

European Council for Fatwa and Research

First Collection of Fatwas

**Translated by
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Preface

Praise be to Allah, the Lord of the Worlds, and prayers and peace be upon the Seal of messengers and prophets, our Master; Mohammed, his descendants, companions and all those who follow his guidance.

It gives the Islamic Cultural Centre in Ireland great pleasure to present to the Muslim World and the Muslim minorities in the West particularly, the first collection of Fatwas issued by the European Council for Fatwa and Research. This publication has been long awaited by Muslims due to the important and vital rulings which carry solutions to many day to day problems facing Muslims, especially those living in the West.

Needless to say that these Fatwas represent the essence of efforts and expertise of a number of honourable Islamic scholars lead by His Eminence Shaykh Yusuf Al-Qaradawi, President of the Council. These scholars investigated thoroughly the Book of Allah, the Sunna of the Prophet Mohammed Peace and Prayers be upon Him as well the heritage of the good predecessors (Al-Salaf Al-Salih). In addition, and equally vital, they also experienced and examined the conditions of Muslims living in the West. Therefore, the Fatwas contained in this first volume were issued depending upon the Holy Quran, the Prophetic Sunna as well as the efforts and opinions of scholars, and were a culmination of the appreciation of time, place and situation, as prescribed by Imam Ibnul Qayyim.

We ask Allah Subhanahu Wa Ta'ala to make this a beneficial production and to reward our honourable scholars, on behalf of Islam and Muslims, many folds and to bless their efforts always. *Our final prayer is to praise Allah, the Lord of the Worlds.*

**Islamic Cultural Centre
Ireland**

In The Name of Allah, The Most Gracious, The Most Merciful

Introduction

By His Eminence Shaykh Yusuf Al-Qaradawi
President of the European Council for Fatwa and Research

Praise be to Allah alone and Peace be upon all the messengers whom He chose, and upon their honourable seal; Mohammed, and upon his descendants, companions and all who followed their footsteps and were thus guided.

It is a great bounty of Allah upon the Muslims that they have awoken after a lengthy sleep and that they have been affected by the blessed Islamic resurgence which has touched all corners of the world. This resurgence resulted in hearts revitalised with faith, minds enlightened by knowledge, souls being strengthened by absolute belief and in manners being straightened and perfected by discipline.

The effects of this resurgence did not stop at the boundaries of the Islamic World, but indeed reached all lands which are considered home to Islamic communities and minorities. This was particularly true in regards with Muslims living in the West, especially in Europe, where millions of native Europeans lived in almost complete isolation of their Muslim Umma, and many lived in repressive conditions behind the Iron Curtain under the oppressive rule of Communism.

Many, from amongst the first wave of migrants who left their Muslim homelands seeking a better and more comfortable life, lost their way and completely dissolved in their newly adopted societies. Migration subsequently became much more extensive and the numbers of newcomers to the Western shores increased considerably, but for a variety of diverse reasons. Some came seeking security and safe refuge from oppression in their homelands. Others came seeking knowledge and academic degrees, others sought employment and so on. This resulted in the total number of Muslims, both native and migrants, living in Eastern and Western Europe reaching 50 million. Therefore, it was not surprising that the effects of the Islamic resurgence eventually arrived at their doorsteps and touched their lives in one way or another, as it did their brothers and sisters in the Islamic World. This made them regain pride in their Islamic identity, realise that they were an integral part of the Islamic Umma, and appreciate that they were indeed followers of Mohammed peace and prayers be upon Him in all sense of the word. This had an unquestionable effect on their awareness and behaviour and they eventually started to flock back to their Umma and to their message.

Then, a number of those Muslims who were blessed with enlightened minds, pure hearts and sincere enthusiasm, began to gather their efforts and co-operate in order to build the basic facilities needed by the Muslim community to retain its identity and character without having to isolate itself from the rest of society in which they lived. Thus, Mosques were opened for worship, schools for education and social clubs for leisure and teaching discipline. In addition, camps and conferences were held, seminars and courses were organised, books were published, articles were distributed, lectures and speeches were delivered and individuals of ability in Da'wa and education were recruited on a full-time basis.

In recent years, a number of determined brothers decided to complete the chain of facilities and establishments which the Islamic community simply could not do without. They therefore established the Federation of Islamic Organisation in Europe, which was instrumental in finding the European Institute for Humanitarian and Islamic Studies in France and which, in turn, saw its first wave of graduates last year and has since opened a new branch in Britain.

In addition, the European Council for Fatwa and Research was also established consisting of a number of respectable scholars, who work to deliver Fatwas and guidance in some of the most prominent Islamic centres throughout Europe, along with a number of scholars who live in the Islamic World, but carry the worries and anxieties of their fellow Muslims in Europe, visit them on a frequent basis and appreciate their conditions and living situations.

The objective of this Council is to promote a uniform Fatwa in Europe and to prevent controversy and intellectual conflicts regarding the respective issues wherever possible. In its endeavour to achieve this objective, it will use means of consultation, joint research as well as group Ijtihad, which has today become an Islamic obligation and necessity. The Council is also designed to become an approved religious authority before local governments and private establishments, which will undoubtedly strengthen and reinforce local Islamic communities.

It is important to note that this Council does not seek to become a competitor against the grand Islamic Fiqh councils in the Islamic World, such as the Research Council of Al-Azhar, the Fiqh Council of the Islamic World League or the Islamic Fiqh Council of the Organisation of Islamic Conference. In fact, it aims to become a complimentary body of these esteemed organisations, specialising in critical issues related to the "Fiqh of Minorities" and Muslims who live outside the Islamic World. The Council also actively pursues and examines the rulings, resolutions and studies of these respectable organisations, from which it will gain great benefit, no doubt.

Our fore-scholars, may Allah bestow His mercy upon them all, have agreed that Fatwa changes according to time and location, and what greater change of place than the difference between the land of Islam and any other? This is because whoever lives in an Islamic country finds mainly support and encouragement to perform Islam and abide by its principles, whilst the case is entirely different for whoever lives in a non-Muslim society.

Therefore, the message of this Council is to bring ease to its Fatwa for those Muslims, rather than difficulty and hardship, to bring glad tidings of Islam rather than bad tidings and ill-fate and to include people in the circle of Islam rather than exclude and alienate them, even if they practiced no more than the absolute minimum of obligations. The Council aims to give Fatwa which seek ease and convenience, rather than strictness in search for staying on the safe side, taking heed in the statement of Sufyan Al-Thawri: "Fiqh is when a trustworthy person offers ease in Fatwa, as for difficulty and strictness; all people perform this well".

The importance of establishing the ECFR was further enhanced by the presence of some self-acclaimed so-called scholars, who have imposed themselves upon the circle of true and fit scholars. Those individuals found it appropriate to issue their own Fatwas which were misguided and led to many people losing the way as a result. Such Fatwas included the permissibility for Muslims to steal from and cheat on the authorities under which they live, despite these countries receiving them, feeding them and providing them with a safe refuge and shelter. Such Fatwas encouraged Muslims to thieve, embezzle, forge, cheat and practice all that allows them to gain from these lands. Therefore, some Muslims found it appropriate to take things which they hadn't paid for, to utilise services without giving the fair fee, to receive benefits which they are not entitled to, to

cheat upon whoever they dealt with and deceive whenever possible. Those Muslims became a disgrace to Islam and have acted similarly to the Jews who decreed it was correct to steal from others and were thus described in the Holy Quran as saying: "*They say: there is no call on us with these ignorant Pagans*" (2:75).

Such Fatwas bring harm and shame to Islam and Muslims and affect the Muslim communities considerably. They also transmit an image that Muslims are merely gangsters who cannot be trusted, who carry no morals or discipline, who do not honour any contract or agreement. Those individuals, who pose as scholars, are in fact are the heads of ignorance described in the Hadith: "*They gave Fatwa without proper knowledge and were misguided and caused others to lose the path*". Indeed, such ignorant Fatwas lead to many Muslims entering prison for acts of theft, fraud and various other crimes.

The most dangerous matter of all, however, is their Fatwa that a Muslim may kill natives of the country which provides them with peace and security and which helps them and gives them money whenever they claim to be unemployed or in need. We recall in this regard, the Holy verse: "*Is there any reward for Good, other than Good?*" (55:69).

Therefore, it is imperative that the ECFR fulfils its role and duty to guide and correct the path of Islamic progress in the West, to silence those ignorant and vile voices and to solve the problems faced by Muslims in the light of the pristine Islamic Shari'a.

I call upon all Muslims, and particularly those who are known to constantly do good, to actively support the European Council for Fatwa and Research, so that it may fulfil its role in serving Islam, educating Muslims and preserving their Islamic identity.

Indeed Allah states all that is truth and guides to the best path.

Introduction

European Council for Fatwa and Research

In the Name of Allah, The Most Gracious, The Most Merciful

- **Title, Description and Headquarters**

"The European Council for Fatwa and Research" is an Islamic, specialised and independent entity which comprises of a number of scholars.

Its current headquarters is in the Republic of Ireland.

- **The Inaugural Meeting**

The Inaugural Meeting of the European Council for Fatwa and Research was held in London, UK, on 21-22 Dhul Qi'da 1417AH, 29-30 March 1997. The meeting was attended by more than 15 scholars who responded to the invitation of the Federation of Islamic Organisations in Europe. This meeting saw the endorsement of the Draft Constitution of the ECFR.

- **Objectives**

The Council shall attempt to achieve the following aims and objectives:

1- Achieving proximity and bringing together the scholars who live in Europe, and attempting to unify the jurisprudence views between them in regards with the main Fiqh issues.

2- Issuing collective fatwas which meet the needs of Muslims in Europe, solve their problems and regulate their interaction with the European communities, all within the regulations and objectives of Shari'a.

3- Publishing legal studies and research, which resolve the arising issues in Europe in a manner which realises the objectives of Sharia and the interests of people.

4- Guiding Muslims in Europe generally and those working for Islam particularly, through spreading the proper Islamic concepts and decisive legal fatwas.

- **Means and Methods**

1- Forming specialized committees from among the Council members, which may carry a temporary or permanent mandate, and to which specific tasks which fall within the scope of the Council aims and objectives, will be assigned

2- Relying upon the sound and appropriate fiqh resources particularly those which are based upon sound evidence.

3- Taking full advantage of the fatwas and research which have been issued from the various fiqh establishments and other scientific and academic bodies.

4- Making relentless efforts with the official authorities in European countries to acknowledge and officially recognise the Council, and to refer to the Council in reference to Islamic judgements.

5- Holding Shari'a courses which would qualify and rehabilitate scholars and workers for Islamic Da'wa.

6- Holding seminars to discuss various fiqh issues.

7- Publishing information and periodical and non-periodical fatwas and translating Fatwas, studies and research to the various European languages.

8- Publishing a periodical which contains selected Fatwas issued by the Council as well as various papers and issues discussed and debated therein.

- **Source and Conditions of Fatwa**

In issuing a Fatwa, the following shall be observed:

1- Sources of Islamic legislation agreed upon by the majority of the Ummah, which are: Quran, Sunna, Consensus (Ijma'a) and Analogy (Qiyas).

2- The various other sources of legislation which are not entirely agreed upon such as preference (Istihsan), public interest (Maslaha Mursala), disadvantage prevention (Sad al-Thara'i), relativity (Istishab), tradition or custom (Urf), companions school (Mathab Sahabi), and the legislation of those before us (Shar'u man Qablana), considering the necessary conditions and regulations stated by the people of knowledge, particularly if the interest of the Ummah would be realised by considering these sources.

- **The ECFR bases its methodology upon:**

1- The four schools of Fiqh (mathahib) as well as all other schools of the people of Fiqh knowledge are regarded as a resource of immense wealth, from which is chosen whatever is supported by the correct and sound evidence and achieves the best interest.

2- In making a Fatwa, the Council shall offer the correct evidence in support and shall refer to the authorised and accredited source along with full awareness of the current situation and provide the option which does not create difficulty or inconvenience.

3- The aims and objectives of Shari'a must be taken into consideration, whilst the outlawed deceptions and crooked solutions which contradict the aims of Shari'a, are to be avoided in all cases.

- **Manner of Issuing a Fatwa**

Fatwas and resolutions are issued in the name of the Council during its Ordinary or Emergency sessions, by virtue of a consensus where possible, or by absolute majority. A member who has objections or reservations to the Fatwa has the right to record his reservation according to what is customary practice in Fiqh councils.

According to the Constitution, the President and members of the Council may not issue fatwas in the name of the Council without its approval. However, each member may issue a fatwa with his personal endorsement without mentioning his status within the Council nor using the official letterhead of the Council.

- **Membership of the Council**

The Constitution decreed that the following conditions must be fulfilled by each member:

- 1- To be of appropriate legal (sharia) qualification at university level, or to have been committed to the meetings and circles of scholars and subsequently licensed by them, and to be of sound Arabic language.
- 2- To be of good conduct and commitment to the regulations and manners of Islamic Sharia.
- 3- To be resident of the European continent.
- 4- To enjoy the knowledge of legal jurisprudence (fiqh) as well as awareness of current environment.
- 5- To be approved by the absolute majority of members.

The Constitution also stated that the members of the Council may select a number of scholars who do not normally reside in Europe but who otherwise fulfill the conditions of membership, to become members of the Council, given that their selection is approved by the absolute majority of members. Such members must not constitute more than 25% of the total members of the Council at any one time.

In selecting members to the Council, the representation of European countries with significant Islamic presence is to be taken into consideration as well as their representation of the various jurisprudence schools (mathahib).

In approving a nomination for new membership, the recommendation of three trusted scholars is to be sought.

- **Periodical Meetings of the Council**

The Constitution states that the Council shall hold an Ordinary session once every year to discuss the studies and research presented in relation to various matters of concern to the Muslim community in Europe. The Council shall also endeavour to answer any questions which have been submitted and require collective deliberations.

The Constitution also gives permission to invite the expert contribution of various specialized individuals, and request their attendance of the sessions in which their field of expertise is discussed, without having the right of voting.

Since it was established and up to the date of publishing this Introduction, the ECFR has convened three sessions:

The First Session, in Sarajevo, Bosnia between 24-26 Rabi'i Al-Thani 1418AH, 28-30 August 1997. This session was hosted by the Honourable Mustafa Cerić, Head of Bosnian Scholars.

The Second Session, in Dublin, Ireland, between 19-21 Jumada Al-Akhira 1419AH, 9-11 October 1998, hosted by Al-Maktoum Charity Organisation in the Islamic Cultural Centre.

The Third Session, in Cologne, Germany between 4-7 Safar 1420AH, 19-22 May 1999, hosted by Milli Gurus.

The Fourth Session, in Dublin, Ireland between 18-22 Rajab 1420 AH, 27-31 October 1999, hosted by Al-Maktoum Charity Organisation in the Islamic Cultural Centre.

The Fifth Session, in Dublin, Ireland between 30 Muharram – 3 Safar 1421AH, 4-7 May, 2000, hosted by Al-Maktoum Charity Organisation in the Islamic Cultural Centre.

The Sixth Session, at the newly approved Council Head Quarters in Dublin, Ireland between 18 Jumada Al-Ula and 3 Jumada Al-Akhir 1421 AH, 18 August and 1 September 2000.

The Seventh Session, at the Council Head Quarters in Dublin, Ireland between 29 Shawwal and 4 Dhul Qi'da 1421AH, 24-28 January 2001.

The Eighth Session, in Valencia, Spain between 26 Rabi' Thani to 1 Jumada Al-Awwal 1422AH, 18-22 July 2001.

The Council, during these sessions, discussed a number of major issues and matters of concern to Muslims in Europe, and also responded to a number of questions which had arrived to the Council.

- **Sub-Committees for Fatwa in France and Britain:**

Due to the lengthy recess of the Council, as well as its heavy workload during sessions, and due to its desire to respond to as many questions submitted as possible, it agreed in its Second Session, to establish 2 sub-committees for Fatwa; one in France and another in the UK. Both Committees have started practicing their respective responsibilities since then. The Council also established a Research and Studies Committee which was assigned the task of publishing the Council periodical and also collects and submits all studies and papers relevant to the issues being deliberated by the Council in order to assist it in reaching the most appropriate resolutions.

Allah alone is the provider of success and support.

Sheikh Hussein Mohammed Halawa
General Secretary of ECFR

- **The Members of the European Council for Fatwa and Research**

1. Professor Yusuf Al-Qaradawi, President of ECFR (Egypt, Qatar)
2. Judge Sheikh Faisal Maulawi, Vice-President (Lebanon)
3. Sheikh Hussein Mohammed Halawa, General Secretary (Ireland)
4. Sheikh Dr. Ahmad Jaballah (France)
5. Sheikh Dr. Ahmed Ali Al-Imam (Sudan)
6. Sheikh Mufti Ismail Kashoufi (UK)
7. Ustadh Ahmed Kadhemi Al-Rawi (UK)
8. Sheikh Ounis Qurqah (France)
9. Sheikh Rashid Al-Ghanouchi (UK)
10. Sheikh Dr. Abdullah Ibn Bayya (Saudi Arabia)
11. Sheikh Abdul Raheem Al-Taweel (Spain)
12. Judge Sheikh Abdullah Ibn Ali Salem (Mauritania)
13. Sheikh Abdullah Ibn Yusuf Al-Judai, (UK)
14. Sheikh Abdul Majeed Al-Najjar
15. Sheikh Abdullah ibn Sulayman Al-Manee' (Saudi Arabia)
16. Sheikh Dr. Abdul Sattar Abu Ghudda (Saudi Arabia)
17. Sheikh Dr. Ajeel Al-Nashmi (Kuwait)
18. Sheikh Al-Arabi Al-Bichri (France)
19. Sheikh Dr. Issam Al-Bashir (Sudan)
20. Sheikh Ali Qaradaghi (Qatar)
21. Sheikh Dr. Suhaib Hasan Ahmed (UK)
22. Sheikh Tahir Mahdi (France)
23. Sheikh Mahboub-ul-Rahman (Norway)
24. Sheikh Muhammed Taqi Othmani (Pakistan)
25. Sheikh Muhammed Siddique (Germany)
26. Sheikh Muhammed Ali Saleh Al-Mansour (UAE)
27. Sheikh Dr. Muhammed Al-Hawari (Germany)
28. Sheikh Mahumoud Mujahed (Belguim)
29. Sheikh Dr. Mustafa Ciric (Bosnia)
30. Sheikh Nihad Abdul Quddous Ciftci (Germany)
31. Sheikh Dr. Naser Ibn Abdullah Al-Mayman (Saudi Arabia)
32. Sheikh Yusuf Ibram (Switzerland)

Recommendations of ECFR issued in its second and third Ordinary Sessions

The Final Statement of the Council's second ordinary session, which was held in Dublin, Ireland, contained a number of recommendations and advice which are of concern to Muslims living in the West. These were reaffirmed and reiterated in the Final Statement of the third ordinary session which was held in Cologne, Germany. The text of these recommendations is as follows:

The Council wishes to take this opportunity to confirm to all Muslims its advice issued in its previous session and to forward the following recommendations:

- To preserve their Islamic identity and Character by abiding by the laws of their Lord in terms of what He Almighty, has commanded and prohibited and in terms of what He Almighty allowed and what He Almighty deemed forbidden, regarding all matters of worship, dealings, mannerisms, food and drink, family and social relationships and beautiful dealing with others.
- The Council encourages the Muslim community in Europe to exercise every possible effort to secure recognition for Islam. Muslims are also encouraged to seek their rights to arrange their affairs in compliance with their faith. For this very reason, the Council urges Muslims in the West to establish judicial bodies to preside over their personal status and religious affairs. Due respect, however, should be paid to the host European nations' laws and regulations.
- The Council urges Muslims to hold tight to Qura'n and Sunnah as well as the general consensus in all aspects of their lives. Conscious attention should be made to Quranic and prophetic texts which make it obligatory on Muslims to respect and fulfil the pledges they made on their entry to the respective European countries, as Allah (SWT) says: "*And fulfil (every) engagement for (every) engagement will be enquired into (on the Day of Reckoning)*" (17:34)

Amongst the pledges and promises that should never be broken are the following:

- The belief that the lives and properties of non-Muslims are haram (sacred) and therefore must not be abused, violated or breached.
- Laws and regulations of the hosting countries should be abided by since these countries have been in fact providing shelter, protection and sustenance to all those who live on their lands. Allah (SWT) says: "*Is there any Reward for Good other than Good*" (55:60).
- Muslims must not, under any circumstances, abuse the respective social benefit systems, nor should they apply for benefits for which they do not qualify.
- Muslims are advised to spend their utmost to raise their children in an Islamic environment by means of establishing Islamic schools, educational and recreational centres where youngsters can meet and where their unique, independent character can grow safely and properly.
- Muslims are urged to hold steadfast to the rope of Allah and show tolerance and acknowledgement to others. However, whenever an issue of contention is debated or discussed, genuine understanding, moderation and self-restraint should always be practiced and implemented.
- Fanatic allegiance to one opinion and the total rejection of others does no good to the cause of Islam other than to portray Muslims as uncivilised bigots. This misrepresents the pristine image of Muslims and supplies others with live ammunition to attack Islam, heighten their hatred, and enhance, substantiate and justify their prejudices.

The most prominent resolutions issued by the ECFR during its Third Ordinary Session

1- The appointment of lunar months, particularly Ramadhan for the benefit of fasting and Shawwal for the benefit of break-fast, and whether Astronomy has any say in this matter.

The Council, having examined the forwarded papers and debated this matter at length and in great detail, reached the following resolution:

The beginning of Ramadhan and Shawwal is decided as a result of viewing, either by the naked eye or by means of observatories, when made in any Islamic country by sound legal means, in accordance to the holy prophetic saying in the authentic hadith: "*When you see the crescent begin your fasting and when you see it again break your fasting*", and in another: "*Fast when you see it (the crescent) and break your fast when you see it (the crescent)*". This is on condition that the firm scientific astronomical calculations do not contradict the possibility of such sighting in any country. If these calculations rule out the possibility of sighting, however, the sightings of individuals are rejected and refused as they may have occurred out of mistake, imagination or even a false and untrue claim. Moreover, the testimonies of individual witnesses constantly carry the element of imperfection, whilst astronomical calculations are sound and unequivocal, and the scholars have agreed that what is imperfect does not stand up to nor overtake what is deemed firm and sound.

The Council also affirms that by astronomical calculations, by no means is it referring to the prohibited and outlawed astrology, nor is it referring to the various calendars which have become widespread throughout Islamic countries, as many may believe. Rather, we mean by astronomical calculations, the fruits of the modern science of astronomy which is built upon sound arithmetic and scientific bases, which has advanced enormously and helped man to reach the moon and other planets, and in which Muslim scientists all over the world, have excelled.

2- The legal decision in regards with meat and poultry products sold by non-Muslims in Europe.

The Council discussed this matter at great length acknowledging that it is a matter which has created great concern and debate amongst Muslims. The Council concluded that it is necessary for Muslims to abide by the conditions of slaughtering according to the Islamic Shari'a, so that they please their Lord and that they protect their identity from compromise and external threats as well as to protect themselves from consuming what is illegal and forbidden.

Having examined the various methods of slaughter, many of which consist of various illegal acts which lead to the death of a large proportion of animals, particularly chicken, The Council decided the illegality of consuming the meat of chicken and cows, whilst the meat of lamb, sheep and calves is allowed as the method of slaughtering these in many countries does not contradict the methods decided by the Islamic Shari'a. The Council hereby recommends to all Muslims that they establish their own slaughter houses so that they may fulfill this important need whilst protecting their religious and cultural identity. The Council also calls upon the Western governments to recognise the religious aspects of Muslims, including enabling them to slaughter according to Islamic Shari'a, similar to other religious communities and groups such as the Jews. The Council also calls upon the Islamic countries to import meat which has been slaughtered according to the Shari'a and which are supervised and administered by the trusted Islamic centres throughout the West.

3- The Combination of Maghrib and Isha'a prayers due to the belated entry of Isha'a time or the disappearance of its legal signs in some countries.

The Council concluded that it is permitted to combine these two prayers in Europe during Summer when Isha'a enters around midnight, or the signs of Isha'a disappear totally, so that Muslims do not face difficulty which was lifted from upon them by virtue of the Holy Quran. This permission is also due to the hadith of Ibn Abbas in Sahih Muslim: " The Prophet peace be upon him, combined the Dhuhr and Asr prayers and Maghrib and Isha'a prayers when he was not in a state of danger and when there was no rain. Ibn Abbas was asked: Why did he do so? He replied: He wanted to lift the difficulty from upon his Umma".

In the same respect, it is also permitted for a Muslim to combine Dhuhr and Asr prayers in these countries during Winter when the day is very short and it becomes increasingly difficult for employees to pray each in its own time. The Council, however, warns Muslims against combining the said prayers without the actual need to and against making this permission a constant habit.

4- Performing Friday prayer before Dhuhr (zawal) or after the entry of Asr.

The Council concluded that the correct and agreed upon time for Friday prayer (Juma'a) is after the entrance of Dhuhr (zawal) and before Asr, and it is upon the Imams to leave the controversial rulings to what is agreed upon whenever possible. However, should this contradict the circumstances of Muslims in some areas or at certain times or in certain circumstances, it is permissible to take the opinion of the Hanbali school that Friday prayer may be performed before Dhuhr (zawal). Alternatively, one may take the opinion of the Maliki school that Friday prayer may be performed during Asr, considering the difficulty to perform it during its proper time.

5- The collection and distribution of Zakat by the various charity organisations.

The Council examined this issue and concluded that it is allowed for charity organisations to collect Zakat from its holders and subsequently distribute it amongst the eight ways of spending zakat, or those available at least. This is further emphasised due to the need for Muslims to organise their lives even if they were only three, as mentioned in the Hadith: "If you were three in travel, choose one of you to become your leader". Moreover, this act is an implementation of the order of Allah that Muslims co-operate in all that is good and pious. The action of collecting and distributing Zakat is also one that enforces a major pillar of Islam which is not restricted in any way by the presence or absence of a Caliph, in accordance with the statement of Allah Almighty in the Holy Quran: "and fear Allah to the extent of your ability", and the hadith: "If I order you to something, do as much of it as possible". Therefore, if we find ourselves unable to establish the Caliphite whilst managing to perform other obligations and duties, we must do so as commanded by Allah Almighty and his Prophet peace be upon him, as it is also important to realise that the lifting of some obligations does not mean the lifting of all.

It is also significant to note that the Muslims during the Meccan era, were obliged to pay Zakat, as testified by the various verses in the Meccan chapters of the Holy Quran, despite the fact that the Islamic state of Madinah was yet to be established (The precise amounts and measures of Zakat as we know it today was established and decreed in Madinah).

Fatwas issued in the First and Second Sessions of the European Council for Fatwa and Research

Da'wa and Muslim Affairs

Fatwa (1)

Q) Could the Honourable scholars, members of the ECFR give us their Fatwa on whether it is permissible for a Muslim to settle and reside permanently in non-Muslim countries. We would be grateful if the answer was supported by evidence from the Holy Quran, the Prophetic heritage (Sunna) and the statements of scholars and individuals of knowledge.

A) The issue of a Muslim's permanent residence in non-Muslim countries is one which has been discussed and debated at length. We have heard extremely strict views which call for all Muslims to leave these countries immediately, based upon a Hadith which decrees the disownment of all Muslims who live amongst non-Muslims (Mushriks), the meaning and degree of authenticity of which will be discussed later. However, it remains that these views caused great difficulty and inconvenience for many Muslims.

Our opinion is that a Muslim must never live amongst non-Muslims whilst compromising or even discarding his or her Islamic identity, unless that individual is one who is entirely overpowered and has no other option to choose. The reason for this is based upon the issue of whether or not the Muslim individual is able to protect himself, his religion and that of whomever he is responsible for, i.e. his wife and children. Therefore, if the environment in which the Muslim finds himself is one which threatens his life, religion and those for whom he is responsible for; it is upon him to migrate to a land which does not pose such a threat, as it is unlawful for him to remain in an environment which threatens his life and religion.

Allah (swt) states in the Holy Quran:

"When angels take the souls of those who die in sin against their souls, they say: In what plight were you? They replied: Weak and oppressed were we in the earth. They say: Was not the earth of God spacious enough for you to move yourselves away from evil? Such men will find their abode in Hell; what an evil refuge! Except those who are really weak and oppressed - men, women and children, who have no means in their power, nor a guide-post to direct their way. For these, there is hope that God will forgive: For God does blot out sins and forgive again and again. He who forsakes his home in the cause of God, finds in the earth many a refuge; wide and spacious: should he die as a refugee from home for God and His apostle, his reward becomes due and sure with God: and God is oft-forgiving, Most merciful" (4:97-100).

This verse clearly states that it is an injustice for one to accept living under conditions of humiliation, whilst possessing the ability to move to another land which offers freedom, security and means of a dignified life. The only group of people excused from this judgement are those who possess no such power nor means of deciding such matters. Thus, a migration is correct, in fact compulsory, if the destination allows the Muslim more means of performing religion than the land of origin. The migration of the weaker Muslims of Mekka to Abassynia (Al-Habasha) with the permission of the Prophet (peace and prayers of Allah be upon him), is a worthy example. Those Muslims were told to migrate from an environment of infidelity and injustice to another non-Muslim land, but which offered those who lived on it justice and security. The Muslims lived among Christians who treated them well and therefore managed to preserve their religion and to save their lives, until the day came when Allah (swt) supported his Prophet and bestowed upon the Muslims victory over the enemies of Islam. Only then did they migrate to Madina, and when they did so, they did it by virtue of their own will and not by any command or order of the Prophet (ppbuh).

Therefore, the issue here is the ability to maintain one's religion as well as to preserve and protect lives from death, injustice and oppression. It is lawful for one to find such a safe refuge in non-Muslim countries, as did the earlier Muslims who migrated to Abassynia (Al-Habasha).

As for the Hadith used by those who adopt strict views in this regard; it is the one narrated by Jareer Ibn Abdillah Al-Bojali, who stated that : "The Messenger of Allah (ppbuh) sent a battalion to the tribe of Khuth'um. Some members of the tribe sought salvation in performing prostration (Sujood). However, the battalion rapidly killed them. When the Messenger of Allah heard of the news, he ordered their families to be paid half the amount of blood money (Diyya) and said: I disown all Muslims who live amongst Mushriks. His companions asked: Why is that, O Messenger of Allah? He replied: You could not distinguish the Muslim from the non-Muslim".

This is a false Hadith¹. However, even if it was actually proved to have been stated by the Prophet (ppbuh); its context explains the judgement given by the Prophet, i.e. that people who had declared Islam chose to remain amongst their non-Muslim tribe rather than migrate to the land of Islam. When battle broke out between the Muslims and their tribe, the battalion could not tell the Muslims from the non-Muslims. Therefore, the disownment declared by the Prophet of these people comes due to the fact that if they were killed, it was simply because they couldn't be distinguished from the non-Muslims, and that the battalion did nothing wrong. This issue does not exist in our time and therefore, applying this Hadith is entirely inappropriate. It is also a grave distortion of proper understanding to use a segment of the Hadith rather than mention the entire Hadith and appreciate its full meaning and implications.

We ask Allah Almighty to guide us to the truth and perfection.

Fatwa (2)

Q) Would the honourable members of ECFR comment and explain the issue of the Salvaged Group (Al-Firqa Al-Najiya) mentioned in the Hadith of the Prophet Muhammad (ppbuh), as some Muslims have claimed that they are this group and that all other Muslims are destined to ultimate failure.

A) The Hadith in question is that which is narrated by Ma'awiyah Ibnu Abi Sufyan, who reported that the Messenger of Allah said: "The People of the Book divided in their religion into seventy two groups and this nation (Ummah) will divide into seventy three groups, all of which are destined for hell-fire but one, which is the Group (Al-Jama'ah)"². Other companions also narrated Hadiths carrying the same meaning but varying in the use of certain terms. Some did not mention the phrase "all of which are destined for hell-fire but one". The scholars of Hadith differed on the authenticity of this Hadith and our response in regards to its meaning for those who considered it to be an authentic Hadith is as follows:

The Hadith stated the number of groups which this nation will divide into, but did not specify or name any one of those groups. The Prophet (ppbuh) also clearly stated that all those groups are from his nation, as though he (ppbuh) aimed to warn his nation from dividing amongst themselves and to hold on to the Jama'ah, thus his warning: "all of which are in hell-fire". It is important to understand that this warning and other similar warnings in other Hadiths, comes as a result of a Muslim committing a sin but by no means implies that the Muslim will remain in hell-fire for eternity as do the infidels. Rather, they enter hell-fire as sinful believers and are subject to the appeal of a prophet, angel or the believers. They may also have good deeds or have suffered great

¹ Narrated by Abu Dawood (No.2645) and Al-Tirmithi (No. 1604) from the narration of Qais Ibnu Abi Hazem reporting from Jareer Ibn Abdillah. The ruling of Al-Bukhari which was reported and approved by Al-Tirmithi is that it is a "Hadith Mursal", which is one of the weak Hadith types. Abu Hatem Al-Razi reached the same verdict in his book I'lal Al-Hadith, No. 942.

² Narrated by Ahmed (4/102) and Abu Dawood (No.4597)

trials in the worldly life which would result in the punishment of hell-fire being withheld. Above all, Allah (swt) may choose to forgive them and bestow upon them his mercies and blessings, particularly if those individuals had sincerely tried to find the true path but lost their way in that effort.

It is important to note in this context that it is totally wrong to attach the warning of hell-fire to a particular group of Muslims, as the Hadith did not mention any specific group. It is also unlawful to specify a particular group to be one which will be salvaged on the Day of Judgement.

The implication of the Hadith is for Muslims to beware of all routes and channels that may lead to divisions, differences and conflicts arising from within themselves. Muslims are to act and behave as brothers of each other as decreed by Allah (swt) and must aim to perfect their religion according to the Quran and Sunna and must also give true advice to all Muslims.

It is Haram for anyone to use this Hadith as a vehicle to create conflicts and hatred amongst Muslims, as the Quran and the Sunna are both clear as to the obligation of allegiance to and love for all Muslims. To leave this undeniable matter and cling on to a misunderstanding of the previously mentioned Hadith would be a tremendously dangerous and unlawful thing to do. Allah (swt) stated in the Holy Quran:

"Who is better in speech than one who calls to God, works righteousness and says: I am one of those who submit in Islam?" (41:33).

Fatwa (3)

Q) I am a young Muslim who arrived in Germany as an obedient Muslim and remained so for many years. However, I then strayed from the pure path and committed adultery many times with a girlfriend. I kept descending down the path of immorality and wrong-doing until I drank alcohol. However, since the beginning of the month of Ramadhan, I have made a decision to repent and to return to the ways approved by Allah (swt). Till now, Allah has helped me to remain obedient and I ask Him that my repentance is pure and sincere. I now wish to cleanse myself from the filthiness which I indulged into, and I only wish for a Muslim Caliph to perform the punishment decreed by Allah (swt) upon me, so that my body and soul may be truly cleansed and purified. I feel anxious that I have committed adultery many times and I do not know how to cleanse myself from this sin.

A) We commend your enthusiasm to return to the straight path and pray that Allah accepts your repentance which is, Allah willing, suffice to cleanse you from your sins. Make a resolution not to return to your old ways and Allah will help you to succeed and prosper. However, the punishment is not an obligation upon you and it is enough for you to conceal yourself with the cover offered to you by Allah, so do not talk to anyone about your sins and remain determined to abide by your repentance and return to Allah (swt).

[Second Session]

Fatwa (4)

Q) A newly converted Polish Muslim was asked by a devious atheist about the punishment of whoever reverts from Islam (Al-Murtad), according to Islamic Shari'a. How should he respond, in the light of the common belief that execution in this case represents a clear breach of the freedom to belief and expression?

A) Executing whoever reverts from Islam is the responsibility of the state and is to be decided by Islamic governments alone. Islamic organisations and establishments cannot make such rulings nor can they carry them out. In any case, a considerable number of our predecessors (Salaf) agreed that not all who revert from Islam are to be executed, but rather those who declare their action in public and may cause Fitna by bringing down the name of Allah (swt), His prophet (ppbuh) or the Muslims. The punishment of execution in this case is to protect and preserve the entire nation from the evil that this individual will undoubtedly bring, and is not a case of confiscating his or her rights

to expression and belief. Indeed, by committing such an act, the individual has transgressed upon the rights of others as well as the entire state and nation, which come before anyone's individual rights. Modern legislation uses the term "Grand Treason" for crimes similar to the act of one who reverts from Islam then announces this in public and wages a campaign against Islam and the entire nation.

Fatwa (5)

Q) Is it obligatory upon a Muslim to follow a particular Fiqh school (Mathab) and to become Hanafi, Shafi'i, Hanbali or Maliki? If so, can one freely chose which school he or she wishes to follow? And what about a woman who is married to a man from a different school; must she follow his school?

A) Following a particular Fiqh Mathab (the famous four or others) is not obligatory from the Shari'a point of view. Indeed any matter is not obligatory unless clearly stated by the Quran or the Sunna, and Allah (swt) and His Prophet (ppbuh) certainly did not command Muslims to follow Imam Abu Hanifa or Malik or any others. The only obligation upon each and every Muslim is to follow the Quran and the Sunna which are the only two false-proof sources which do not err nor misguide. Any other source is subject to debate and discussion.

Indeed, the Imams themselves were reported to have advised their students not to imitate them. However, it is agreed that whoever possesses insufficient knowledge, does not have a Mathab, but rather follows whoever gives him or her the Fatwa and knowledge. Therefore, an individual who has not reached a level of knowledge which allows him or her to evaluate and weigh the evidence of rulings and to compare between them to find the stronger and more solid, does not have a Mathab. This is because choosing a particular Mathab implies that one has compared its principles with the principles of others and has come to the decision that it is stronger than others. This can only be done by a scholar who possesses sufficient knowledge to compare between various rulings and principles, whilst all others follow the Mathab of their scholar. So whenever a matter arises which people do not know the ruling of, the Scholar would tell them what to do according to his knowledge (if he was a scholar) or according to his Mathab if he was a follower of a particular school. The individual who posed the question must then accept the ruling of this scholar, as Allah (swt) stated in the Holy Quran:

"If you realise not, ask of those who possess the Message" (16:43).

The Prophet Muhammad (ppbuh) also stated in a Hadith regarding certain people who faced a problem: "Why did they not ask when they failed to know? Indeed the cure of an ignorant person is to ask"³.

If a Muslim lives in a country where all the scholars follow a particular Mathab, then it is permissible for him or her to follow the common Mathab of the country, as in this case, they would actually be following the Mathab of their scholars as described above.

However, it is wrong for one to become fanatical about his or her Mathab and criticise others. One must also desert his or her Mathab in regards with any particular matter, if it becomes clear that the view of their Mathab is weaker, in terms of evidence, than that of others regarding the same matter. This is because a Muslim must always follow the stronger evidence.

Imam Abu Hanifa once said: "This is our opinion, but whoever comes with a better opinion, we shall accept that from him". Imam Malik also stated: "Every one says true and false apart from he who is lying in this grave (and he pointed to the grave of the Prophet Muhammad ppbuh)". Imam Shafi'i once stated: "If a Hadith proves to be correct, then take it and discard my opinion".

Each Muslim is free to choose any Mathab, which they are convinced is more solid, and it is not obligatory for a son to follow his father nor for a wife to follow her husband in this regard.

³ Hadith Hassan (Good Hadith), narrated by Abu Dawood (No. 336,337) Ibnu Maja (No. 572) and others.

It is our belief, particularly in regards with new Muslims, that it is much better that they do not follow a particular Fiqh school, as this would cause them great difficulties, whilst Allah has decreed Islam a religion of simplicity. It is sufficient that they have been guided to Islam in all its openness and warmth and there is no sense in leading them to the tightness and strictness of a particular Mathab.

In summary, a new Muslim is not obliged to follow a particular Mathab, but if they do so for one reason or another, then a wife is under no obligation to follow her husband's Mathab.

[First Session]

Fatwa (6)

Q) If a newly converted Muslim sister suffers great difficulty in wearing a head-cover, must we command her to do so regardless, even if that threatens to eventually completely deter her from Islam?

A) We must convince the sister that covering her head is a religious obligation which is decreed by Allah (swt) and His Messenger Muhammad (ppbuh) and agreed in consensus by the entire Ummah. Allah (swt) stated in the Holy Quran:

"And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what must ordinarily appear thereof; that they should draw their veils over their bosoms" (24:31).

He (swt) also stated:

"O Prophet! Tell your wives and daughters and the believing women that they should cast their outer garments over their persons (when abroad) that is most convenient, that they should be known (as such) and not molested" (33:59).

Thus, Allah (swt) decreed this modesty upon the Muslim woman so that she is easily distinguished from the non-Muslim and from the non-obedient. Her mere clothing gives a clear signal that she is a serious and obedient woman, which deters all those that may have illness in their hearts.

We must also help the sister by placing her within a good company of Muslim sisters, so that she may follow them and be helped by them. It is essential that we treat the sister in a lenient and gentle manner, rather than in a strict and rough way, as Allah always loves and blesses leniency and gentleness.

Despite the head cover (or Hijab, as is called today), being an obligation upon all Muslim sisters, it remains a secondary branch of religion. Therefore, if being strict in this matter will ultimately lead to the sister turning back on the major principles of Islam, or indeed, Islam entirely, it is extremely unwise to make a person leave a basic principle and a pillar of religion for the sake of a secondary matter, never mind leaving the religion in its entirety.

The Fiqh of balances forces us, at times, to overlook this wrong-doing (Munkar) so that a greater sin is averted. This is a well-known and approved principle.

However, whilst we overlook this matter at this moment of time, we must not give up on this sister returning to the straight path and the correct way, praying for Allah (swt) to give her guidance and treating her in a beautiful and gentle manner. It remains that despite this being an undeniable Haram, it remains a minor, not a major sin. Minor sins remain matters which could be overlooked whilst major sins (Kaba'ir) could never be overlooked and disregarded. Allah (swt) stated in the Holy Quran:

"If you abstain from the most heinous of the things which you are forbidden to do, we shall expel out of you all the evil in you, and admit you to a gate of great honour" (4:31).

[First Session]

Cleanliness (Tahara), Hygiene and Prayer

Fatwa (7)

Q) We are constantly criticised by the Europeans when we demonstrate our loathing of dogs due to their uncleanness and due to our fear that they may touch our clothes. Is there a Fiqh school (Mathab) which states that dogs are clean, so that this difficulty may be lifted from upon us?

A) Yes. The Mathab of Imam Malik Ibnu Anas states that dogs are clean. Hanafis believe that a dog's body is clean and that the uncleanness is restricted to the saliva and its bodily waste.

[Second Session]

Fatwa (8)

Q) Is it acceptable for the Muslims to be lead in prayer by someone who commits some breaches of Shari'a?

A) The principle in this matter is that if one's prayer is acceptable to himself, than it remains acceptable even if it was lead by another. In regards with selecting an Imam for prayer, we must try to follow the statement of the Prophet Muhammad (ppbuh): "The Imam is the best at reading the Quran. If people are equals in that regard, then the Imam is the best knowledgeable in the Sunna. If they are equals, then the Imam is to be the first to have migrated in the way of Allah. If they are equals, then the Imam is to be the oldest in age. A man must not become Imam over another in the latter's home or territory, and must not reside on his premises but with his permission"⁴.

The fact that the Imam may commit some breaches in Shari'a does not deem his prayers unacceptable, especially that the scholars agreed that one's prayer is acceptable behind a good or a bad Imam as long as they are Muslims. It also remains that most of what some people see as wrong-doings, are merely matters of difference in views and opinions, rather than being undeniable breaches of Islam. For example, praying behind a man who wears a garment which falls under his ankles, or one who shaves his beard; all these are matters which people differ over and follow different Fatwas. These acts do not make the person in question liable to be criticised, but rather advised and reminded. Indeed, one may discover that this person has knowledge in this particular matter which you do not. Therefore, if we state that criticising the person in question is wrong, then surely praying behind him is acceptable.

[Second Session]

Fatwa (9)

Q) We often hear of the death of someone who lives in another country and we are asked to pray Janaza in absentia, seeking the reward of Allah (swt). This used to occur frequently until some brothers objected to this practice stating that the demised had been prayed upon in his country and that the Prophet Muhammad (ppbuh) did not pray twice upon a dead person. Is it acceptable for us to pray Janaza in absentia upon a person who was prayed upon in his own country?

A) All scholars agree that Janaza prayer is to be performed upon a present dead person and that the coffin is to be laid before the Imam and the Muslims present. This was supported by the statements, actions and approvals of the Prophet Muhammad (ppbuh). As for praying upon a dead person who is absent; this is affirmed by virtue of a number of famous authentic Hadiths, such as: " The Prophet (ppbuh) prayed upon Al-Najashi (King of Abassynia) when he died. The Prophet (ppbuh) said: "Today a good man has died in the land of Abassynia, so stand up and pray upon him". Jaber ibnu Abdilllah said: "We then stood in lines and the Prophet Muhammad (ppbuh) prayed upon him

⁴Narrated by Muslim (No. 673), Abu Dawood (No. 582), Al-Tirmithi (No. 235), Al-Nasa'I (No. 780) and Ibnu Maja (No. 980) from the Hadith of Abu Mas'oud Al-Ansari. Al-Tirmithi said that it was Sahih Hasan Hadith (Good Authentic Hadith).

with us standing behind in lines". In another narration, the Prophet Muhammad (ppbuh) stated: "A brother of yours has died, so stand up and pray upon him"⁵.

The prayer upon the dead is ultimately a supplication and mercy which benefits the demised as well as those still alive, and that is the reason for the Prophet praying upon Al-Najashi. This agrees with the view of the Shafi'is and Hanbalis.

It is wrong to say that the Prophet prayed upon Al-Najashi because no one else did so, because the Hadiths do not state that no one prayed upon him. Indeed the Hadiths clearly stated that the reason for the prayer was that he was a "good man" and no other.

It is also correct to pray upon someone who had already been prayed upon. In the authentic Hadith narrated by Yazeed Ibnu Thabit, the brother of Zaid, who said: "We went with the Prophet Muhammad (ppbuh) and when we passed by Al-Baqee' (the graveyard), we saw a new grave had been dug and someone had been buried. The Prophet asked who it was. He was told: a Muslim women called so and so. The Prophet recognised her and said: "Why did you not tell me about her death?". They said: "O Messenger of Allah, you were resting and fasting and we did not wish to trouble you". He (ppbuh) said: "Do not repeat this again. If any one dies whilst I am among you, you must tell me, because my prayer upon them is mercy". He then approached the grave and we lined behind him and then he made four Takbeers (i.e. he performed Janaza prayer)"⁶.

Thus, Prophet Muhammad (ppbuh) repeated the prayer upon a Muslim after she had been prayed upon and buried.

In summary, it is our view that it is permissible to pray Janaza in absentia unless it becomes an unbroken habit, which then deems it unacceptable. This is because the Muslim Umma never prayed upon each and every absent person who had passed away, rather they did it when the person was of a certain status and respect in the eyes of the Muslims, such as Al-Najashi who supported and protected the Muslims and the black woman who used to clean the Mosque of the Prophet Muhammad (ppbuh)⁷.

We finally, wish to remind all the brothers and sisters that this remains a controversial matter and thus we should refrain from criticising anyone who wishes to choose one view or another.

[Second Session]

⁵ Narrated by Al-Bukhari (No. 1257 & 3664) and the first narration is his. Muslim (No.952) and the second narration is his, from the Hadith of Jabir Ibnu Abdillah.

⁶ Narrated by Al-Nasa'I (No.2022) and Ibnu Maja (No.1528) from the Hadith of Yazeed ibnu Thabit, the brother of Zaid ibnu Thabit.

⁷ According to the Hadith of Abu Hureira: "There was a black woman who used to lean the mosque. The Prophet (ppbuh) once noticed that she was absent and asked about her. He was told that she had died. He (ppbuh) said: "Why did you not tell me?". They responded in a way which conveyed that she was of little importance. The Prophet Muhammed said: "Show me her grave", and he prayed upon her. He (ppbuh) then said: "These graves are full of darkness upon those who inhabit them and Allah enlightens them by virtue of my prayer upon them". This Hadith which also came stating that the person who used to clean the mosque and died was a young boy, is agreed upon. Narrated by Al-Bukhari (No. 446,448, 1272) and Muslim (No.956).

Finance and Money

Fatwa (10)

Q) Are we allowed to collect the Zakat from Muslims residing in these countries and then distribute the money to those in need in the form of regular monthly instalments over the course of the year, rather than as one payment which may probably run out after a short while? In some cases the needy requires the money more urgently in specific seasons rather than equally around the year.

A) Yes, it is permissible to collect Zakat and then give out the collected money in the form of regular installments to those who are eligible, so that these installments are proportionate to their actual needs. Indeed the payer of Zakat himself may do the same if he saw an overall benefit for the person in need. However, in this case, the payer of Zakat must put aside the Zakat money and must not make any personal benefit or gain from it.

Fatwa (11)

Q) Two years ago, I was a student in Britain. I used to receive my academic grant through a bank account which gave basic interest on the funds available in the account. At the time, I did not separate the interest money from my personal money because I didn't know exactly how much it was and exactly how I should actually separate it from my own money, especially that it wasn't a fixed amount of money. Since then, I have used up almost all my money apart from a little which remains in my bank account. My questions are:

One- Is it permissible to take out the interest out of money now? If so, How should I do this? Could I merely estimate the amount of interest which entered my money and then take it out in my local currency?

Two- In regards with the money still available in my bank account (approximately \$1,000), and which I have been saving for the past two years in order to pay the entry fees to an examination in the UK; should I pay Zakat for this money every year (Hawl)?

A) As for the manner in which you should deal with the interest money; you should first try to find out the exact amount of this money from your bank, If this attempt comes to no avail, then you are allowed to estimate its amount so that you try your utmost to make sure that none of it remains in your possession. After doing so, you should give out this money to the poor and the needy and not make any personal use of it.

As for paying Zakat for the savings that you have; the amount of money which becomes liable for Zakat should amount in value to 85 grams of pure gold, the value of which can be found in the newspapers and financial markets. Therefore, if your savings equal or exceed that amount, then you should pay Zakat every year. However, it appears from your question that your savings are not liable for Zakat as they are savings for an actual basic need and requirement.

[Second Session]

Fatwa (12)

Q) Some wealthy individuals whom have accumulated their wealth by suspicious means sometimes offer to build a mosque, or to contribute in the building of a mosque. Should we accept there donations? Should we also accept the donation or contribution of a non-Muslim organisation or establishment towards the building of a mosque?

A) Yes. It is permissible to accept donations from individuals, organisations or governments, whether they be Muslims or non-Muslims, even if we have an over-riding suspicion in the means by which they accumulated their money, unless they donated an item which is explicitly Haram, such as pork or alcohol. The majority of scholars believe that this is similar to accepting a gift. However, as soon as these funds become in our possession, they must be used subject to Islamic Shari'a rules.

In the case of a donation from a non-Muslim entity or individual, we must not accept it in the following two circumstances:

First: If this donation lead to the weakening of the ties between the Muslims and their religion and fellow Muslims, and

Second: If the donation is subject to conditions which negatively affect the interests of Muslims.

[Second Session]

Fatwa (13)

Q) Various banks issue credit cards such as Visa, which can be used by the customer to purchase goods and services. The customer then receives a statement at the end of the month showing the purchases that he or she made and giving him a period of 50 days to pay the full amount shown, in which case, no interest will incur. However, if the 50 day period elapses without the full payment being made, the customer is then liable for an agreed rate of interest on the balance outstanding. The majority of Muslims in the West use these credit cards and pay the full amount showing on their statement prior to the end of the period given so that they pay no interest. The advantages of carrying a credit card are many, such as the fact that the person will not have to carry large amounts of cash which could get lost or stolen. The customer may also purchase goods and services from different countries without having to change currency and so on. One can assimilate this to being given a benevolent loan for 50 days. As for the advantages of the company issuing such cards; these can be found in the 2% of the transaction which is paid by the vendor of the goods or services. In addition, many of these companies rely heavily upon the interest incurred on late payments made by many of their customers.

A bank has recently made an offer to a Muslim charity organisation to issue a credit card carrying their name as the issuer of the card. The charity organisation is requested to do no administrative work whatsoever in this regard, nor does it in any way incur any financial costs.

The advantages gained by the charity, are that it will receive a percentage of each transaction made by the customer. The only duty upon the charity is to provide the bank with a list of its donors and supporters so that the bank could advertise the card and try to convince them to apply for it. The charity may also benefit from this service, in that it will have the right to insert its own leaflets in the monthly mail of the bank to all its customers, which will save the charity postage costs. The customer, upon agreeing to apply for the credit card, will then sign a credit agreement with the bank which includes a clause explaining that he or she will be liable to pay interest in the event that they fail to pay the full amount shown on the statement within the 50-day period offered by the bank.

Our question is: Is it permissible for the charity in question to act as an agent for Visa which may in turn benefit the charitable projects that it is implementing?

A) A number of Islamic banks began to issue Visa according to Islamically acceptable agreements, which are void of all interest payments, such as the Kuwaiti Finance House, Islamic Bank of Qatar, International Islamic Bank of Qatar, Al-Rajih Company in Saudi Arabia and other Islamic financial organisations. We believe that it is entirely permissible to use these credit cards which have also been approved by the Shari'a monitoring authorities within these establishments. However, the question remains regarding such agreements in non-Muslim countries and in countries which do not have Islamic banks. We believe in the view of many contemporary scholars that the usage of such credit cards is acceptable due to the great need and overwhelming advantages of using them, affirming that one must pay the full amount shown on the statement within the period agreed upon so that interest will not incur. This is the habit of the majority of Muslims living in the West. It is also important for one not to use the card if he or she do not actually have the amount being borrowed in their personal bank accounts. Therefore, such permission extends to Islamic charity organisations to work as agents for such credit companies and to advertise this credit card amongst its donors and supporters, as long as it shoulders no interest and bears no

responsibility towards the cost of the project. The money gained by the charity is a percentage of each transaction made by the customer, and this is regarded as a pure profit, thus the bank will profit and will give the charity a percentage of that profit. One must also note that it is unlawful to withdraw cash using these if an equal back-up amount in the card-holder's personal bank account is unavailable.

[First Session]

Work and Earnings

Fatwa (14)

Q) I am a Muslim who works for McDonalds. As everyone knows, this fast-food chain sells pork amongst its various other foods. It is immensely difficult for me to leave this job and find another, especially since I have a wife who is about to give birth. Does Islam oblige me to leave this work and search for another?

A) Allah (swt) forbid the consumption of pork by virtue of clear and unquestionable verses in the Holy Quran. The Sunna clearly outlaws the sale of pork, according to the Hadith narrated by Jaber ibni Abdillah (ra), that he heard the Messenger of Allah (ppbuh) in the Year of Victory when he was in Makka, saying: "Allah and His Messenger forbid the sale of alcohol, dead carcasses, pork and idols"⁸. Therefore, the work that you are performing is associated with the sale of pork and is thus forbidden as clearly stated in the previous Hadith. Hence, it is upon you to try your best to find an alternative means of making a living. If you fail in doing so, then you may ask your managers at McDonalds to excuse you from selling pork, or you may co-ordinate with another worker so that you may work at other matters which do not involve selling pork. However, if you find difficulty in doing so, or if you realise that this may affect your work at this food vendor, then you may continue to work if you do not have another sufficient source of income. You must, in any case, remain in pursuit of another job which does not involve dealing in any Haram.

[Second Session]

Fatwa (15)

Q) A Muslim has recently opened a restaurant in this country and requests to know the follow:

1- He noticed that his restaurant had a low turnover due to the fact that he does not sell alcohol. Is it permissible for him to sell these forbidden drinks and then donate its entire revenue?

2- Some customers ask to hire his restaurant to hold parties. The customers then bring their own alcoholic drinks to the party. They do not use any equipment of the restaurant and the owner does not participate in the party. Is this permissible?

3- We heard of a type of Beer which does not contain any alcohol and is sold in some Islamic countries. Are we allowed to buy these drinks? Is it permissible to sell these drinks in this restaurant?

A) 1- Selling alcohol, as well as any other outlawed food or drink, is totally forbidden, even if the merchant refrained from benefiting from their revenue or gave it in donation. One must always fear Allah (swt) in his work and the manner in which he makes his living. Allah (swt) stated in the Holy Quran:

"And for those who fear God, He (ever) prepares a way out. And He provides for him from sources he never could imagine" (65:2-3).

One must also firmly believe that Halal income is blessed, even if small in amount and Haram is cursed. Whoever gains in Haram lives in constant sin unless Allah (swt) chooses to forgive him.

2- There is no objection to hiring your premises as described in the question, as the owner is not responsible for the actions of those who are holding the party. As long as the contract of hire or lease does not involve any Haram in itself, it is not the responsibility of the owner to bear the burden of what the hirer does.

3- All drinks that do not intoxicate are Halal. Therefore, since the drink described in the question does not intoxicate then it is deemed Halal. It has only been given a despised name which is usually used in reference to alcoholic drinks. However, the ultimate decision is not tied to names, but to the essence of matters. Further, what is deemed Halal to drink, is Halal to trade with and sell.

[Second Session]

⁸ Agreed upon, narrated by Al-Bukhari (No.2121) and Muslim (No.1581).

Fatwa (16)

Q) I had an amount of money which I handed to a Muslim businessman to trade with along with his own capital. I would like to affirm that I despise usury (Riba) and I had no intention whatsoever to deal with nor receive usury. I asked my partner to agree a percentage of profit and loss to be shouldered by both of us in any event. He refused this and said that this is extremely difficult for him, as he would have to do complicated accounts which he hates. My personal feeling is that he did not want me to know about certain matters within his trade, such as his real profits and so on. In short, he assured me that the trade will bring profit and that it would be much easier for him to give me 10% return on my capital every year. I told him that I fear that this a form of usury (Riba), but he insisted that it wasn't. He explained that the capital would gain much more in profit, but agreeing this percentage would relieve him of carrying out complicated accounts. What is the ruling of Sharia on this matter? For me, I wouldn't mind settling for 10% even if the actual profit was more, as 10% is much better than keeping the money locked away somewhere. However, I will make my partner make an oath that in the event that profits were less than 10% or that there was an actual loss; he should tell me, so that I do not take a penny more than the actual percentage of profits. Please let me know if my actions agree with Islamic Shari'a and if not, how can I invest my money in a manner which agrees with Shari'a?

A) We commend your good intention in refraining from usury in all its forms. However, the agreement described is unlawful, as the precise percentage was not mentioned when the agreement commenced. Therefore, this matter must be corrected by stating a clear percentage in the agreement between yourself and your partner. If this is unattainable, then you must not renew the contract after it expires. In addition, it is not your obligation to make your partner make an oath regarding the actual profits and losses. It would be sufficient to ask him to inform you when a loss occurs. The percentage we are referring to is of the profits and not the capital. The 10% that your partner decided to give you is unlawful and is indeed regarded as usury because it is related to the capital. The permissible percentage is that which is related to profits and is agreed upon amongst the partners. For instance: if they agree that the businessman will have 25% and the investor 75% of the profits, or that both will have 50% of the profits, and so on. In this case, the partners have full freedom to agree the percentage amongst themselves.

[Second Session]

Marriage and Divorce

Fatwa (17)

Q) What is the ruling of the Shari'a regarding what is called Marriage of Convenience, which takes various forms, such as:

A man and a woman agree to ratify a contract of marriage in exchange for a sum of money paid to the woman, either in one sum or in instalments over a number of years, whatever is agreed. In exchange for the money, the woman would accompany the man to the immigration authorities every year when his residence permit is due for renewal. This continues until the man is granted official residency of the country, after which the contract is annulled. During these years, they can both live together as a married couple under one roof, with clear agreement to annul the marriage contract as soon as the man obtains official residency. This agreement is obviously kept secret and is not expressed to the official authorities because it clearly breaches the laws of the country.

Another scenario is for the two not to live together at all. Their agreement would be to meet every year and go to the immigration authorities to renew the man's residency permit, so to show the official authorities that they are still married, after which they each go their separate ways. It is important to note that this arrangement could be for either a man or a woman who seek to obtain official residency. It could also be that one of them is a non-Muslim. In any case, during this period the woman will be known legally to be this man's wife and he will be known to be her husband. Therefore, if we assume that the woman became pregnant from another man, the baby will be registered in the name of the "temporary" husband. In addition, the woman will have no legal right to abstain from having a sexual relationship with the man if he so demanded, especially if it was her who required the official residency.

This contract, in either scenario, is regarded as an official contract ratified by the authorities concerned, similar to all civil contracts. It may be that all Islamic legal requirements are fulfilled, but the couple do not express this fact. Rather, the contract is ratified in the presence of some relatives of both, the man and the woman.

Another scenario of such contracts in the West is as follows:

A man marries a woman, but conceals the intention to divorce his wife as soon as he obtains official residency of the country by virtue of his marriage to that woman. The man does not tell anyone of his intentions, apart from a few close friends and relatives, because he fears that his wife would let him go before he obtains the residency. Are these arrangement permitted in Islam?

A) The first scenario described is clearly Haram and both parties would incur sin for entering into such an agreement. This contract contradicts the basic objective of marriage according to Shari'a as it is no more than an artificial contract with an objective other than marriage. Therefore, even if the legal requirements of the contract were fulfilled, it would remain Haram due to this fact. In addition, since this act clearly breaches the laws of the country, the unlawfulness of this act is further emphasised and affirmed, as the law of the country agrees with the objective of Shari'a in this respect. This scenario is also similar in nature to the marriage of pleasure (Nikah-ul-Muta'a) which was outlawed by the Prophet Muhammad (ppbuh)⁹, as it states a time limit for the marriage (in this case, when official residency is obtained) after which the marriage is cancelled. The second scenario is also Haram and involves a probability which is undoubtedly Haram, i.e. the marriage of

⁹ As in the Hadith narrated by Subra Ibnu Mi'bad who stated that he was with the Messenger of Allah (ppbuh) who said: O people! I had previously permitted your marriages of pleasure, but Allah has outlawed this until the Day of Judgement. Therefore, if any of you has entered into such an arrangement, then he is to annul the marriage and not reclaim any gifts that he has given the woman: Narrated by Muslim (No.1406) and others. There are numerous Hadiths narrated by several Companions of the Prophet (ppbuh) to the same effect.

a Muslim woman to a non-Muslim man. Therefore, the contract is unlawful both because of the objective of marriage as well as the very nature of the marriage contract.

The third arrangement: despite the fact that the contract itself may be correct, involves a sinful act on part of the man who is deceiving the woman and concealing an intention to divorce her as soon as he obtains his goal. Marriage in Islam implies the continuity of the relationship, stability and settlement. Divorce is a matter that may happen due to various reasons after the ratification of the contract. For that reason, Islam outlawed temporary marriages and considered them unlawful contracts. Moreover, two of the most essential principles of marriage is the proposal of the man and the acceptance of the woman to marriage. The woman, when accepting, surely believed that a true marriage was being proposed, otherwise she would have undoubtedly refused. Therefore, if the man entered this contract with an intention to divorce, the correctness of the contract is breached, as the woman had accepted based upon a different intention.

[Second Session]

Fatwa (18)

Q) A man used to have a sexual relationship with a woman (either Christian or Jew) without being bound by an Islamic marriage contract. He later entered into marriage with her by virtue of a civil marriage contract, after which they had a baby daughter. He now wishes to ratify an Islamically legal marriage contract. May we write such a contract for this couple? If the answer is yes, what must we do prior to the ratification of the contract?

A) Yes, you may write such a contract that will act as an accreditation to the civil marriage contract which was previously ratified, on condition that the civil contract has fulfilled all legal requirements. The contract that you will write, must be dated similarly to the civil contract. It is preferable to have witnesses to testify to the correctness and authenticity of the contract. There is no need to renew the civil contract of marriage if it has fulfilled all legal requirements. Before the contract is made, you only have to remind the couple of Allah (swt) and to ask for His forgiveness for what they committed prior to the civil marriage contract being ratified.

Fatwa (19)

Q) May a newly-wed man divorce his wife if he discovered that she had lost her hymen? The woman swears by Allah Almighty that she has done so by means other than sexual intercourse, such as practising sport and so on.

A) Divorce is a most despised permission to Allah (swt), and it is incorrect for a Muslim to resort to divorce for the slightest excuse, as divorce will break the woman's heart and destroy an entire Muslim family. In this case, there is no serious justification for divorce, particularly that the couple are at the first steps of married life. Indeed, it will lead to great harm affecting the woman and her reputation. Therefore, if the woman's justification is reasonable, as is the case in the question, the man ought to believe her. As it is possible that a woman may lose her hymen when practicing some sports and by being careless or even reckless with physical activities and so on. If the woman swore by Allah Almighty that she had never had a sexual relationship prior to the marriage, the man must believe her as the famous legal principle is "proof is to be submitted by the accuser and an oath is to be made by the denying accused". The husband in this case is the accuser with no proof, whilst the accused, i.e. the wife, has made an oath denying the accusation, and thus, must be accepted. In any case, our Islamic dealing is based upon the principle of trust and good-will towards people, as suspicion is indeed sinful. The Prophet Muhammad (ppbuh) stated in the authentic Hadith: "Beware of suspicion, as suspicion is the most false of address"¹⁰.

¹⁰ Agreed upon, narrated by Abu Hureira and recorded by Al-Bukhari (No.4849, 5717, 5719, 6345) and Muslim (No.2563).

However, even if we assumed that the woman made a mistake in the past, then repented and returned to Allah; we know that Allah Almighty will accept her repentance and that this dissolves all her previous sins. Indeed he whoever repents from a sin is as though he has made no sin at all. Allah (swt) loves those who repent and loves the pure. It is upon us to adopt these descriptions and attributes of Allah Almighty and to forgive those who err, as all sons of Adam err, and the best of those who err are those who repent.

[First Session]

Family and the Muslim household

Fatwa (20)

Q) What is the ruling of Islam on a man attending his wife's delivery of a baby?

A) There is no objection from the Shari'a point of view to the man attending his wife's delivery of a baby if he wished to do so or felt that there is a benefit to be gained, such as reminding his wife of Allah (swt) and trying to ease her labour pains. One may also feel that attending his wife's labour may help demonstrate to him the suffering and pain which she is enduring, and may lead to his increased appreciation of her and regard for his mother who endured the same. Indeed this may prove to be an educational session, the benefits of which could be passed on to the children. In any case, this remains a permissible act which is neither obligatory, preferable, despised nor Haram unless material or psychological harm is likely to result.

Some may feel uncomfortable with this matter, as the husband sees his wife's private parts during labour, and as result they may deem it despised (Makrooh) and may even state some Hadiths which forbid this. However, all such Hadiths are unsubstantiated, indeed there are correct and authentic Hadiths which state the absolute opposite, such as the Hadith stating that the Prophet (ppbuh) bathed along with one of his wives from one bowl. This Hadith deems all statements to the opposite incorrect and should resolve all differences in this regard. Aisha (ra) said: I used to wash with the Messenger of Allah (ppbuh) from one bowl. The Prophet (ppbuh) would playfully fight with her over who would scoop water first and she would respond by saying: me first, me first. She (ra) added: "We were both bathing from sexual intercourse"¹¹. Maymouna, the Mother of Believers (ra) said: "I brought forward to the Messenger of Allah (ppbuh), a bowl of water so that he may bathe after having sexual intercourse. He (ppbuh) washed his hands twice or three times, then he scooped out water with his hands and washed his private parts with his left hand. He then rubbed his left hand thoroughly against the ground and then made ablution as though for prayer. He then poured three handfuls of water on his head and finally washed his entire body. He then moved to another position and washed his feet. I then gave him a towel which he turned away"¹².

[First Session]

Fatwa (21)

Q) If a woman wanted to cut her hair, should she seek the permission of her husband?

A) There are types of hair trimming which the woman does from time to time and which a husband may not even notice due to the very slight alteration being made. Women usually do this so that their hair does become so lengthy as to become difficult to manage. This form of hair shortening does not usually require the permission of the husband. However, there are forms of hair shortening and alteration, which completely change the appearance of the woman, which may surprise the husband if he wasn't consulted. This form of alteration requires the agreement of the husband and wife so that their relationship is not affected by this radical change in the woman's appearance. Due to the fact that a Muslim woman does not show her hair in public nor in front of foreign men, it becomes true that the husband has the foremost right to enjoy his wife's hair. A wise woman would make sure to pursue all means of maintaining love and affection between herself and her husband, ultimately leading to good Muslim households becoming the real basis of good Muslim societies.

[First Session]

¹¹ Agreed upon and the text is Muslim's narration. Recorded by Al-Bukhari (No.258 and other positions) and Muslim (No. 321).

¹² Agreed upon and the text is Muslim's narration. Recorded by Al-Bukhari (No.246 and other positions) and Muslim (No. 317).

Fatwa (22)

Q) I would like to know how much money I should pay for the abortion of an unborn baby before it became 120 days old. The reason for the abortion was because it was causing tremendous psychological pressure upon the mother who is a medical student, and who felt that she would never be able to cope with her studies whilst bringing up a child. The abortion was done because we felt that this was sufficient justification. However, the mother now feels great regret, particularly since she learnt that Islamic Shari'a forbids abortion even at the very early stages of pregnancy.

A) Indeed, abortion is forbidden in Islam Whether it be in the earlier stages of pregnancy or otherwise. The extent of sin incurred varies according to the stage of pregnancy, so that less sin would incur if the abortion took place during the early stages, whilst it becomes increasingly Haram as the pregnancy advances. When the pregnancy reaches 120 days old, abortion becomes totally forbidden and is deemed a form of murder that results in compensation becoming liable. This compensation is equal in value to 213 grams of gold, and is given to the inheritor who did not participate in the abortion. The only condition where abortion is allowed, is when there is an actual threat to the life of the mother confirmed by an official medical report that if the pregnancy advances any further, the mother may die.

Returning to the question: since the abortion was done before the pregnancy was 120 days old, then no compensation is liable. However, it remains a sin which one should ask forgiveness for and promise never to commit again. If the mother wishes to give in charity besides all this, then that is even better. Allah (swt) said in the Holy Quran:

"Verily, the good deeds omit the bad deeds" (11:114).

[Second Session]

Fatwa (23)

Q) Does the woman have the right to rest for a period of time after giving birth (postpartum period), or is she also obliged to carry out the duties of receiving guests who come to congratulate on the birth of the new baby?

A) Allah Almighty knew beforehand that labour is a tiring and exhausting experience for the woman. He (swt) stated in the Chapter of Ahqaf:

"His mother bears him with hardship and she brings him forth with hardship" (46:15).

For this, Allah (swt) excused the woman during this period from performing two main pillars of Islam: Prayer and Fasting, the difference between them being that prayers are not to be compensated whilst fasting must be compensated after this period passes by. The postpartum period (Al-Nifas) is that during which the woman bleeds as a result of giving birth and its rulings are identical to that of menstruation. From this we deduce that Allah Almighty considered the woman to be in a condition which requires rest and exemption and we see that Allah (swt), by His grace and mercy, treated this condition as though a form of illness. It is natural to let the woman rest during this period and to relieve her from all duties and responsibilities which cause her difficulty. Indeed, the custom in Islamic countries is for the woman who has just given birth to be served and looked after until her full health returns to her and she is fully recovered.

However, a woman who lives in a foreign country finds herself in a position where she must help herself and look after her children and household. In this situation, her duties must be reasonably set and guests and well-wishers must not over-burden such woman by compelling her to serve them beyond her ability, as Allah (swt) does not compel a soul but with what is within its ability. In addition, husbands must not force their wives, who are going through such a period, to perform difficult and exhausting duties. Allah Almighty stated:

"Allah intends for you ease, and He does not want to make things difficult for you" (2:185).

The Prophet Mohammed (ppbuh) stated: "Makes things easy and do not make them difficult and bring glad tidings and do not be deterrents"¹³. He (ppbuh) also stated in another Hadith: "Verily, you have been sent to bring ease and have not been sent to bring difficulty"¹⁴. Finally, this matter is governed by good taste, beautiful behaviour and fine mannerisms.

[First Session]

Fatwa (24)

Q) If a woman fell ill and she wished for her husband to stop receiving guests during her illness, does she have the right to do so or is she compelled to serve the guests regardless of her illness?

A) The four main Fiqh schools (Mathahib) state that the Muslim wife is under no obligation to serve her husband himself, unless she did so as a charity from her good self. Indeed if a man complained to a Shari'a court, which follows any of these schools, that his wife did not serve him; he will find that the court will not force the woman to do so. Therefore, if this is the case with the husband, then it is more so in the case of his guests.

The opinion which we find to be appropriate, is that the wife is obliged to work in her home caring for her husband and children, thus fulfilling the conditions of good companionship ordered by Allah (swt) and achieving the equality of rights and responsibilities for and upon each party decreed by Him Almighty, as stated in the Holy Quran:

"And they (women) have rights similar to those (of their husbands) over them, to what is reasonable, but men have a degree over them" (2: 228).

A man is obliged to work hard outside his house to provide for his family and a woman must work inside the house to care for the family. Fatima Al-Zahra, the daughter of the Prophet (ppbuh) used to care for her household and sweep, work and make food, etc. She once complained to her father (ppbuh) that she was working very hard. The Prophet (ppbuh) ordered her and her husband to compliment their work with the remembrance of Allah Almighty in the form of glorifying and praising Him, so that they may be assisted in the duties of life¹⁵.

If, however, the woman works outside the house, it is only fair that her husband helps her to fulfil her duties, particularly if they had children who needed looking after. Therefore, it is wrong for a man to over-burden his wife with guests, especially during her time of illness. Indeed Islam regarded illness as an excuse for many exemptions, such as from making Jihad at times when it is obligatory. Allah (swt) stated:

"No blame or sin is there upon the blind, nor is there blame or sin upon the lame, nor is there blame nor sin upon the sick (that they go not forth to war)" (48:17).

An ill person is excused from fasting the month of Ramadhan and are required to compensate the missed days when they are well and able to do so. Allah (swt) stated:

"and whoever is ill or on a journey, the same number from other days. Allah intends for you ease and He does not want to make things difficult for you" (2:185).

Islam also permitted for the sick person to pray in any way possible, whether that be standing up or sitting down or even lying down, and Imams (leaders in prayers) were asked to make the prayers easy because behind them is the weak, the sick and the person in need.

An Eastern or Arabic Muslim who is married to a Western woman, must take into consideration that she may not be used to receiving guests as the case in the East. A Western woman who has embraced Islam must also consider the position of her husband and the way in which he was brought up. She must also appreciate that Islam holds in great regards a person who is hospitable to

¹³ Agreed upon, from the Hadith of Anas ibnu Malik, Narrated by Al-Bukhari (No.69 & 5774) and Muslim (No. 1734)

¹⁴ Narrated by Al-Bukhari (No.217 & 5777) from the Hadith of Abu Hureira.

¹⁵ As in Al-Bukhari (No. 2945, 3502, 5046, 5959) and Muslim (No. 2727) from the Hadith of Ali Ibnu Abi Talib.

his or her guests, as the Prophet Mohammed (ppbuh) stated: "He who believes in Allah and the Final Day must honour his guest"¹⁶.

[First Session]

Fatwa (25)

Q) Can a husband prevent his wife from attending Islamic women gatherings?

A) The problem with many Muslims who lack sufficient Islamic knowledge is that they impose their own moods, mentalities and personal views upon Islam. Therefore, we often find someone who is rough and merciless, treating those around him; including his wife and children, in a very aggressive and rough manner and may go to lengths of claiming that this is part of Islam.

This also includes the view of some men towards women. This view is often very radical and narrow and is characterised by the man's wish to control his wife as well as his ill-perception of her. Those men may come from environments which look down upon women and believe that they were created for the sole purpose of serving man and fulfilling his sexual needs. It is unfortunate that many of those men have had the opportunity to observe other societies and cultures and have gained in knowledge; many may hold Masters and Doctorate degrees, others may be scientists, engineers, economists or administrators, yet they fail to change and they fail to advance in that respect. It is a fact that no religion honoured women as Islam did. Islam honoured and elevated the status of the woman as a human being; as a female; as a daughter; as a wife; as a mother and as a member of society. Is it not suffice that Allah (swt) stated in the Holy Quran:

"So their Lord accepted of them their supplication: Never will I allow to be lost the work of any of you, be he male or female; You are one of another" (3:195)?

The meaning of "one of another" is that the man complements the woman and the woman complements the man, and that one cannot do without the other and therefore, they equally carry the burden of duties and responsibilities. Allah Almighty Stated in the Holy Quran:

"Verily the Muslims, men and women, the believers, men and women, the men and the women who are obedient to Allah, the men and the women who are truthful, the men and the women who are patient, the men and the women who are humble, the men and the women who give in charity, the men and the women who observe fasting, the men and the women who guard their chastity and the men and the women who remember Allah much with their hearts and tongues; Allah has prepared for them forgiveness and a great reward" (33:35).

This also implies that man and woman are partners in critical social duties and obligations such as enjoining good and forbidding evil. Allah (swt) stated:

"The believers, men and women, are supporters and protectors of each other: they enjoin good and forbid evil" (9:71).

The Prophet Mohammed (ppbuh) said: "Women are the complimentary halves of men"¹⁷. He (ppbuh) also said: "Do not prevent women from attending mosques"¹⁸, as mosques were the only means of the time of the Prophet Mohammed (ppbuh) for women to learn, increase their knowledge in Islam and to observe the congregational (Jama'a) and Friday prayers, as well as to get to know their good sisters. The example of the mosque in our days is the Islamic meetings which give women the chance to increase their Islamic knowledge and awareness, to participate in active

¹⁶ Agreed upon from the Hadith of Abu Hureira, Narrated by Al-Bukhari (No. 5672, 5785, 5787, 6110) and Muslim (No. 47)

¹⁷ A good Hadith, narrated by Ahmed (6/256), Abu Dawood (No.236) and Al-Tirmithi (No.113) from the Hadith of Aisha. Ahmed also narrated (6/377) from the Hadith of Ummu Suleim. Addarmi (No.764) narrated from the Hadith of Anas ibnu Malik.

¹⁸ Agreed upon from the Hadith of Abdullah ibnu Omar, narrated by Al-Bukhari (No.858) and Muslim (No.442).

Islamic work and to get to know and co-operate with the sisters who work for Islam. All this are compulsory activities upon all Muslims, whether they be men or women, otherwise, Islam would definitely recede and go into decline. This becomes more of an obligation when we learn that enemies of Islam work day and night and employ men and women of all sorts to isolate Islam from the reality of society and to promote ill-thoughts, views, cultures and ideas within the Muslim society.

However, this woman's activity must never transgress over the rights of her husband and children, as it is only fair that each receive their due attention. In addition, whilst Islam gave the husband the right to govern and rule the household; he must not abuse this authority and prevent members of his family from exercising their respective rights and freedoms, as Islam prevents harm to be caused or to become.

[First Session]

Fatwa (26)

Q) An Eastern Muslim living in the West sends all his income to his family who live in his homeland. He then lives by means of his wife's income which pays the rent and cost of food, drink, clothes, etc. Is this permissible in Islam?

A) It is unlawful for a man to compel his wife to bear the cost of their living. It is also extremely inappropriate for a Muslim man to live dependant upon his wife for his food, drink, clothing, housing, etc. How then does he deserve the title "head of the household" and the authority which is given to him by Allah Almighty. He (swt) stated in the Holy Quran:

"Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means" (4:34).

We have also made clear in Fatwa (27) that the woman is under no obligation in Islamic Sharia to spend from her money on household living costs even if she had the financial means to do so. If she does however, then it is merely from the kindness of herself and must never be by means of deception nor by emotional blackmail. It has long been said that whatever is taken by means of embarrassing the other party, then it is Haram. The Prophet Muhammed (ppbuh) stated in the authentic Hadith: "The wealth of a person is unlawful for another unless the former gives from it in total consent"¹⁹. We also dislike for a Muslim man to live in dependency upon his wife, even if she consented to that, particularly if he was able to bring in an income. We also feel that there is an unpleasant element in the case of the question, as how could one explain the man sending his entire income to his relatives in his homeland, whilst living in total dependency upon his wife, thus relinquishing his responsibility prescribed by the Allah Almighty and His Prophet Muhammed (ppbuh) who stated: "A man is a shepherd in his household and thus responsible for his herd"²⁰?

It is far better for this man to be addressed with the lines of poetry:

Leave the beautiful mannerisms and do not travel afar to attain them,
and remain where you are, as you have the responsibility of feeding and clothing.

[First Session]

Fatwa (27)

¹⁹ Sound Hadith narrated by Ahmed (5/72, 425) and others.

²⁰ Agreed upon from the Hadith of Abdullah ibnu Omar narrated by Al-Bukhari (No.853 and other positions) and Muslim (No.1829).

Q) Is it permissible for the wife to open a personal bank account with her own income, or must she place her income in one pot along with her husband's income, from which he could provide for the family?

A) A forgone fact, is that Islam salvaged women from the injustice of all eras of ignorance. Islam gave the woman her full rights without her even demanding these rights. Among these rights were financial rights, and in particular, the right to ownership and private properties of all sorts and kinds. Islam gave women the right to own in total independence of their fathers or husbands. Therefore, a woman may own and may act freely in regards with what she owns, similar to the man. A woman may sell, buy, donate and give as any person of reasonable character and sound mind may do, without any restrictions being placed upon her. Allah (swt) stated:

"for men there is reward for what they have earned and for women there is reward for what they have earned" (4:32).

Therefore, we say that a woman has complete rights to opening a personal account in which she deposits her income, whether it be her salary, inheritance or any form of gift given to by her father or otherwise. The husband has no right to force his wife to place her income in a joint pot or account along with his, so that he may provide for the household. This is because it is well-known that the provision for the household is of the husband's duty alone. Allah Almighty stated in the Holy Quran:

"Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means" (4:34).

A woman may assist her husband in providing for the household as a gift from herself and not as an obligation nor duty, even if she had the financial means to do so. Indeed, none of the Imams of Islam put any obligation upon the wealthy woman to support her poor husband, apart from Ibnu Hazm who was famous for his Fiqh school which abided by the apparent letter of the text.

However, we feel that it is preferable for a working woman to participate in providing for the household, particularly if her working outside the house brings the need for a nanny for the children or a maid, or if it causes extra costs to be incurred such as transportation and extra clothing for the woman. However, the maximum portion of contribution of the woman must not exceed a third of living costs, whilst the husband is obliged to cater for two thirds at least, because since he has the right to double her share of any inheritance, then he must be liable for twice as much in living costs.

We also support the notion that each of the couple have their own bank account, so that men do not transgress over what is for their wives. Woman must also save for the possibility of difficult times and their husbands' behaviour swings. Furthermore, we do not favour that a woman places all her wealth in the possession of her husband, so that everything is officially owned by him alone. Indeed, it is unlawful for the husband to request his wife to so, as each person has the right over what he or she possess.

[First Session]

Fatwa (28)

Q) How should the wife behave in regards to differences which stem from cultural differences between her and her husband?

A) Marriage is a sacred bond and a mighty attachment as is described by the Holy Quran. Thus, married life has to enjoy certain principles upon which it must be based, as illustrated in the Holy Quran:

"And among His signs is this, that He created for you wives from among yourselves, that you may find repose in them and He has put between you affection and mercy" (30:21).

Therefore mental repose and heartfelt affection as well as mercy are the main pillars of married life, as confirmed by the Holy Quran. This is to be appreciated by both partners, who must co-operate

together to establish harmony and a blissful environment within their marital home. Each must also persevere with the shortcomings of his or her partner and must also be entirely tolerant towards the disagreements which are bound to exist. It is important that they both understand that emotions must never rule their marriage and that their life together must be governed by good behaviour and beautiful mannerisms.

This was prescribed and emphasised by the Holy Quran, when it reminded men to control their emotions and not to respond to the very first feelings of resentment they may feel towards their wives. Indeed the Quran encouraged men to look at arising problems in a rational and objective manner which takes into consideration advantages and disadvantages and draws comparison between the present and the future, as reaching hasty conclusions in such situations brings mostly regret. Allah (swt) stated in the Holy Quran:

"And live with them honourably. If you dislike them, it may be that you dislike a thing and Allah brings through it a great deal of good" (4:19).

Despite the address in this verse being apparently to men, its meaning is true even for women, as a wife must also be tolerant towards her husband and must persevere with his occasional shortcomings, as well as all the inheritance of his cultural background and traditions which may be difficult to change or alter. And since a woman agreed to marry a man, she must also be patient with him as much as she could. Indeed, each must attempt to make concessions to the other so that they both meet half-way, and he among them that cares more for the marital relationship ought to be more patient, tolerant and gentle, as all matters which are dealt with in a gentle manner result in good, whilst all matters which lack gentleness give adverse results.

It is important to note that there is no magical potion for such problems, as they are solved by understanding, gentleness and patience, after depending upon and drawing support from Allah Almighty. He (swt) states:

"O you who believe! Seek help in patience and prayer. Truly, Allah is with those who are patient" (2:153).

[First Session]

Fatwa (29)

Q) Whom should the Muslim woman in the West go to in the event of domestic difficulties and problems with her husband?

A) The basic feature of the Muslim society is its consolidation in all matters, as each part of it supports the other: the strong helps the weak, the knowledgeable teaches the ignorant, the overpowered is assisted and empowered and the tyrant is stopped and punished. The Prophet Mohammed (ppbuh) stated: "Support your brother, whether he be a tyrant or victim of tyranny. A man replied: O Messenger of Allah, I would assist him if he was a victim, but how would I assist him if he was unjust? The Prophet (ppbuh) said: You assist him by stopping him from practicing injustice"²¹.

In the event of a domestic problem which becomes out of control, the Muslim society must intervene. This comes in the form of appointing a family court which consists of two arbitrators who must be people of knowledge, authority and influence as well as of ability to make judgements in cases such as these. This court must try all means to reach an agreement between the married couple, otherwise, must rule that they separate. The ruling of this court must be implemented, as occurred during the days of the Companions, may Allah be pleased with them all²².

Allah (swt) addressed a group of Muslims in the Holy Quran:

²¹ Narrated by Al-Bukharu (No.2312, 6552) from the Hadith of Anas ibnu Malik

²² This was recorded by Abdullah ibnu Abbas and Mu'awiya ibnu Abi Sufyan during the time of Othman ibnu Affan. It was also recorded from the sayings and judgements of Ali ibnu Abi Talib. This was narrated by Abdul Razzaq Al-Sana'ani in his Commentary (1/158-159) and others.

"If you fear a breach between them (the man and his wife), appoint arbitrators, one from his family and the other from hers; if they both wish for peace, Allah will cause their reconciliation" (4:35).

In the case of the couple who live in the West in a non-Muslim society, it is upon the Muslim community in every area where they form a prominent group, to establish an arbitration council or a reconciliation council. This council may consist of 3 wise and knowledgeable Muslims who are trusted by the Muslim community, one of whom possesses Islamic Fiqh and knowledge. This council could play an important role in solving such issues and reconciling the quarrelling couple, subsequently deeming the plight of the entire community a more successful one. The Prophet (ppbuh) said: "The hand of Allah is with the group, whilst Satan runs along who separates from the group"²³. However, if such council finds that reconciliation cannot be achieved, then it must recommend that the couple separate in a good manner as ordered by Allah Almighty. It is said that "If agreement is unattainable, then separation", and despite the most detested allowance to Allah being divorce, it could be the best treatment in certain instances.

[First Session]

Fatwa (30)

Q) Is it compulsory upon a husband (father) to attend educational courses which teach how to solve children's problems?

A) Such matter is not compulsory from the Islamic point of view, especially that such courses or seminars are countless and vary in topic. For example a course may be held to solve the problem of arrogance and another to solve speech problems and a third to deal with late walking and so on.

However, both mother and father are obliged to seek answers to the problems which their children suffer from, whether this be through attending courses or otherwise, such as reading and learning by various means. They may choose to do so by listening to radio or TV programs, by attending lectures and speeches or by gaining experience from experienced mothers and fathers. The parents must also co-operate to bring up their children in a good manner, in order to fulfil their trust in this respect. Allah (swt) stated:

"O you who believe! Ward off from yourselves and your families a fire whose fuel is men and stones" (66:6).

The Prophet Mohammed (ppbuh) stated: "All of you are shepherds and are responsible for your herds...and a man is a shepherd in his household and is responsible for his herd and the woman is a shepherd in her husband's house and is responsible for her herd"²⁴.

[First Session]

Fatwa (31)

Q) Is it permissible for a Muslim husband to completely prevent his Muslim Western wife from visiting her Christian parents? Is he allowed to allow her to visit them sparingly? Does Islam prefer for one who embraces it to sever ties with his or her family and blood relations?

A) It is unlawful for a Muslim husband to prevent his wife from visiting her Christian parents, because as a Muslim, she is commanded to be devoted and of good company to them. Indeed this

²³ Sound Hadith (Sahih), narrated by Al-Nasa'i (No.4020) from the Hadith of Arfaja Al-Ashja'i.

²⁴ The profile of the Hadith was mentioned in the commentary to Fatwa (26)

matter was mentioned immediately after the command to worship Allah Almighty alone and none other (monotheism). He (swt) stated:

"And your Lord has decreed that you worship none but him, and that you be dutiful to your parents" (17:23).

This verse clearly affirms that the greatest rights of human beings after the right of Allah (swt) is that of the parents. Islam did not prevent Muslims from being dutiful to their non-Muslim parents even if they practised polytheism (Shirk). Islam didn't prevent Muslims from doing so even if the parents tried to force their children to leave Islam and enter into ignorance and Shirk. Allah (swt) stated:

"And We have enjoined on man to be dutiful and good to his parents. His mother bore him in weakness and hardship upon weakness and hardship, and his weaning is in two years - give thanks to Me and to your parents; unto Me is the final destination. But if they strive with you to make you join in worship with Me others that of which you have no knowledge, then obey them not, but behave with them in the world kindly" (31: 13-14).

In this verse, Allah (swt) ordered that their call to polytheism be rejected, but also ordered that one behaves kindly with his or her parents at all times.

It is also narrated that Asma'a, the daughter of Abi Bakr, came to the Prophet Mohammed (ppbuh) after the Treaty of Hudaibiyah and asked him: O Messenger of Allah! My mother has come to visit me and she is a Mushrik; shall I make contact with her, be kind to her and give her some money? He (ppbuh) said: Yes. Be dutiful to your mother²⁵. Some scholars said that this incident was the reason for the revelation of the Quranic verse:

"Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion and did not drive you out of your homes. Verily Allah loves those who deal with equity" (60:8).

Islam also decreed also that the non-Muslim parents actually receive a bequest (a will) from their Muslim children, as appears from the verse:

"It is prescribed for you, when death approaches any of you, if he leaves wealth, that he make a bequest to parents and next of kin, according to reasonable manners. This is a duty upon the pious" (2:180).

It is well known that a bequest cannot be made for the Muslim parents, because they are actual inheritors and an inheritor must not be left a bequest. Therefore, the reference in this verse is to the non-Muslim parents and next of kin, because their status as non-Muslims does not annul their status nor their rights as parents or relatives. Allah (swt) stated:

"And fear Allah through Whom you demand your mutual rights and do not sever the relations of the wombs" (4:1).

Islam considered relationship by marriages one of two natural forms of relationship between people; the other being natural blood descendants. Allah (swt) stated:

"And it is He Who created man from water, and has appointed for him kindered by blood and kindered by marriage" (25:54).

Thus, it would be unlawful to reject or disregard such instinctive relationship. It is upon the husband to strengthen his ties with his wife's relatives, particularly her parents. He must do his best to be good to them and to become close to them even if they were non-Muslims, as this will make him in a position to bring them closer to Islam. Indeed, Islam spread by virtue of good mannerisms and dealings with others. A husband must never prevent his wife from being good to her parents, whether Muslims or otherwise. In fact he must encourage her to visit them and should accompany her as well as invite them to visit his house, as all this fulfils the requirements of kinship decreed by Allah (swt). The husband must also remember that his wife's parents are his children's grandparents and her brothers and sisters are their uncles and aunts, and that all of them have rights of kinship.

²⁵ Agreed upon. Narrated by Al-Bukhari (No.2477) and Muslim (No.1003)

It is often that we see the effects of good manners and behaviour on others. Indeed many embraced Islam simply because of the beautiful way in which true Muslims treated them. We unfortunately, also see how ill-treatment and bad manners cause people to hate Islam and Muslims. What great reward will come unto he or she who cause good and prevent evil, and what great punishment will come unto he or she who cause evil and prevent good.

[First Session]

Fatwa (32)

Q) Is a husband allowed to prevent his wife from visiting a particular woman (a Christian woman, for example)?

A) A man may prevent his wife from visiting a particular woman, whether Muslim or otherwise, if he felt that this relationship has an adverse effect on his wife, children or marital life in general. This is because a man is ultimately responsible for the well-being and protection of the family, even if this adverse effect was built merely on suspicion. Indeed, an agreed upon principle of Fiqh is that protection from harm is more important than bringing good.

Our recommendation would be for the man to not abuse his authority in such matters and not to be suspicious without good cause. It would be wrong to force the wife to remain at home as though imprisoned, preventing her from visiting others, based upon mere suspicions and thoughts which have no real substance. Allah (swt) stated:

"O you who believe! Avoid much suspicions, indeed some suspicions are sins" (49:12).

The Prophet Mohammed (ppbuh) said: "Beware of suspicion, as suspicion is the most false of address"²⁶. Islam did not order Muslims to sever all their relations and friendships among non-Muslims, and particularly, the People of the Book. Allah (swt) stated:

"Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion and did not drive you out of your homes. Verily, Allah loves those who deal with equity" (60:8).

Therefore, Allah Almighty did not prevent Muslims from dealing kindly and justly with non-Muslims. He (swt) indeed used the words "Qist"; which means justice and "Bir" which means goodness, and is even better than justice. It is interesting that Allah (swt) used the same word, i.e. "Bir" in describing the way in which the most sacred of relationships must be conducted: that is the relationship between one and his or her parents.

[First Session]

²⁶ See the commentary on Fatwa (19)

Food and Drink

Fatwa (33)

Q) In our city there are Arab Druze who own restaurants. We have heard a lot about this group of people and we want to know whether we are allowed to eat from their food, noting that they do not slaughter the animal that provides the meat themselves, rather it is done by someone else. Are we allowed to eat vegetarian food from their restaurants?

A) The Druze are a group which reverted from Islam and are thus governed by the regulations of the polytheists (Mushriks). All scholars agreed that Muslims are not to marry from them nor to eat from their meat. Therefore, it is unlawful to eat from the meat which they slaughter. However, if they sell meat which was slaughtered by a Muslim, a Christian or a Jew, then it is Halal. In addition, all food which does not require to be slaughtered is also Halal, whether it be from the Druze or any other.

[Second Session]

Fatwa (34)

Q) The ingredients of some foods contain items which are denoted by the letter "E" and a string of numbers. We were told that this denotes items manufactured from Lard or Pork bone and marrow. If this is true, what is the Shari'a ruling on such foods?

A) The items which carry the letter "E" and a string of numbers are additives. Additives are more than 350 compounds, and could be either preservatives, colouring, flavourings, sweeteners, etc. These are divided into four groups according to their origin:

First: compounds of artificial chemical origin.

Second: compounds of vegetal origin

Third: compounds of animal origin

Fourth: compounds dissolved in Alcohol

The ruling on all these compounds is that they do not affect the status of these foods being Halal, due to the following:

The first and second groups are Halal because they originate from a permissible origin and no harm comes from using these items.

The third group is also Halal, because the animal origin does not remain the same during the process of manufacturing. In fact it is transformed radically from its original form to a new clean and pure form through a process called "chemical transformation". This transformation also affects the legal ruling on such ingredients. Therefore, if the original form was unclean or Haram, the chemical transformation changed it to another ingredient which requires a new ruling. For instance, if alcohol changed and was transformed to vinegar, then it does not remain Haram, but carries a new ruling according to the nature of the new product, which is Halal.

As for the fourth group, these items are usually colourings and are normally used in extremely small quantities which dissolves in the final product form, which deems it an excused matter.

Therefore, any foods or drinks that contain any of these ingredients remains Halal and permissible for the Muslim's consumption. We must also remember that our religion is a religion of ease and that we have been forbidden from making matters inconvenient and hard. Moreover, searching and investigating into such matters is not what Allah (swt) or His Messenger (ppbuh) ordered us to do.

[Second Session]

Mannerisms and Behaviour

Fatwa (35)

Q) Is there a legal objection to carrying a compound name such as (Sara-Kareema) or (Fatima Bhurta), where a new Muslim could keep their original name e.g, (Bhurta) whilst adding a new Islamic name?

A) There is no legal objection to carrying a compound name, so that one may keep his or her old name before they embraced Islam with an Islamic name added.

The ways and tradition of the Arabs was for each person, and particularly those of elite stature to have a name, surname and nickname. For example: Abdullah, Abu Bakr and Al-Siddique, or Omar, Abu Hafs and Al-Farooq. Islam approved of all these names and agnomens.

Therefore, we find no objection to a person, whether man or woman, carrying two names which they are known by, particularly those who embrace Islam and want to keep their original names on condition that those names do not carry any meaning which contradicts Islam, such as (Abdul Maseeh) for instance. Indeed, one may keep his or her original name without changing it if its meaning does not contradict Islam, as the companions all remained carrying their original names after they embraced Islam, although it is preferable to carry a new name which signals one's entrance into Islam.

The Prophet Mohammed (ppbuh) liked the names which carried beautiful meanings, and he (ppbuh) disliked the names that carried bad ones. In such cases he would choose a better name for the person, such as the case when he (ppbuh) changed the name of the woman from "A'siya" (sinner) to "Jameela" (beautiful).

The Prophet Mohammed (ppbuh) stated: "The best of names are Abdullah and AbduRahman, the most truthful of names are: Harith and Humam and the worst of names are Harb and Murra"²⁷.

[First Session]

Fatwa (36)

Q) What is the ruling on mixed marriage ceremonies?

A) The term "mixed" is one which is used by neither the Quran nor the Sunna, whilst most people believe it to be an unquestionable matter in Islam, as though there is something in the Quran or in the Hadith of the Prophet Muhammed (ppbuh) which states clearly that mixed congregations are Haram. This is one of the grave mistakes which many Muslims commit today, unfortunately.

Our opinion in this matter is that Islamic Shari'a did not object to men and women being present in one place on condition that three matters are avoided and refrained from:

First: Seclusion, i.e. where a man and woman meet in a position where no one else can see them.

Second: Adornment of women, i.e. where a woman uncovers what Allah (swt) decreed to be covered from her body, perfume or jewellery or walks in such a way which draws attention and raises ill-thoughts and feelings.

Third: Contact, i.e. skin contact.

If these three matters were avoided and refrained from then there remains no legal objection to the congregation, whether it be a marriage ceremony or any other. However, we see that people often do not abide by these conditions in weddings, and thus the presence of men and women in one place becomes unlawful.

[Second Session]

²⁷ A Good Hadith (Hasan) by virtue of its paths of narration. Narrated by Abdullah ibnu Wahb in his "Jami'" (No.46, 53) and Ahmed (4/245), Abu Dawood (No.4950) and Al-Nasa'i (No.3565).

Fatwa (37)

Q) Many Muslim wives are ordered by their husbands not to speak to visitors or with any foreign man, whilst the husband allows himself to address any woman. What is the ruling on this matter?

A) In the authentic Hadith of the Prophet Mohammed (ppbuh), he said: "Shyness is from Iman" ²⁸ and in another Hadith: "Shyness brings only good"²⁹. This shyness is a beautiful manner for both men and women, but more so for women, because it agrees with their feminine nature, which is why women do not initiate a conversation with strange men. However, traditions and customs govern this matter and these change from one country to another, from one time to another and from one situation to another. Nevertheless, it is important to realise that Islam does not forbid women from talking to men, nor men to women if the situation calls and the conversation abides by the boundaries of Islamic Shari'a. Allah (swt) addressed the wives of the Prophet Mohammed (ppbuh):

"O wives of the Prophet! You are not like any other women. If you keep your duty to Allah, then be not soft in speech, lest he in whose heart is a disease should be moved with desire, but speak in an honourable manner" (33:32).

Thus, despite the special position and laws which govern them alone and which place more restrictions upon them than any other, Islam did not prevent them from speech, but forbid them to speak in such a way which would move those with illness in their hearts, and with desires and lusts. However, honourable and reasonable speech falls within Islam as stated by the previous verse. There are many Hadiths which confirm the permissibility of men greeting women and women greeting men, as well as the lawfulness of men visiting sick women and vice versa.

However, this does not imply the lifting of all boundaries, so that women start speaking to all men who come and go or that men start speaking to all women, as this is rejected by logic and good taste before being rejected by Islam. It is permissible for a woman to speak to a male relative, a teacher, a neighbour, a supervisor at work, and others according to the requirements and needs of every day life and complex relations amongst people in our days, as long as trust is established, troubles (Fitna) are in restraint and conditions are normal.

Indeed, the ways in many Islamic countries is for men to greet women and for women to greet men when they meet. They would also exchange conversation (honourable speech) regarding important and relevant matters, with the approval of fathers, husbands and brothers as well as the scholars.

We do not deny that some countries accommodated very strict traditions regarding women, so that they become more like prisoners of their own homes until death becomes upon them. However, even though some scholars may agree with this, it remains that clear, covert and correct legal evidence contradicts these traditions in addition to the objectives of Shari'a, interests of mankind and the development of age and people.

[First Session]

²⁸ Agreed Upon from the Hadith of Ibnu Omar, Narrated bu Al-Bukhari (No.24, 5767) and Muslim (No.36).

²⁹ Agreed upon from the Hadith of Omran ibnu Hussain, Narrated bu Al-Bukhari (No.5766) and Muslim (37).

Fatwa (38)

Q) Is a woman allowed to ride a bicycle? What about teenage girls who may lose their hymen in the process?

A) Riding a bicycle or car or any other form of transportation is permissible in itself. The Arab woman during the days of ignorance as well as Islam used to ride camels. The Prophet Mohammed (ppbuh) said: The best of women who rode camels are the women of Qureish; they are the most merciful with their children and the most considerate with their husbands' wealth"³⁰.

However, a woman must abide by Islamic mannerisms when riding a bicycle, such as wearing appropriate Islamic dress and avoiding physical contact with men. As for the possibility of teenage girls losing their hymen; it is important to examine such possibility. If it remains a rare occurring, then Islam has decided that a rule cannot be based upon a rarity.

However, if it is likely that the girl will indeed lose her hymen if she rides a bicycle and no measures can prevent her from doing so, then the Muslim girl ought to be stopped from this, so that people do not think ill of her and that she is not accused of what she has not committed. However, if riding a bicycle is an actual need for the girl, for instance to get to her school or important work, etc., then it remains that necessities make prohibitions permissible. Allah (swt) stated:

"But if one is forced by necessity without wilful disobedience nor transgressing due limits, then there is no sin on him. Truly, Allah is Oft-Forgiving, Most Merciful" (2:173)

[First Session]

Fatwa (39)

Q) Is it permissible for women to participate in children's games which involve some dancing movements?

A) If such movements cause desires to be affected and moved and for lusts to be raised, then women must not take part in such games, particularly if foreign men are present. If, on the other hand, such movements do not cause such arousal, but are merely rhythmic movements with the children in order to encourage them, make them happy and train them to carry out actions which would strengthen their bodies, then there is no objection to that. Particularly that some group games may teach children the sense of teamwork and co-operation, as well as teach them to be active and enthusiastic.

[First Session]

Fatwa (40)

Q) We often wonder about the permissibility of buying fireworks for our Muslim children to play with during the Christian new year celebrations. Is it permissible for Muslims to buy these fireworks and play with them during the Muslim festivities? Are we allowed to play with them during the celebrations of the Christian new year? Can we buy and use them before or after new year not to celebrate the occasion but merely because fireworks are most commonly sold during this time of year?

A) There is no problem with Muslim children buying these fireworks to play with during Islamic festivities as a show of pleasure and celebration for the occasion. However, this must be done in moderation, as Allah (swt) disallowed all things excessive. It is also unlawful for Muslim children to play with these during Christian celebrations, as this will be as a form of participation in their religious occasions, but may do so during any other time of the year.

[Second Session]

³⁰ Agreed Upon from the Hadith of Abu Hureira, Narrated by Al-Bukhari (No.4794, 5050) and Muslim (No.2527).

Fatwa (41)

Q) What is the legal (Shari'a) ruling on masturbation as an act which prevents one from falling into and committing fornication (Zina)?

A) Masturbation is an unpleasant action and contradicts good and proper taste and manners. Scholars differed over the ruling on masturbation, as some said it was entirely forbidden (Haram), others said it was detestable (Makrooh) entirely without any sin being born by the person whilst others said that it is Halal when one fears that he may fall into fornication otherwise. Indeed some said that it is obligatory if one felt that it stops from committing Zina, according to the principle of preventing the greatest harm with the least.

We are of the opinion that it is detestable without any sin being born by the person, particularly in the case of those who live in immoral and promiscuous countries. We base our opinion of it being detestable (Makrooh) that Islam guided us to ways to protect ourselves from Zina, i.e. marriage, fasting or patience and forsaking for Allah (swt). Islam did not mention masturbation as a proper form of prevention from Zina. As for our opinion that the person committing this act does not bear any sin; because the legal evidence did not clearly state it being Haram. This was merely understood from the verse in the Holy Quran:

"who abstain from sex" to the verse: "But those whose desires exceed those limits are transgressors" (23:5-7).

This verse does not offer a clear ruling that masturbation is Haram, and all Hadiths that are related to this effect are inauthentic, especially that a number of great scholars stated that it was permissible, such as Ibnu Abbas, Al-Hassan Al-Basri, Ahmed Ibnu Hanbal, Ibnu Hazm and others³¹.

However, if the person's sexual arousal became so great as to prevent him from thinking of anything else and made him anxious, whilst being unmarried or away from his wife, and felt that masturbation would allay these anxieties, then he may do so without it being a detestable act. However, one must never make this a habit which may then become an illness to the extent where he would even refrain from approaching his own wife. One must also remember the importance of seeking the legal methods of alleviating this problem, such as marriage, fasting or patience in the way of Allah (swt).

[Second Session]

³¹ See: "Al-Musannaf" by Abdul Razaq Al-San'ani (7/390-391), "Ikhtalaf Al-Fuqaha" by Ibnu Jareer Al-Tabari (P.123), "Al-Muhalla" by Ibnu Hazm (12/407) and "Ahkam Al-Quran" by Abu Bakr ibnu Al-Arabi (3/315). The opinion that it is permissible is one of two views of Ahmed ibnu Hanbal; the other that it is forbidden (Majmou' Al-Fatawa by Ibnu Taimiyya 34/146-Published by Al-Wafa').

Miscellaneous Fatwas

Fatwa (42)

Q) Is it permissible for a Muslim to participate in the council elections in a European country, or to vote for a non-Muslim party which may not serve the interests of Muslims?

A) This matter is to be decided by Islamic organisations and establishments. If these see that the interests of Muslims can only be served by this participation, then it is permissible on condition that it does not involve the Muslims making more concessions or losses than gains.

[Second Session]

Fatwa (43)

Q) I work as a Doctor in a British hospital. I am often asked to sign a declaration stating the absence of any radio-active matters in the bodies of deceased, so that their families may cremate (burn) them. I am paid for such an endorsement, but I can live without this extra money which I gain, by the grace of Allah Almighty. It is also easy for me to transfer this task to any other doctor who would be more than happy to make this declaration for some extra money. Does Islam prohibit me from signing this declaration?

A) If the Muslim doctor realised after examining the body, that it contains no radio-active matters, he or she may sign such a declaration. This is because it is merely a statement to a true fact and because one should not refrain from making a testimony if he or she were invited to do so. This is even more emphasised due to the fact that other doctors may race to make such declarations for financial gain even without making due investigations.

We do not see any sin being born by the Muslim doctor in such case, because it is not his or her responsibility what the family of the deceased do with this declaration, nor are they responsible for the actions or beliefs of others. Indeed, the Muslims ruled India for a long time, but we do not hear that they prevented the Hindus from burning the bodies of their dead. This is similar to the status of Jews and Christians who lived within the Islamic state and practised their religion in their places of worship without the Muslims forcing them to abandon their rituals, despite being very much able to do so. Therefore, the Muslim doctor is not responsible for the manner in which this declaration is used, as is the Muslim fruit vendor who sells grapes to a Christian who may go on to make wine from them. In addition, being paid for doing so is also permissible, because the action itself is Halal.

[Second Session]