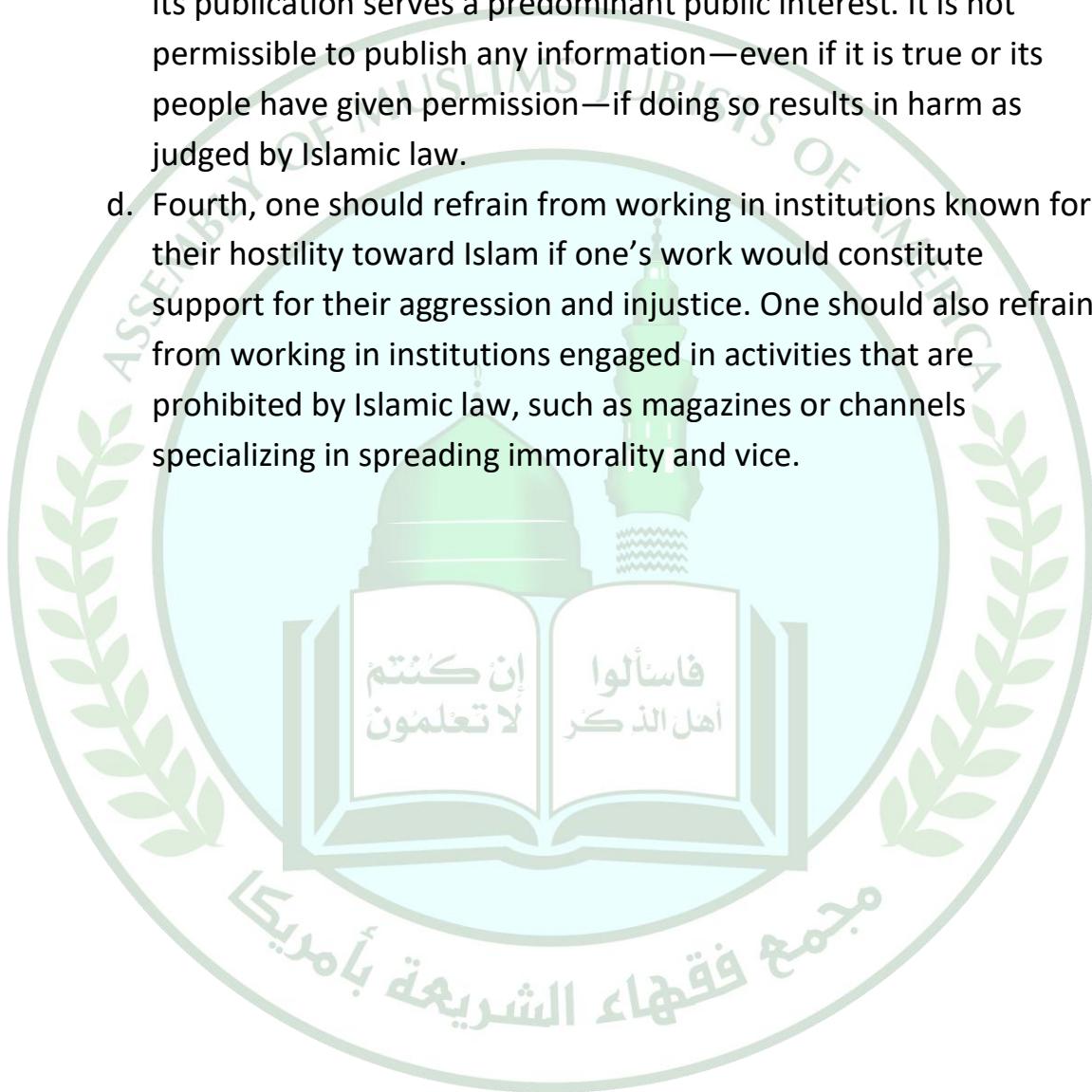
بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

## مَجْمُوعُ فَقَهَاءِ الشَّرِيْعَةِ بِأَمْرِيْكَا



### The Assembly of Muslim Jurists Of America

- c. Third, one must respect privacy, such that nothing of it is published except with the consent of the person himself or when its publication serves a predominant public interest. It is not permissible to publish any information—even if it is true or its people have given permission—if doing so results in harm as judged by Islamic law.
- d. Fourth, one should refrain from working in institutions known for their hostility toward Islam if one's work would constitute support for their aggression and injustice. One should also refrain from working in institutions engaged in activities that are prohibited by Islamic law, such as magazines or channels specializing in spreading immorality and vice.





The Assembly of Muslim Jurists Of America

## Fourth Topic: Ideological Pluralism and Its Impact on Political Participation

84. Political parties are political coalitions that operate through democratic means to attain power in order to implement a specific political program. In democratic systems, they are established to safeguard public rights and freedoms, serving as instruments for collective popular oversight of the actions of those in authority. There is no objection to participating in existing parties in the West if doing so serves as a means to effective political engagement.

85. Political work is among the activities of public advocacy in which the entire Ummah cooperates, with all of its components of aqeedah and fiqh groups—both Sunnis and innovators. Cooperation with these groups takes precedence over cooperation with non-Muslim atheists and libertines, while taking into account the doctrinal particularities of each group.

86. Those engaged in this work may sometimes make ijtihad that we do not approve of. Guidance and advice regarding such matters should be offered gently, so that our enjoining of good remains in accordance with goodness, and our forbidding of evil does not itself become evil. It is not obligatory for everyone to participate in every meeting or event, but those known for their love of good and commitment to religion should not be accused regarding their faith or honor, nor should such matters be publicly exposed.