

FATWA COLLECTION

OF THE

FIQH COUNCIL OF NORTH AMERICA (FCNA)

Fatwas issued between 1995 and 2019 by:

Members of FCNA

Compiled, translated and edited by:

Jasser Auda
FCNA Member

Zainab Alwani
FCNA Member

Table of Contents

Islamic legal theory.....	4
Custom.....	4
Capital punishment.....	5
Schools of law.....	6
Acts of worship.....	7
Ablution and prayers.....	7
Mosques.....	14
Fasting.....	18
Zakah.....	23
Hajj.....	31
Financial dealings.....	33
Waqf endowments.....	33
Mortgages.....	35
Insurance.....	39
Lottery.....	40
Inflation.....	41
Credit cards.....	42
Family law.....	43
Marriage.....	43
Family courts.....	49
Spouses rights.....	52
Divorce.....	55
Maintenance and custody.....	62
Adoption and guardianship.....	64
Food and halal eating.....	68
Meat consumption.....	68
Slaughtering process.....	70
Health and medicine.....	72
Stem-cell research.....	72
Clinical fertilization.....	75
Medical professionals.....	76
Implants.....	77
Autopsy and organ donation.....	78
Halal medicine.....	79
Abortion.....	80
Political issues.....	81
Political participation.....	81
Military service.....	83
National anthem.....	84
Converts to Islam and conversion.....	85
Christmas with family.....	85
Pre-Islam marriage.....	86
Non-Muslim funeral.....	88
Non-Muslim inheritance.....	89
Changing names.....	90
Pre-Islam transactions.....	91

Personal habits and lifestyle	94
Homosexuality	94
Dress code	97
Dreadlocks	100
Dogs	101
Female circumcision	102
Celebrations and arts	103

Islamic legal theory

Custom

Question: How do we define custom and its Place in Islamic Law?

Custom ('urf) is a proof (hujjah) that is recognized by Islamic law and relied upon in determining the proper application of rules whose precise meanings were not explicitly established by scripture (e.g., possession or mutual agreement) or to determine, the legal implications of the words and actions of parties to contracts, or to determine, in concrete terms, the meaning of "absolute necessity" (darurah), "necessity" (hajjah) or "embellishment" (tahsini). In recognizing and considering custom, the legitimate interests of the people are realized and or protected and undue hardship is removed. This is one of the basic principles and universal objectives of Islamic law.

Islamically acceptable customs are those that neither violate explicit texts of scripture (Qur'an and Sunnah) or universal principles of Islamic jurisprudence nor undermine any of the objectives (maqasid) of Islamic law. At the same time those rulings in Islamic law that were based on customs existing at one particular time may change due to changes in custom, in order to realize and or protect the legitimate interests that were the concern of the jurists (fuqaha) at the time they reached these original rulings.

As for those customs that take root and develop in non-Islamic environments, these must be measured by the yardstick of Islamic law. And the only customs among these that must be abandoned are those that are in conflict with sound, explicit texts of scripture or violate universal principles of Islamic jurisprudence or undermine the objectives (maqasid) of Islamic law. Moreover, there is no harm, Islamically speaking, in allowing those who are new to Islam or those who have only recently committed themselves to living according the law of Islam to approach the task (of abandoning those Islamically unacceptable customs) in a spirit of ease and gradualism, while continuing to educate them and to encourage them to abandon (on the basis of knowledge and conviction) those Islamically unacceptable customs with which they may have grown accustomed. As for those customs that are not in conflict with Islamic law, there is no harm in allowing them to retain these, even if these customs do not accord with other customs that are widespread in the Muslim world.

Capital punishment

Question: What is the right stance on capital punishment in the Islamic law?

Islam is a complete, comprehensive, inter-related and inter-dependent way of living. As such, criminal law is only one aspect of it, aiming at protecting individual and society. It pre-supposes the full implementation of its other aspects.

Before meeting punishments for crimes, Islamic law requires the removal of the causes of such crimes. For example, social and economic justice are means of crime prevention, as they remove the causes and motives of many crimes. Even when this is done, due process of Islamic Law must be followed, including strict rules of evidence and the absence of any doubt or doubt or extenuating circumstances (shubuhaat) surrounding the crime.

Furthermore, Islamic law recognizes the rights of the victim to demand punishment or forgive the murderer with or without monetary compensation (a feature which is lacking in current secular Western criminal laws).

Numerous reports point out to the presence of biases and inequalities in the implementation of capital punishment in the USA (especially due to racism).

Therefore the FCNA (an affiliate of ISNA) supports an interim moratorium on capital punishment in cases where there is no coerced confession or in the absence of any shubuhaat in the Islamic legal sense (Fiqh). Meanwhile, all measures must be taken to deal with the problem of the roots by removing such inequities and biases.

Schools of law

Question: Is it wajib/required to adhere completely to a particular Madhab, instead of picking and choosing from amongst the four schools? And could you please list some recommended books regarding this subject?

As a matter of rule, Muslims should follow the legal evidence ('dalil') from the Qur'an and the sunnah of the Prophet, peace be upon him. However, if a Muslim would like to follow a specific legal school of thought ('madhab') exclusively, this practice should be based on a thorough study of its principles, ruling and opinions, and methods of deriving them. In that case, one will know what one is practicing, and will embrace a specific school of thought in an enlightened way. A person with such knowledge will be following the Quran and the Sunna. Otherwise, it will be a blind following, and Allah subhanu ta'la forbids Muslims to do so. Allah SWT has said : "And pursue not that of which you have no knowledge; for every act of hearing, or of seeing, or of (feeling in) the heart will be enquired into (on the Day of Reckoning)" {17:36}.

Some recommended books:

Ethics of disagreement, by Dr.Taha Jabir Alawani.

Rafu'l Malam an al-A'emat al-A'alam, by Ibn Taymia.

Al-madhabiya fil Islam, by Dr. Ramadan Albouti.

Acts of worship

Ablution and prayers

Question: Can a Muslim woman lead the prayer if there are no men? Can she do it also in the jaher (reciting aloud) prayer? Some sisters are debating with me regarding the voice of the woman what is your opinion?

The voice of women is not awrah, a she can lead women and small children in jaher prayers (Fajir, Magrib. Isha) if there are no men. The female companions of the Holy Prophet, peace be upon him, used to ask the Prophet questions in the mosque in front of the male companions, and the prophet did not scold any of them, not that only, the women used to make statements in the mosque in front of the prophet, peace be upon him, and his companions, may Allah be pleased with them. The narration are plenty and well known about this. Also, it was reported that Aisha, may Allah be pleased with her, the wife of the Prophet, used to hold sessions in the mosque of the Prophet after his death, since she was one of the scholars. The Awrah (private parts) of women is the hole of her body except the face and hands. And Allah knows best.

Question: Sometimes I find myself in public places and the time of prayer comes in, but I found it difficult to make full ablution in that place, especially washing my feet, am I allowed to wipe over my shoes or socks?

Yes, it is permissible to wipe over the socks or the Khuf, the companions of the Prophet, peace be upon him, used to wipe over their socks, at their time it was just like a piece of fabric covers their feet. This was narrated and proven by nine of the companions, among them Anas bin Malik... And some scholars said seventy companions narrated it, that is why some of the scholars consider it as a successive hadith (Mutawater). The resident has the right to wipe for one day (five daily prayers), and the traveler has the right to wipe for three days with the condition of not removing what is wiped on.

Question: I am an American Muslim who faces a problem at work to find a space to perform my zuhr and asr prayer and sometimes even maghrib (if it is winter time). There is no private place to pray. Can I perform all prayers together when I get home?

Salat is among the five main pillars of Islam. Muslims should always observe their prayers, even during the most difficult and harsh time, such as battle and war.

Allah the Almighty has said in the Quran, (4:103) ' when you have finished As-salat (the congregational prayer), remember Allah standing, sitting down, and (lying down) on your sides, but when you are free from danger, perform As-salat (iqamat-as-salat). Verily, As-salat is enjoined on the believers at fixed hours'.

Prophet Muhammad said ' the earth has been made for me (and for my followers) a place for praying and a thing to perform Tayammun, therefore anyone of my followers can pray wherever the time of a prayer is due' We believe that performing salat on time is easy and possible. Any clean place in your office facility would be fine. If you are unable to find a proper place to do this, we advise to combine zuhr and asr at the time of asr. And to combine maghribe and isha' at the time of isha' when you are home after work. But we would like to remind you that if you decide to combine the prayers it would be considered as qada'.

May Allah help us fulfill our obligations the way he commanded.

Question: Is it okay for sunnis to pray behind shia's? Will their prayers be accepted according to the laws of fiqh?

Muslims used to meet and join prayers in congregation regardless of their political or juridical orientations. Since to dawn of Islam, Muslims did not consider their differences as an excuse to leave the jamma'a, even though they might disagree upon deferent things. It is very well known throughout the Islamic history that people of deferent school of thoughts used to join the prayers even though they disagree upon certain points.

Prophet Muhammad said ' pray with every pious or dissolute imam'. Our ancestors used to pray with every imam as long they are certain that he is Muslim and he believes in the five pillars of islam.

During the era of ottoman caliphate, some sayings started to spread among the Muslim community said that it is not allowed for the followers of deferent schools to pray together, thus, they used to pray separately. To extent that they claimed that the Hanbali or Shafi'e man is not allowed to marry a Hanafi women and so on.

Allah named us in the Quran as 'Muslims' and he commanded the believers to (3:103) ' hold fast all together by the rope which Allah stretches out for you, and be not divided among yourselves'

Question: I have a significant number of Muslim inmates who are demanding they be allowed into the chapel to say their daily prayers. They claimed that they could not pray in their cells because the cell has a toilet in it. Am I to understand that no prayers can be said in a cell because of the toilet?

Islam urges Muslims to pray in congregation (jama'ah) five times a day if possible. The reward of the jama'ah multiplies many times than the one performed individually. Muslim inmates have the right to get the same reward. Though, it is highly recommended giving them access to say their prayers in the chapel. However, if, for security reasons or internal regulations for example, the administration of the institute does not allow such frequent meetings, then Muslim inmates have no other choice than praying in their cells.

In order to perform the Islamic prayer in a proper way, the place of prayer should be clean and pure from any filth. Muslim inmates have to be helped keeping their cells clean. The administration may provide them with prayer rugs and cleaning supplies to maintain the place pure. They inmates may assign a corner or a small place in the cell to say their prayers.

As for the issue of the toilet being in the cell, we believe that it has nothing to do with the prayer as long as the place is pure from dirt. Yet as we mentioned before, the congregational prayer is much better in reward than the one performed individually.

Question: Can I hold the Quran in my hands during Taraweeh?

Muslims have to pray to Allah with humility and humbleness. Among the characters of the successful believers is (23:2) "those who humble themselves in their prayers".

Anything may increase the level of concentration in prayer is recommended, and anything that may distract the concentration of worshiper is disliked. Focusing on the meanings of the Quran is one important element to increase the level of Khushu".

Holding the Quran in hand with respect during taraweeh in Ramadan is permissible. However, if a person can focus and reflect upon the meanings of the recited verses without holding the Quran is preferable.

May Allah help us getting closer to Him in our prayers.

Question: Is there a minimum on the number of Muslims praying together in congregation?

In general, Muslims who reside in the same neighborhood are highly recommended to pray the five daily obligatory prayers together in the local mosque as one congregation (jama'ah). However, one school of thought (maliki) concluded that it is an obligation for the whole community to pray every prayer in jama'ah if there are no particular circumstances that prevent gathering. Nevertheless, the minimum number required to get the blessing of the jama'ah is two. Consequently, if two or three persons have to pray together at home or at work, this would be sufficient to fulfill the Islamic shar'i requirements.

Having said that, the five daily jama'ah prayers are meant to provide Muslims with a sense of community and to furnish the opportunity to build communication, socialization and cooperate in doing good deeds serving the community. Thus, performing the prayer is one of many purposes of such gathering.

Mosques

Question: Is a menstruating woman allowed to enter the mosque to teach?

A menstruating woman is allowed to enter the mosque during her monthly period on order to teach others or to learn oneself, yet she has to take precaution not to pollute the mosque, and not to stay more than the required time. It is preferable to make ablution(wudu') before entering. And Allah knows. Islam is the religion of knowledge. The first word that revealed in the quran is to read (iqra') this includes everything, whether it is the reading of the revealed book or in the universal book. The Prophet, upon him be peace, said that seeking knowledge is a must on every Muslim. Knowledge is all that benefit a human being in this life or in the hereafter. He did not specify any particular type of knowledge.

Question: Is clapping allowed in a mosque or Islamic center? We have been inviting clergies of other religious denomination for special programs at our Islamic community center and we would like to show appreciation to them with clapping.

Mosques have played a key role throughout the history of the Muslim ummah, and Muslims should recognize and be aware of the importance of their communities and the significance of Islamic centers in the west.

First, we have to differentiate between places established as mosques and community centers.

Mosques have been established, originally, as places to perform salat and practice other rituals of islam, such as jumu'ah", itifiak ,etc. these places should be preserved from any kind of disturbance. Allah says in the Quran (72:18) "and the place of worship is for Allah alone, so invoke not anyone along with Allah". However, places established as Islamic community centers are not considered mosques. Usually these types of centers are established to serve the Islamic community in deferent local areas. In these centers, Muslims practice their religion, celebrate their feasts, and carry out their activities.

When the Prophet PBUH migrated to Madina, the first thing he did was to establish a mosque. This mosque performed the function of a community center. Muslims used it for the purpose of performing their prayers, reciting the Quran, learning, and organizing the army. In the mosque, the prophet used to judge among people, resolve conflicts, host and accommodate his guests, to the extent that ha used to set up tents within the mosque in case his guests were looking for privacy.

Generally speaking, most of the mosques in the west are considered as community centers. Until this moment, Muslims in the west do not have sufficient resources and facilities to assign particular places for their activities. if this is the case, then they have to be aware of practicing their activities in a way that does not violate the Islamic law and manners of the masjid.

If it happened that a group of non-Muslims visited the mosque to earn more about Islam and some people clapped in appreciation of their efforts, we should not be so critical to prohibit and cancel such activities. Yet, we should always be conscious in not exceeding the limits if Islam. Allah knows best.

Question: Is placing partitions between men and women in the mosque allowed?

Prophet Muhammad (PBUH) did not put any partition during his lifetime, nor he asked his companions to do so. Men used to pray behind the prophet, then the children and then women. The only thing they observed was to keep sufficient space between men and women.

In case a mosque has only one exit, then men and children have to wait until women leave before them.

The physical partition, whether it is a curtain, wall or anything else is not required according to the Quran and sunnah. Therefore, making an issue of it is not proper Islamically, especially in the West. Allah knows the best.

Question: What is the direction of prayer in Georgia, USA? There is a disagreement among the community in the mosque.

First, we should remind each other that among the meanings of turning our faces to the direction of Qibla is to unite our position and stand in prayer toward one direction. It is not proper to turn the symbol of unity and harmony to something that separates us as one Ummah or community. Muslim should avoid such argument that leads to division and separation, especially at the time where Muslims are facing great challenges and difficulties. At the same time we need teach ourselves the ethics of disagreement and the manners of dispute.

Several papers have been published about the Qibla direction in this area. The vast majority of scholars support the position North East (NE 54).

May Allah guide us to the straight path.

Fasting

**Question: What is the correct stance on sighting the crescent for both Eids?
This issue has divided our community.**

- A. It was the intention of Islamic law to provide for the establishment of the beginnings of the lunar months through means that would be easily accessible in every age and environment. At the same time, drawing on the benefits of human technologies has been alluded to in any number of scriptural texts (Qur'an and Sunnah) that call upon Muslims to be judicious and careful in matters of ritual worship.
- B. Physically sighting the moon is the primary (religiously mandated) means (al-asl) for establishing the beginnings of lunar months, provided, that precise astronomical calculations do not prove such sightings to be impossible, as, for example, where testimony is rendered that includes a claim of having sighted the crescent before the new crescent could have born, astronomically speaking, or after the crescent would have disappeared, or where such testimony is rendered in an area where it would not have been possible to sight the crescent, or where such testimony is rendered in the morning, etc. an example, meanwhile, of testimony being rendered problematic after the fact would be where an eclipse occurs (shortly) after such testimony or (even) before it by a few hours.
- C. Notwithstanding the well-known legal controversy over whether or not differences in time-zones (matla') are relevant, North America is to be considered a signal time-zone. Thus, whenever the crescent is sighted – in accordance with all the relevant preconditions and guidelines – in any region of North America, the remaining regions are to consider this a legally acceptable sighting, and it is not permissible for them to rely on any claims about differences in time-zones between one state and another or one city and another in any part of North America.
- D. The primary (religiously mandated) means (al-asl) of announcing the beginning of a lunar month is through the office of a Muslim judge. If such an authority is not available – as is the situation in North America – it becomes incumbent upon Islamic centers and cognate institutions that represent the various Muslim communities to agree upon a single authority to undertake the task of announcing the beginnings of the lunar months, in accordance with the statement of the Prophet, God's peace and salutations be upon him, "Your fast is the day that you collectively fast, and your breaking of the fast is the day you collectively break it."
- E. Muslims in North America should be alerted to the fact that, as far as they are concerned, the relevant factor in considering announcements about the beginnings of months is whether the announcement issued from North America. This excludes any (announcement made in any) other country besides the one in which they will be witnessing the month.

- F. the conferees reiterated that the implementation of these recommendations regarding announcements about the beginnings of lunar months works to bring about an important semblance of unity among the Muslims in these regions, most particularly during the seasons of communal ritual worship (i.e.; fasting and pilgrimage) and the Eids.

Standardizing the beginnings of months will make it easier for workers to obtain time off from work to perform Eid prayers and to join in congratulating each other on these occasions, while at the same time enabling them to avert conflict and argumentation that go against what God Almighty has commanded in the way of holding fast to His rope and not being divided, as we read in His statement, "And hold fast, all of you together, to the rope of God and do not be divided."

Question: I will travel from USA during Ramadan. I will leave Cincinnati on 7 pm and I will arrive Paris 9 am. In other words, i will spend the dawn time over the Atlantic with the time lag. I want to fast this day. I know that I can skip that day and refast it after Ramadan but I want to fast it. Do you have any idea when should I start my fasting (Cincinnati's time or Paris time or in between) ?

If you are determined that you want to fast during your travel, then you should follow the timing of your destination (Paris) in both starting the fast and breaking it. This should be considered from the time when the airplane leaves your hometown in the US . Allah knows best.

Question: Can I using smoking patches while fasting?

Fasting has been prescribed onto people for the accomplishment of several essential goals. Among these goals is the eradication of any bad habits that might adversely control the behavior of a human being. Smoking, undoubtedly, is amongst the worst habits that a person may habituate. It may cause severe damage, socially, physically and financially. The mass majority of doctors have agreed that smoking is one of the main causes of several serious diseases. As a result, many Muslim scholars have prohibited it. Their opinions have been supported from the general guidelines of the teachings of Islam, such as the hadith that narrates the prophet PBUH as saying, "No harm to oneself, nor to anyone else".

In its attempt to eliminate the habit of smoking, science has invented what is called the "smoking cessation patch" which regulates the lack and need of nicotine during the withdrawal period. We, as Muslims consider the use of these patches equivalent to smoking, hence advocating the same ruling whether it is prohibition or reprehension. Therefore it may be deduced that the use of these patches besides paying the proper expiation.

In summary, Muslims should avoid using these patches as they should avoid smoking, and if a Muslim does use these patches, he/she has to makeover the days in which he used these patches were in use and also pay the proper expiation. Unfortunately, with the advancement of society, we may find that the remedies of social illnesses only come through other such illnesses to feed this vicious cycle, and keep it ongoing.

Question: While fasting during Ramadan, is it possible to receive injections and give blood for medical testing? Note that the doctor's facility is not available after iftar.

Receiving an injection for fasting person does not break his\her fast, as long as the purpose of the injection is not to nourish oneself, otherwise, it would not fulfill the meaning of fasting, where Muslims are meant to feel the suffering of the poor. The same ruling applies for giving blood for medical reasons. Allah knows best.

Zakah

Question: Is zakat due on land purchased to build your own home in the future?

There is no zakah on land purchased for the purpose of building your own residence home even if it takes years to build and years to pay for it, even if down the road one changes her mind and sells it. Allah knows best.

Question: Do we pay Zakah on salaries?

Regarding Zakah we have to include in our consideration the welfare and interest of poor people. This has the highest priority.

Now if we look to changes that took place in our daily life, especially in the west, or any country that imitates the West, we notice that the economy is based on the principle of consumption, not on saving. Even though the income of an individual may be really high, he\she will spend all of it because of the attraction of the new products in the market. This will not lead to the savings of extra money at the end of the year, and as a result, the individual will not pay Zakah. Consequently the rights of the poor will be ignored.

Therefore, some scholars believe that Zakah should be taken from the monthly salary; if this salary exceeds the required amount he\she needs for living at the end of the month. Nowadays, we see many governments that take an excessive amount of income taxes to implement their policies, while disregard the needs of the people. To observe and meet the needs of the poor is more important.

Question: Can we pay Zakat to Islamic organization that support refugees, Muslims and non-Muslims?

Islamic organizations that devoted themselves to defend Islam and Muslims, and work to promote and strengthen are relations between the American Muslim community and their fellow non-Muslim citizens are Islamically legit and can be considered lawful to pay zakat to. if an organization works to spread the world if Islam and polish the image of Muslims; then paying zakat to such organization can also be considered lawful. It falls under the share of (in the cause of Allah) that was mentioned in the verse (9:60) " Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to the truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah, and Allah is full of knowledge and wisdom". it should be mentioned and stressed to the recipients of the zakat that the money of zakat, not to be confused with membership contributions, and therefore should be spent in the ways described in the verse above.

Regarding Muslim refugees. It is highly recommended to care for them and to spend the money of zakat in the sake of their basic necessities and needs. A lot of them are considered to be as "poor", "needy", "under debt", or " wayfaring" and " in the cause of Allah". they are implicitly included in the above.

Not that only, if the available amount of zakat does not cover their needs, then Muslims should cover this lack in funds with sadaqat (optional charity). In most cases, these kinds of people are subjected to change their faith by merely being absorbed in society or by some other groups of different beliefs. As a result of this, we stress that all Muslims look after the fellow Muslim refugees and take care of their families and children, so that they may feel that they belong to an Islamic nation that observes their brothers and sisters rather than neglects them during their time of trials and tribulation.

To fulfill this job, the trustees and donators may feel that they need to devote some people to organize and follow up with refugees, or teach and educate them. This thing may require full time workers. The trustees can spend from the money they have collected for zakat, under the condition that they not exceed $\frac{1}{8}$ of the total amount of the collected zakat. Allah knows best.

Question: Please advise if zakat is due to the IRA (individual retirement account). And does home mortgage comes in this equation?

The shari'ah ruling on the zakatability of IRA, and 401K and similar savings account meant for long term investment as sources of income for old age, is centered around two points: 1-the ownership of funds in these accounts; 2-the use of funds in the accounts (their form of investment).

1. Ownership of funds in IRA, 401K and similar accounts: whatever funds an employee puts in any of these account is deducted from her\his income with consent and authorization from the income earner. These funds are owned by the employee (IRA applied to self-employed too). the restriction and penalties imposed by the government on withdrawal of these funds do not negate this fact nor reduces its effect on zakatability. These funds do not become, by such restrictions, of the kind of al Mal al Damar. The latter is items that the owner does not know whether she can ever have accessibility to and even have doubt about its continuous existence, such as buried treasure that you forget where you hid it or a camel that escaped to the vast desert. The government have the right to impose restrictions on the use and disposition of private properties, especially in cases of Safah and such restrictions do not eliminate the right of the poor from the wealth of those under such restrictions. (in fact, those restrictions are of the same kind of the restrictions on the wealth if a Safih. It is the government's believe that owners may use them in a way that does not leave sufficient fund to spend at the time of retirement that caused it to impose such restrictions).

In the 401K and similar accounts there may be certain restrictions on the transfer of ownership of the employer's contribution, such as the passage of a number of years on employment, during this period and until these restrictions are satisfied the contribution of the employer are not yet owned by the employee.

Further the fact that these are savings for old age does not remove them from zakatability because even funds left aside for emergencies are zakatable, other conditions are fulfilled; and merchants, shop keepers and all other wealth owners do consider some of what they own as "reserves" for old age.

There are certain kinds of retirement funds to which the employee is not asked to make any contribution, or deductions from their salaries may be required by the employer's staff regulations or by law, and the employer deposits certain contributions too without being personalized in a separate personal account for each employee and without informing the employee each time a deposits in done. These kind of retirement funds are not in fact owned by the employees and are outside their zakatable items.

2. The mode of investment of these funds: assuming that funds in the IRA and 401K are invested only in stocks that are compatible with shari'ah, what applies on them is the same that applies on stock ownership. (the fact that management of these funds is surrounded to other agencies does not also affect the ownership) .

3. Stocks may be held as long term investment or they may be purchased for the purpose of selling at better prices. In the latter case stocks are treated, for zakah, in a manner similar to Urud al Tijarah (business inventory readied for sale, i.e., at 2.5% of market value on the day a lunar year is completed).

When stocks are held for long term. Owners are treated, for zakah, in the same way as owners of businesses. Three opinions: 1-minority: all business NetWorth is zakatable at 2.5%, 2-Qaradawi in the book on zakah: inventory readied for sale at 2.5% and return on fixed assets at 5% for gross return or 10% for net return (application is vague) 3- majority only inventory for sale at 2.5% (there is an OIC Fiqh Academy Resolution to this effect).

Notice that all three opinions are difficult to implement with regard to managed funds, including 401K and IRA, also notice that managers, as deputed agents of owners, usually buy and sell during the year, they buy with purpose of resale even the stocks they buy for long term investment. The difficulty in application is especially apparent when you deal with several mutual funds as normally done in 401 K and IRA.

Even the first opinion that seems the simplest and most straits forward has the difficulty of requiring you to know the book value of stocks rather than their market value.

New opinion of Qaradawi: such accounts may be treated as agricultural land on the basis that they are meant for lifetime and for future retirement, it is quickly carried and propagated by a few brothers who run stock investment business in the USA. This implies that zakah is only on the net return at 10%. Several criticisms are raised: 1-land is not kept usually for funding retirement, 2- business and its inventory is also maintained for long term and for retirement by all business men and women. 3- Agricultural land is completely exempt from zakah, interestingly, shari`ah defines grain and produce as a product of the seeds, not of the land. 4- it is normal in shari`ah to have zakah on wealth, Zakah on income is more sophisticated and rejected by the majority of scholars. 5- Even cash savings may be for long term and retirement, are they also exempt in this case? ETC.

Many scholars argue that since liquidation of stocks is very easy they are closer to cash wealth than anything else, and they must be subject to the 2.5% rate on the market value. This is obviously the easiest and most simple.

I see the virtue of protecting the wealth of rich in the new Qaradawi opinion, but on the other hand it renders the share of the poor meager or null when it is most needed, at recession. I tend to argue that stocks are zakatable at 2.5% of the market rate, including 401K and IRA.

For the deduction of potential penalty from the amount subject to zakah, there seems no justification for it because it is not yet charged. Shari`ah doesn't work on assuming things that have not actually taken place. The zakatable amount is the market value at the end of lunar year, or add to the rate the equivalent of days' difference between lunar and solar year, i.e., $11\frac{1}{2} \times 2.5\%$

Finally, long term debts such as home mortgage debt are against future income not present amount of zakatable item. However, if any part of the existing zakatable items at the end of the zakah year is going to be used itself to pay any outstanding debt, such debt is deductible from the amount of the zakah item for

the purpose item of calculating dur zakah. This happens, for mortgage, if you received your month's income just before the end of the zakah year and an amount is due on you for payment a few days later, before you receive the next paycheck. In fact in this case you may also deduct your personal, family and business expenses for pay period that you normally use of the already received pay check.

Question: A sister in Islam, who is poor student in Senegal, and qualifies for Zakah is in extremely poor health and has been in need for a serious operation. She had approached me for financial help in financing her medical operation. I readily provided her the money, without niya of it being zakat, but not thinking of it as a loan. Now she is in debt towards me and I would like to make niya that the money I lent her be used for zakah. Am I allowed to do that?

Islamically, the intention is a part of the iddah, and it should precede the action, as the Prophet said in his famous tradition. Thus, the first donation you made considered as sadaqah. Not zakah. May Allah accept from you reward you in this life and in the day of judgment. But what you are willing to pay later will count as zakah if you make up your intention properly. The bottom line is to determine the proper intention in advance. This is the way with all the ibadaat we perform. Allah knows best.

Question: I know a widow and her son in Pakistan who are barely making their both ends meet. They want to buy a very small house. Can I give zakat money to buy the house?

Basically, zakah money should be given/spent locally to the people who are eligible to receive zakah, so that the need of the local community would be fulfilled and secured before looking to the larger Muslim community. This is based on the recommendation of the prophet, peace be upon him, when he sent Mu'az b. Jabal to Yemen. However, some scholars believe that giving zakah money to someone who is in need for help from outside the local community is something permissible, especially in the case of kinship or being a relative. Giving zakah is based on the need of the person regardless of the ways he/she is looking to spend the money in. sheltering a family who is in need for such assistance is acceptable and rewarding insha'Allah. Having said that, it is important to mention that the receiver of the zakah, in this case, should own the property, and that it does not belong to the giver anymore.

Hajj

Question: As you are aware, the majority of our Muslims brothers and sisters intend to visit Mecca and Madina in a lifetime to perform Haj and Umra, but they could not afford it. Can we take the pilgrims to Mecca and Madina then to collect the money after return from pilgrims in installments without charging interest?

Haj or umra is not required from those who do not have enough money for at least one year's expenses for themselves and for those persons who they are responsible to maintain. Allah does not ask one to perform above one's capacity. Allah has said: "On no soul doth Allah place a burden greater than it can bear" (2:286) and He has said: "pilgrimage thereto is a duty men owe to Allah on those who can afford the journey" (3:97) and the Arabic word (istita'a) means both: financially, and body capability. And Allah knows best.

We advise those whom Allah enables to perform Haj and Umra once- in the right way- not do it again. Instead, they should give the money to those who are in need, to the students, and to perform other acts of charity, because doing so is better than the supererogatory performance of Haj or Umra.

Question: My elder brother is planning for Hajj next year (InshaAllah). He has asked me to perform Hajj with him, he is also willing to pay my Hajj expenses. I am not financially in apposition to perform Hajj this year. Is it OK for me to accept my brother's offer?

Performing hajj is among the five main pillars of Islam. Every Muslim has to do it once in his lifetime. However, it depends on his/her physical and financial capability. A valid hajj should be paid by ones own money. Nevertheless, you can be in the company of your brother and on his expenses in order to get the reward and the benefit of the pilgrimage. Having said that, you have to plan for yourself to perform hajj on day in the future by your own money insha'Allah. May Allah accept your intention and deeds.

Financial dealings

Waqf endowments

Question: In the North American Islamic Trust (NAIT), can we use the Waqf endowments property as loan collateral?

The North American Islamic Trust ("NAIT") is an Indiana nonprofit corporation, tax-exempted to Internal Revenue Code, NAIT functions in part as an Islamic endowment trust ("Waqf"), serving American Muslims, Islamic centers and Muslim community organizations (collectively, "Organizations") in the U.S. NAIT holds titles to over 300 properties of these Organizations, properties (mosques, Islamic centers or schools, each a "Center" or collectively, "Centers"). NAIT also advises the Organizations operating the Centers regarding the Centers' operations in conformity with Islamic law.

By holding title to the Centers, NAIT serves two purposes (1) pursuing the Muslim practice of holding and Centers and other facilities for their religious and common good (i.e., the waqf function) and (2) safeguarding the Centers against any potential claims or legal liability arising against the Organizations locally. Each Organization is responsible for running their Center(s), including property upkeep, property insurance, payment of local taxes (if any), and the like. NAIT does not monitor nor interfere in the activities of the Centers, nor does it involve itself in the election of Organizations' leadership.

NAIT shows the waqf Centers in NAIT books in two groups, based on the relationship between the Organization and NAIT:

Trust Arrangement: Generally, an Organization would execute a declaration of trust (trust agreement) with NAIT as Trustee and the organization as Beneficiary for a restricted use of the Center as an Islamic center or school. Centers with these trust agreements are reflected as "assets per contra" on NAIT's financial statements.

Lease Arrangement: In some cases, NAIT will enter into a renewable triple net lease agreement with the relevant Organization with respect to a Center, the terms of which include a nominal \$10 annual rental. Centers with these lease agreements are reflected as "restricted assets" on NAIT's financial statements such restricted assets are never used as collateral by NAIT.

Many Centers need to either purchase additional properties or add another building to the existing Waqf land with a pre-existing building. In some cases, these centers need to take loans from either individuals or other Shariah-compliant lenders. These funding sources require collateral for extending loans, Centers revert to NAIT seeking to use as collateral the Waqf property under NAIT trusteeship for which the Center is the perpetual beneficiary. Historically, NAIT has refused citing that Waqf properties cannot be mortgaged, cannot serve as collateral, and cannot be subjected to a lien. Centers have sometimes failed to appreciate NAIT's position that neither trustees, nor beneficiaries, nor managers can expose Waqf properties to any liability to any third party, no matter what the underlying purpose of such transaction is, nor how improbable it is that the third party would exercise its rights to the property.

The Fiqh Council of North America (FONA) in its meeting held in Herndon, Virginia on February 7, 2008 discussed the question sent to it from the North American Islamic Trust (NAIT) regarding the Fiqh opinion on the permissibility of the use of Waqf property as loan collateral for the purchase of another Waqf property. The following is the summary of the discussion:

1. It is not permissible to use the Waqf property comprising the Masjid/Islamic Center as loan collateral in financing the purchase of another property. The reason is that it is not permissible according to the Shari'ah to sell, mortgage or place a lien on a Masjid in order to pay for another property.
2. It is permissible to use Waqf properties, other than Masjid/Islamic Center as collateral if all the following conditions are fulfilled:
 - a. It is needed for the replacement of a Waqf property that is not Masjid/Islamic Center with another Waqf property, provided the replaced property is not encumbered.
 - b. If the Nazirul Waqf (Guardian of waqf) sees that it meets the objectives of the Waqf and the will of the Waqif (waqf maker) and it is in the best interest of the community in that area.
 - c. If the financing arrangement giving rise to the use of such collateral is free of any riba component.

Mortgages

Question: Can we in the west purchase homes through traditional banking mortgages?

The conferees reviewed the problem of acquiring homes for residence, as it affects Muslims living in America, given the avenues most commonly available to them, namely, renting or purchasing by way of a mortgage. The following was concluded:

- A. The conferees urged the Muslims in the West, in cooperation with investment institutions in Muslim countries, to undertake the following:
 1. Work to provide Islamic alternatives to solving the problem of financing homes, by establishing sufficient quantities of Islamic investment institutions or housing cooperatives (whom we hope will give consideration to the needs and circumstances of those with limited incomes), in order to bring the Muslims out of situation where they are forced avail themselves of dispensations (rukhsah) and allowances made on the basis of absolute necessity (darurah) and into a situation where they can commit themselves to following Islamic law as stated, making only those choices that reflect such a commitment.
 2. work to support and strengthen those newly established Islamic institutions that operate in accordance with the Islamic rules of civil transactions (ahkam al-mu'amalat) in order to enable such institutions to produce the aforementioned alternatives.
 3. Study existing contracts that are generally used by traditional banks in financing homes in order to see if it is possible to (adjust these in order to) arrive at terms that do not conflict with the rules of Islamic law, and to see if it is possible to convince banks to accept such (revised) contracts.
- B. Having a home to live in is one of the absolute necessities (hajjat daruriyah) which must be provided for, absolutely, whether this be by way of renting or purchasing.
 1. Renting a home entails a significant number of difficulties for a Muslim living in America. These may relate to the size of the Muslim's family, the ability to choose a suitable neighborhood to live in, or the arbitrariness with which landlords often treat their tenants.
 2. The method presently available for purchasing a home through traditional banking arrangements (i.e. mortgages) in which the (full) price is paid to the seller and the buyer reimburses this in installments constitutes, in its basic form, an unlawful increase (riba). As such, it is not permissible for a Muslim to partake of such arrangements if an Islamically legitimate alternative through which he or she can satisfy his or her need is known exist. Such alternatives might include contracting with finance companies to provide financial services on the basis of deferred repayment (bay'al-ajal), or contracting with a company to buy a home and then sell it to the Muslim at an agreed-upon mark-up (murabahah)

or contracting a partnership with a company wherein the Muslim buys out the company's share over time (musharakah mutanaqisah), or other such arrangements.

3. The majority of the conferees held that if no such Islamically recognized alternatives exist and a Muslim wants to purchase a home through existing banking arrangements (i.e., a mortgage), it is lawful to resort to existing banking arrangements, assuming the existence of an Islamically recognized need (hajjah) that is widespread to the point of assuming the status of an absolute necessity (darurah). In other words, the permission to purchase a home through traditional banking methods was held to be contingent upon the satisfaction of two conditions:

- 1) that the Muslim be outside the lands of Islam.

- 2) that the need to purchase a home be widespread to the point of affecting the generality of those residing outside the lands of Islam. This (permission) was granted in light of the need for Muslims to repel social, economic, moral and religious harms (associated with not having a home) and to realize or promote those interests via which one's religion and Islamic identity are preserved.

4. Other conferees held, however, that it was not permissible to resort to traditional banking methods (to purchase a home) even if there was an Islamically recognized need that assumed the status of an absolute necessity. These conferees held that a Muslim must limit himself to renting, as an alternative to owning, notwithstanding whatever known advantages might be forfeited by renting. These conferees based their view on that traditional in Islamic law that holds unlawful gain (riba) to be forbidden both inside and outside the lands of Islam, and that dealing in transactions that entail unlawful gain (riba) is rendered permissible only by Islamically recognized absolute necessity (darurah), not by Islamically recognized needs that assume the status of an absolute necessity, even if such a need should be widespread to the point of affecting the generality.

- C. It became clear from the professional testimony presented by a number of invited (banking) specialists regarding the (content of) contracts presently used for home-purchases that some of these contracts, as far as their content is concerned, come very close to delayed payment-sales (bay'al-ajal) and that one might apply in the case of some of these contracts the jurisprudential precept that holds that, "What is considered in contracts are the aims and intentions, not the forms and expressions". It might be possible to re-word some of these contracts (so that they become lawful).
- D. All of the conferees reiterated that it is forbidden to take loans on interest from banks because this entails unlawful gain (riba), which is forbidden. They also reiterated that the permission to purchase a home through a bank, even in accordance with the aforementioned stipulations, is an exception predicated upon absolute necessity, which is assessed in its own right, or a widespread need that assumes the status of an absolute necessity. It remains, however, that the basic ruling on purchasing homes through banks is that it is forbidden.

Question: What is the justification of scholars who allowed mortgage, from the Islamic legal theory point of view?

There is no doubt that *riba* is forbidden and it is considered in Shari'ah one of the worst sins that provokes a declared war on the sinner from Allah and from His messenger. There is no doubt, too that interest as practice in banks is *riba*.

The matter comes from one angle only that is whether there may be circumstances that render a prohibited matter tolerable, or permitted.

Necessities do that because our religion is based on removal of hardship (*raf' al-haraj*). The rule of necessity applies when there are strong reasons to believe that, under the existing circumstances, abiding by a given rule of prohibition results in essential damage to any to any of the five basic things for whose protection and for whose promotion Allah sent down the Shari'ah, namely, life, religion, mind, posterity, and property. One degree below necessity is *al hajah* (you may translate it as need and removal of difficulties). This is where an action is not really essential to safeguard a basic thing but it is very important for it. In other words, not taking such an action results in substantial difficulties that are, though bearable, harsh and hard to live with. When a *hajah* affects the whole society, or a class of persons such as physicians, construction workers, nursing mothers, high school students, married people with children living in certain area or country, etc; such a *hajah* become a *hajah 'ammah* (a universal need) because it, generally, applies to all members of that group. A *hajah 'ammah* is treated in shari'ah in a way similar to necessity, i.e; it is upgraded to the level of necessity in its effect on prohibited matters.

This *hajah 'ammah* is basis for relaxing the prohibition of *riba* in the case of residence home mortgage.

There is another basis too. It relates to the geographical scope of the law and it is interesting to know and appreciate. It is the stand of a great 'alem of the caliber of Abu Hanifah and Ibn Rushd (the grand father, who is the most prominent Malikite of all ages). Their argument is that the prohibition of *riba* is one of these matters that came in shari'ah to protect the property of contractors in any exchange contract, so that the obligations of the two parties in an exchange contract would be equivalent to each other. This balance in contract is one of the essential features, call it conditions in all exchange contract permitted in shari'ah. *Riba* is different of, say, dishonesty or *zina* (adultery/fornication) as the latter is kinds of moral decay whose prohibition is intrinsic. If the purpose of the prohibition of *riba* is to protect properties of the parties in a contract, this does not apply outside the geographical scope of the Islamic law, shari'ah, i.e; outside Muslim countries. This is an important rule in international law that was well understood by these great scholars. It results in a ruling that the shari'ah is not required to protect the property of a contractor outside the Muslim land, which means that while a Muslim is religiously required to protect her/his own property anywhere, the Islamic law does not need to protect the other party's property outside the Muslim land, i.e.; you can take *Riba* from the other contractors in this case but you must not give it to him because this benefits you and does not waste your property. The late sheikh Mustafa al-Zarqa adds that this argument for taking not giving is based on what is to the benefit of the Muslim in a contract, but if becomes more beneficial to her/him to pay interest, as is the case in mortgage with the tax and ownership advantages in comparison

with renting, then the argument of Abu Hanifah applies to mortgage as its final sum ends up more beneficial to the Muslim's property. In the Resolution of the First International Fiqh Conference held in Detroit, fall 1999, reference to this argument was skipped in the final draft only. Notice that this argument canters on the financial advantages alone which is in general one of the five matters that need protection and promotion.

On the other hand, there is the classical argument that does not take the circumstances in North America as applicable to the *hajah 'ammah*, though the premises that necessity and *hajah'ammah* as foundation for relaxing a prohibition are not denied. When faced with the needs of American Muslims, some of those who oppose this resolution said "then you guys must migrate to Muslim countries" not realizing that many of us have no other home than North America and many have actually escaped the Muslim countries because of multiplicity of reasons, not the least of them are economic opportunities and political harassment.

Most important than all the above is that we Muslims in North America must expend all effort we can for establishing financing industry by developing contracts, compatible with *shari'ah* while the fit, at the same time, the American law and the requirement of main stream financing institutions.

Insurance

Question: What is the Islamic stance on life Insurance in the USA?

Issue:

The Fiqh Council of North America (FCNA) received numerous inquiries about the fiqhi verdict in life insurance in North America. These inquiries show that the issue is both important and related to the needs (hajat) of the Muslim community in North America.

Response:

The FCNA thoroughly researched previous studies and decisions by Muslim scholars in the topic of insurance. The FCNA studied their points of view as well as their fiqhi justifications. The FCNA was also aware of the data available to them and upon which they relied to reach their conclusions. Their scholarly opinions on this matter may be summarized as follows:

1. Prohibition of all types of insurance
2. Prohibition of some types of insurance.
3. Lawfulness of all types of insurance provided that the terms stipulated in any specific individual contract is free from data.

Consequently and upon application of relevant usuli principles and fiqhi maxims to the question of life insurance in North America, the FCNA reached the following conclusions and decisions:

1. The question of insurance is an ijthadi question. It is not a mansus (textual) one. The scholarly responses are expected to be variant.
2. The practices of insurance and the laws regulating them in North America have changed significantly from what they were initially and even a decade or two ago. They allow for a more equitable to prevent deception and indeterminacy.
3. The modern life insurance contract and other types of insurance contracts are actually new forms of contracts that did not exist in earlier times. There is no full and direct "qiyas" with any of the transactions known in our fiqhi legacy as "al-'uqud al-mussammah".
4. This type of contract is a hybrid of ta'awun (mutuality) and istithmar (investment), both of which are Islamically sound transactions.
5. The concept of insurance in principle is, therefore, Islamically sound.
6. Any specific insurance contract must be studied in order to determine whether or not it is free from riba.
7. there are life insurance contracts offered in North America that do fulfill the fiqhi requirements for permissibility. They are free from gharar (deception), jahala (indeterminacy), and riba, factors that would invalidate a contract in the shar'i sense.

Finally, the FCNA highly recommended that Muslims in North America be involved in the area of insurance. They should organize their efforts to provide insurance alternative based on ta'awun and istithmar. These alternatives should improve on the existing ones by being more equitable and more moral. The FCNA, Insha'Allah, would spare no effort to guide in this vital endeavor.

Lottery

Question: Is it permissible for us to obtain money from our national Lottery to build an Islamic center? Approximately, 25% of the ticket cost goes towards charity?

The fiqh council sees no way to make such kind of resources permissible to establish an Islamic center, because the lottery is a form of gambling, and as the Prophet (peace be upon him) said: "Allah is pure and does not accept anything except what is pure."

We advice you to be patient and persistence in your efforts to raised funds among Muslim individuals and organizations. In sha'Allah, you will achieve what you have planned to achieve.

Inflation

Question: My question is about inflation. I gave somebody a loan of \$10,000. The person returns me the loan after a year. By that time dollar is down by 20%. Now that \$10,000 is worth \$8,000. Suppose I put a precondition that he has to pay me the difference if the dollar goes down. Now, what about if the dollar gains some value, does he have to pay me less than \$10,000 because the dollar is stronger now?

It is well known that Islamic law does not permit any extra changing from the debtor. The creditor receives the same amount that he pays to the debtor regardless of the length on the interval between the payment and repayment. Having stated this, it is recommendable for the debtor to compensate the creditor with some gift, if possible recommendable for the debtor to compensate the creditor with some gift, if possible.

Credit cards

Question: I would like to know if using credit cards is permissible in Islam if you pay off your balance every month and therefore never pay interest.

Muslim can get the credit card, even though he signed a contract that he will be liable to pay interest in case he/she is late in paying on time, but if the Muslim has the intention that he/she wanted to get the service without being involved to pay interest, then it is permissible and licit (Halal). This is very clear in the Islamic jurisprudence (fiqh), if there is any condition, which is invalid; it is not going to make the whole contract invalid. The contract is correct but that condition is invalid.

Family law

Marriage

Question: What is the ruling on sending pictures to one for the purpose of marriage. Is it permissible to send a picture without the headscarf on?

Islam is a comprehensive way of life that encompasses all aspects of life. Islam, based on the Quran, draws general guidelines for Muslims to guide and direct them in their worldly affairs. From the Quran and the traditions of Prophet Muhammad (PBUH) we can derive the rulings (ahkam) and manners (adab) to which a potential couple should observe and abide by.

In the Quran we read, (24:30-31) "Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them and Allah is well acquainted with all that they do. 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 therefore that they should draw their veils over their bosoms and not display their beauty except to their husbands. Their fathers. Their husband's fathers, their sons, their husband's sons, their brothers or their brother's sons. Or their sister's sons, or their women, or their slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex and that they should not strike their feet in order to draw attention to their hidden ornaments. And O ye Believers! Turn ye all together towards Allah, that ye may attain bliss."

From these inclusive-exclusive verses we see that Allah, the Almighty, has directed both; male and female Muslims to be chaste, modest and to abide themselves by certain guidelines such as lowering their gaze. Hence it is not permissible for a male or female Muslim to gaze at or to sit alone in seclusion with a person of the opposite sex other than ones whom Allah has allowed. Having this in mind, Prophet Muhammad (PBUH) directed those who want, truthfully, to get married to look at each other however, this permissibility is restricted to the limits of the regulations and manners of Islam. This means that a man is not allowed to endure gazing at a Muslim or non-Muslim female without her headscarf on. He may ask one of his female relative or a close friend to visit the potential fiancé to provide him with an idea about how her physically appearance without headscarf looks like. Therefore, we do not recommend the idea of exchanging pictures among the parties; rather we prefer a direct or indirect contact as described above.

Allah says, (2:229) "these are the limits ordained by Allah; so do not transgress them if any do transgress the limits ordained by Allah, such persons' wrong (themselves as well as others)."

As long as there is no official commitment or declaration of the engagement from the two parties, then each side has the right to continue seeking his/her suitable spouse.

Question: Can a "non-clergy" Muslim perform the Muslim marriage ceremony?

A "non-clergy" Muslim can perform the necessary ceremony. This is because Muslims are intended by Allah to be their own "clergy", and are not rely on the intervention or intercession, while certainly a scared trust between husband and wife, is actually a transaction or "aqd and any Muslim who is legally competent may undertake it for him or herself (or, if they should so choose, then by means of a wali).

The exact words of the 'aqd in Arabic are (qabiltu) or "I Accept." These are the only words that need to be said by the two parties to the contract. Moreover, these need not be said in Arabic. The English equivalent, " I accept" is accepted alternative. As in any contract, the essential ingredients are an offer by one party and acceptance by the other. If the other party rejects the offer, then obviously there will be no transaction. This means that the marriage contract may technically (as long as all the other conditions are satisfied) take place directly between the two parties. The way of the prophet, however, was that a third person undertake to lead a ceremony, and ask each of the two parties (or their representatives), in front of witnesses, if she\he accepts the offer to enter into a contract of marriage.

Enclosed you will find the Arabic text of the khutbah (sermon) recited by the Prophet PBUH. You will also find the English translation of the same. The khutbah for marriage is like the khutbah for jumma'h (Friday congregational prayer) in that each contains elements of both dhikr and tadhkir, where tadhkir follows dhikr in importance. It is for this reason that the Arabic text of the khutbah (which is dhikr) should be recited, even though this is technically not essential, because it contains an element of worship. The English translation is important as the khutbah carries a messege (tdkhir) of importance for those listening to it, and especially those entering into the transaction.

Question: Could a man and a woman who engaged in adultery get married to each other if they want to rectify their relation?

If the adulterer and the adulteress want to purify themselves, and to get out from the prohibited relationship to a lawful one, and to go to the straight path, then it is permissible for them to marry each other.

In the case of single adulterers, it was narrated that Omar bin Khattab had punished a man and a woman who committed adultery, yet he joined them as a couple by making Nikah, but the case would be different if the adulterers were married to other people.

It is still highly recommended for both to make a sincere repentance to Allah, asking him for forgiveness and guidance.

Regarding Iddah (the period of time which a woman has to wait after divorce or death of husband, and in this case if she is pregnant or not), they do not have to wait until the time completes, as long as the partner is the husband, but some of the scholars said, there is no Iddah for the adulteress. And Allah knows the best.

Question: What is the Islamic ruling regarding Muslim women who got married to a non-Muslim man? Is their relationship is halal? what is the role of the parent in this situation?

Definitely, it is very clear in the Qur'an and the sunnah that a Muslim woman does not have the right to get married to a non-Muslim man, Allah the Almighty has said (60:10) :

"O ye who believe! When there come to you believing women refugees, examine (and test) them: Allah knows best as to their Faith: if ye ascertain that they are Believers, then send them not back to the Unbelievers. They are not lawful (wives) for the unbelievers, nor are the (unbelievers) lawful (husbands) for them. But pay the unbelievers what they have spent (on their dower). And there will be no blame on you if ye marry them on payment of their dower to them. But hold not to the guardianship of unbelieving women: ask for what ye have spent on their dowers, and let the (unbelievers) ask for what they have spent (on the dowers of women who come over to you). Such is the command of Allah: He judges (with justice) between you. And Allah is full of knowledge and wisdom"

It is better to get married to a slave, bondsman than get married to a non-Muslim, Allah the Almighty has said (2:221): Do not marry unbelieving women until they believe: a slave woman who believes is better than an unbelieving woman. Even though she allure you. Nor marry (your girls) to unbelievers until they believe a slave man who believes is better than an unbeliever even though he allure you. Unbelievers do (but) beckon you to the Fire. But Allah beckons by His Grace to the Garden (of bliss) and forgiveness, and makes His signs clear to mankind that they may receive admonition"

This situation is the mistake of her parents, and they have to pay the price and take responsibility, the Holy Prophet (peace be upon him) has said: "To neglect and not take care of your family is a big kind of sin"

The relationship between this couple is not lawful from the Islamic point of view, since it is not allowed under any conditions or circumstances to get married to a non-Muslim. The only solution for this relationship to become lawful is to convince the husband to convert to Islam and pronounce the Shahadah completely, (I bear witness that there is no god but God (Allah), and Mohammed is his Messenger), otherwise they have to separate from one another (get divorced).

It is the duty of her family to advice her by this. If she and the other person accept the advice, they can make Nikah, and if they do not accept the advice, the parents have to stop meeting with her, and inform her that she is not welcome to be a part of the family anymore.

Question: Does Islam allow marriage between different sects of Muslims, sunni and shia?

In responding to your question, we would like to acknowledge you that all Muslims believe in one God (Allah). They believe that Muhammad is his messenger and the seal of the prophets. They believe that the Quran is the holy book of Islam. Also, they believe that they will be held accountable in the Day of judgement according to their deeds in this life.

Our scholars said that whoever prays the way we pray, faces the direction we face during prayer (kiblah), and eats from our slaughter, then she\he is one of us.

Muslims should abridge the differences among themselves that were resulted from the deferent school of thoughts throughout the history. They have to abide only to commands of the Quran and the authentic traditions of the Prophet. By doing that they would be able to solve amicably many of the issues that used to cause separation among the Islamic *Ummah*.

Question: Does Islam allow temporary marriages?

The temporary marriage is considered among the jahili (pre-islamic) type of marriage. The Quran has voided all types of as being jahili marriages and approved one form of Islamic marriage that is based on a valid contract between a male and female that includes certain criteria and conditions.

Marriage contracts should be permanent, and it is not allowed Islamically to include in the contract any condition state that the marriage would come to an end in at a particular date. If such a condition were stated in the contract, the marriage would be considered void from the time it was issued.

Allah says in the Quran (23:5-7) ' who obtain from sex. Except with those joined to them in the marriage bond, or (the captives) whom their hands possess, for (in their case) they are free from blame, but those whose desires exceed those limits are transgressors'.

Some of our shi'a brothers consider the temporary marriage to be valid one in the case of necessity. The couple agrees to marry each other for a determined period of time, such as one month or one year with a certain amount of money offered from the male. Just like the ordinary marriage contract, the shi'a states that the contract should be approved at the presence of two Muslim witnesses, beside the approval of the woman's guardian.

Also, some salafi sects state that it is permissible to marry a woman with an implicit intention to divorce her in a certain time.

We do not believe that these types of marriage fulfill the purposes and goals of the Islamic marriage. Islam considers the primary goals to be achieved by marriage, to be: achieving tranquility, rest, and mercy (mawadda wa rahma) between the couple, establishing close relationships among different parts of the society (nasab and sihr), and maintaining the continuity of the human kind. The temporary marriage does not fulfill any of these goals. Islam does not consider bodily needs to be the only drive in finding a mate. The issue is to take responsibilities and be in charge of establishing good family.

As for those who are in desperate need and necessity, it is recommended for them to counsel a knowledgeable, pious and trustworthy imam or scholar to help finding suitable Islamic solution for their particular case.

Prophet Muhammad PBUH said, ' Allah has prescribed on himself to assist and help three types of people' among them ' the one who seeks chastity a modesty through marriage.'

Family courts

Question: How can we deal with the conflicts between Islamic and civil family courts?

1. Whereas Muslims are bound by the Islamic laws of personal status, the majority of which are derived from principles of Islamic law that are not subject to change or modification, it is incumbent upon the Muslims to strive to gain official recognition for these laws in the non-Muslim countries in which they live, so that their affairs in the areas of marriage, divorce, inheritance and related areas can be governed by these Islamic laws.
2. Rectifying the presents situation will require increased effort to gain official recognition for Islamic laws to govern the affairs of Muslims in the area of personal status. Until such times as such recognition is gained, Muslim spouses and families must (recognize their religious duty to) abide by the rules of Islamic law (as a matter of conscience) in the area of personal status.
3. Muslims living in the West should be directed to include pre-nuptial conditions in their marriage contracts to protect their Islamically recognized interests. Most particularly, they should include the stipulation that both parties will be bound by Islamic arbitration (in the event of any legal dispute) in light of whatever other conditions that have been set forth in the contract.
4. The conferees recommended that standard forms for marriage contracts, divorce decrees and remunerative divorces (khul') be drawn up, in accordance with the rules of Islamic law, which would then be recognized and shared by all (mosques and) Islamic centers in North America.

Question: We live in the United States and are married according to the law here. My husband divorced me orally. What is my marital status? Do I have a right for a dower, right to seek compensation from my ex-husband, and/or right to custody of my son? What is the Islamic legal perspective?

Insofar as your marriage is concerned, the Fiqh Council of North America has determined that no Muslim marriage may be terminated unless it is terminated through the court system of the state in which the Muslim is resident. This is an issue which has been discussed extensively by the Fiqh Council and, owing to the many ways in which the traditional Islamic formula for divorce has been abused by Muslims (and for many other reasons), the Council has given its opinion that divorce is recognized by the state. In this way the rights of all concerned, husbands, wives, children, and other relatives, may be protected including religious rights, conjugal rights, property rights, custody rights, etc.

Having said that, however, there is the question of whether or not an Islamic pronouncement of divorce constitutes legal grounds for divorce. This issue, from an Islamic legal perspective, is very clear. This is the traditional, religious formula for divorce and, morally, no Muslim woman could resume normal marital relations with a man who had made such a pronouncement to her.

Ethically, no court should require her to do so. If a state recognizes "irreconcilable differences" as grounds for divorce, then the pronouncement of a religious form of divorce such as the one described, should certainly qualify as sufficient and legal grounds.

Secondly, in regard to your dower, you are entitled to all of it. At the time of your marriage, and in accordance with Islamic law and practice, you were promised a dower for a specific amount to be paid in a specific manner. When you entered into the marriage contract that amount became your right. When you are divorced, the entire amount, if it has not already been paid, is to be paid to you. If partial payment has been made, then you are to receive the remaining amount. Your marriage was a contract, and the terms of that contract stipulated the payment of a dower (variously termed sadaq or mahr).

In all likelihood, there is even a clause in your marriage contract which gives, in writing, the details of the dower to be paid.

The third issue is the matter of whether or not you have the right, from an Islamic legal perspective, to seek compensation from your husband, either in the form of alimony, or maintenance, or child support, or whatever. In this matter, the higher principles of Islamic justice, principles dealing with the welfare of the individual, may be cited as overruling the limited rulings of past times. The concern of Islamic law, before all else, is justice; and not the opinions of jurists who lived under circumstances very different from our own. Thus, if the dower was considered sufficient for the future of a divorced woman under a social system in which the extended family provided every manner of social service, including counseling, moral support, shelter, and so on. It cannot be viewed as sufficient in twentieth century American society. In this country, the so-called nuclear family is more often dysfunctional, or simply unable to support more than itself, and the existence of an extended family is so rare as to be of no consequence in legal considerations. This being the case, many women are quite literally dependent on their husbands for all of their needs, and for those of their children. Then, if a Muslim divorces his wife, he must be held responsible for her, and her children's,

welfare. If the woman re-marries, then he may be absolved of responsibility for her. But, in regard to his children, he will remain responsible until they have become adults and are able to provide for themselves. This is the meaning of the verse: (men are protectors and maintainers of women).

Spouses rights

Question: What are the roles and rights of the housewife, especially as they relate to taking care of her mother in law and father in law. Also, how should a husband treat his parents, while also respecting the rights of his wife?

A wife is responsible to do her duty to her husband, and she is responsible to take care of him, his home, and children, but she is not responsible to take care of his parents. If needed, this can be done in a mutually agreeable and an amicable way, such both of them will be happy in their married life. The Prophet, peace upon him said: (O people, it is true that you have certain rights with regard to your women, but they also have right over you. If they abide by your right then to them belongs the right to be fed and clothed in kindness. Do treat your women well and be kind to them for they are your parents and committed helpers. And it is your right that they do not make friends with any one of whom you do not approve, as well as never to commit adultery.)

Question: If the wife is working, is there any authority given by Islam to the husband to stop her from working?

The prophet PBUH said (women are equivalent to men). There is no deference among them as regard their humanitarian rights and responsibilities. People should move out the lowering way of looking to woman.

It is the responsibilities of the husband to support the female members in his family (wife, daughter). They (the women) are not obligated to work outside of the home in order to support the family, but if she decides to work, it is her own decision.

If a woman chooses to work, she has to consider the following:

- a- The nature of the job should be permissible in itself. She is not allowed to work in something that contradicts Islam
- b- She must adhere to the Islamic values and morals in the place where she is employed. She should also be aware of her actions

As you see theses "restrictions" are applied for both male and female.

C-her engagement in work should not affect her responsibilities at home, which are more important than working outside to increase the income. Her husband and children take priority.

From the time they are married, it is the responsibility of the husband to guide and educate his household. The prophet PBUH said (every one of you is a shepherd, and each one of you is in charge of his\her "followers" ...)

A man has the authority and responsibility to take care of his household and to correct any mistakes he sees by wisdom.

Question: A husband makes a lot of money or even enough to live comfortable. He wants his wife and his parents and children to live in the same house although they are not old and can physically take well care of themselves. Is the man in Islam required to give his wife separate home to live in?

This issue is among the issues that the couple should manage according to their situation. Islamically, a person has to take care of his parent, whether they are maintaining good physical condition or not. At the same time, the husband has to offer a decent and proper place for his family to live in with dignity within his financial capacity. Your husband has to fulfill the right of his parent as well as the right of his wife.

If some enduring problems have occurred because of the mentioned situation, then it is highly recommended to reconcile all problems amicably without any irritation. The couple has to discuss their marital relationship with love and sincerity. If the husband is financially comfortable, he may buy a place for his family next to his parent in order to keep on touch with them. It is not an obligation, but it is a matter of being just and pious. Allah knows best.

Divorce

Question: At the time of her marriage, and in accordance with Islamic law and practice, Ms.---- was promised a sadaq/dower for a specific amount to be paid in a specific manner. Divorce is granted by a court at her request. Is her ex-husband required to pay her in accordance with the terms agreed upon in the marriage contract? As one dollar had already been paid as an advance, is he responsible for paying the deferred portion of the sadaq?

The Qur'anic teaching on this matter is that every bride is entitled to receive a sadaq from her husband. With very few exceptions, the sadaq is to be paid in full at the time of the marriage. Or if the husband should die before paying the sadaq, the responsibility for payment will pass on to his estate or to his heirs. This circumstance in this case should not be confused with Khula or the procedure by means of which a wife may seek divorce from her husband in exchange for monetary consideration, which generally takes the form of her returning her sadaq or, if she has not taken possession of it, of her canceling the husband's obligation to pay it. Clearly, Ms.—and her husband did not enter into such an understanding.

Nor should the doubt arise that the husband's obligation to pay sadaq in full or in part will be canceled for the reason that the two marriage partners have been separated at the insistence of the wife, or because of her. The example given by the classical jurists is the judge rules to annul or dissolve the marriage between the two parties on the basis of the wife's request (based on) the presence of a defect or an incapacity in her husband such as would render him incapable of giving her children. Since Ms.—her children's herself initiated divorce proceedings in this case, the doubt might arise that the husband's obligation remains in full, i.e.; the husband is still obligated to pay the entire sadaq has been canceled, either completely or partially. Yet, it is clear to me that the obligation remains and, as there is open admission on the part of both partners that the marriage was consummated, the obligation remains in full, i.e.; the husband is still obligated to pay the entire sadaq (minus the one dollar paid as an advance at the time of the marriage).

In deliberating over this question, the matter to be taken into consideration is whether in fact the two marriage partners were separated at the insistence of the wife, or because of her, or whether there were other circumstances involved. The example given by the classical jurists is of a woman who discovers that her husband has children, and then seeks dissolution of the marriage through a judge. In such an instance, the wife is not herself threatened with any sort of harm or subject to any sort of liability other than that she has a right to children and her husband is incapable of meeting his obligation in that regard. As her right is a legitimate one, the judge will dissolve their union but, at the same time, the husband's obligation to pay the sadaq will be cancelled. If intercourse has taken place, then in consideration of the wife's having made herself available to him, the husband will be obligated to pay her half of her sadaq.

In the case of Ms.-----, however, the matter is different. While it may be argued that Ms.-----, did seek dissolution of the marriage through the courts, and that she did so on the basis of a defect she discovered in her husband, there are other circumstances in her case which, upon consideration, will be seen to change the

nature of the case. In fact, the defect she discovered in her husband was sexually communicated to her. Moreover, the nature of that affliction is such that it constitutes a real threat to any children Ms.----- might conceive. Furthermore, as a transmittable disease, the affliction effectively rules out the possibility of Ms.--- --'s ever remarrying within the community of her culture and religion. For Ms.---- - the choice was between remaining with the man who had thus maimed her and deprived her of the chance of ever having children, or initiating divorce procedures through the courts.

In the example given by jurists, the wife seeks divorce ostensibly for the reason that she may begin life anew with another husband, one capable of giving her a family and thus fulfilling her life. Under those circumstances, when it is understood that the woman will in all probability remarry and receive a full sadaq from her new husband, there is no harm to her if her first husband is not required to pay her a full sadaq, or if intercourse has not taken place, any sadaq at all. In Ms.----'s case, however, the probability of fulfillment, like that of remarriage, is effectively nil. In order that justice be served in her case, it is essential that the court award her the full amount of the sadaq agreed upon in her Muslim marriage contract.

Question: What is the validity of arbitration in the American context in the Islamic law?

Arbitration between disputing parties, especially spouses, is sanctioned by explicit verses in the Qur'an (...then send an arbiter from his side and an arbiter from her side ...) (4:35). Such arbitration is Islamically binding, even if such bindingness may sometimes require judicial conformation. The conferees recommended the inclusion of a provision for arbitration (i.e., an arbitration clause) in all marriage contracts in the West, in order to avert the problem of local civil jurisdictions not fulfilling the religiously recognized needs of local civil jurisdictions not fulfilling the religiously recognized needs of Muslim litigants.

Question: How can we perform remunerative divorce (Khul') in the American context?

Remunerative divorce effects a binding mutually agreed-upon separation between the spouses, by the wife's agreeing to remunerate a specified sum (to the husband). Such a divorce may also be effected through the wife's agreeing to forfeit some portion of her rights, such as maintenance (nafaqah) or the delayed portion of her bridal gift (mu'ajjal al-sadaq—also known as mahr). Remunerative divorce should only be resorted to, however, in cases where spousal disagreements has reached an intolerable level or where it becomes impossible for the spouses to live together. This legally sanctioned institution, which was legislated for the purpose of enabling parties to terminate disputes between them, should never be used as a means of inflicting material or emotional injury on either party.

Question: Does the woman have the right to ask for divorce? What if I refuse to agree to give my wife an Islamic divorce?

When a person agrees, of his own free will, to enter another country, he\she implicitly agrees to comply with the rules and regulations of that particular country as long as they do not obviously contradict Islamic rules.

A Muslim woman has the right to ask for divorce from her husband for many reasons, among which; separation from the husband for more than four months, sexual disability, financial disability, and other reasons known by the scholars. Also, a Muslim woman has the right to ask for khul'. Khul' binds the wife to give up and return to the husband what she has been granted, all of it or part of it, according to their agreement, and thereby end the marriage.

When the relationship between couples becomes difficult and distressed, Islam recommends that they separate in a friendly manner. It is important not to forget the kindness and merits of the other spouse, especially if they have children.

Allah says (2:229)' a divorce is only permissible twice: after that, the parties should either hold together on equitable terms, or separate with kindness. ' it is not appropriate to escalate the conflict by turning to the court and aggravate the tension. It is necessary to maintain good understanding and cooperation in order to help in raising the kids who have had nothing to do with the conflict between the couple. Thus, we advise you to end your relationship amicably, and to focus on the best way to raise your daughter properly. Remembering to mention the good points of your spouse. Allah says ' do not forget liberality(thoughtfulness) between yourselves. For Allah sees well all that ye do'.

Question: What are the duties and competences of Imams in granting divorce?

Imams routinely receive requests to grant divorces. Before granting such divorces or remunerative divorces, it is incumbent upon the Imams to gather both spouses together and exhaust all energies in attempting to reconcile between them and then to inform them of all of the consequences of the divorce, including the conciliatory-waiting period ('iddah), the separation-gift (mut'ah), maintenance and child-custody. If, after all of this, the husband insists on effecting a divorce, the standard form for divorce decrees recommended in #4 above should be used.

As for judicially imposed binding separation (tafriq) between two spouses, for any of those reasons recognized at Islamic law as grounds for such, e.g., absence, non-support or hardship-abuse (darar), this requires judicial authority, because it is a divorce that is imposed upon the husband without his consent. In these instances, the role of the Imam shall be to direct the husband to submit to the command of God by retaining his wife in kindness or releasing her on goodly terms or agreeing to a remunerative divorce (khul'). If, however, one of the spouses should find it impossible to effect the desired divorce or remunerative divorce, as a result of which he or she has to resort to the civil authorities, he or she is Islamically obligated to present whatever ruling the civil authorities hand down in his or her favor to some Islamically recognized authority, in order to determine that portion of the civil ruling that he or she may rightfully partake of.

Question: Does a divorce in outrageous anger count?

Imam Abu Dawood quotes the Prophet, peace and blessings be upon him, as saying: "Divorce and manumission do not count in case of Ighlaq. "Imam Ahmd says Ighlaq means anger; some other scholars hold it to mean doing something under force; others say it stands for insanity. Anger is of three kinds: 1- Anger that renders one unconscious and completely unaware of what he speaks. There is Ijma' (scholarly consensus) that divorce does not count in this case. 2- Anger that is normal and has no effect on man's awareness. There is Ijma' that divorce does count in unaware of what he utters, but it is really fierce to the extent of causing one to act against his will. It's reflected in man's showing sign of remorse after uttering the words of divorce. This kind of divorce is controversial and the preponderant view is that it does not count.

In order to make a valid talaq, the following should be considered: 1) intention. The Qur'an says in surah 2, verse 227, "...and if they decide upon divorce let them remember that Allah is Hearer, knower." 2) The talaq should be pronounced at the time of woman's purity after she takes a bath ending her menstruation. A husband will pronounce talaq before having sexual intercourse with her. 3) A talaq is haram to be done during menses or nifas (the period after women giving birth). 4) A wife has to stay at home for iddah. The husband has the right to reconcile during the period of iddah. If he doesn't, his wife after the iddah, is free from the bond of marriage. He cannot have her back without a new marriage contract.

We advise those who seek religious ruling for cases of talaq to be honest when describing their state of anger, for some people tend to give some sort of exaggerating force to the state of fury, and thus describing it as having paralyzing effect on their power of reasoning when they pronounce talaq. Such people should fear Allah and speak the truth. Allah knows Best.

Maintenance and custody

Question: Does the woman who is divorced by talaq have the right only to nafaqah (maintenance) during the 'iddah or deferred saddaq?

The Fiqh Council holds that besides the right of nafaqah and any deferred saddaq, a divorced woman has the right to receive mut'ah (compensation) from the husband in order to secure a decent life after divorce.

The Qur'an and the Sunnah give the divorced woman the right to mut'ah. The Qur'an says:

There is no blame on you if you divorce women before consummation or the fixing of the dower, but give them compensation, the wealthy according to his means and the poor according to his means – a fair compensation. This is a duty on the muhsinin (those who wish to do the right thing) (2:236).

Fair compensation (mata'h) is due the divorced women. This is duty on the mutaqin (righteous) (2:241).

O Prophet, say to your wives, 'if it be that you desire the life of this world and its glitter, then come I will compensate you and set you free in a handsome manner (33:28)

In the Prophet's Sunnah, when he divorced Ibnat al-Jaun, he gave her mut'ah. In addition, many of the Companions, including Uthman ibn Affan, Abdul Rahman ibn Auf, and Hasan ibn Ali gave mut'ah to their divorced wives.

In the Shafi'i school the mut'ah is required in every divorced (talaq). Ibn Hazm and the Zahiri school also hold that mut'ah is required.

Many Muslim scholars of the past did not emphasize mut'ah due to the prevailing custom ('urf) in their societies where the divorced woman had the financial support and care of her extended family. The customs have changed in modern times and in most cases the divorced woman has no place to go and little means of support. Since the customs have changed, the fiqh Council holds that the Qur'anic and Sunnah requirement of mut'ah must be revived.

Another basis for requiring mut'ah is to avoid mafsaddah is the harm inflicted on a women who has worked in the house of her husband, sometimes giving up her career to raise his children, or has worked years alongside her husband in a business, and then she left with no means of support after a divorce.

The mut'ah can be used to alleviate the financial difficulty that a divorced women in North America often finds herself. The divorced woman should have the benefit of good accommodations, food and material support until she finds an honorable alternative.

The mut'ah can be estimated based on her contributions to the household and his assets accumulated during the marital period. Her contributions might include her work in her husband's business, her housework or her taking care of his children.

Question: Does a divorced mother lose the right of child custody in the Islamic law due to remarriage?

If the mother got married to a new husband, she would still have the right of custody as long as the new husband treats the children in a well manner and takes care of them. In case he starts to abuse them physically or emotionally, the right of custody would be for the children's father and she would lose her right to care of them. Allah knows best.

Adoption and guardianship

Question: What is the Islamic stance on adoption and if it is illegal in the Islamic law, what are the shari'ah alternatives?

Adoption was a Jahili (pre-Islamic) custom practiced by the Arabs before Islam. This social phenomenon had lots of negative effects that lead to the breakup and disintegration of that society. It is possible to become acquainted with the manifestations of this custom in the many references that had been written about the literature and traditions of Jahiliyyah (the pre-Islamic period) and Arab social problem in that age. Slavery, the abundance of wars, the search for abundance in strength and numbers, and poverty and need in many cases were the prime motives behind the aspiration for adoption.

The institution of adoption remained predominant until verses of the Qur'an was revealed during the Madinah period definitively prohibiting and preventing it.

This was stated in the words of Allah the Most High:

"Allah has not made for any man two hearts in his (one)body: nor has He made your wives whom ye divorce by zihar your mothers: nor has He made your adopted sons your sons. Such is (only) your (manner of) speech by your mouths. butAllah tells (you) the truth, and He shows the (right) way.

Call them by (the names of) their fathers: that is juster in the sight of Allah. But if ye know not their father's (names, call them) your Brothers in faith, or your maulas. But there is no blame on you if ye make a mistake therein: (what counts is) the intention of your hearts; and Allah is Oft-Returning, Most Merciful.

The Prophet is closer to the Believers than their own selves, and his wives are their mothers. Blood- relations among each other have closer personal ties, in the Decree of Allah. Than (the Brotherhood of) Believers and Muhajirs; nevertheless do ye what is just to your closets friends; such is the writing in the Decree (of Allah)." {Al-Ahzab 33:4-6}

So the Muslims responded to these verses considering them Qur'anic injunctions obligatory to implement. Furthermore, the Qur'an decisively settled the matter of adoption by directing a divine injunction to the Messenger of Allah (pbuh) to marry Zainab bint Jahsh who was married to his adopted son, Zaid bin Harithah, so as to eradicate this social phenomenon, Allah the Most High has said:

"Behold! Thou didst say to one who had received the grace of Allah and thy favour:"Retain thou (in wedlock) thy wife, and fear Allah. "But thou didst hide in thy heart that which Allah was about to make manifest: thou didst fear the people, but it is more fitting that thou shouldst fear Allah. Then when Zaid had dissolved (his marriage) with her, with the necessary (formality), we joined her in marriage to thee: in order that (in future) there may be no difficulty to the Believers in (the matter of) marriage with the wives of their adopted sons, when the latter have dissolved with the necessary (formality) (their marriage) with them. And Allah's command must be fulfilled." {Al-Ahzab 33:37}

So the prohibition of adoption is an everlasting prohibition with no possibility of making any exceptions or changes in it. Verily the Noble Qur'an has pointed out the necessity of naming the adopted after their (real) fathers and with this injunction it has severed any concerns over the mix up of lineages and encroachment on people's rights.

At the same time, we find that the Lawgiver (Allah) encouraged and mandated Muslims to be legal guardians or foster parents for male and female orphans and to insure their upbringing both spiritually and materially. Allah (swt) and Prophet Muhammad have prodded Muslims to become legal guardians of orphans and not to forsake them to misery. He has guaranteed a great reward to the one who raises them up and looks after their affairs. The Messenger of Allah (pbuh) has said, "I and the one who sponsor an orphan in heaven will be like this" and he pointed to his index and middle finger and made a slight gap between them.

Islam considers the guardianship of orphans as a communal obligation on the Muslim Ummah (nation) so that they don't lose their children or turn them over to the untrustworthy or inadequate. With this legislation, the legal guardianship of orphans became the Islamic alternative to adoption.

The guardianship of orphans preserves lineage and identity by the sheer necessity of naming orphans after their father or people if this fact is known. If it is not known, they can give another name, like Abdullah (servant of Allah) or Abdul-Rahman (servant of the merciful) or other similar names that affirms their reality and is accepted by custom, keeping in mind not to fully integrate them into the family to the extent that there is confusion about their lineage or that they inherit wealth that they do not have a right to. Also, they must avoid the corrupting exposure of free mixing with women that are prohibited to them. So if the sponsored orphan is named after his/her father or given another name that corresponds to his/her reality, there is no harm in that so long as that the orphan knows when he reaches the legal age his/her lineage, complete identity, and the nature of the relationship between the legal guardian and himself/herself so as to prevent the social corruption mentioned earlier. In case the legal guardians wish to help the sponsored orphans after they reach legal age, it is within their right to designate to them one third of their wealth which they are entitled to dispose of as they wish. In this way the sponsored orphan will not taken anything away from the rights of heirs.

As to what has been implied that American law imposes on the legal guardian of orphans to give them their names and include them in their families, then it is possible in this case to give them the guardians family name in addition to their name and the name of their father or the alternative name chosen for them so long as the guardian writes this in a document and preserve it until the orphan reaches legal age he/she should be told what took place. In this way the guardian will not be subject to punishment by the law and, at the same time, he will have fulfilled the Shari'ah obligation of preserving lineage. Now, if the surname of the guardian family is the one he/she is most called by to the extent that he/she is not known to some except when he/she is called by the guardian's family name, then for this reason calling him/her by this name for those who know otherwise is not considered a vice whereby one will be punished for it, because names were given for the sake of identification and if this identification can't occur except through this name, then this is not objectionable, Allah willing.

With this in mind, truly we hope from all capable Muslims that they do not abandon this Ummah's children to poverty, vagrancy, and loss of their religion and identity. We hope that those who are capable, to be a legal guardian to as many orphans they can regardless of whether they are from Iraq, Soalia, Bosnia, Afghanistan or other areas. In doing this, the Muslim Ummah would have carried

out their responsibilities towards their children to whom the means to proper life have been severed and the calamities of changing circumstances have overcome them. And Allah does not squander the rewards of the good doers. "Help ye one another in righteousness and piety, but help ye not one another in sin and rencour: fear Allah; for Allah is strict in punishment." {Al-Maida 5:2}

Question: Can we change the last name of the adopted boy to conform to the last name of other family members?

Despite the benefits that you may perceive (making it harder for biological parents to trace an adopted child, feeling more like one of the family), there are no exceptions to the Qura'nic injunction to call children by the name of their fathers. The child must carry the name of his biological father.

It is important to recognize that the boy is merely in your custody. You should let him know in an appropriate manner that you have assumed custody of him in order to care for him and nurture him while he grows up to be an adult. You should remind your children that they have the blessing of having two parents, but some children don't, so they must be kind and considerate in their relationship with the new child in the family. This will be a lesson for them in being charitable and caring.
Allah knows best.

Food and halal eating

Meat consumption

Question: What is the Islamic stance on eating meat from livestock and chicken given the latest health hazards?

The Fiqh Council of North America recently received a report about animal feed. More specifically the use of animal protein and other impurities in the feed given to livestock and chicken. The report raises serious questions about the permissibility of consuming the meats of such animals as well as other health hazards.

The FCNA held a meeting on May 31, 2001 to discuss the above report and its implications. Following are the conclusions of this meeting:

1. Available information on this issue, especially subsequent to the "Mad Cow" controversy is sufficient to classify the meat of such animals as doubtful. Such doubt exceeds all other doubts such as those relating to the details of the mode of slaughtering of the animals or the invocation of the name of Allah at the time of slaughtering.
2. There is sufficient indication from information available so far that the animal feed commonly used contains animal protein that harms both animals and humans who consume their meat.
3. Should the above-mentioned information be further verified, it may make the meat of livestock and chicken subject to prohibition from the shari'ah standpoint.
4. The FCNA plans to do further research on this subject, consult with more experts in related fields and coordinate with the European Council of Fatwa and Research and other concerned parties.
5. In the meantime, the FCNA feels that it is advisable to take the following precautions:
 - Abstaining or reducing temporarily the intake of meats especially "hot dogs" and hamburgers.

Attempting, seriously, to buy meats of animals that are fed a totally vegetarian diet, without the use of any animal protein, hormones, antibiotics or preservatives.

Question: Is a Muslim allowed to eat raw beef liver?

The verse 145 from chapter 6 which says: (Say: "I find not in the Message received by me by inspiration any (meat) forbidden to be eaten by one who wishes to eat it, unless it be dead meat, or blood poured forth, or the flesh of swine- for it is an abomination – or what is impious, (meat) on which a name has been invoked other than Allah's." But transgressing due limits, thy Lord is Oft-Forgiving, Most Merciful.)

The poured out blood in this verse means the following and running one, which flows from the vein after slaughtering an animal. This shows that the prohibited kind of blood is the streaming, liquid one and it does not include the liver or the spleen because they are congealed, and the Prophet PBUH said: "Two dead animals and two kinds of blood have been permitted for us to eat, fish and locusts, the liver and the spleen." Also this does not include the rest of the blood which remains in the vein after the slaughter, because none of these are flowing. The reason why the streaming blood is prohibited is the fact that the blood is the medium of transmitting a lot of the diseases and it is a suitable environment for microbes and bacterium to multiply, that is why Islam orders us to slaughter livestock from the jugulars vein and let the blood flows.

Slaughtering process

Question: I would like to know if one may eat chicken at America restaurants? I have heard that is okay since chicken is slaughtered in the Islamic way and that beef is not.

1. Yes, it is permissible to eat chicken and beef meat at the American restaurants, because Allah makes it lawful for us to eat the meat that is slaughtered. Allah the Almighty said in The Quran (meaning): "The food of the people of the book is lawful unto you, and yours is lawful unto them." (5:5), and in this verse He means the meat.
2. If you are sure that they stun or strangulate the animals; you are not allowed to eat it, otherwise, it is permissible as we said before, because it is the slaughtered of the people of the book. Az-zuhri said: "there is no harm in eating animals slaughtered by Arab Christians. If you hear the one who slaughters the animal mentioning other than Allah's name, do not eat of it, but if you do not hear that, then Allah has allowed the eating of animals slaughtered by them, though he knows their disbelief. It is narrated that Ali gave a similar verdict. (Al-boukhari: 7/302), and we are not required to investigate and inspect the way in which it has been slaughtered.

Narrated Aisha: a group of people said to the Prophet: " some people bring us meat and we do not know whether they have mentioned Allah's name or not on slaughtering the animal?" he said: "mentioned Allah's name on it and eat". Those people had embarrassed Islam recently. (Al-boukhari): 7/302)

Question: What is the rule on stunning of animals prior to slaughter? The purpose is to make the animal feel less pain during slaughtering.

The Islamic point of view to the ethical treatment of animals differs in the western point of view.

Islam, according to the Islamic revelation, the Quran, considers human beings as the successors of God on earth, and God has subjected everything to serve human kind. Islam looks to animals as part of this creation that has been subjugated to human use and benefit.

In the Islamic guidance of how to slaughter livestock cattle, Islam considers the fastest and most incisive way to finalize the life of the slaughtered animal.

Cutting the throat and the jugular of the animal would fulfill this. The guideline of prophet Muhammad said: "Allah has prescribed perfection on everything. So, if you slaughter an animal then let it be perfect. Make your blade sharp and give a sense of ease and comfort to the animal". Also, he commanded to transport and bring it gently to death, and put away the knives from the scene of the animals. Moreover, it is recommended not to slaughter an animal in the presence and sight of others.

In regarding to stunning of animals prior to slaughter, there is nothing wrong as the animal dies by the slaughter and not by stunning and that the stunning does not cause any internal damage, such as coagulating the blood or damaging its brain. This means that if the animal is left alone after stunning, it could wake up as if nothing had happened. The point is that death should be done only by the slaughtering method as described above, not by any other way.

Health and medicine

Stem-cell research

Question: What is the Islamic stance on embryonic stem-cell research?

Initial point in summary:

- Whenever possible research on stem Cells taken from adults should be encouraged.
- No in-vitro may be performed for the purpose of supplying stem calls for research.
- Whenever in-vitro is needed to deal with the problem of infertility, the sperm and ovum must be taken from an Islamically lawfully wed couple.
- As fertility clinics are forced to fertilize more than one ovum so as to increase the chances of success, unused (embryo) may be used for research instead of destroying them, provided that this is done in the first few days after fertilization and provided farther that the unused embryos are denoted without any financial return.

Though hard and extremely emotional, our opinion is based on all available scientific facts at this time, as well as full adherence to Islamic teachings.

Muslims have utterly and vehemently rejected human cloning experimentation that "contradicts Islamic legislation and is prohibited an all its forms because it contradicts with Islam" (See edict of the Mufti of Egypt in ArabicNews.com)

Nevertheless, virtually all Muslim scholars see in-vitro fertilization (IVF) as a compassionate and humane scientific procedure to help infertile couples bear children. This procedure involves stimulating a woman's ovaries, removing the eggs, and fertilizing them by sperm calls from the husband in the laboratory. Days-old fertilized eggs (embryos) are implanted in the woman's uterus for normal pregnancy. IVF, Islamic scholars emphasize, has to be performed under strict guidelines, not the least of which is that the fertilization has to be of a sperm and an egg of a properly married couple.

Scientists assure us that it is investable and also desirable to produce several embryos to give the woman a better chance of getting pregnant. The "spare" embryos that result from IVF procedures are either frozen or destroyed.

Scientists have discovered that the stem cells of these embryos have the potential to develop and differentiate into any of the 200-plus kinds of cells in the human body.

The Islamic Institute supports stem-cell research on these spare embryos from in-vitro fertilization. Under the Islamic principle of the "purposes and higher causes of the sharii'ah (Islamic law)", we believe it is a societal obligation to perform research on these extra embryos instead of discarding them. Thousands of embryos that would be otherwise discarded every year in fertility clinics could potentially be used for research. None of the Islamic scholars in the panel, or the ones we subsequently consulted, felt the opinion was in any way contradictory to Islamic principles. Additionally, we strongly feel that there should be strict guidelines and proper procedures to ensure there is no potential abuse. These guidelines should include the full informed consent of the donor couple.

Finally, this opinion is based on available scientific information presented and discussed at the panel. And further consultations with specialists. It is an Islamic opinion subject to further enhancements in the case of scientific developments unknown to us at this time."

Question: I'm a research scientist, working in the field of human genetics. I'm not working with human cloning myself, but I would like to know the Islamic view of Stem Cell Research. Though we have very little knowledge about human cloning yet, currently there are two cloning strategies, reproductive cloning (which aims to produce babies) and therapeutic cloning (which aims to produce embryonic stem cells as a source for regenerative therapies). Are they both haram?

We appreciate your keen interest to know the Islamic perspective on the issue Stem Cell Research.

We urge Muslim students, researchers and scientists to be pioneers in this field or any other scientific fields. It is important to show the world that true and sincere Muslims are productive and real participants in the advancement of the world, and that they are playing a big role by elaborating on the most new discoveries.

The Fiqh Council discussed the issue of Stem Cell Research in its meeting that took place in Chicago, August 30, 2001. After discussion the council took the following stand:

Whenever possible research on Stem Cell Research taken from adults should be encouraged. Not in-vitro is needed to deal with the problem of infertility, the sperm and ovum must be taken from an Islamically lawfully wed couple.

As fertility clinics are forced to fertilize more than one ovum so as to increase the chances of success, unused(embryo) may be used for research instead of destroying them, provided that this done in the first few days after fertilization and provided further that the unused embryos are donated without any financial return.

Clinical fertilization

Question: What is the Islamic stance on clinical fertilization?

The Islamic Fiqh Academy of the OIC, at its third annual meeting held at Amman, Jordan on the 8-13 of safar, 1407 (October 11-16, 1986) studied the question of biotechnical parenting. In its final memorandum, Decision four, the statement of the academy went as follows:

"it is appears to the assembly of the academy that the methods for biotechnical parenting nowadays are seven:

1. Clinical fertilization takes place between sperm taken from the husband and an egg taken from a donor, other than the man's wife: and then the embryo is transplanted to the womb of the man's wife.
2. Clinical fertilization takes place between sperm taken from a man other than the husband and an egg taken from the wife; and then the embryo is transplanted to the womb of the man's wife.
3. Clinical fertilization takes place between sperm and the egg off a man and his wife; but the embryo is then transplanted into the womb of another woman.
4. Clinical fertilization takes place between sperm and the egg off a man and a woman other than the husband and the wife, and then the embryo is implanted in the womb of the wife.
5. Clinical fertilization takes place between the husband's sperm and the wife's egg, and then embryo is implanted in the womb of a second wife.
6. Clinical fertilization takes place between sperm taken from the husband and an egg from his wife, and then implantation of the embryo in the womb of the wife.
7. To take the sperm of the husband and then inject it the proper place, or the womb of his wife, so that fertilization takes place internally.

The Academy's decision: the first five methods are all of them haram from shari'ah viewpoint and thus absolutely prohibited owing to the consequences resulting from confusing the true lineage, forfeit of motherhood, and other legal difficulties. The sixth and seventh methods, however, were seen by the academy as acceptable in cases here there is true need; though only when all necessary precautions have been taken."

Medical professionals

Question: Can a Muslim woman be a dentist?

Islam also is the religion of work and action. Actually, its basis is on knowledge and action. There is no doubt that work for women is permissible, not only that, it may be a must if there is necessity, such as supporting her family if she is a widow and there are no other financial resources.

Medicine is a highly valuable profession, it helps people to maintain their body to worship Allah and to have good life. The prophet urged Muslims to seek cure for diseases. Without studying medicine we would not be able to fulfill this command and be part of the righteous successors of Allah on the earth.

Our scholars mentioned the importance of having female doctors, especially in the field of gynecology, where women are preferred to deal with women.

Islam assigns some standards and limits for the working women in order to protect her and the society at large, such as:

The allowance and permissibility of the work itself, by not working in haram fields or areas. To observe and adhere to the general Islamic principles and manners for women in public. It should not take over her family responsibilities at home.

Being a dentist is a great humanitarian job, as you described, if you seek the reward from Allah. A lot of Muslim women would be interested to deal with you, and we believe that you may find a lot of appropriate places in which you can practice your profession without compromising your Islamic attitude. Allah knows best.

Implants

Question: I was wondering whether or not it is allowed to get breast implants. The implants are filled with salt water, so the materials themselves are not haram. I am not considering doing this to attract the opposite sex, rather I am unsatisfied with my appearance.

We thank you for your question. If you are a married woman and you are willing to get breast implants for yourself or for the sake of your husband, according to his request, then we do not see anything wrong with that.

Otherwise we do not advice getting breast implants because of some simple objections, among which are: squandering money for no purpose at all, which is prohibited in Islam, imitating those who are eager to draw attention to themselves, and exposing private parts to male doctors without necessity.

Autopsy and organ donation

Question: Is autopsy allowed? If yes, under what circumstances?

Allah (SWT) has honored humankind by the way He creates them (quran, 17:70) "we have honored the son of adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of our Creation" and he requested us, as human beings living with each other, or honor the human soul living or dead. Among the things that Islam ordains its followers to do for their deceased is to wash the body and wrap it properly with a clean shroud, pray for him/her, bury him/her and to show respect to the burial process and the grave.

Having this in mind, it is lawful to perform autopsies on human bodies for medical and educational purposes. It was pointed out that sometimes it happens that an autopsy becomes inevitable in order to investigate a case, such as that of a homicide. Similarly, in some other cases it becomes necessary in order to establish the direct cause of death or for donation of organs. The use of dissection and autopsy for educational purposes is also very necessary. In the case of donating organs, it will be considered continuous charity (sadaqah). However, autopsy should be legalized under the condition that respect of human body would be maintained.

Halal medicine

Question: A kidney dialysis unit in prison has been using a beef-based heparin for those of religious persuasions that do not accept medicines from pork derivatives. But the pharmaceutical manufacturer is no longer going to produce beef-based heparin and no other supplier has been found. No synthetic heparin products are available. In a life-threatening illness, it is permissible for a Muslim to use a pork-derived medicine?

In your letter you have mentioned that the pharmaceutical manufacturer is no longer producing a beef-based heparin and no other supplier has been found. Based on the above described situation and according to the teaching of the Quran which states that a person who submits his/her will to almighty God has no right to kill himself (4:29) "nor destroy yourselves: for verily has been to you most Merciful!" or to cause damage to his/her well-being (2:195)" make not your own hands contribute to (your) destruction; but do good for Allah loves those who do good" also, it is very well known according to the Quran that in case of necessity a Muslim is allowed to consume things forbidden in order to survive from certain calamities, Allah says : (2:173) "He has only forbidden you dead meat, and blood, and the flesh of swine, and that on which any other name has been invoked besides that of Allah But if one is forced by necessity, without willful disobedience, nor transgressing due limits, then is he guiltless. For Allah is oft-forgiving most Merciful". Additionally, Muslim jurists stated that a Muslim is allowed to use something forbidden for medical purposes if an alternative allowable medical treatment is not available.

Abortion

Question: I am 25 weeks pregnant woman. I went for a checkup a few days back and the doctors told me that my baby is suffering from acute Down syndrome. According the doctors, the child should be aborted as he/she will suffer from mental as well as physical abnormalities, and the child may not live for a long time. I am very worried as I have to make decision soon. I want to know what the Islamic ruling has to say about it?

First: Most information comes from doctors in such cases have proven inaccurate. However, if is confirmed otherwise, and the pregnancy has already passed the age of 120 days (4 months) then it is forbidden to have abortion, even though the baby will not be born normal. The opinion is based on the fact that a four months old fetus. From the Islamic point of view, is considered a respected human being the mother has to equip herself with patience and to be prepared to accept what Allah has prescribed. We read in the holy Qur'an, (2:155) " Be sure we shall test you with something of fear and hunger, some loss in goods , or lives or the fruits (of your toil), but give glad tidings to those who patiently persevere. Who say, when afflicted with calamity: "To Allah we belong, and to Him is our return" They are those on whom (descend) blessings from there Lord and Mercy, and they are the ones that receive guidance.

Having said that, if there is fear of danger on the health of the mother in a sense that if she keeps the pregnancy it will cause serious harm on her, then she is allowed to have abortion.

Second: If the pregnancy is less than 120 days and the mother went to more than one doctor and majority of them agreed upon the same thing, then she can have abortion if she thinks it is the best for her and the baby, and Allah knows best.

Political issues

Political participation

Question: Can Muslims participate in American politics?

- A. Muslims in America and the West have an obligation and a mission to guide people to the straight path, to bring about goodness and to promote wholesomeness for the whole of humanity. Among the most important means of realizing these goals is political participation, in accordance with the checks and guidelines laid out in Islamic law.
- B. The primary status (al-asl) of political participation is that it is permissible, in all areas, including elections, nominating persons for city-councils, state or federal government positions, administrative and executive positions, international and or relief organizations, in which one's act of participation stands to bring a benefit to the generality of local citizens and residents, including Muslims, and to project a positive image of Islam, through practical, concrete action and involvement in promoting Islamic issues and the cause of justice for humanity.
- C. There are no shari'ah impediments to joining political parties or forming alliances with political parties or other organizations and institutions, assuming that this promotes interests shared by Muslims and these groups, such as freedom, human rights, the rights of minorities and the disenfranchised, fighting the spread of drugs and social and moral deterioration or striving to uplift the down-trodden.
- D. It is incumbent to abide by the guidelines outlined in Islamic law when participating in political activity. Among these guidelines we make special mention of the following:
 - 1. One must maintain a balance between observing the fundamental (unchanging) principles of Islamic law and establishing a flexible approach that recognizes political customs and institutions that do not violate or undermine these principles.
 - 2. the goal of such participation must be to promote interests and thwart harms that might come to the community, not to promote the personal ambitions of individual Muslim political activists.
 - 3. One must observe the distinction and relationship between means and ends in attempting to capitalize on opportunities for political participation.
 - 4. Political participation must not entail the granting of recognition to any acts that are religiously forbidden or against the interest of the Muslims.
 - 5. One must pursue the way of recognized, group effort, in order to maximize the possibilities for success and exerting influence and to avoid the negative image of Muslims as a disunited people.
- E. It is incumbent that Muslims pursue a civilized approach in addressing political issues with non-Muslims, as well as with the non-Muslim media. Muslims must pursue the way of dialogue and engagement in the most beautiful and effective manner, such that will touch the hearts of people and

ingratiate them with Islam and encourage them to cooperate with us and to support our just causes.

The Muslims at large must be prepared to become educated about the importance of political participation in accordance with the guidelines outlined in Islamic law. We must work to raise future generations who are capable of assuming leadership in the arena of political action, based on wise and astute political strategies.

Military service

Question: What is the permissibility of the Muslim military personnel within the US armed forces to participate in the war operations and its related efforts in Afghanistan and elsewhere in other Muslim countries?

It is acceptable for the Muslim American military personnel to partake in the fighting in the upcoming battles, against whomever their country decides has perpetrated terrorism against them. Keeping in mind to have the proper intention, so no doubts would be cast about their loyalty to their country, or to prevent harm to befall them as might be expected. This is in accordance with the Islamic jurisprudence rules which state that necessities dictate exceptions, as well as the rule that says one may endure a small harm to avoid a much greater harm.

National anthem

Question: Should a Muslim stand up before a judge or stand for the national anthem. Does this act contradict the Islamic creed?

To respect and follow the regulations and laws of a country in which a Muslim accepts to live in is one of the Muslim characteristics, as long as it does not contradict or oppose an Islamic rule that has been supported by obvious and clear text from the Qur'an, or an authentic Hadeeth said by the Prophet. (Al-Qat'iyyat) When a person chooses to come to country it is implied that he will follow the laws and regulations of that country.

In your case it seems that there is no Islamic rule that obliges the accused not to stand up. Here, standing up does not contradict an Islamic law. Yet, it was narrated in Al-Bukhari that a funeral procession passed before the Prophet PBUH, and when he saw it he stood up (showing respect to it). Then it was said, it is a funeral of a Jew. The Prophet replied, "isn't it a soul!".

Keeping the difference aside, rising up to a judge in court shows respect not necessarily to the person himself, but to the values he/she carries, which are the values of justice.

We as Muslims accept to live in this society and to deal with it, and by such actions we may separate and isolate ourselves from the society, and some groups many take advantage of such actions to promote the idea that Islam does not respect the disobedience of the Creator.

Converts to Islam and conversion

Christmas with family

Question: I am a new Muslim. My family is Christian. Is it ok for me to spend Christmas with my family? It is the only time our whole family if together.

To quote from the minutes of the fiqh council's meeting in Kansas City, Mo., on the sixth of Rabi al-Awwal 1413(9-3-92):

Item9. The council considered questions put to it by certain converts to Islam on the subject of their participating in the ceremonies occasioned by the joys and sorrows of their non-Muslim families and relations, like marriages and funerals and the like. The council explained the one's maintaining the best of relations with one's family, in addition to being a part of a Muslim's duty to treat all people in the very best manner, may be considered s subtle form of daw'ah as well. Therefore, there is nothing wrong with one's parents. indeed, a Muslim should exemplify for his\her family all the characteristics of goodness, kindness, and decency.

The answer to this question, therefore, may be prefaced by alluding to the Islamic principle which says: "Islam means to maintain, not to break up, relationships" (al-islam yasil wa yaqta'). It is therefore a Muslim convert's duty to remain close to his family. If the Christmas holiday affords such an opportunity, there is nothing wrong with a Muslim's meeting with his family at that time and partaking in the family's activities. Obviously, however, as a Muslim, he or she would not participate in Christian religious services (except, where necessary, as an observer).

Pre-Islam marriage

Question: Can a matrimonial relationship continue between a newly converted Muslim female with her non-Muslim husband?

Due to the complex and sensitive nature of this issue, it is still disputed in the present as it was in the past. A long and through debate ensued consequently. However, the complexity and controversy of the issue made it difficult to reach a consensus between the scholars, it became imperative in the study of this matter nowadays to balance between the probable consequences on some aspect of da'wah in this country and apparent violation of shar'I norms.

In conclusion the Council took the following stand:

1. If the married couple accepts Islam at the same time, and the two were not mahram of each other (i.e. mutually to marry each other such as brothers and sisters, aunts and nephews, milk-brothers and sisters, etc....) then the marriage is valid and is allowed to continue.
2. If only the husband accepts Islam and the wife is among the people of the Book, then the marriage continues to be valid unless they are mahram of each other.
3. If only the wife accepts Islam, we need to distinguish between the following cases:
 - If the wife accepts Islam before consummating the marriage, then they must terminate the marriage immediately.
 - If the wife accepts Islam after consummating the marriage and the husband embraces Islam before the iddah (waiting period) expires, the marriage continues to be valid.
 - If the wife accepts Islam after consummating the marriage, the iddah expires and the wife expects a future conversion to Islam from her husband, she may hold her decision to separate from him for as long as she wishes. Once he embraces Islam, their original marriage contract remains valid and they need not renew it.
 - If the wife chooses to separate and marry someone else after the expiration of her iddah, she should ask the courts for dissolution of their marriage.
4. There are three main views of the scholars on the state of the above marriage case after the iddah has expired:
 - a. The first position is held by majority of scholars, particularly the four imams. It says that a wife who accepts Islam is not permitted to stay with her non-Muslim husband after the expiration of the iddah. She should not permit him to continue conjugal relations with her.
 - b. The second position held by prominent scholars, such as Ibn al-Qaiym, states, the wife may remain in state of trabus (waiting for her husband to become a Muslim without allowing for conjugal relations) for as long as she wishes. If he embraces Islam, they need not renew the marriage contract. This position is based on a different reading of Umar b. al-Khattab's judgement and others.
 - c. The third position permits the woman to stay with her husband with full matrimonial rights and responsibilities provided that:

- He does not harm her psychologically or physically, and he is good to her.
- He does not refrain her full freedom in living Islam.
- She entertains the hope of his probable conversion.

The reasoning behind this later view is the concern not to estrange and frighten married women from accepting Islam. Through this time, the wife should initiate the introduction of Islam to her husband in the hope he may embrace Islam as well. This latter opinion is based on authentic reports of the opinion of Ali b. Abi Tabib, a reading of a sound report of a judgment of Umar b. al-Khattab in a similar case, and consequently opinions of early scholars like Ibrahim al-Nakha'I, al-Zuhri, al-Sha'bi, and Hammad b. Abi Sulaiman.

Finally, The Council recommends that muftis or judges-who are exposed to such cases-should study thoroughly the specific and the probable consequences of each case. Consequently they need to select from the above-mentioned positions the one which maximizes the shar'I objectives in the particular case, i.e.;

- To preserve and promote the state of Islam of the women
- To protect her from riddah.
- to protect her from all possible harm.
- To keep the channels open and attractive for the husband or children for the conversion to Islam.

Keep consistent with fiqhi rule "one may commit a lessor wrong to prevent a greater one".

Non-Muslim funeral

Question: Can we attend a non-Muslim's funeral? Many of us have non-Muslim parents and we are asking about attending their funerals.

The Council considered question put to it by certain converts to Islam on the subject of their non-Muslim families and relations, like marriages and funerals and the like. The Council explained that one's maintaining the best of relations with one's family, in addition to being a part of a Muslim's duty to treat all people in the very best manner, may be considered a subtle form of Da'wah as well. Therefore, there is nothing wrong with one's maintaining good relations with one's non-Muslim relations, especially one's parents. Indeed, a Muslim should exemplify for his/her family all the characteristics of goodness, kindness, and decency"

Therefore, the Council sees no harm to attend a non-Muslim's funeral, as far as you do not participate in the rituals. And during their sermon and speeches you can reflect on death, hell and paradise.

Non-Muslim inheritance

Question: I am a convert to Islam. Can I receive inheritance from my non-Muslim parents?

Yes, we do not see harm in receiving inheritance or will from the non-Muslims parents, and this does not contradict the authentic Hadeeth in which the Prophet said: "A Muslim does not inherit the unbeliever" because it refers to the unbelievers who fight Muslims (Muharib).

Changing names

Question: Do we have to change names when one becomes Muslim?

It is not a must for a person to change his\her name when he\she reverts to Islam. The point is that the name shouldn't carry any bad meaning, or anything that contradicts the teaching of Islam. Prophet Muhammad –upon him be peace – did not ask his followers to change their names when they accepted Islam, yet he changed some names which carry within it bad meaning, or names that contradict Islamic teachings.

In one of the Prophet's narration, he mentioned that the most beloved names to Allah –the almighty- are (Abdullah, and Abd al-Rahman) which mean , the slave of Allah, and the slave of the most Merciful.

By saying that. It is a matter of choice, and it is up to you to choose, either to keep or to change your name. And Allah knows the best.

Pre-Islam transactions

Question: Can I pay interest on a loan I took before I became Muslim?

Allah is the only one who knows the intentions of human beings, whether it is sincere or not. He is the only one who will judge us according to our deeds in this life or in the day of Resurrection.

The prophet PBUH mentioned on many occasions that a sincere repentance erases and eradicates all previous sins, except the rights of other humans. A person should return and waive the rights of others.

Among the things that Muslim should fulfill are the previous covenants and contracts. Allah said in the Quran: "O ye who believe! Fulfill all obligations " (5:1) (for further explanation see Yousef Ali commentary) this includes all agreements, even with the non-believers. Allah said "but the treaties are not dissolved with those pagans with whom ye have entered into alliance and who have not subsequently failed you in aught, nor aided anyone against you. So fulfill your engagements with them to the end of their term, for Allah loveth the righteous" (9:4)

The company that gave you the loans has a right. Since you received the loans before you become a Muslim, you have to repay the money according to the loan company's terms and conditions, and Allah is the most merciful and knows best.

Question: I know this may seem awkward but I am a new Muslim. What is the full definition of *zina*? What does it mean? What acts are included in it?

The holy Quran draws out attention to zina or adultery as having actions that lead to the sin, and the action of adultery itself.

Actions leading to zina including khalwah (setting with a marriageable person in a closed and secured place that is not accessible to the public), kissing, hugging, touching, etc. All of these actions are considered to be minor sins. If a Muslim commits any of these sins, he\she should seek the forgiveness of Allah by sincere repentance, asking His pardon while being determined not to commit them again. The action of zina, which is intercourse, is one of the gravest of sins. It is one of the seven deadly sins. Islam prescribes on the adulterers and adulteresses a worldly punishment beside the accountability before Allah in the day of judgement. Thus, it is crucial for the one who commits such an act to repeat sincerely with the commitment not to repeat the sin again.

Finally, we advise everyone to get married, if possible, in order to remove any devilish insinuations.

Question: A "Muslim" is dating a non-Muslim girl and in the process she became pregnant. He gave her indication that he was leaving her unless she converts to Islam. She agreed to convert. Would this marriage be valid while she is pregnant or they should wait until the baby is delivered?

In the question we have two issues that need to be addressed:

The first is about the legitimacy of their marriage while she is still pregnant from a pre-marital relationship. Generally speaking, it is allowable to make nikah for the mentioned couple during the period of pregnancy. It was narrated that at the time of the Abu Bakr al-Siddiq a male and a female had a sexual relationship out of marriage. So, hid judgment was to whip each one of them hundred lashes, then he made nikah for them and exiled them, together, for one year. Omar b. alKhattab, Abdullah b. Mas'ud, and Jabir b. Abdullah ruled the same.

Once Abdullah b. Abbas was asked about such situation, in which a couple had a sexual relationship before marriage (fornication) followed by Nikah, he commented, "this is a relationship started with fornication and ended with marriage. The beginning of such relationship is haram and the end of it is halal. They should believe that Allah would accept their repentance".

The second issue is related to the conversation of the women. If she, by her own free will, chose accepting Islam without any coercion or compulsion, then there is nothing wrong with that. However, if he forces her and uses her pregnancy as means to press her to accept Islam, then he has no right doing so. Allah says in the Qur'an, (2:256) 'let there be no compulsion in religion' and he says (10:99) "if it had been the Lord's will, they would all have believe-all who are on earth! Wilt thou then compel mankind, against their will, to believe " Having said that, it is the duty of the man and the Muslim community at large, to introduce Islam to the women. He has to educate and convey the meaning of Islam by all possible means to her so that she may become a sincere believer and a real part of the Muslim Ummah.

In conclusion, it allowed to make nikah for the couple, because it is better for them, their child and the society at large. At the same time, they have to repent and ask Allah for forgiveness. Also, the man has to introduce and educate her about Islam by all possible means. Allah knows best.

Personal habits and lifestyle

Homosexuality

Question: What is the Islamic stance on homosexuality?

As far as FCNA is concerned, and before we elucidate the details of the shari'ah verdict on this conduct we would like to mention what is stated in the Noble Qur'an about it and about the people who engage in this activity as well as what befell them of painful worldly punishment before that of punishment of the Here-after. The intent here is to show the great deception placed by those who allege that the Qur'an does not find this homosexual crime reprehensible. Allah (swt) said:

*(we also (sent) Lut: He said to his people: "Do ye commit lewdness such as no people in creation (ever) committed before you?

For ye practice your luts on men in preference to women: ye are indeed a people transgressing beyond bounds."

And his people gave no answer but this: they said, "Drive them out of your city: these are indeed men who want to be clean and pure!"

But we saved him and his family, except his wife; she was of those who lagged behind.

And we rained down on them a shower (of brimstone). Then see what was the end of those who indulged in sin and crime!) (Surah Al-Araf V.80-84)

*((We also sent) Lut (as a messenger): behold, He said to his people, "Do ye do what is shameful though ye see (its iniquity)?

Would ye really approach men in your luts rather than women? Nay, ye are a people (grossly) ignorant!

But his people gave no other answer but this: they said, "Drive out the followers of Lut from your city: these are indeed men who want to be clean and pure!"

But we saved him and his family, except his wife; her we destined to be of those who lagged behind.

And we rained down on them a shower (of brimstone): and evil was the shower on those who were admonished (but heeded not!) (Surah Al-Naml V.54-58)

*(And (remember) Lut: behold, he said to his people: "ye do commit lewdness, such as no people in Creation (ever) committed before you.

"Do ye indeed approach men, and cut off the highway? And practice wickedness (even) in your councils?" But his people gave no answer but this: they said: "Bring us the wrath of Allah if thou tellest the truth."

He said: "O my Lord! Help Thou me against people who do mischief!"

When Our Messengers came to Abraham with the good news, they said: "we are indeed going to destroy the people of this township: for truly they are (addicted to) crime."

He said: "But there is Lut there, " They said: "well do we know who is there, we will certainly save him and his following, except his wife; she is of those who lag behind."

And when our Messengers came to Lut, he was grieved on their account, and felt himself powerless (to protect) them: but they said: "Fear thou not, nor grieve: we are (here) to save thee and thy following, except the wife: she is of those who lag behind.

"For we are going to bring down on the people of this township a punishment from heaven, because they have been wickedly rebellious."

And we have left therefore an evident sign, for any people who (care to) understand.) (Surah Al-Ankaboot V.28-35)

In all of these glorious verses, Allah (swt) the most High has named the actions of the people of Lot with the term "abominable" {lewd, atrocious} and their village were named as villages that committed "wickedness". Furthermore it is known that the word "fahisha" (abominable) in this context means the act of adultery and the actions committed by the people of Lot of (male) sodomy and (female) lesbianism.

This group claims that these verses do not indicate that this type of sexual conduct is prohibited but merely discouraged. They claim that if this conduct had been prohibited the Qur'an would have stipulated explicitly a legal punishment for such an affair and therefore the lack of any text that stipulates a punishment for such conduct shows that is something allowed.

But a necessary connection between legal punishment on the hand and something being prohibited on the other hand is not an accurate observation because (as we know) polytheism is a grave injustice and it is considered the greatest sin by Allah, despite this there is no Shari'ah statue or legal punishment that can be applied to polytheists whether they are Magians, cow worshipers or other then that. Thus a punishment is greater than this worldly punishment and the humiliation of the Hereafter is greater than the humiliation in this world. Furthermore, punishment in the Hereafter like entering the Hellfire and incurring Allah's curse-may Allah save as from it, and the banishment from Allah's mercy is more harmful and burdensome then any other worldly punishment.

The scholars of this Ummah are in agreement and have come to a consensus – based on what has been revealed in the Qur'an and what has been authenticated in Prophetic tradition (Sunnah) on prohibiting both behaviors (gayness and lesbianism) because in each of two actions there is an assault on the humanity of a person, destruction of the family and a clash with aims of the Lawgiver one of them aims being the establishment of sexual instincts between males and females so as to encourage the institution of marriage.

Islam does not view sexual desire as the main aim in marriage; for marriage is a mean to reach tranquility and to actualize the love and mercy between spouses.

Furthermore, it is a mean for the survival of human kind and fostering a web of sound relations that aids in the building sound families which constitute the smallest units for the society at large; this healthy society being the final aim of Islam.

For humans are not animals directed by their sexual instincts answering the call of sexual desires every time it is aroused in them, but it is their responsibility to know how they can orient this craving which is a trust Allah has implemented in them, both male and female. The will and power to choose, a blessing Allah has bestowed on humans, is what distinguishes them from the rest of the creatures in that they orient their conduct and do what is good.

So, viewing (material) desires as aims in themselves is a deviation from ones natural disposition and a departure from the natural order. If the trend in the West is to legalize this conduct, it should be noted that this did not occur until religious values that glorifies individuality and makes pleasures as an end and aim.

Furthermore the confusion about the concept of the Hereafter and other issues lead to this confusion about sexuality and hence the occurrence of this anarchy, from here covetousness and greed arose to push for the establishment of numerous industries built for the stirring up of passions such as sexual tourism, the making of lewd films, the promotion of sexually gratifying instruments and other things. The result is the destructions of the concept of family and its values and confusion arose about

appropriate kinds of relationships between males and females to the point that we see families being formed from two males or two females.

Some scholars have stated in their commentaries of what Allah, the Most High, has said: (If any of your women are guilty of lewdness, Take the evidence of four (Raliabile) witnesses from amongst you against them; and if they testify, confine them to houses until death do claim them, or Allah ordain for them some (other) way. If two men among you are guilty of lewdness, punish them both. If they repent and amend. Leave them alone, for Allah is oft-returning, Most Merciful.) (An-Nisa Verse 15-16)

That the meaning of the expression "Al-lati" (in the verse) is Lesbians who practice deviant conduct amongst themselves and the meaning of the expression "Al-ladhani" in the verse is homosexuals who practice this conduct amongst themselves; and their punishment being through words and action.!

In Hadith, the Prophet (pbuh) shows the graveness of this abomination in saying: "Allah curse the one who does the actions of the people of Lot" repeating it three times, and he said in a another Hadith: " If the a man comes upon a man then they are both Adulterators". Here, he considered homosexuality tantamount to adultery in relations to the Shari'ah punishments because it is an abomination on the one hand and the definition of adultery applies to it on the other hand. It has also been narrated form the companions (may Allah be pleased with them) that this crime deserves severe punishment more than that of adultery to insure its deterrence and restraint. Verily, this punishment being the burning of both homosexuals (the actor and acted upon) or stoning them with rocks till death because Allah Most High stoned the people of Lot after demolishing their village.

As for lesbians, the prophet (pbuh) said about them, "if a woman comes upon a woman, they are both Adulteresses". The scholars mentioned that it is incumbent on the authority to enact a reprimand on lesbians that is fitting to the crime they committed.

It is true that some of the scholars disagreed with these punishments not because of doubt that these actions constitute a crime, but because of a lack of divine textual stipulation for a worldly punishment. But the actions of the companions do indicate that in fact this crime has a worldly punishment to be carried out by those in authority among the Muslims. The story of Abu Bakr Al-Siddiq when Khalid Ibn Al-Waleed wrote to him on this matter is famous and can be referenced in many sources.

In summary, Verily this conduct, whether it comes from two males or females, is considered an abomination and a crime. Therefore, what these lewd people allege is not accepted by Islam all and is rejected completely. Moreover, the fact that some religious groups because of being pressured have allowed their followers to engage in this conduct cannot be considered as justification for prohibited actions. There is precedence in history of some people changing their religions by adding and bargaining in any situation what so ever. The Muslim need to take precautions against these deviants and no to give them any opportunity to mix with and corrupt their children. Furthermore, they are neither fit to establish masajid and frequent them, nor are they fit to lead those who frequent the masjid whomever they may be. More importantly for them is to seek a cure for themselves from their own illness, to purify their souls from what ever filthiness became attached to it, and return to a sound path instead of mocking and ridiculing the sentiments of Muslims.

Dress code

Question: What is a Muslim women dress code? And does it have a particular color?

The verse that the inmate referred to is (24:31). It reads "And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husband's fathers, their sons, their husband's sons, their brothers or their brother's sons, or their sister's sons. Or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments. And O ye Believers! Turn ye all together towards Allah, that ye may attain Bliss".

A Muslim, male or female, is asked to dress in a modest way. There is no particular type of cloth that a Muslim should abide to as long as the cloth fulfills the social Islamic requirements. The bottom line is to follow the guideline instructions of the Qur'an and sunnah. Prophet Muhammad is the one who explained and exemplified the commands of God to the Muslim community.

According to the Islamic teachings, a Muslim woman has to cover her body with a loose-fit cloth that is not transparent, nor incorporates her body's patterns. As it is very well known, covering the color of the cloth. Muslims throughout the world have different norms and cultures. You may find some women are dressed in black in Saudi Arabia, others in blue in Afghanistan, and others in multiple colors on Africa.

Question: is it true that Muslims cannot wear pants that go below our ankles?

Muslims should consider to cover their awrah (privates) when they choose to wear any piece of clothing. They should maintain it pure and clean at all times so they would be able to perform prayer at any time, Allah said at the Quran, (74:4) 'and thy garment keep free from stain'.

Muslims should also be moderate and humble not to choose something to manifest pride or arrogance.

Abu Hurairah, may Allah pleased with him, reported: Allah's Messenger PBUH said that there was a person who used to walk with pride because of his thick hair and fine mantles. He made to sink in the earth and he would go on sinking in the earth until the last Hour would come.

Ibn 'umar reported: Allah's messenger PBUH said: Allah will not look upon him who trails his garment out of pride.

The issue of covering the awarah, cleanliness and arrogance are among the most significant issues that Muslims should consider when they deal with matter of clothing. The prophet said 'eat whatever you want to eat, and wear whatever you want to wear as long as you stay clear of two patterns; squandering and arrogance'.

Allah has said in the Quran, (17:37,38) 'Allah walk not on the earth with conceit and arrogance. Verily, you can neither rend nor penetrate the earth, nor can you attain a stature like the mountains in height. All the bad aspects of these are hateful to your lord'.

The Quran also stated the advice of Luqman, the wise, in which he addressed his son to: (31:18,19) 'and turn not your face away from men with pride, nor walk in insolence through the earth. Verily, Allah likes not any arrogant boaster. And be moderate in your walking, and lower your voice. verily, the harshest of all voices is the braying of the ass'.

Question: what is the proper way to wear hijab according to Quran?

Allah (SWT) has described in the Quran the way a Muslim woman should dress, among which (24:31) "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 most ordinary appear. Therefore, they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their sons...." (please recite the verse until the end) Allah also said, (33:59) " O Prophet! Tell thy wives and daughters, and the believing woman 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. and Allah is oft-forgiving, Most Merciful" Therefore, it was narrated that when the companions recited this verse to their wives and daughters, they covered their bodies and they said, "we heard and obeyed, may Allah forgive us". Accordingly, all scholars have agreed that, a Muslim should cover her head as well as her body. In other words, a Muslim woman has to cover her body parts but her hands and face, however the style and type of clothing is optional and a woman can choose what is compatible and well matched to her environment, so they will not be harassed.

Dreadlocks

Question: Can Muslims wear dreadlocks?

The context in which the hadith related by Muslim on the authority of ibn Abbas (no.996 in the siddiqi translation) was revealed is difficult to know. This, unfortunately, is the case with many hadith. However, we do know that, in matters of dress and appearance in general, the Prophet PBUH often ordered the Muslims to do other than what the non-believers were doing. Such commandments should be understood as a part of the Prophet's efforts to instill within the growing Muslim community a sense of its own identity, and not merely, as many traditional readings of the texts suggest, out of a sense of opposition to everything the Jews, Christians, and other communities did, said, taught, or practiced. But that is another subject. Anyway, the important thing to note here is that there may well have been circumstances which prompted this particular prohibition. And the Islamic legal principle which may then be applied is that a ruling made under certain circumstances may be changed if the circumstances themselves change. So, in regard to a Muslim's wearing braided hair during salah, the prohibition may have been made under circumstances requiring the Muslims to refute any identity but their own. Where these circumstances do not apply, the prohibition will not apply. Certainly, there is nothing in the manuals of fiqh that describe the performance of salah. Often in painstaking detail, about such a prohibition being anything more than makruh (discouraged). Nowhere is it described as being among the things that invalidate salah. So in the modern north American context, where the fashion is on widespread, there is probably no reason to suppose it even makruh. This is one opinion. And Allah knows best.

The last question you asked was how the wearing of braids could be a barometer of one's faith. The answer to this question is that only Allah knows the state of one's faith. As Muslims, we are to deal with one another purely in the basis of our confessed faith, the shahadah. Even the Prophet PBUH when he undoubtedly knew of the duplicity of the munafiqin (hypocrites) in Madinah, dealt with them as he dealt with all Muslims, in the sense that he married them in accordance with shari'ah, buried them in the Muslim graveyard, distributed their estates, and so on. The well-known teaching on the subject is that all those who say the shahadah and turn toward qiblah (directions of prayer) in salah are Muslims... so long as they do not come out and deny something that is an essential part of faith, like the finality of prophethood, the eternal nature of the Quran, the oneness of Allah, and so on. Generally speaking, those who concern themselves with trying to read the "barometers" of another's faith, had better look to their own faith first, because the Prophet taught: "A Muslim is his brother's mirror".

Moreover, the notion of community is a very important one to Muslims. As a Muslim living under some very real constraints, it is all the more important for you to be a member of the Muslim community where you live.

In order to grow spiritually it is important that you contribute in a positive way to the welfare of others, and you should begin with those closest to you, the Muslims around you. Think about this. The Prophet PBUH taught a lot about this subject. He warned Muslims about staying off on their own by giving the example of how a wolf will prey on strays, while those who keep together as a flock will be safe. And Allah knows best.

Dogs

Question: I have come across the hadith that we are only allowed to have dogs for hunting and to guard our properties. My question is can we have them for profit if they are not living under our roof?

Islam looks at animals as creatures that have rights and important roles in the natural environment. Therefore, as a rule, an animal has the right to be free to fulfill its role in nature without harming it, unless it is a harmful creature, and causes damage to property and environment. For this reason, Islam does not encourage keeping dogs away from their natural environment, and restraining them in houses, because doing so may make them unhappy, even though they do not know how to express their feelings. However, if there is a definite benefit from keeping a dog at home, such as hunting, guarding, guiding blind people, etc.; it will be lawful to restrain its freedom for specific advantage to human beings. Allah has said: "and He has subjected to you, as from Him, all that in the heavens and the earth: behold in that are signs indeed for those who reflect." (45:13)

On the one hand, it is not permissible to retain and confiscate an animal's freedom for amusing and entertaining. On the other hand, Islam considers hunting or guarding dogs as respectable possessions that can be traded for acceptable purposes.

Female circumcision

Question: What is the Islamic stance on female circumcision?

There is no text in the qur'an or authentic sunnah that commands female circumcision. This was a tradition from pre-Islamic days, to which Islam brought moderation. In a Hadith transmitted by Abu Dawud, the prophet asked Umm Attiya, a woman who engaged in carrying out female circumcision, to be moderate and gentle in the cutting, thus indicating that its purpose could only be to make an "adjustment" and to moderate a practice that was widely prevalent at the time. Three of the four major Islamic schools of thought have not considered this to be an issue requiring a religious ruling, indicating that it is only a cultural practice with little Islamic standing.

Celebrations and arts

Question: Can I attend work related Christmas parties where alcohol will be served? These functions are important for business contacts.

In the absence of strong reason to attend, it will be better not to attend such gatherings. If necessary, however (and the success of one's business or career may be considered necessary), one can attend so long as one maintains one's dignity and composure, and feels in one's heart a sense of aversion to whatever munkarat (actions not condoned by Islamic law) may be taking place.

Question: can a Muslim accept Christmas gifts from Christian friends and family? What about giving them a gift?

There is nothing wrong with your accepting a gift from a Christian friend or family member. We might add that the exchange of gifts may become an important bridge of understanding between Muslims and their Christian friends and relatives. For, through your accepting gifts on Christmas, you obligate them, at least morally, to accept your gifts and greetings on the two 'Ids , and thereby lead them to participate, even if at a distance, in our Muslim celebrations. If you have children, and their grandparents or cousins are Christians, this arrangement has further significance. We would also recommend that Muslim parents who are joined with their Christian families and friends for the Christmas holidays should give their own children gifts. But the gifts they give their children for 'Id should always be made to seem more special. And Allah knows best.

Question: What should I respond when people wish me a merry Christmas?

One may respond by saying "thank you" or anything to indicate your appreciation of the sentiment. Or your response might be to acknowledge their greetings with a smile, and then to reply, "salam, peace on earth" this is both sincere and thought-provoking. A lot of your friends and relatives may stop and think about that reply and what it says about Islam.

We hope that the replies will be found to be of use to you and to all brothers and sisters in your community. And it is Allah who guides to truth.

Question: A section of the frieze in the Supreme Courtroom, located in the capital, Washington D.C., portrays images of eighteen of the greatest leaders in human history who played a role in either establishing or enforcing laws. One of these images purports to represent Prophet Muhammad (peace be upon him). What is the legal opinion about the propriety of such a portrayal?

Islamic jurisprudence is vast and rich and encompasses many schools of thought. If this jurisprudence is vast enough to encompass the view that prohibits paintings and sculpture representing living souls, then it should also be vast enough to encompass the view that permits them. In every age and in most unclear religious matters, people are caught between those ultra-conservatives who interpret the law strictly so as to forbid, prohibit, or restrict the scope of what is permitted, and moderates who constantly seek to enlarge the scope of what is permitted, and restrict the scope of what is prohibited. The tendency of the contemporary reformist school of Islamic jurisprudence is to take the expansive approach as to what is permitted. At the forefront of this school are esteemed jurists such as Sheikh Rashid Ridha, Sheikh Muhammad Bakheet al-Mutaiyi'i, the former Mufti of Egypt, as well as many Islamic schools of thought too numerous to describe herein.

Indeed, the famous interpreter Ibn Kathir referred to images of Prophets in his explanation of the Qur'anic verse 7:157 (al-A'raf). He repeated a narration mentioned in Mustadrak al-Hakim about the Umayyad Hisham bin al-'Aas: In the days of Khalifah (Caliph) Abu Bakr (may God be pleased with him), Hisham al-'Aas was sent with another person to Heraclius, the Emperor of Byzantium, to invite him to Islam. According to the narration, the ruler of Byzantium showed Hisham al-'Aas and his companion pictures of a number of prophets. Among these they recognized the picture of the Prophet Muhammad, Messenger of God (SAAS). When the incident was related to Abu Bakr (may God be pleased with him), he was moved to tears. He did not fault Hisham al-'Aas or his companion.

The most pertinent inquiry in resolving the matter of the propriety of the frieze may not be a search of the legal rulings regarding sculpture, photography, oil painting, or other representations of living souls. Rather, it may be to ask whether the Court has the right to place among these symbols a representation of the Prophet Muhammad (SAAS), which does not reflect his true image, as described in the sirah, but which nevertheless accords him full respect.

The answer to this question is as follows: What we have seen in the Supreme Courtroom deserves nothing but appreciation and gratitude from American Muslims. This is a positive gesture toward Islam made by the architect and other architectural decision-makers of the highest Court in America. God willing, it will help ameliorate some of the unfortunate misinformation that has surrounded Islam and Muslims in this country.

For this reason, we would like to express our gratitude and appreciation to the early twentieth century architect and his associates who brought, in their own way, the essence of what the Prophet (SAAS) symbolized, namely, law with justice, to the attention of the American people. We hope that the Muslim leadership in the United States and around the world will join us in expressing this appreciation even though the frieze is over 60 years old.

God knows best what is right.

Question: I am an American Muslim woman. My friends and I have really wanted to attend the ISNA Convention this year, but none of our mahrams can go with us. We will be going by airplane - insha'Allah if it is okay to go without a mahram - and we will be staying for four or five days. Can we go?

The whole earth belongs to Allah, the Creator of the seen and unseen worlds. In the Quran, Allah recommended the believers, males and females, to travel in the earth to discover its wonders and to witness His signs in the heaven and the earth. A Muslim is required to seek knowledge in order to fulfill the main characters of a true believer, which are; knowledge, wisdom and purification. Having said that, learning and understanding Islam is the essential part of a true Muslim's education, because it is related to his/her happiness in this life and in the hereafter. Strengthening the relationship among the member of the Muslim community is an important element in building a strong Ummah. Having an annual or semi-annual general meeting that gathers the Muslim community in the US would help to fulfill such Islamic goal.

A Muslim has to make up his intention right before and during his/her actions, as the Prophet said in his famous hadeeth. Allah, indeed, is the One Who Knows what is in the hearts and minds reward from Allah and the benefits of his/her actions. Generally speaking, a Muslim woman has to travel with a mahram. However, it was narrated that the Prophet SAAS told his companions that one day, after Islam, peace and security are established in Arabia, a woman would travel alone from Iraq to Mecca performing hajj without any fear but from Allah. From this daleel and others scholars said that a woman might travel to perform hajj if she is in the company of a good, pious and nature group of women, this issue of security and safety are among the main concerns as far as Islamic teachings. Allah knows best.