



In the Name of God, the Most Merciful, the Most Compassionate

أَنْ أَشْكُرَ لِي وَلِوَالِدَيْكَ

Give Thanks unto Me and unto thy parents

(Q. 31:14)¹

El-Hatef El-Islami

The Islamic Hotline Service

Introduction

Established in Egypt, August, 2000 CE (1421 AH), and endorsed by the Grand Imam and Shaykh al-Azhar, Muhammad Sayyid Tantawi, the Islamic Hotline Service has, through its many accomplishments, drawn attention to the tolerant and flexible nature of Islam.

Perhaps its greatest contribution to understanding the religion of Islam is Islamic Hotline Service's Question and Answer resource: simply call any of the Service numbers, depending upon your country of residence, and record your question in the knowledge that it will be treated in the strictest confidence. Call back after 24 hours to find the answer to your question provided by a group of elite Azhar scholars. Equally important, the same scholars offer the caller a chance to listen to a series of short lectures on the most important principles (pillars) of Islam. The Islamic Hotline Service also provides simple explanations of all Qur'anic verses, while allowing the caller to appreciate the correct recitation of these verses, the specific vocabulary used, the original contexts of each revelation, and the scientific miracles accompanying them.

The present book is not the first to be published by the Islamic Hotline Service. A selection of legal opinions (*fatawa*), chosen and corrected by qualified scholars of the Azhar University was published under the title *Ask the People of Knowledge*.

¹ All Qur'anic translations in this document are taken from Marmaduke Pickthall's *The Meaning of the Glorious Qur'an*.

In the same vein, the book you are now reading is intended as a response to legal opinions that threaten to distort the essentially tolerant and forgiving nature of Islam. Those responsible for these opinions are unaware of the extent to which they are capable of hurting both people's lives, and the negative impression of Islam and Muslims that they are presenting to those outside of the faith.

It is not enough for us to simply stand back and watch from a distance the misrepresentation of Islam and of Muslims. Any Muslim who cares about his or her faith realizes the grave risks that we now face from those who remain oblivious of the noble aims of Islam, and of the mercy that our faith has brought and continues to bring into the world.

Representing the traditions of a group of people as if these somehow constitute the workings of Islam itself is wrong. Indeed, the practice attributes lies to God Almighty. Describing Islam with the characteristics – sternness, aggression, coarseness, and dryness – of the desert Arab nomads is, therefore, to commit a serious crime. The Sunna testifies to the fact that, whenever faced with two choices, the Prophet usually preferred the easier of the two, providing that it did not lead him into sin. It is also true that 'Aisha (r.a.), the wife of the Prophet (upon him be peace), remarked that "kindness lends beauty to all things, whereas a lack of kindness only renders them ugly".

Our generation was educated by eminent scholars who helped us to love and to cherish our religion. We must follow in their footsteps: continuing the mission of Islam, fulfilling the tasks we are entrusted with, and offering the sustenance of Da'wa (call for Islam) to all. If we leave the future generations of Muslims to the mercies of those who fail to understand Islam, and the bounties contained within its message to humanity, we are committing an act of treason against our religion.

In order to inspire young people to follow the path of Islam, and to help them feel peaceful and secure in this life and in the life to come, it is our duty to spread Islam's message of tolerance and acceptance; similarly, we must strive to dispel the notion that Islam is rigid and exclusive. The importance of this strategy is shown in the Qur'an:

"For if thou had been stern and fierce of heart they would have dispersed from round about thee" (Q. 3:159)

I would like to conclude this introduction by extending my wholehearted thanks to the scholars who shoulder the responsibility of correcting the errors that have been spread in the name of Islam and of clarifying the true and beautiful image of our religion. These scholars include:

His Eminence Dr. Shaykh Ahmad Eid ‘Abdel-Hamid
Professor of Jurisprudence at Shari‘ah and Law Faculty

His Eminence Dr. Shaykh Muhammad Fouad Rashad
Professor of Jurisprudence at Shari‘ah and Law Faculty

His Eminence Dr. Shaykh ‘Ali Mansour Othman
Professor of Jurisprudence at Shari‘ah and Law Faculty

His Eminence Dr. Shaykh Yassir ‘Abdel-‘Azeem
Professor of Jurisprudence at Shari‘ah and Law Faculty

His Eminence Dr. Shaykh Anas Abu Shadi
Professor of Comparative Jurisprudence at al-Azhar University

I would also like to extend my thanks to His Eminence Dr. Mahmoud Khayami Hasan, Head of the Islamic Studies Department, at the Faculty of Medicine at al-Azhar University. His Eminence Dr. Mahmoud ‘Abdel-Gawad, Professor of General Jurisprudence at Shar‘ia and Law Faculty for his revisions of this work. More thanks are due to Dr. Imam Muhammad Ra’fat Othman, member of the Islamic Research Complex and the former Dean of Shari‘ah and Law Faculty, al-Azhar University, for contributing the Foreword to this book. Special thanks are also sent to Dr. Ihab El-Ayouti for his effective contributions and efforts towards directing the publication of this book.

Finally, I would like to thank my parents for their enduring support and for embedding within me the true meaning of the concept: “only the right thing proves to be true”.

Cherif Esmat ‘Abdel-Meguid
Chairman of the Board of El-Hatef El-Islami

Introduction by Dr. Imam Muhammad Ra'fat Othman,
Former Dean of Shari'ah and Law Faculty at al-Azhar University

بسم الله الرحمن الرحيم

We offer our Praise to God Almighty and ask His help and guidance; let Praise and Peace be upon our lord, Muhammad, his family, his companions, and upon all those who generously follow them, until the Day of Judgment.

In light of certain legal opinions that give the impression of Islamic law as a harsh and cruel system, Mr. Cherif Esmat 'Abdel-Meguid, Chairman of El-Hatef El-Islami has asked me to provide an introduction to the present book, through which the fundamental flexibility of Islamic law, as set forth by God Almighty, may be shown.

Such flexibility is attested in the Qur'an:

"Allah desireth for you ease; He desireth not hardship for you" (Q. 2:185)

"And [He] hath not laid upon you in religion any hardship" (Q. 22:78)

It is an established principle in Islamic law that some questions, to which final answers are unattainable (*masa'il zanniya*), are [therefore] open to a variety of legal opinions. For any such opinion to be legally valid, the jurist must ground his approach in evidence drawn from the sources of Islamic law. To our knowledge, none of the Imams or the senior scholars of law, working within or without Islamic law, said that his opinion, and only his opinion, is binding and free from error.

Rather, all of these scholars respected different, even contrary opinions to their own. This is why we find included, within books of *fiqh* and other legal sciences, the opinions of credible legal figures that are at odds with the opinions of the book's authors. Indeed, after these [contrary] opinions are cited, the author invariably asks God Almighty to have mercy upon the opinion giver. Further, Imam al-Shafi'i (r.a.) is reported to have said: "[to my mind] my opinion is correct, but there is always a possibility of error. By the same token, [to my mind] the opinion of someone other than me is incorrect, yet there is always a possibility that he is right". While Abu Hanifa (r.a.) is reported to have claimed: "we [the jurists] realize that this is merely an opinion; yet, it is the best we have been able to reach. If someone produces an opinion better than this, we will accept it". [Ultimately, it is clear that] No one following the Prophet (upon him be peace) has been capable of giving opinions that are

entirely free of all error. Hence, we find ‘Abd Allah ibn ‘Abbas, ‘Ata’, Mujahidan, and Malik ibn ‘Abbas (r.a.) all saying that, except for the Prophet (upon him be peace), there is no-one whose words may not be rejected on occasion.²

The differences of opinion among the jurists enrich and widen the field of Islamic law. Such opinions were not churned out from the same factory line. Instead, they show great variation, particularly when jurists are confronted by new experiences [i.e. new questions], whether on an individual, group or national level. The resulting range of opinions draws attention to Islamic laws’ noble respect for freedom of opinion. Indeed, if there had not been such respect for the freedom of opinion, this vast reservoir of differing opinions would never have existed. The salient characteristic of our great scholars was clearly not to belittle the perspectives of others; here, except in a minority of cases – during which individuals went against the principles and the histories of their own law school – we find no zealotry or bigotry.

It was reported that one jurist, ‘Ubayd Allah ibn al-Hasan al-Karkhi (d. 340 AH), was particularly inflexible in his approach. Al-Karkhi placed any Qur’anic verse that contravened the rulings of the Hanafī scholars [which he followed] into one of two categories: metaphorically interpreted or abrogated.³ But his understanding was flawed according to the principles established by the founders of the schools of Islamic law. For neither Abu Hanifa (the founder of the school Karkhi follows), nor any of Imams of the other schools, claimed either to be the sole possessor of the truth, or that their opinions were above correction.

Rather, the founders of the Sunni law schools admitted the possibility that, in drawing up their laws, some errors may have been committed. In support of this fact, one of them remarked: “If the meaning of a *hadith* is correct, then take this to be the ruling of my school, and ignore what I originally said”. This is the original method followed by the Companions (r.a.). Hence, when giving his legal opinion, Abu Bakr (r.a.) would say: “this is my opinion, if correct, then it is from God; yet, if wrong, then it is from me. And I ask forgiveness from God”.

² Shah Wali Allah Ahmad ibn ‘Abdul Rahman al-Farouqi al-Dahluwi, *Al-Insaffi bayan asbab al-ikhtilaf fil-ahkam al-fiqhiyya* (Cairo: Al-Matba‘ah al-Salafiyya, 1385 AH), p. 20.

³ تاريخ التشريع الإسلامي للشيخ محمد الخضرى ص325 ، ص347

In one conversation between ‘Umar ibn al-Khattab (r.a.) and a writer, the latter wrote down: “This is what God sees and also what ‘Umar sees”. ‘Umar responded angrily: “curses upon what you have written. Rather, you should have written: ‘that is what ‘Umar sees, if it is correct, then it is from God; if it is wrong, then it belongs to ‘Umar’”. Then, ‘Umar added: “God and His Prophet (upon him be peace) laid down the Sunna; one should not allow a mistaken opinion to become Sunna for the Umma [Islamic Community]”.⁴

[The same point is illustrated by] Ibn Mas’ud [who] was asked about a man who died before giving the dowry (*mahr*) to his new wife. People kept mentioning this to Ibn Mas’ud, who was reluctant to discuss the subject. After a month, the jurist eventually replied: “I shall give you my own opinion, and if it is correct then it is from God, while if it is wrong it is from Ibn ‘Abd Allah [i.e. from Ibn Mas’ud himself]. She takes her full dowry, similar to a dowry of any woman of her social status, without stinginess or extravagance; she should also take her full inheritance, and observe the standard three month waiting period (*‘iddah*) before marrying again”.

[In sum] Within Islamic law, there may be no objection to the existence of a variety of opinions and, following the Prophet (upon him be peace), no individual is infallible. In this book, certain opinions of scholars from al-Azhar will be at variance with the opinions of scholars preceding them. As we showed before, this is not a cause for concern, as long as the issues discussed are open to debate [rather than pertaining to established matters of religion], and built upon solid sources and evidence.

And God guide us to the Straight Path.

Dr. Muhammad Ra’fat Othman

February 23rd, 2009

⁴ تاريخ التشريع الإسلامي للشيخ محمد الخضرى ص117، ص118.
Muhammad Khudri, *Tarikh Tashri' al-Islami*.

Preface

In the Name of Allah, Grace be to Allah, and Allah's Blessings and Peace be upon Allah's Messenger.

Islam's religious texts are of two kinds. Indisputable texts that chart the main doctrines, obligations and prohibitions of Islam; such texts may not be altered because they represent the essential nature of the Umma [Islamic Community]. And the remaining bulk of the texts [the content and meanings of] which are open to multiple interpretations and thus are open to dispute by religious scholars; such texts remind us of God's mercy, in that He has made it possible for Muslims to have available to follow a number of valid, yet different opinions [over a wide range of matters] as they are set out by the faith's legal scholars.

Imam Ahmad related that [the Umayyad Caliph] 'Umar ibn 'Adbel-'Aziz used to say: "It would not have pleased me if the Companions of Muhammad (upon him be peace) did not differ, because if they had not disagreed, there would have been no leniency (*rukhsa*) in Islam".

Many years ago, the Umma reached a consensus that there can be no objection to a believer who follows the rulings of [different] jurists, and especially the rulings of the four [Sunni] Imams whose schools of law (*fiqh*) have spread across the Muslim world [i.e. the Maliki, Hanafi, Shafi'i and Hanbali law schools].

These days, one of the greatest problems facing the Islamic community is the attempt to deny believers this merciful flexibility and to bind all to the same legal opinion, on the grounds that only the one opinion constitutes the Sunna. [It is particularly problematic that] This same opinion might be from the most extreme of its own school and might even be considered invalid by the mainstream scholars of the same school and run contrary to the established practice of the Umma.

This strategy [of restricting all Muslims to a single, extreme vision of Islam to the exclusion of other mainstream acknowledged rulings] has led to conflict and dissention throughout the Muslim world, weakening the Umma at a time when, in order to withstand the challenges of the modern times, it urgently needs unity and agreement. What benefit does the Umma accrue when it abandons the tested opinions of its revered scholars and jurists like the Imams

Abu Hanifa and Malik, preferring those of a later generation and local offshoot like al-Albani and Ibn Baz; thereby replacing excellence with mediocrity? For one thing, it guarantees further disagreements and disputes among Muslims.

In this text, we list a number of widespread legal decisions that narrow the scope of legal reasoning, and restrict the freedoms traditionally granted to us by God. [As mentioned above] The result of these decisions is to fracture the Umma and sow yet more seeds of dissension among Muslims. Hardline religious opinions (*fatawa*), and the interpretations surrounding these, have been collected from various Islamic countries, predominantly those in which the native language is Arabic. For easier access and readability, the contents (*fatawa* and their responses) have been arranged according to the traditional subjects. Throughout this book, the utmost care is taken to provide:

- 1) Accurate documentation of the various legal opinions: all materials, including page numbers, official websites, recorded video/audio tapes are cited and attributed to their author accurately;
- 2) Qur'anic support for counter opinions: scriptural verses are included throughout our text;
- 3) A wide variety of *hadiths*: these are also cited accurately and exhaustively;
- 4) An overview of different opinions: for many obvious reasons, various jurists from a variety of locations may respond to a single *fatwa*; similarly, each jurist may offer more than comment. All such comments are included for the purpose of enriching debate;
- 5) Clear structuring: in order to help the reader, all legal opinions are classified according to their respective legal categories;
- 6) Simple, clear language: technical words and diction are clarified and annotated; vague language is avoided;
- 7) Careful interpretation of key texts: when dealing with complex and important texts – such as those belonging to the Supreme Council for Islamic Affairs, the Egyptian Dar al-Ifta', various Islamic jurisprudence encyclopedias and *fatawa* –our interpretation focuses on maintaining the original meanings involved;
- 8) Accurate punctuation to ensure clear reading;
- 9) The segments on each legal opinion comprise two parts: a brief, general response; followed by a more detailed, and comprehensive response.

These comments and responses have been prepared by a group of al-Azhar scholars. Thereafter, they have been revised by Dr. Mahmoud Khayami Hasan,

Professor of Comparative Jurisprudence and Head of the Islamic Studies Department at al-Azhar's Faculty of Medicine.

May Allah reward the author and publisher of this book and benefit Muslims the world over through its publication. Allah is All Powerful; Grace be to Allah at the beginning and at the end.

Section One: Faith and Doctrine

1. The Ten Revocations of Islamic Belief: Judging those who persistently sin as non-Muslims

Question: What line separates atheism from Islam? Is the person who confesses to believe in One God and in Muhammad as the Prophet of that God, and who despite his praying and fasting then commits acts which are contrary to the nature of Islam, to be considered guilty of disbelief [literally: polytheism, *shirk*]? What is the ruling on someone who persists in committing sinful acts?

Fatwa in Brief: There are ten ways in which Muslims may lose their Islam. These include: polytheism; believing in [and praying to] intermediaries [other than God] to intercede for one; refusing to declare polytheists to be non-Muslim; preferring guidance offered by [someone or something] other than the Prophet (upon him be peace); hating any of the teachings of the Prophet (upon him be peace); mocking any part of the religion; practicing magic; cooperating with polytheists against Muslims; believing that specific people do not need to follow the Prophet (upon him be peace); and turning away from the religion of God, neither learning nor applying it (Muhammad ibn ‘Abd al-Wahhab, *al-Durrar al-Sunniyah*, 5th edition, pp 10-91).

Willful persistence in sinning, in full awareness that one commits a sin, will lead to moral destruction and lends support to the practice of sins. Such persistence is also a clear indication of polytheism. It is as if the sinner were saying: I am aware that charging interest on money lent (*riba*) and adultery are sins; yet, I will nevertheless continue to do them. This is a violation, a clear transgression [over the boundaries of the religion]; there is no doubt that this person is an unbeliever.

Abu Ishaq al-Huwaini. Audio Tape. “*Al-Ithba’a wa Atharuh*”

Response:

This opinion is not accurate and misleading. In fact, composed in the most vague and prosaic of language, the above opinion can result in serious harm. For, it opens the door for people to be judged as non-Muslims by anyone, who despite his/her religious commitment, fails to understand this language. According to the above legal opinion [by ‘Abd al-Wahhab], a Muslim who remains unaware [of the demands of his/her religion] could be described as “turning away from the religion of God, neither learning nor applying it”. Such

a person would necessarily be declared an unbeliever, or that she prefers the “guidance of [someone or something] other than the Prophet”, if s/he did not attend a lesson in religion when invited. By the same [intolerant] logic, a man could be declared an unbeliever if he shaved his beard, and so on. To judge anyone who persists in sin as an unbeliever is the approach of the Kharijites, which is rejected by mainstream Muslims.

Commentary:

Sins committed by a Muslim, be they deadly or trivial, do not render a Muslim a non-believer. This is supported by the Qur’anic verse:

“Lo! Allah pardoneth not that partners should be ascribed unto Him. He pardoneth all save that to whom He will”. (Q. 4:116)

And the saying of the Prophet (upon him be peace) related by ‘Ubayda ibn al-Samat: “Give me your pledge that you will associate no partner with God, that you will never steal, or commit adultery, destroy your children, slander, or utter a lie, and that you will never disobey an appropriate order [i.e. one that is given by your rightful leader]. Whoever amongst you satisfies these things will be rewarded by God; while those amongst who you fail to do these things, and is [thus] punished in this life, then such punishment shall be your atonement; while whoever amongst you fails to do these things and your wrongdoing is concealed by God, then it must be left to God either to forgive or to punish you’. And we gave him [the Prophet] our pledge”.⁵ Thus acts of worship and their abandonment are listed as other than the sin of polytheism.

The Muslim jurists drew attention to the seriousness of pronouncing someone a disbeliever. [According to them] A believer should not be declared an unbeliever when there is any possibility that a mistake has been made and that he or she is a believer. Rather, no Muslim may be judged non-Muslim unless all scholars unanimously agree that there is no doubt that s/he has committed an act of disbelief, which constitutes abandoning the faith. By the same token, s/he may not be declared non-Muslim when there remains a possibility, no matter how far-fetched this may be, that his/her words and deeds do not clearly indicate a lack of belief.

The Prophet (upon him be peace) said: “Whoever wrongly describes a man as an unbeliever or as an enemy of God will himself be judged guilty of

⁵ Al-Bukhari 18.

disbelief". This is a serious warning to all those who mistakenly and recklessly rush to judge the faith of Muslims.

No one who prays in the direction of Mecca [lit: "people of the Qibla"] may be called an unbeliever, unless he willfully and repeatedly denies the legitimacy of established Shari'ah law because he would then be denying Divine legislation. Whoever permits what is unanimously and indisputably prohibited and judged as sinful by the jurists of Islam, such as the eating of pork or the committing of adultery, then such a one has certainly become an unbeliever. Whoever also flagrantly commits clear sinful acts like the killing of protected ones [non-combatants] and usurps their possessions without claiming a religious exemption or justification, then such a person is certainly a non-believer. If the person who commits such heinous acts claims a religious justification like the Kharijites, such actions and negligence do not constitute sufficient proof of disbelief. The majority of Muslim jurists argue that, even those Muslims who shed the blood of believers and steal from them, may not be described as non-believers as long as their actions are committed under a religious justification. Likewise, the carrying out of any prohibited act with a religious justification, in and of itself, should not result in a person being declared non-Muslim.

Ibn Qudama remarked: It was reported that Ibn Math'un drank wine believing that it was permitted, so 'Umar applied the legal punishment to him, but refrained from judging him as an unbeliever. The same also happened with Abu Jundul ibn Suhail and a group of his companions, who drank wine in the Levant believing that it was allowed. In the latter case, they took the following verse as proof:

"There shall be no sin (imputed) unto those who believe and do good works for what they may have eaten". (Q. 5:93)

Yet, they [Abu Jundul and companions] were not judged as unbelievers. Rather they were informed that wine is prohibited; thereafter, they repented and the legal punishment was applied to them. The same logic applies to any person who commits a deed, and is unaware of its prohibition. This person may not be judged an unbeliever until s/he knows and acknowledges that his or her deed is unequivocally prohibited, and thus all misunderstanding and ambiguity has been cleared up.⁶

⁶ Ibn Qudama, *al-Mughni* 21/9; cf. Ibn 'Abidin's commentary 224/4.

These carefully formulated rules, established by critical scholars such as Ibn Qudama, provide more reliable guidelines than the generally and vaguely worded list mentioned above of the ten alleged revocations of Islam. Indeed, these revocations have encouraged many religious youth to recklessly deny Muslims their faith, without proof or authority. And God is the Most Knowing.

Shaykh ‘Abd Allah Wahhab ibn Nassir al-Tariri observed:

When dying, Abu al-Hasan al-‘Ashari was quoted as saying: “Bear witness that I have not judged any of the people of the Qibla [i.e. Muslims] to be an unbeliever; for all follow the one God”. Imam al-Zahabi commented: “I share the same belief”. And, in the latter stages of his life, Shaykh Ibn Taymiyyah agreed: “I would never judge anyone from our Umma an unbeliever”. Indeed, he [Ibn Taymiyya] goes further when quoting from a Prophetic *hadith*: “No-one performs the ritual ablution (*wudu*), but a believer”. So, on this basis, anyone who performs their prayers and ablutions is a Muslim. Look at the sayings of the above Imams, al-‘Ashari, al-Zahabi and Ibn Taymiyya, who are authorities in Islamic jurisprudence and religious doctrine. Their experience, knowledge, and scholarship, especially of the beliefs and dogmas of different sects, impacted deeply upon their judgment, and have made them extremely wary of the denial of Islam to anyone. These scholars refused to judge any Muslim as an unbeliever. With them in mind, how can those who have not attained their knowledge and scholarship make such claims or pretend to be able to pronounce judgment over the faith of others?⁷

According to the Fatwa Centre, supervised by Dr. ‘Abdullah al-Faqih:

A Muslim cannot be judged as an unbeliever unless he is guilty of some kind of speech, action, or belief, which, according to the Holy Book and Sunna, constitutes a major act of disbelief, and/or that Muslim scholars unanimously declare that his acts warrant this judgment. The conditions making this judgment possible include the absence of any mitigating factors: a disbeliever can only be, therefore, an adult of sound mind, who is fully aware that he is committing disbelief unexcused by ignorance or based on claims of interpretation in issues that are open to interpretation or are not widely known. And God Almighty is the Most Knowing.

Dr. Muhammad Fouad

⁷ Shaykh al-Tariri is a faculty member at Imam Muhammad Ibn Sa‘ud Islamic University.

2. Abandoning the Prayers

Question: A question was asked about whether or not it is possible for a man or woman to remain with their partner in the knowledge that he or she does not pray.

Fatwa in Brief: By abandoning his or her prayers, a person leaves Islam. It is forbidden, therefore, for a Muslim to remain with a husband or wife who no longer prays; and their marriage is annulled. Anyone who stops praying may not inherit from a Muslim; when they die, their bodies may not be (ritually) washed or prayed over, and they may not be buried in Muslim cemeteries. Instead, the corpse should be taken out into the desert and buried in its clothes, as the person who abandons his/her prayers no longer deserves protection from God or man.

Shaykh Ibn al-‘Uthaymin, *A Treatise on the Characteristics of the Prophet’s Prayers*, pp. 29-30

Shaykh Muhammad Hassan, Speech no. 5 on his website:

www.Muhammadhassan.org

Response:

With a single stroke of the pen, this fatwa declares a vast number of Muslims, from around the world, to be unbelievers. In fact, it means that millions of people are now no longer Muslims, that they should be killed as apostates, their bodies left without prayers, and buried outside of Muslim cemeteries! Because they do not pray, they may not inherit, or bequeath to Muslims, and must be separated from their spouses, regardless of place or time. Throughout the history of Islam, there has never been a time or place where this has been judged to be the fate of Muslims who have not been praying. Rather, such people have continued to live with their spouses, inherited and bequeathed, and have been buried in Muslim cemeteries. [Why should this have been the case?] Precisely because such people have always been considered Muslims.

We do not know why the authors are so keen to exclude crowds of Muslims from God’s religion, nor why they exercise such poor judgment, and in doing so flout the pious Imams of the madhahib and the general opinion of Islam’s religious scholars.

Commentary:

The performance of [the five daily] prayers is one of the pillars of Islam. [Another way of putting it is that] its position in faith is like that of the head to the body; and there are many texts reminding Muslims of their obligation to pray, and warning them of the dangers of abandoning prayers or observing them with laxity. According to the most potent tradition in this matter, reported by Muslim, [the Prophet (upon him be peace) says]: “The barrier between a man and disbelief is the abandonment of prayers”. Explaining this *hadith* in brief, al-Nawawi observes that, according to the consensus of Muslim scholars, only the person who stops praying because s/he does not think consider the prayers obligatory ceases to be Muslim. This is not the case if the same person has only recently joined Islam and has, thus, not lived with Muslims or been informed of the religious obligation to pray. If on the other hand a Muslim accepts that prayers are an obligatory aspect of faith, but fails to perform them through a lack of commitment, or out of laziness, s/he should not be considered an unbeliever according to the majority of scholars and the Salaf and later generations of scholars. Rather, s/he is considered a sinner and should be instructed to repent. [Of all the Imams, only] Ahmad ibn Hanbal is reported to have taken the above *hadith* in one of two accounts as literal evidence that someone who neglects to pray loses his Islam.

Scholars who do not consider the person who neglects to pray an unbeliever turn to this Qur’anic Verse:

“Lo! Allah pardoneth not that partners should be ascribed unto Him. He pardoneth all save that to whom He Will” (Q. 4:116),

As well as the *hadith* in which the Prophet (upon him be peace) observes: “He who says that there is no God but God will go to Heaven”; and the *hadith*: “He who says that there is no God but God will be untouched by Hellfire”.

Those who do not consider the person who abandons prayer to have left Islam cite the *hadith* mentioned above, in which the Prophet describes the abandonment of prayers as “the barrier between a man and disbelief”, arguing in this case, that the *hadith* implies that such a one deserves the penalty of disbelief, which is death, if he is asked to repent but does not do so. Yet, this is only the case if the person fails to understand that the prayer is an obligation, or that, by leaving the prayer, he may be led into disbelief, or that the act itself is similar to the acts of disbelievers.

In his book *Tabaqat al-Shafi'yya*, El-Subki includes al-Shafi'i and Ahmad [Ibn Hanbal]'s discussion of [the status] of those who abandon their prayers. Al-Shafi'i asked: "Ahmad, do you consider him [the person who abandons prayers] an unbeliever?" Ahmad replied that he did. Al-Shafi'i then asked: "how does an unbeliever become Muslim?" Ahmad said: "by testifying that there is no God, but God and that Muhammad is the Messenger of God". Then, Al-Shafi'i, continued: "But he has never lost his faith in the *shahadah*, as he still says it [outside of prayer]". Ahmad responded: "To become Muslim, he must pray". To which Al-Shafi'i could reply: "An unbeliever's prayer is invalid, and he does not become Muslim if he prays". At this, Ahmad was silent.

Ibn Qudama, in *al-Mughni*, argues that according to the school of Imam Ahmad someone who abandons the prayers would not be counted as an unbeliever. If this is the case, then neither the four founders of the Sunni law schools nor the majority of scholars describe this person as such [i.e. as a non-Muslim]. Therefore, the relationship between a man and his wife must remain valid and beyond reproach.

Ibn Qudama also mentions that, despite the number of people who throughout the ages have neglected their prayers, there are no records that a single Muslim judge has ever separated a Muslim man and wife for this reason:

It was never reported to us in any given time that someone who had abandoned their prayers was not washed ritually for burial, nor prayed over, nor buried in Muslim cemeteries, prohibited from inheriting and bequeathing, nor separated from their spouse for the abandonment of prayers. Had they been judged non-believers, these penalties would surely have applied (Al-Mughni 2/152).

His Eminence Shaykh Dr. Saud ibn 'Abd Allah al-Funaisan confirms that:

In the entire history of Islam, it has never once been reported that anyone was killed as an apostate (*murtaddin*) because he had stopped performing his prayers. In addition to what this misjudgment would have entailed with respect to their marriages to their wives is such that they would have been divorced and their children declared illegitimate... It seems to me that we cannot declare a person who neglects his prayers out of laziness or unconcern, an unbeliever, and God knows best (Islamtoday, 08/11/1427).

Ultimately, as long as he does not deny the obligatory nature of prayer, the husband who abandons his prayers is not to be treated as an unbeliever. Nevertheless, his wife should always advise him to pray, never ceasing to encourage him in the matter, while reminding him of the penalties for not doing so. Likewise, she should surround him with decent and morally refined people, and lead him towards a better path, [she should remember that] the company one keeps works beautifully in achieving this.

The wife who neglects to perform her prayers is subject to the same judgment as this; and we offer her husband the same advice to help convince the wife to keep her prayers and moral uprightness. Moreover, he should not rush to divorce her, rather he should remember the Qur'anic verse, "*And enjoin upon thy people worship, and be constant therein*" (Q. 20:132), and call upon her to rejoin the prayers, and to be righteous.

Both husband and wife should call upon God and rise to pray at dawn. [In light of the above debate] They should remember that, if God bestows upon a Muslim the gift of guiding someone [back] to prayer, then this is better for their religion, and it is better for their lives.

And God knows best.

Dr. Muhammad Fouad

3. Appealing to the Prophets and Righteous People for Help

Question: A question was asked about [the legitimacy of] calling upon the Prophets and the Righteous for help [intercession].

Fatwa in Brief: Whoever calls for help from anyone other than God, [and in particular] from someone that has departed this life, is guilty of a major form of disbelief (*shirk*) (polytheism). Calling upon the Prophets and the Righteous people is an act of innovation (*bid'a*) and a form of disbelief.

Shaykh Ibn Baz, *Collected Fatawa*: 5/319

Shaykh Ahmad Farid, www.alsalafway.com (Standing Committee for Research and Religious Opinion)

Response:

Like the preceding ones, this opinion opens the door for groundless accusations of kufr based on poor reasoning and a disputable lack of evidence. It maligns

most of the Muslim peoples and describes them as non-believers while the majority of jurists would view those actions as ordinarily unobjectionable. At any given time, it is very common for ordinary Muslims to make some mistakes in terms of doctrine and worship, however, the proper response to such mistakes is to advise, educate, and treat with kindness. Unfortunately, their accusers instead expel these ordinary Muslims from the fold of Islam, calling them unbelievers. Furthermore, the blasphemous type of calling for help – from sources other than God – that would land its practitioner into stark polytheism is almost unheard of in modern Muslim circles. And it should be made clear that not all forms of supplication are innovation or forbidden.

Commentary:

If a Muslim asks a creature [i.e. someone that was once mortal and/or created] to do something that is beyond their skills, such as asking them to reduce befallen calamities or to bestow bounties, this call for help is Islamically prohibited. Indeed, it is unbelief on the basis of the Qur’anic verse that states:

“Never pray to anything that does not cause benefit or harm other than Allah, and if thou didst so, thou are unfair”. (Surat Yunus 106)

However, if the person prays to God by way of an intermediary, without demanding anything from the intermediary him/herself, there is no harm. Hence, for example, this person might say: “O God Almighty I ask you with the honor of your Messenger to ease my suffering”. Here, he addresses God, exclusively, and seeks help only from Him, and not from the Prophet (upon him be peace) or the intermediary.

The jurists agree that this form [of prayer for intercession] does not constitute polytheism because the demand for help is addressed to God Almighty, and not to anything or anyone other than Him. Yet, the jurists disagree as to whether this form of prayer should be considered permitted or prohibited.

The first opinion is that such prayers – in which Muslims ask for help from the Prophets and pious people – are permitted, and that this is the opinion of the majority of the scholars. Proponents support their view drawing upon many evidence, like, mentioning the prayers attributed to the Prophet (upon him be peace): “I ask Thee through the right of those who ask Thee, and by the right of my footsteps to Thee”. Likewise, there is also the prayer of the Prophet (upon him be peace) on behalf of Fatima, daughter of Asad: “Forgive the mother of Fatima, daughter of Asad, and grant her entry [to Heaven], in the right of Thy

Prophet and the Prophets before me, Thou are the Most Merciful”. Another piece of evidence is found in the Prophetic *hadith*: “Whoever visits my tomb will deserve my intercession”; and [finally] the *hadith* of the blind man who implored God through the Prophet (upon him be peace) to restore his sight.

The second opinion states that it is forbidden to seek help from God through the Prophets and righteous people, be these alive or dead. This opinion is attributed to Ibn Taymiyya and his later followers. In order to support this view, they [Ibn Taymiyya et al] refer to the following Qur’anic verse:

“And who is further astray than those who, instead of Allah, pray unto such as hear not their prayer until the Day of Resurrection, and are unconscious of their prayer?”. (Q. 46:5)

According to the Fatwa Centre, under the Supervision of Dr. ‘Abdullah el-Faqih:

Calling upon the person and right of Prophet Muhammad (upon him be peace) for intercession is a subject that has been much debated amongst Muslim jurists and thinkers. Most jurists, from the Maliki, Shafi‘i, Hanafi, and Hanbali schools of law have allowed it.

And God knows best.

Dr. Muhammad Fouad

4. Slaughter for Sacrifice for anyone other than God is Disbelief

Question: What is the ruling on sacrificing to anyone other than God? Is it valid, for instance, to slaughter [an animal] to pious people when visiting their tombs, or if it is our intention to bequeath the meat of the offering among people living near the tombs, or the domes?

Fatwa in Brief: Whoever slaughters a sacrifice for something other than God, be this for a pious man, or on the anniversary of the birthday of such a man, is guilty of major polytheism.

The Standing Committee for Research and Opinion 1/134

Response:

This opinion maliciously accuses the Muslim public of [acts of] apostasy. While the meat may be dedicated to a pious person [be it saint, Prophet or

jurist] and thereafter distributed among the poor, average Muslims usually intend their sacrifices, ultimately, for God and ask God to dedicate its reward of this charity to the pious. Thus, while they may lack the ability to articulate this matter, its legitimate meaning is always borne in mind. The mufti should not misinterpret such matters beyond their original level, nor should he aim to find such groundless means by which he could accuse Muslims of betraying their faith.

Commentary:

It is illegal for anyone to glorify anything other than God by offering sacrifice, whether loudly or silently dedicated. The [pre-Islamic] polytheists used to call upon their various gods when slaughtering a sacrifice, seeking their pleasure. This is witnessed by a Qur’anic verse:

“And that which hath been immolated to (the name of) anything other than Allah”. (Q. 2:173)

However, the sacrifices made by the public to pious people in various Muslim countries, and the offerings they distribute at their tombs, are invariably intended for distribution as sadaqa amongst the family and staff who maintain these tombs; the merit for which acts is believed to be received by the spirit of the deceased from God. When a person makes an offering in order then to distribute its meat among the poor, and to benefit the spirits of the deceased, then such an offering is valid. However, if the intention [of the sacrifice] is to draw near to the deceased person through the act of sacrifice, as is the case among many ignorant ones, then this offering is invalid.

There is no objection to slaughtering an animal with the intention to distribute its meat amongst the poor as almsgiving for a deceased person. Since a Prophetic *hadith* answers the question of how to express filial respect to one’s deceased parents by recommending: give alms on behalf of them and offer supplication.

Ibn Hajar al-Haithami was asked about the judgment of votive offerings to the tombs of pious people, he replied: “Votive offerings for a pious man are often intended as [a form of] almsgiving to the servants of the tomb, his relatives, and poor people. If this is the intention of the person making the votive offering, then the sacrifice is valid. If however, he means to become closer to

the [spirit] of the deceased, as is generally the case among ignorant people, then his sacrifice is not valid.”⁸

Nevertheless, even if we know that certain people are offering sacrifices to the deceased in order to feel close to them, we must not rush to proclaim this person a non-Muslim. For, this may occur simply because someone is unaware that such acts are forbidden in Islam – indeed, that they are indications of disbelief.

In this respect, Shaykh Ibn al-‘Uthaymin observes that:

Most texts allow for the excuse of ignorance. No one can find evidence to the effect that, when ignorant of his wrongdoing, a man should still be blamed. In the Qur’an, God Almighty says:

“We never punish until We have sent a Messenger”. (Q. 17:15)

And:

“Messengers of good cheer and of warning, in order that mankind might have no argument against Allah after the messengers”. (Q. 4:165)

If ignorance was not a valid excuse, there would be no need for Prophets, and we would all be judged according to our actions. The idea that ignorance is a mitigating factor in the judgment of these actions, however, is clearly stated in the Qur’an and in the Sunna. It is recognized as such by all Muslim scholars. Our judgment must not, then, depend upon our emotions; rather it should depend upon the principles of Islamic law. Accordingly, God Almighty observes: “My Compassion precedes My Wrath”. Thus, how can we recklessly judge a man solely on his actions, when it never occurs to him that these actions are forbidden by religion?⁹

And God knows best.

Dr. Muhammad Fouad

5. Advocating Freedom of Thinking is Disbelief

Question: A question was asked regarding whether freedom of thinking is a positive attribute, or whether it leads to freedom of faith.

⁸ Ibn Hajar al-Haithami, *The Major Fiqh Fatawa* 284/4.

⁹ Shaykh Ibn al-‘Uthaymin, *Open Door Meetings*, 33, Question no. 12.

Fatwa in Brief: Whoever argues that a person is entitled to complete freedom of faith [be it belief in any religion] is an unbeliever, guilty of the major sin of disbelief.

Shaykh Ibn al-‘Uthaymin, *Fatwas of Doctrine*, 217-218

Response:

There is a great deal of meaning in allowing the practice of free-thinking like in endorsing the principle of non-coercion in matters of conviction, and of co-existence with other people of other religions, and which may involve the sharing of meals, and [even] marriage with them.

Allowing people freedom of faith does not mean that we consent to people forsaking their [Islamic] religion; however, we are constantly dismayed by [the recent] insistence on charging Muslims with acts of apostasy for the smallest of reasons and remotest interpretations.

Commentary:

It goes without saying that people differ in opinion and in matters of faith and behavior since human nature is capable of erring. God Almighty says:

“And if thy Lord had willed, He verily would have made mankind one nation, yet they cease not differing. Save him on whom thy Lord hath mercy; and for that He did create them”. (Q. 11:118-9)

God has provided mankind with guidance, and revealed unto them the right path. He has encouraged us to take this path; and warned us against the dangers of evil. God told Adam and those with him [all this] when he brought them to earth:

“But when there come unto you from Me guidance, then whoso followeth my Guidance, he will not go astray nor come to grief”. (Q. 20:123)

God send a succession of messenger to us to warn against danger and to inform us of the Truth. Some believed, while others did not, until the last of these messengers, the Prophet Muhammad (upon him be peace), arrived in order [to clarify God’s Message and] to emphasize its most important principles. The call [of the Prophet] to Islam was general, and not specific to a certain place or time. Rather, it was addressed to all people, regardless of whether they had previously embraced a religion. God Almighty says:

“And whosoever seeketh as religion other than the Surrender (to God), it will not be accepted from him, and he will be a loser in the hereafter”.

There is no compulsion in faith. Unless there is true conviction [on the part of the caller], beliefs will never take root in the heart [by those outside the faith]; [this being the case] the messenger or the Prophet (upon him be peace) has only to convey the message:

“Say: (it is) the truth from the Lord of you (all). Then, whosoever will, let him believe, and whosoever will, let him disbelieve”. (Q. 18:29)

“There is no compulsion in religion. The right direction is henceforth distinct from error”. (Q. 2:256)

The Prophet (upon him be peace) dealt with Jews; he ate their food, and called them to become Muslims. Yet, he did not put pressure on them to convert, and left them free to make up their own minds. Some chose to believe [in Islam], while the remainder did not. The Prophet (upon him be peace) criticized the Muslim who attacked a Jew after the latter had compared Muhammad unfavorably to Moses; and he forbade the Muslims to make comparisons in general between the Prophets, even though he [Muhammad] was the greatest among them. So as not to create sedition, in a *hadith* reported by Muslim, the Prophet declared: “Prophets are brothers from a single man and different mothers, and their religion is one; and I am the worthiest of Prophets after Jesus, son of Mary, because no Prophet has arrived in the time between us. On seeing a blind Jewish man, [the Caliph] ‘Umar decided to give him a considerable sum of money from the treasury; and he [‘Umar] wrote to the Muslim rulers in their various states so that they should assist the poor folk of the *dhimma* [i.e. the Christians and Jews living among them]. Such treatment of non-Muslims stems from the fact that Islam is [definitively] a religion of peace; and [it is worth remembering], it does not initiate a war against someone as long as he is peaceful. The Qur’an states:

“And if they incline to peace, incline thou also to it, and trust in Allah. Lo! He, even He, is the Hearer, the Knower”. (Q. 8:61)

Islamic law permits marriage to “the women of the book”, women who are Jewish or Christian; and it permits Muslims to eat the meat of their slaughtered animals. Yet, Islam does not permit a Muslim husband to insist that his non-Muslim wife join Islam; rather, he is free to live with her while she is not a believer. Therefore, by supporting people’s freedom of choice, we do not

approve of their non-Islamic doctrines, [or relinquish our Muslim identity.] Freedom of choice requires that we do not compel anyone to embrace Islam [against his/her will].
And God knows best.

Dr. Muhammad Fouad

6. The Motion of the Earth around the Sun

There was a question about the veracity of the motion of the earth around the Sun, and what a geography teacher should say to his students about the matter.

Fatwa in Brief: A geography teacher should make it clear to his students that both the Holy Qur'an and the Sunna [of the Prophet] literally show that the succession of day and night is caused by the motion of the sun around the earth, rather than the reverse.

Shaykh Ibn al-'Uthaymin, *Collected Fatawa and Letters of Ibn al-'Uthaymin*, Part I, p.39

Similarly, Shaykh Ibn Baz holds the view that:

[t]he person who persists that the sun does not move should be condemned to death after being called upon to repent, as his denials of the motion of the sun [round the earth] constitutes a denial of God's Word, God's Prophet and God's Holy Book.

From www.binbaz.org.sa

Response:

Matters which are not explicitly indicated in texts revealed by God should be referred to experts in these fields like astronomers and physicians. Such *fatawa* as this one sadly distort the image of Islam and Muslims worldwide.

Commentary:

There is nothing in the Qur'an or in the Sunna to the effect that the earth does not move around the Sun, nor is there any reference to the [false] idea that the earth does not move. There are some Qur'anic verses which have been interpreted to mean, however, that the earth moves and circles the sun. According to Muslim and non-Muslim astronomers alike throughout the ages,

the earth moves, as do all planets in the universe. Indeed, this is a well-known fact.

In a work entitled *The Universe from the Atom to the Galaxy*, Dr. Hammad el-'Ubaidy observes:

The earth floats in space as if it were a ship... when it moves around the sun it rotates anti-clockwise at the speed of 23 km per second, as if it were a missile. Despite such startling speed, we do not perceive its movement because of the earth's gravity and its atmospheric pressure. These factors make us feel stable, as if we were solidly based on the earth's surface. Indeed, this is one of the wonders of God's Creation. (www.islamweb.net)

The motion of the earth around the sun causes the occurrence of the four seasons in one solar year. This time frame dominates the calculations of people's various activities and practices. The Earth also revolves clockwise around itself from West to East, at the speed of 1609 km per hour; every 24 hours this rotation accounts for the process of our days and nights.

Dr. El-Zeheili elaborates further:

The circular Earth revolves around itself, facing the sun. The round part of its surface, which faces the sun, is covered by light. However, this area of its surface is not fixed in one place. The Earth continues to rotate, and, as it does so, the more darkness comes to replace the area previously covered by sunlight. (www.islamweb.net)

The motion of the Earth, and the fact of its rotation, is neither stated nor categorically negated by reason, it is in the realm of the possible. If Muslim or non-Muslim experts have proven that it happens, and none of Divine law contradicts this, then we must accept it [the fact that the Earth rotates around the sun] as fact. Further, there should be no doubt that our Revelation would ever disagree with such a well-established scientific fact.

Ultimately, such factors, which have not been categorically [i.e. it is not further open to interpretation] dealt with in any revealed text, should be left in the hands of its scholars and experts in the field of astronomy. God Almighty says:

"Ask Anyone Informed". (Q. 25:59)

And God also says:

“Ask the followers of the Remembrance, if ye know not!”. (Q. 16:43)

It is noteworthy to point out the answers to such questions do not entail any legal judgment or obligation on our part. Exploring such matters [as we have now made clear] must be left to expert astronomers.¹⁰
And God knows best.

Dr. Muhammad Fouad

7. Ignorance of Doctrine is Inexcusable

Question: A [first] question was asked regarding the validity of excusing one's mistakes through ignorance of religion; [a second question asked] whether an ignorant person will be forgiven in the Afterlife.

Fatwa in Brief: Ignorance is not an excuse for mistakes in matters of doctrine. Whoever commits an act of disbelief out of ignorance will, nevertheless, be counted amongst the unbelievers and will not be exonerated by his ignorance and will be amongst the eternal damned.

Shaykh Ibn Baz, *Group of Fatwas and Miscellaneous Articles*, 398/9

Response:

This *fatwa* is very much in keeping with the generally strict approach of all of the above. Their very extreme nature restricts Muslims, and tightens the grip around them, and excludes the greatest number of Muslims from Islam as possible.

There have always been Muslims who lack religious education, just as every religion has its share of uneducated people. Muslims who do not have a sufficiently good education in their religion should be treated with kindness and educated, rather than flung out of the faith and treated as unbelievers.

Commentary:

¹⁰ *Fatwa Centre*, supervised by Dr. ‘Abdullah al-Faqih, *Fatwa* no. 56931, Earth Motion and Rotation, 4 Zul-Qe‘da, 1425 AH.

The vast majority of Islam's [Sunni] scholars believe that, if a Muslim commits an action that is contrary to the teachings of Islam out of ignorance, then this ignorance protects him/her from being charged with disbelief. This will also prevent this Muslim from being punished on the Day of Judgment as an unbeliever. They [these scholars] depended on the following evidence [all of which are examples of acts of disbelief that are forgiven] for their ruling.

First: In Chapter 5 of the Qur'an, the Table (*al-Ma'ida*), there is an account of the mistakes made by Jesus' disciples. Among these are those who in their ignorance of the character of God the All-Powerful, and their doubt in the truth of the Prophet Jesus (upon him be peace), ask Jesus to prove his God's power. God mentions these failings in the following verse:

"When the followers of Jesus said: O Jesus, son of Mary! Is thy Lord able to send down for us a table spread with food from heaven?". (Q. 5:112)

Such a question suggests that these followers doubted the omnipotence of God, which, in itself, is an act of disbelief. Yet, due to their ignorance of God's nature, they were excused their sin.

Second: The sons of Israel implored Moses (upon him be peace):

"O Moses! Make for us a god even as they have gods. He said: Lo! Ye are a folk who know not". (Q. 7:138)

In fact, here, there is no doubt that the sons of Israel are culpable of a great sin in asking him to make them an idol to worship. Yet, there were not described as unbelievers due to their ignorance, which protected them and provided them with an excuse.

Third: [The *hadith* collector] Ibn Majah reports that when Mu'az returned from the Levant, he threw himself to the ground before the Prophet (upon him be peace). When the Prophet recoiled and asked him what he was doing, he replied: "When I was in the Levant, I saw people prostrating before the bishops and elders of the church, so I felt that we should do the same before you". The Messenger of God (upon him be peace) replied: "Never do so, if I had wanted to prostrate to someone other than God, I would have commanded the woman to prostrate in front of her husband".¹¹

¹¹ Ibn Majah, 1926.

Prostrating in worship to someone other than God is an act of polytheism. However, the Prophet (upon him be peace) was able to teach him [Mu‘az] that prostration is a form of worship and, thus, that it may not be practiced except when intended solely for God; and he did not charge him of disbelief.

Fourth: Al-Bukhari reported that Ibn ‘Umar (r.a.) reached ‘Umar ibn al-Khattab in a travelling party, having sworn [an oath] on the name of his father [by saying, for instance, “on my father’s life, I shall...”]. The Prophet (upon him be peace) called out to them, saying: “You must know that God prohibits the taking of oaths. Anyone who takes an oath should swear by God, or remain silent”.¹²

Making an oath by anything other than God constitutes an act of polytheism. This is explicitly confirmed in the *hadith*: “someone who swears on [a name] other than God is an unbeliever (*mushrik*)”. However, ‘Umar was unaware of this rule, and thus was excused on the grounds of his ignorance.

These examples [and there are many others] prove that a Muslim who, unknowingly, commits a sin against his faith may not be accused of disbelief. Rather, he should be informed of his error and, pressured with sufficient evidence, to convince him of the errors of his beliefs. If an act of atheism is accompanied by clear proof of ignorance that the person committing this act is ignorant of its importance, then this person may not be judged an unbeliever, nor will he be punished in the Hereafter for his act.

This is the opinion of the same Shaykh Ibn al-‘Uthaymin, who was asked: “If a polytheist joins Islam, then performs an act which is against the teachings of the religion as a result of his ignorance, how will he be treated? And may his Muslim faith be renewed?” The Shaykh replied:

Praise be to God! Such a man should be treated with patience and careful judgment. It should be made clear to him that his act contradicts the teachings of Islam; he does not need renewal of his faith because he was ignorant of the impact of his act. And God Almighty has stated:

“We never punish until we have sent a Messenger”. (Q. 17:15)

And God also says:

¹² Al-Bukhari *Sahih*, 6108.

“And never did we destroy the townships unless the folk thereof were evil doers”. (Q. 28:59)

Ultimately, someone who does not know is not [necessarily] an evildoer, for s/he does not commit evil on purpose. This ruling is especially important [in the way that we treat] the new Muslim.
And God knows best.

Dr. Muhammad Fouad

8. Those who Died before the Call to Islam Reaches Them

Question: A question was asked the regarding the condition of someone who dies before hearing the call to Islam, or if the call to Islam that they have heard has been delivered incorrectly.

Fatwa in Brief: Those who are not informed of the call for Islam are in the same position regarding judgment as those people in the transition period. Thus, they shall be tried [and found wanting] on the Day of Resurrection. Regarding those who were told about Islam incorrectly, they have no excuse as they should have asked [for more information at the time].

Shaykh Ibn Jebrin *Fatawa and Judgments*, p. 79-80

Response:

Well-established Muslim scholars have affirmed that an important component of a valid call to Islam is that it is communicated in a correct and undistorted form. If it is not, then the recipients of this call may not be blamed for not being convinced by it.

Commentary:

There are still [a few] people who have never heard the call to Islam like notably those living in caves, jungles, and remote islands, with next to no communication with the wider world, despite the recent explosion in media technologies, and [improvement in] travel. Of course, anyone who hears of the Messenger who came with a religion called Islam should attempt to find out about it, if possible. However, if he does not hear about it, or if he hears about it but is unable to find out about it [through reliable information], then he is to be excused. This is the opinion of the scholars of Islam. A condition was set by these scholars to the effect that, if it is to be treated as valid, the call to Islam

must be complete [and not include falsities]. If, in contrast, the Muslim message is relayed in an imperfect form, its recipients should not be blamed for not being convinced by it. This was stated in Imam al-Ghazali's book, *The Line of Demarcation between Islam and Heresy*. There, he [al-Ghazali] mentioned that, in his day, most Christians of Roman and Turkish origins would be saved because they had not, as yet, received the message of Islam. Ghazali wrote the following:

I would even say that those who receive the message of the Prophet (upon him be peace) in an imperfect form, or who are told that a liar and swindler by the name of Muhammad has falsely claimed to be a Prophet, will both be judged according to the same criteria. In my opinion, they will be saved. The remaining nations, who deny the message of the Prophet (upon him be peace), after hearing many times of his actions, character, and miracles – the greatest of which is the Holy Qur'an – and still refuse to investigate this [the Prophet's] message are the non-believers.

Accordingly, those who have not received the message, or who received it in imperfect form, or who heard it correctly and, thereafter, dedicated themselves towards understanding it are, it is hoped, saved from an eternity in Hellfire.¹³

According to the Fatwa Centre, Under the Supervision of Dr. 'Abdullah al-Faqih:

An unbeliever is a person who dies as a non-Muslim. However, regarding those who have never heard of Islam, or who received the call to Islam in a less than perfect form are put to test on the Day of Judgment. This is clarified in detail in *fatawa*, nos. 39870, 42857, 56323, 3191, and 48406.

According to the great Islamic scholar, Ibn Taymiyyah:

Based on specific historical moments and particular geographical locations, a man will be rewarded with the little that he possesses in terms of faith. God Almighty forgives those with an excuse and will not forgive those who do not have an excuse. This is illustrated by the following *hadith*. "There will come a time when people do not recognize [the obligation to perform] their prayers (*salah*), fasting (*siyam*), pilgrimage (*hajj*). The exceptions to this will be the elderly who will say that they once saw their fathers perform the *shahadah* [i.e. bear witness that there is no God, but God, and that Muhammad is His

¹³ *Fatawa Dar al-Ifta' al-Misriyyah* (21), the Mufti, Shaykh 'Atteya Saqr, May 1997.

Messenger – the testimony of faith in Islam]”. Then, Huzaifah ibn al-Yaman was asked, “Is *shahadah* sufficient for their salvation?” He replied, “It saves them from Hellfire”.

And God knows best.

Dr. Muhammad Fouad

9. The Judgment of the Children of the Unbelievers

Question: A question was asked regarding how the children of the unbelievers (*mushrikin*) are to be judged.

Fatwa in Brief: The children of polytheists shall be tried on the Day of Judgment; those who obey will go to Heaven and those who disobey will descend into the flames of Hell.

The Permanent Committee (for Islamic Research and Legal Opinions), 365/3.

Response:

A *fatwa* saying that children should be tried and tortured in Hellfire is inconsistent with the merciful teachings of Islamic law; it is also illogical. If we have shown that Muslim scholars do not hold an adult, rational person will be tortured in Hell because he did not receive the message of Islam [during his lifetime]; how, then, can a minor be tried and tortured according to Islamic law, when the worldview of Islamic law is, in general, so compassionate of humanity?

Commentary:

The events of the Hereafter are divine secrets known only to God, and He has made them known to us through the Prophets and messengers. If they die before adolescence, the time at which they begin to take [legal] responsibility for their actions, children will be treated [on Judgment Day] as having adopted the most noble religion of their parents. As such, the destiny of Muslim children is Heaven, a fact that is borne out by several *hadiths*. One of these is reported by Muslim; here, children will intercede for their parents on the Day of Judgment, and God will send both parents and child to Heaven. Such children are free to wander in Heaven, and are never prevented from entering any of its houses. They are known as “*da’amis*”. This is how the Qur’anic interpreters explained the following verses:

“Gardens of Eden which they enter, along with all do right and their help mates and their offspring”. (Q. 13:23)

“And they who believe and whose seed follows them in faith”. (Q. 52:21)

The children of non-believers, on the other hand, will not follow their parents into Hellfire as they died before they were expected to take [legal] responsibility for their actions. Hence, they do not fulfill the criteria by which a person is either punished or rewarded. Rather, they died in a state of natural innocence and will, God willing, go to Heaven. This idea is supported by a *hadith* included in al-Bukhari’s collection, according to which Samra ibn Jundub reported that, in one of his Revealed dreams, the Prophet (upon him be peace) spied an old man sitting in a garden surrounded by children. This man was [the Prophet] Ibrahim (upon him be peace); and in the garden of Paradise he cares for every child that dies in the natural state of innocence. Some Muslims said: “O Messenger of God, but what about the children of the unbelievers?” He [Muhammad, upon him be peace] replied: “they will be included”, which clearly means that they will go to Heaven. [The jurist] Al-Nawawi observed that this is the correct and best explanation of what will happen to the children of polytheists.¹⁴ He did so on the basis of this Qur’anic verse:

“We never punish until we send a messenger”. (Q. 17:15)

Reasoning that, if a sane, adult is not punished if he did not receive the Muslim message, then it is logical that minors [who obviously also do not receive this message in a way that they can understand] should also not be punished.¹⁵

In the *Musnad* of Ahmad ibn Hanbal, al-Aswad ibn Sari‘is reported as saying that, during a raid with the Prophet (upon him be peace), there was much killing, and even small children died [in the chaos of battle]. This [slaughter] was reported to the Prophet (upon him be peace); and he said “What to say to a people who did not exceed the limits of killing today until they slaughtered children”. A man spoke up and said: “O Messenger of God, they were [only] the children of unbelievers”. The Prophet replied, “Remember that the best of you were once the children of unbelievers!” Then he declared “never kill children, never kill the young; all creatures are born innocent until they can

¹⁴ Al-Majmu‘ by al-Nawawi 74/5.

¹⁵ Fath al-Bari, 92. The Chapter on the Unbeliever’s Children.

express themselves in words; it is their parents that make them Jews or Christians”¹⁶
And God knows best.

Dr. Muhammad Fouad

10. The Sufi Path

Question: A question was asked regarding the following of the Sufi orders.

Fatwa in Brief: The Sufi orders are innovatory. Muslims should not follow any innovative path.

Shaykh Ibn Baz – *al-Buhuth Journal*, 30th edition, p. 145-148

Response:

Sufism is a form of religious education and upbringing (*tarbiyya*). This [form of education and upbringing] is valid if the Sufis’ methods agree with [the greater principles of] Islam; if not, then it is illegal. Now, in opposition to the above *fatwa*, all Muslim scholars, including Ibn Taymiyya, agree that Sufism is valid [as a form of education/upbringing], and that no scholar judges Sufism, as a whole, to be innovatory or misleading. Rather, they consider Sufism in terms of its parts.

Commentary:

In general, Sufi orders are like schools for moral education and upbringing. If their method agrees with the principles of the religion, and those of religious law, then this is valid. If it does not, then it is illegal; and it becomes obligatory to correct the Sufi order with wise counseling and forbearance.

Ibn Taymiyya once explained that, among the Sufis are Imams of knowledge and religion. “In *Ihya’ ‘Ulum al-Din* by al-Ghazali, we find the words of the most knowledgeable and correct of these Sufis regarding the works of the heart; words that agree with the Holy Qur’an and the Sunna [of the Prophet], and the religious acts of worship and moral customs that also agree with the Book and the Sunna”.

¹⁶ Ahmed Ibn Hanbal, *Musnad*, 15994.

He also said: “And those famous Sufis of the Umma who were true to the Umma did not approve of such things [bad behavior], but they prohibit it”.

Ibn Taymiyya also gave permission to donate money (place waqf funds on) to Sufi orders, except for those who hoard money, or are bereft of ethics and do not follow Islamic law in matters or morals but rather are dominated by base desires and corruption; such do not deserve any reward.

So if all the Sufi orders were innovatory, as this fatwa claims, the scholars would not have legalized that they be possible beneficiaries of waqf funds.

He [Ibn Taymiyya] also described those of the Sufis who are counted from amongst the Imams of knowledge and religion: “And in it [the Book of *Ihya’ ‘Ulum al-Din* by al-Imam al-Ghazzali] are the words [wisdoms] of the Sufi Shaykhs and knowers who lead the straight path of the heart, which corresponds to the knowledge of the Qur’an and the Sunna. [It also contains knowledge of] And the other rituals of worship and morals that remain truthful to the Qur’an and Sunna”.

From the above extracts, it is clear that, within the Sufis’ ranks, there are those who are deeply knowledgeable of their religion and are from those who speak sincerely and faithfully to the Umma. Indeed, this is what Ibn Taymiyya, who is thought to be an implacable opponent to Sufism, has said.

According to the Fatwa Centre, supervised by Dr. ‘Abdullah al-Faqih:

When the time in which the Companions of the Prophet lived came to an end, a love of the world entered people’s hearts, and they expanded in foods, drinks, clothes, and luxury. In response to this, there arose a group of ascetics (*zuhad*) who called for Muslims to live simpler, more pious lives. They emphasized the beauty in worship, the importance of self-renunciation, and of directing oneself towards ethical improvement. These ascetics were later called Sufis, among their number were included: Abu Sulayman al-Darani, Ma’ruf al-Karkhi, al-Fadil ibn ‘Ayad, Sahl ibn ‘Abd Allah al-Tustari and al-Junayd.

The first Sufis did not introduce novelty into religion. Rather, they sought what the Prophet (upon him be peace) and his honorable Companions had sought before them. The fact is that some of the *Hadith* scholars followed the Sufi path; and, providing that they modeled their behaviour on the ascetics who dedicated themselves to purifying their lives of sin, they are to be complemented. Yet, if they followed the deviants and the superstitious; those

who tout disbelief (*shirk*) and reprehensible innovation (*bid'a*), their actions are not countenanced.
And God knows best.

Dr. Muhammad Fouad

11. Replacing what has been Revealed by God with Man-Made Laws

Question: A question was asked about the rulings that contradict [the meanings of] God's Revelation.

Fatwa in Brief: Changing God's Revelation with other rulings [that are not derived from revelation] constitutes an act of disbelief. This act evicts one from the fold of Islam.

Shaykh Al-Fawzan: *The Religion of Tawhid*, 116.

Response:

Passing a law that renders legal what is certainly illegal – such as the charging of interest on borrowed money (*riba*), or the permission to drink alcohol – is certainly forbidden. But the person who does this is not to be accused of disbelief, unless s/he is convinced that God's ruling is incorrect and his ruling is correct.

“If any do fail to judge by what Allah hath revealed, they are unbelievers”. (Q. 5:44)

Following such laws [i.e. those which make legal that which God's law has made illegal] is a breach of Islamic law, and this transgression should be changed. However, the attempts to change these laws should only occur through legally permitted channels that do not lead to sedition (*fitna*) in Muslim societies. Rather, the above opinion that changing God's ruling is an act of disbelief and its concomitant that neglect to change these transgressions would constitute unbelief, in itself throws open the door for sedition in these societies.

Commentary:

The charge of passing a ruling that contradicts the Revelation of God should not be limited to rulers, or judges. In fact, it includes every human being that gives a ruling to the effect that God's Revelation is contradicted. This ruling

may occur through an independent legal opinion (*fatwa*) or judgment on [actions like the abovementioned prohibition on] charging interest or drinking alcohol.

Denying or mocking God's rulings is an act of disbelief. However, when one of God's rulings is not denied, or mocked, but rather overemphasized or lessened (*taqsir*), this is not disbelief; rather, it should be considered an act of injustice or oppression (*zulm*) or deviancy (*fisq*). Accordingly, a Muslim must not rush into making an accusation of disbelief against someone who rules against God's laws, be it an individual, a society, or a country, until s/he has made sure that their ruling stems from disbelief, or mockery. Such decisions are based on intentions that are often hidden and not explicitly stated [i.e. within governments or groups] and the reasons for them are rarely announced. If it is announced [that God's law needs to be changed] without any form of explanation, then the accusation of disbelief holds. If the matter cannot be answered with certainty [as to what the motivation is], however, then it is obligatory not to accuse [the relevant parties] of disbelief. For, as one *hadith* observes: "If a Muslim calls another Muslim 'a disbeliever', then either the original speaker or his brother fits this category [of disbelief]. If his brother is not, in fact, a disbeliever, then the original speaker becomes as such [i.e. a disbeliever]. Muslim narrated a similar *hadith*. Al-Fakhr al-Razi (d. 606 CE) mentions a report from 'Akrama, in which it is made clear that only the person who consciously denies [an obvious truth of Islam] may legitimately be accused of disbelief. According to al-Razi's logic, whoever believes in God's laws, but breaks them is [merely] a sinner. He also said that disbelief occurs when someone attempts to limit God's Truth (*al-taqsir fi haq Allah*); while injustice occurs when someone attempts to restrict the rights of people.

Al-Badawi (d. 685 CE) accused them [i.e. non-Muslims] of disbelief for their denial [of God's Truth]; and of injustice because of their ruling through other criteria [than those revealed by God]; and of deviancy because of their straying [from God's Truth]. Al-Zamakhshari (d. 528 CE) argued that whoever denies God Revelation becomes an unbeliever; in contrast, someone who does not follow Revelation, though he accepts [its perfection] is unjust (*zalim*) and dissolute (*fasiq*). Al-Alusi (d. 1270 CE) said: Perhaps these three categories of description pertain to different fundamental causes. Hence, for the denial of God's Revelation, they are called "unbelievers"; for not implementing God's rulings, they are described as "unjust"; and for not following the truth, they are described as "dissolute".

The Theologians / Dr. ‘Abdullah ibn Abih:

The accusation of disbelief cannot be made with any degree of certainty unless [with the change to God’s laws] there is an accompanying statement of contempt for the law; and the intention to debase and degrade it [is similarly made known]. In this case, the person implementing the [new] law must state that God’s law is invalid, and so on. Yet, if the new law is accompanied by the conviction that God’s law constitutes the truth and anything else is not true, then, merely implementing [false] laws, out of weakness, or ignorance or the desire to imitate does not constitute disbelief. That is why in commenting on Gods words:

“If any do fail to judge by what Allah hath revealed, they are unbelievers”. (Q. 5:44)

Ibn ‘Abbas (r.a.) remarked that not all acts of disbelief and deviancy are the same. [Meaning that *kufr* in this verse is not intended in the absolute sense]. Rather, in God’s words:

“If any do fail to judge by what Allah hath revealed, they are those who rebel”. (Q. 5: 47)

Here [once again] the interpretation is that, by ruling outside of God’s law, one does not leave Islam. [Rather, one merely “rebels” against it.] This is supported by a number of other opinions, among which is that of Shaykh al-Islam Ibn Taymiyya. He observes that the most obvious result of disbelief (*kufr*) in this context [in Q.5:44 and as it pertains to ruling through something other than God’s laws] is that it does not necessarily entail a Muslim leaving his religion. Indeed, *contra* the opinions of some Muftis and Shaykhs during the last century – who state that the simple act of following a ruling other than that declared through Revelation constitutes proof of disbelief – we have conducted independent research. This research is entitled “Regarding the Declaration of Disbelief for Basing Regulations on that which has not been Revealed by God”. It can be found in the *Current Law Research Magazine*, where the consequences of this idea in terms of conflict and crisis are also discussed.

Ultimately, our priority should be to raise people’s awareness of the importance of God’s law (Shari‘ah), and of the great benefits that this law provides. This is especially true in light of the fact that so many Muslim countries were colonized and, as a result, inherited the colonists’ laws. Accordingly, these countries have continued to practice such laws, without the awareness or the courage to change them. Such actions may not be described as

constituting disbelief because they are not verbally accompanied by an attempt to disgrace or to mock Shari‘ah.
And God’s Praises on our Prophet Muhammad.

Dr. Yassir ‘Abd al-‘Azim

12. The Aims of *Jihad* for the Sake of Allah

Question: A question was asked regarding the aims of Jihad for the sake of God.

Fatwa in Brief: Jihad against non-Muslims (*kuffar*) is obligatory if they have been given notification (*balagh*) and called either to worship God alone and to believe in Mohamed’s (upon him be peace) message, or to pay the poll tax (*jizya*).

Shaykh Ibn Baz, *Risalat Fadl al-Jihad wal-Mujahidin*, p. 12-15

Response:

The purpose of *Jihad* is to call people to embrace Islam. Fighting is not needed if we could do the call peacefully.

Commentary:

Jihad for the sake of God was defined as the war to promote God’s word and to spread the call for Islam.

It is generally considered a communal obligation (*fard kifayah*), and should be done through the ruler – not the individuals or groups – unless a specific Muslim community comes under direct attack in which case it may be considered as a personal obligation (*fard ‘ayn*) for every [sane, adult] male Muslim.

However, it should be made clear that forcing people to embrace Islam [coercion in matters of religion] is not allowed:

“Let there be no compulsion in religion: Truth stands out clear from Error”.
(Q. 2:256)

The purpose of *Jihad* is only to call people [to the faith] not coercion. If calling people to Islam could be effected peacefully, then there is no religious sanctification for fighting to promote any religion.

As Muslims, we are bound to support good and condemn evil to the best of our ability. We condemn the unjust killing of any human being, be it Muslim or non-Muslim. The sanctity of life is the cornerstone of Islam. “No one will be able to enter paradise if he has a palm full of blood he spilled” (Al-Bukhari 97152).

God says:

“Fight in the cause of Allah those who fight you but do not transgress limits”. (Q. 2: 190).

Islam is a message with an international appeal which must be delivered to the whole world. And in the past, this was only made possible through traveling the earth. However, because Islam was a new phenomenon, it is not surprising that the existing powers, protecting their authority at the time of Revelation, wished to fight against it. This was how people of all eras have always behaved. The new religion had to be defended so that its political presence stabilized, and its message was communicated. If the sword was once necessary to secure the call, these days it is not needed, except in defense against those who aim to harm Islam and its people (*yuridun bil-Islam sharan wa ahlu*).

These days Islam can spread without needing to fear danger from travel or from delivering the message globally. Muslims live in more countries than ever before. The media traverses boundaries, reaching people in their own houses, and it may not be limited through the closing of borders or doors. It is possible, therefore, for Muslims in foreign or non-Muslim lands to call all non-Muslims to embrace Islam using all available peaceful and legal means. Where this can be done without fear of reprisal or repression Muslims who live in foreign and non-Muslim lands should never resort to violence to achieve these aims. It is not justified to betray protections and freedoms provided in foreign or non-Muslim lands. For more people will embrace Islam when it is borne in peace and more will reject it when it is borne in violence. The Islamic call is voluntary, not obligatory. Our beliefs are never to be implemented through force. This is why God told Noah to ask his people: “Shall we compel you to accept it when ye are averse to it?” (Q. 11: 28). And God says to Mohamed (upon him be peace):

“Wilt thou then compel mankind against their will to believe!”. (Q. 10: 99)

When the Prophet (upon him be peace) sent ‘Ali to fight the Jews of Khaybar, he said: “Do I fight them until they become like us? By which he meant ‘do I force them to become Muslim?’ and the Prophet replied to him: “Move slowly unto you arrive in their quarters; then invite them to embrace Islam, and tell them of their duties to God. If Allah guides even one man to you [i.e. to become Muslim], it shall be better for you than if you were to take all their property” (narrated by Muslim). If texts exist, then, whose apparent meanings seems to indicate an absolute necessity to fight, there are plenty others that limit fighting to when an attack occurs, or as the penalty for breaking treaties of peace, or for thwarting an imminent attack. And the above are only examples of many.
And God knows best.

Dr. Anas Abu Shadi

13. Loyalty and Disassociation [from that which is not Islamic]

Question: A first question was asked as to whom Muslims should be loyal, and whom they should avoid. A second question explored the matter of expressing loyalty to non-Muslims (*kuffar*).

Fatwa in Brief: If a person loves non-Muslims and [is prepared to] support them against Muslims, he is guilty of the kind of loyalty that leads to disbelief. It is mandatory for each Muslim to despise (*yabghad*) non-Muslims, regard them as enemies and, thus, to disassociate from them.

The Permanent Committee (for Islamic Research and Legal Opinions), 47/2

Response:

The Qur’an has allowed Muslims to live amongst and have dealings with peoples of other religions [Christians and Jews], to eat their food and marry from amongst them. Thus it follows that there will be strong emotional ties between members of these communities like between husband and wife, mother and child, and the commitment to endorse marital, parental and filial rights.

Commentary:

Many Qur’an verses endorse the aimable co-existence and cooperation between Muslims and non-Muslims. Thus, God says:

“Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just.”

“Allah only forbids you with regard to those who fight you for (your) Faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong.” (Q. 60:8-9)

The Prophet (upon him be peace) as well had amiable dealings with non-Muslims and endorsed inter-religious co-existence. According to Anas (r.a.) that once a Jewish servant boy who worked for the Prophet fell ill. The Prophet (upon him be peace) went to visit him and wish him recovery. According to ‘Aisha (r.a.) The Prophet (upon him be peace) once bought food from a Jewish man and pawned him an iron shield. And according to Jabir, on another occasion: a funeral procession passed in front of where we were seated with the Prophet. He stood up as it passed us and so did we. We remarked: O Prophet of Allah, it is [only] a funeral for a Jewish man! He said: If you see a funeral procession then stand up for it. There are many such reports of how Muslims and Companions dealt with the non-Muslims in their communities.

At the same time, there are also texts that restrict the relationships between Muslims and non-Muslims. Examples are like the following verses. God Almighty says:

“Thou wilt not find any people who believe in Allah and the Last Day, loving those who oppose Allah and His Messenger, even though they were their fathers or their sons or their brothers, or their kindred”. (Q. 58:22)

And He also says:

“O ye who believe! Take not My enemies and yours as friends (or Protectors), offering them (your love)”. (Q. 60:1)

These verses may be taken as evidence for the prohibition of allowing the enemies of Muslims to become allies, and for Muslims to love or to feel affection for them.

In order to reconcile these apparently conflicting meanings, the scholars clarify the meaning of love and affection towards non-Muslims. [To repeat the above] They came to the conclusion that it is the kind of affection that results in the admiration of their [the non-Muslim's] beliefs and laws, as well as loyalty to, support of, and trust in them at the expense of other Muslims. Such reprehensible admiration and support are for both warring and non-warring non-Muslims. However, cordial dealings without acquiescence to their customs and beliefs that go against Islamic beliefs, or support against other Muslims are permitted.

The Qur'an permits Muslims to share the food of the People of the Book and to eat alongside them, and to marry from among their women. Obviously, affection is likely to occur between the married couple; moreover, in Islam, a [non-Muslim] mother carries established rights over her [Muslim] children.

In conclusion, support for non-Muslims must cease once they engage in aggression against Muslims and it becomes illegal. And this is the intended meaning of the Qur'an verses once we examine them within their historical context and the events of the life of the Prophet (upon him be peace). It is well established that the Prophet of Allah made treaties with the Jews and with the Meccan non-believers. In his covenant with the Jews he pledged to co-defend the city against enemy attacks; that certainly was a military allegiance. But it was not against other Muslims.

As for the doctrine of dissociation, it signifies that Muslims should dissociate themselves from any creed or loyalty to anything other than Islam. However, that does not prevent him or her from co-existing with non-Muslims in goodness and observing their rights as indicated in the verse:

“Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just.” (Q. 60:8)

To repeat, dissociation from all other than Islam does not conflict with the possibility of amiable co-existence and cooperation for the good of all of which Islam stands for.

Thus, Muslims who live in pluralistic societies should understand that their religion endorses amiable co-existence and cooperation with all the different members of those societies, and calls that they work together in an atmosphere

of mutual respect and support for the common good, and avoid intended harm to others, Muslim or non-Muslim.

Shaykh Salman al-‘Awda said: “some of the knowledge seekers asked me: ‘Is it permitted to smile in response to non-Muslim?’ And: ‘is it permitted to shake hands with him?’ And, ‘is it permitted to sit beside him in the same place?’ I answered: ‘God be Praised! Is there any disagreement in this matter? So, how was the Prophet (upon him be peace) dealing with [the people of the] Quraysh and with the authorities of the idol-worshippers of Mecca, and with the Jews and the polytheists of Medina? And is it possible to call to Islam without good manners, or [the basics of] communication with others?’”

Dr. Yassir ‘Abd al-‘Azim

14. The Rulings for al-Tawassul

Question: A question was about [the validity of] intercession (*al-tawassul*).

Fatwa in Brief: *Al-tawassul* with a human [even the Prophet] after his/her death is illegal; it is a [reprehensible] innovation.

Shaykh Ibn al-‘Uthaymin, *Fatawa al-‘Aqida* 267-270

Shaykh Ahmad Farid, www.alsalafway.com

Response:

The majority of religious scholars permit intercession (*tawassul*) through the Prophet (upon him be peace). Here, the Muslim may say: “I ask you through your Prophet and through the rights of Your Prophet [for such and such a thing]”. This form of *tawassul* has always been permitted, both when the Prophet (upon him be peace) was alive and after his death.

Commentary:

God Almighty ordered his believers to intercede with Him in a variety of ways, such as through the performance of good deeds:

“O ye who believe! Be mindful of your duty to Allah, and seek the way to approach unto Him”. (Q. 5: 35)

Another way of performing *tawassul* is by [contemplating] the Names and Attributes of God Almighty.

“Allah’s are the fairest names. Invoke Him by them”. (Q. 7: 180.)

The performance of *tawassul* make be directed through the Prophet (upon him be peace). There are no disagreements regarding the legality of *al-tawassul* for affairs of this world or the hereafter when the Prophet (upon him be peace) lived. Indeed, at that time, the Prophet was expected to intercede on behalf of Muslims in life and to save them from torment in the Afterlife. On the other hand, the scholars hold different opinions regarding the validity of seeking intercession through the Prophet (upon him be peace), now that he no longer lives.

The majority of scholars (Malikis, Shafi‘is, late Hanafis and Hanbalis) permit Muslims to seek the intercession of the Prophet (upon him be peace), both during his lifetime and after his death. According to a report included by al-Qustalani and narrated by Imam Malik, Malik was asked by Abu Ja‘far al-Mansour al-‘Abbasi, the second Caliph of Bani ‘Abbas, “O father of ‘Abd Allah, Should I face the Messenger of God (upon him be peace) when making *du‘a*? Or should I instead face the *qibla*? To this, Malik replied: “why would you turn your face away from him when, on the last day, he is the key to God’s forgiveness for both you and your father Adam (upon him be peace)? No, face him and ask for his intercession, so that God will grant it to you”. In his book *Fada’il Malik*, Abu al-Hasan ‘Ali ibn Fahr includes the same report, with a sound chain of transmission; and, in *Al-Shifa’*, al-Qadi ‘Iyad also includes this *hadith*, on the advice of a number of reliable Shaykhs.

Some of the later Hanbali scholars rule that the seeking of intercession through the Prophet (upon him be peace) himself is illegal. Yet [the Hanbali scholar], Ibn Taymiyya argues that intercession is permitted when the formula “I ask You through Your Prophet Muhammad (upon him be peace)” is used; and, that when using this formula, the person seeking intercession is asking God solely through his belief in [the message of] and love for the Prophet (upon him be peace). For those who follow this approach [that of Ibn Taymiyya], *tawassul* is a blessed practice; and there is no legal disagreement over this matter. Yet, many of public say this expression, but mean something else [i.e. they speak directly to the Prophet and not to God]. These are the people who were criticized and refuted [by the classical scholars].

Regarding the seeking of intercession through righteous figures other than the Prophet (upon him be peace), our approach is no different than in the preceding

argument. After noting that this practice is a source of considerable disagreement (*khilafiyya*), Ibn Taymiyya points out that accusing someone of unbelief merely on the grounds that s/he practices *tawassul* through the Prophet [as was happening at the time] is both illegal (*haram*) and a sin (*ithm*). A person who accuses someone of unbelief for this reason is acting excessively and, like anyone who acts excessively in the sphere of religion, deserves a strong punishment. Ibn Taymiyya's view is supported by the following *hadith*: "if any Muslim accuses his brother of unbelief then one of them [either he or his brother] is truly guilty of this [unbelief]."¹⁷

Dr. Yassir 'Abd al-'Azim

15. The Rule for Magic and the Learning of it

Question: A question was asked on the subject of magic and the learning of it.

Fatwa in Brief: Magic is disbelief; it evicts its practitioner from the faith.

Shaykh Ibn Baz, *Majmu' al-Fatawa*, 2/118-122

Response:

The magician is to be judged as a non-believer if s/he genuinely believes that magic possesses independent power, separate from the Will of God the Almighty. Practicing magic to harm people is haram, even if the practitioner believes that it only works through the will of God Almighty. Scholars disagree as to whether magic is illegal if it is used to prevent harm, together with the conviction that it works through the power of God Almighty.

Commentary:

[Thus stated the above comments may be summarized in three points]

1. The belief that magic possesses independent power, separate from that of God Almighty, is disbelief. This is agreed upon.
2. Practicing magic with the intention of hurting people is illegal, when it is practiced in the belief that it works through the power of God Almighty, since it goes against the Islamic principle of cause no harm and accept no harm.
3. Scholars disagree as to whether the practice of magic remains illegal, if this is done to benefit others, and in the belief that it will succeed through God Almighty's will.

¹⁷ *Al-Mawsu'a al-Fiqiyya* 14/161.

Al-Qurtubi asked: Is the magician to be judged if he lifts a spell from someone affected by it? According to al-Bukhari, Sa'id ibn al-Masib (r.a.) replied that "this is permissible" and so agreed al-Mazari. Al-Hasan al-Basri classified magic as legally disliked, though not prohibited (*makruh*); while al-Sha'bi said that there is no harm in "*al-nashra*", a religiously valid formula to treat someone who is suffering the ill-effects of magic.

His Excellence Shaykh 'Abd al-Muhsin al-'Abikan declared that treating magic through the use of magic is valid; and he pointed out that a number of Imams and scholars accept this practice to undo the bad effects of magic spells. Among these are included Sa'id ibn al-Masib, al-Hasan al-Basri, Imam Ahmad, Ibn al-Jawzi, Imam al-Bukhari and some of the Hanbali jurists, all of whom discuss this matter in their works.

When Shaykh al-'Abikan was asked whether he would follow his own *fatwa*, if the person afflicted by magic was his relative, he replied: "Yes, if it was necessary that the spell be lifted in order that my relative be cured, I would not hesitate [to ask a magician to treat him/her]. This is because I am totally at ease with this ruling, and assure you that it is correct, and in no way problematic [in terms of the principles of Islam]".

The methods used in magic are known to professionals and practitioners of the trade. Magic can also be worked by someone with a powerful personality, when dominating a person weaker than them. It can involve the use of spirits (*jin*), enchantments and the burning of incense; or it can be performed through sleight of hand, or with chemical substances, such as those which allow flames to burn while not inflicting damage to one's skin. And God Almighty knows best.

Dr. Yassir 'Abd al-'Azim

16. The Rule of Imitating Non-Muslims in Dress and in Other Ways

Question: A question was asked on the legal validity of imitating (*al-tashabuh*) non-Muslims in their dress-sense, and in other ways.

Fatwa in Brief: It is forbidden to imitate the customs, beliefs, acts of worship and the moral leniency (*tasahul*) associated with non-Muslims. Such imitation is illegal, and may lead to disbelief.

The Permanent Committee, *al-Buhuth Journal*, 94/42

Response:

It is permitted to wear jackets, trousers, pyjamas or jumpers, as long as Muslims do not wear other garments that are religiously illegal like wearing silk fabrics for men. It is not permitted to imitate the People of the Book in their behavior and customs. It is [particularly] illegal to imitate them in terms of the wrongdoing that they commit.

Commentary:

People's dress sense varies from community to community, and between families, places and times. There are no specific guidelines on how to dress during prayer; that is why there is no limitation [other than those following] to the kinds of clothes we may wear. Any social tradition [regarding the wearing of clothes] that is not contrary to [the principles of] Islam, or harmful to the body, and which lightens suffering and brings benefit to the wearer is desirable (*mustahsan*). Any style of dress will not be forbidden, unless there is an explicit textual prohibition on the matter, or if it accompanies an illegal action/form of behaviour.

If Islamic law stipulates that a form of dress is prohibited, then it is prohibited. Examples of this such include silk or gold, when worn by men out of pride (rather than necessity); or, when a woman dresses in a way that allows more than is permitted of her body to be shown [literally “displays her ‘*awra*”]; or, if a male or a female dresses in a way solely to imitate the way in which the non-Muslim dresses. All these forms of dress are legally forbidden, not because of the materials involved, but for the meanings communicated through them. Depending upon the piece of clothing in question [and its accompanying meanings], its use may be forbidden, or merely disliked (*makruh*).

Thereupon, if a Muslim man or woman wears a hat or beret, in keeping with the traditions of his community, or to protect them from the sun, there is no religious objection to this. In fact, if there is any benefit to wearing these things, it is [religiously] desirable to do so. When considering wearing a jacket, trousers, pajamas, a jumper or the *tarbush*, these are perfectly normal styles of dress [in many countries]. Wearing them is not forbidden for a male or a female, unless as mentioned above they are worn alongside something illegal.

The Fatwa Centre, under the Supervision of Dr. ‘Abdullah al-Faqih:

There is [also] nothing wrong in wearing the traditional shirt (*qamis*). Indeed, he who wears it is imitating the Prophet (upon him be peace) and may be

awarded for following the Sunna. Likewise, there is nothing wrong in wearing a shirt and trousers, as long as these are not too tight, or made of silk. God knows best.

As for wearing glasses, a necklace, ring, bracelet or other golden accessories, this is forbidden to men. However, women can wear all of the above. It is also legal for a woman to wear silver; whereas it is legal for a man only to wear silver rings.

As for the type of reprehensible imitation of non-Muslims that is described in the *hadith* in *al-Sunan* of Abu Dawud: “whoever imitates a people is from among them”.¹⁸ It concerns imitation of rituals of worship as a form of glorification of their religion and willful disrespect for one’s religion [Only as a result of such actions is the imitator to be considered a non-Muslim (*kafir*)]. And God knows best.

Dr. Yassir ‘Abd al-‘Azim

17. The Ruling for Living in a Non-Muslim Country

Question: A question was asked about [the legal validity of a Muslim] living in a non-Muslim country (*balad ghayr Islamiyya*)

Fatwa in Brief: It is illegal to live in such countries for work, trade or even for study, except when engaged in calling to Islam (*da‘wa*). This is more acceptable particularly for those who have knowledge and vision.

Shaykh Ibn Baz, *Majmu‘ al-Fatawi*, 9/401-402

Response:

It is a Muslim’s duty, whether living within Muslim or non-Muslim communities, to benefit other members of those communities through teaching the religion, calling for the good, opposing the bad and contributing constructively to the betterment of the society in which s/he lives.

Commentary:

Wherever [in the world] a Muslim finds shelter for himself and his religion and where he is secure in practicing his religion, without harm accruing to him,

¹⁸ Abu Dawud, *al-Sunan*, 4033.

then his residence in that place falls under 3 categories:

1. Permissible, and in this case staying in that place is as good as settling somewhere else.
2. Favourable [more so than being anywhere else], this is in the case of his being able to benefit the community in which he resides and can inform about his religion and its moral excellence.
3. Necessary, and this is in the case that his migration/exodus would cause harm or certain damages [to himself or dependents].

For hijra from one place to another as defined Islamically is not religiously required unless one were to fear for [losing] ones religion, or be hurt for the practice of ones rituals, or be exposed to harm [individually or ones family].

And accordingly God's words:

“When angels take the souls of those who die in sin against their souls. They say: “in what (plight) were ye?” They reply: “weak and oppressed were we in the Earth”. They say: Was not the Earth of Allah spacious enough for you to move yourselves away (from evil)?” Such men will find their abode in Hell – What an evil refuge!” (Q. 4: 97)

And the *hadith* narrated by Abu Dawud and al-Tirmidhi that the Prophet (upon him be peace) said: “I avoid any Muslim who lives among the polytheists (*mushrikin*)” all help us to understand this wisdom.¹⁹

Is, then, the immigration of Muslims from non-Muslim nations to Muslim countries obligatory or preferred? According to Islam's legal scholars, if a Muslim becomes worried about his religion, ethics or money, then his return [to a Muslim country] becomes obligatory. However, if he is not worried, then such a return merely becomes recommended (*Sunna*). Yet [other] researchers (*muhaqiqun*) have argued that as long as their presence benefits Muslims residing in the countries of Islam, or even outside these countries (through teaching them or helping them in other ways), or benefits Islam itself by spreading its principles, then staying abroad is better than returning. This requires him [the Muslim living outside of the Muslim community] to have strong a belief, and a resolute character in order to help him accomplish his mission. In the past, the Muslim callers and traders underwent considerable pressures in spreading Islam within non-Muslim countries.

¹⁹ E.g. Abu Dawud, 2645. (Tirmidhi reference not given.)

The Opinion of Professor Sa‘ud ibn ‘Abdullah al-Funaisan:

Travelling to non-Muslim countries for the purpose of study, receiving treatment or conducting trade is valid; likewise, travelling for study is meritorious (*ma’jur alayh*) so long as God wills it. While living outside Muslim countries, a Muslim must continue to obey his religion, and to perform good deeds (*khayrat*).

As for fearing the application of the Prophet’s (upon him be peace) words: “I avoid any Muslim who lives among the polytheists (*mushrikin*)” (Abu Dawud 2645) and Tirmidhi (1604),²⁰ then know that the jurists have interpreted it to apply to those who want to live amongst the non-believers without any valid religious reason like the travel for educational purposes, or medical treatment, or for trading and finding a livelihood, or to spread the call to Allah, and so on. This *hadith* describes the reprehensible status of the one who travels to non-Muslim destinies out of sheer love for it or its people. May Allah give you success, support you and makes other benefit from you.

Dr. Yassir ‘Abd al-‘Azim

18. The Ruling for Gaining Citizenship in a non-Muslim Country

Question: A question was asked regarding the ruling for gaining citizenship in a non-Muslim country.

Fatwa in Brief: Gaining citizenship in a non-Muslim country is illegal as this involves the sponsorship [of non-Muslims], and agreeing to the corruption that they [this country] is involved in.

The Permanent Committee, 69/2

Response:

For those Muslims who can [legally] stay in a country anywhere in the world where they enjoy the right to observe their religious rituals without harming [their allegiance to] their own religion, then it is permissible. National citizenship is in itself neither good or bad, it is the consequences of acquiring that citizenship that should be weighed carefully.

²⁰ E.g. Abu Dawud, 2645.

Commentary:

For those Muslims who can [legally] stay in a country anywhere in the world where they enjoy the right to observe their religious rituals without harming [their allegiance to] their own religion, then one's residence falls under three categories depending on the individual circumstances:

1. Permissible, and in this case staying in that place is as good as settling somewhere else.
2. Favourable [more so than being anywhere else], this is in the case of one being able to benefit the community in which one resides and can inform others about one's religion and its moral excellence.
3. Necessary, and this is in the case that one's migration/exodus would cause harm or certain damages [to oneself or dependents].

The basis of this ruling is that a Muslim should live in a country where s/he can freely practise their religion. However, if they must leave their country in order to save (*fararan*) their religion, or to seek knowledge and/or a livelihood, then this is permitted as long as they continue to obey and fear God, and ensure the religious security of their religiously appointed dependents. If a Muslim parent imagines or doubts that he may not be able to fully observe his Islamic obligations, or that his children's moral state may be at risk, then he should return to his Muslim country.

Modern scholars hold two opinions regarding a Muslim holding citizenship in a non-Muslim country. Some see the prohibition against it as pre-emptive, and the holding of citizenship [in a non-Muslim country] as one of Islam's greatest sins. Holding citizenship, in this view, may lead to a genuine and unambiguous state of unbelief. During [the French invasion of their country] Tunisian scholars gave a legal opinion that obtaining French citizenship should be considered an act of apostasy from Islam. This is because, in gaining citizenship, an individual sold his loyalty to his own homeland, and bought the loyalty of the invader. Reliable scholars have supported this opinion as the Muslim who follows it is resisting invaders and, thus, this *fatwa* is a weapon of *jihad*.

The second view of the majority of scholars—correctly— regards the winning citizenship [of a non-Muslim country] is, in itself, neither a good, nor bad thing. Rather, the ruling pertains to the expected consequences [whether adverse or advantageous] that would result from such choices.

The presence of Muslims in non-Muslim countries has simply become a reality

[and thus as an inevitability]. These immigrant Muslims have naturally become members of their adopted countries. Accordingly, their new citizenship gives these Muslims legal rights, so that they may be able to positively contribute to their communities and work towards the common good.

We should always bear in mind that the highest aim of a Muslim is to maintain his or her religion. So, whoever believes that their children might be lost [to Islam], or are worried that their faith [or that of their children] is at risk, they should try and live in Muslim countries, and not should not endeavour to hold any other citizenship. The decisive factor is always a Muslim's ability to maintain his/her commitment to Islam, and [that of] his/her children. And God knows best.

Dr. Yassir 'Abd al-'Azim

19. The Hukm for Congratulating Non-Muslims during their Festivals

Question: A question was asked about whether or not Muslims should congratulate non- Muslims during the latter's festivals (*a'ayad*).

Fatwa in Brief: It is illegal to congratulate non-Muslims during their religious festivals. In so doing one shares in sin, and [their] corruption.

The Permanent Committee, 313/3

See Shaykh Sa'id 'Abd al-'Azim, www.alsalafway.com

Response:

There is no harm in congratulating non-Muslims with whom you have a family relationship, or that are neighbours of yours. Regarding their festivals, however, do not participate in the rituals (*tuqus*) of Christians, or those in a similar religious category [i.e. non-Muslims].

Commentary:

In two verses from the Holy Qur'an the nature of relationships between Muslims and others are laid down (Q. 60:8-9). These verses apply directly to the polytheists and idol-worshippers (*mushrikin wa 'l-wathaniyyin*)

"Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just".

“Allah only forbids you with regard to those who fight you for (your) Faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong”.

These two verses distinguish between, on the one hand, the peaceful (*musalamin*) and, on the other hand, the warriors (*muharibin*). Regarding the peaceful [non-Muslims], the law recommends behaving justly with them, this, in turn leads to charitable and kind dealings. On the other hand, the second verse forbids loyalty to the warriors. This is because they have taken Muslims as enemies, have fought with them and have driven them out of their homes.

The two Shaykhs [i.e. Bukhari and Muslim] report a *hadith* in which Asma' (r.a.) the daughter of Abu Bakr, came to the Prophet (upon him be peace) and said: “O Messenger of God, my mother has come to me, and she is a polytheist (*mushrika*), and she wants to remain in contact with me, should I stay in touch with her?” The Prophet (upon him be peace) replied, yes, stay in touch with your mother. This *hadith* is agreed upon.

[We note that] This is the Prophet's attitude towards a polytheist (*mushrika*); however, Islam's approach to the People of the Book [i.e. to Jews and Christians] is known to be more lenient. Indeed, the Qur'an permits Muslims to be the dinner companions of Jews and Christians, and [even] to marry them. Obviously, in the latter case, an affectionate relationship is required. Further [as mentioned already], motherhood privileges a woman in her role over her children. The children [of a non-Muslim mother] will congratulate her on her festival days, and behave well towards her. The generous Prophet (upon him be peace) advises us “to treat people kindly” [lit: “with strong ethics”). He said “treat people”, and not just Muslims with kindness.²¹

Hence, if someone congratulates a Muslim during one of their feast, we are to respond to his greeting with a better, or at least an equal greeting. For God Almighty says:

“When ye are greeted with a greeting, [you should] return [this] with a better, or at least an equal greeting”. (Q. 4:86.)

Another motive to respond to the non-Muslim's greeting is that, if Muslims

²¹ Al-Tirmidhi includes this in his *hadith* collections. He claims that it is *hasan* and *sahih*.

want to call them [the non-Muslims] to Islam - which is an obligation upon all Muslims – one's relationship with them should obviously be cordial. While in Mecca, the Prophet (upon him be peace) was well-mannered, and polite to the polytheists of the Quraysh. He behaved like this despite the fact that they wished to hurt him, and were plotting against him and his Companions. Indeed, he was so polite and decent with them that they trusted him with their valuables (*wada'i*). So, there should be nothing to prevent a Muslim from congratulating them verbally, or through letters that do not involve religious words or symbols. [This should not be difficult as] The greetings used to congratulate on such occasions do not normally pertain to religion; instead, they involve well-known complimentary messages. Likewise, there is also nothing to prevent a Muslim from accepting a present from non-Muslims, and [even] rewarding them for it. The Prophet (upon him be peace) accepted presents from non-Muslims. Hence, he accepted a gift from (among others) al-Muqawqas, the greatest of the Copts in Egypt. Likewise, we may accept presents on the condition that they are not forbidden by God, such as alcohol and pork.²² Regarding days set aside for national and social festivals, such as Independence Day, Children's Day, Mother's Day, and so on, a Muslim is free to congratulate non-Muslims at these times. If he is a citizen in this country, he is even free to participate in them, as long as he avoids the illegal acts that may occur during these occasions.

Dr. Yassir 'Abd al-'Azim

²² European Committee for Fatwas and Research, Shaykh Salman al-'Awda, www.Islamweb.net.

Section Two: Knowledge

20. The Ruling on Asking More than One Scholar in a Single Matter

Question: A question was asked regarding whether more than one scholar may be consulted in a single matter.

Fatwa in Brief: It is not permitted for that who asks one scholar about a matter to ask another on the same matter.

Shaykh Al-Fawzan, *al-Tafaqquh fi din Allah*, 1/21-22

Response:

There is nothing wrong in asking more than one scholar about a single matter.

Commentary:

It is known that if a member of the general public (‘*ami*) receives two different opinions on one matter, he is legally permitted to follow either one of them. The decision is his to make. As he is not strictly capable of making a decision based on his own capacities to understand the law [that is to say, he is not a *mujtahid*], he should only follow the opinion of a qualified scholar. In the above case, if he then asks a third scholar and receives an opinion that is in agreement with one previous two, he should follow that. [If he receives a third contrasting opinion, then, once again, it is up to him to choose the one that he feels best suits him circumstances.]²³ From this, it is clear that there is nothing wrong in approaching more than one scholar regarding a single matter, and then to make one’s own decision as to which opinion to follow. And God knows best.

Dr. Yassir ‘Abd al-‘Azim

21. The Ruling regarding whether a Student of Knowledge is Capable of Giving Legal Opinions without Supporting his View with [Sufficient] Legal Evidence

Question: A question was asked as to whether the student of knowledge may give his own legal opinion (*fatwa*) without also providing legal evidence (*dalil*).

²³ Al-Nawawi, *al-Majmu’* 1/94.

Fatwa in Brief: A student of knowledge should not give a fatwa without evidence.

Shaykh Ibn Baz, *al-Buhuth Magazine*, no. 47, p. 173/4

Response:

A student of knowledge is not permitted to give a legal opinion (*fatwa*). Rather, s/he must spread (*yanqil*) [the knowledge of] the scholars, from within the established schools, who have attained a sufficient level of learning to make independent judgments [i.e. the *mujtahidin*].

Commentary:

Scholars who are entitled to give independent fatawa fall into two categories:

1. Those jurists who are independent and who base their opinions on the legal evidence derived from the Book, from the Sunna and from other sources [i.e. analogy (*qiyas*) and consensus (*ijma'*)], such as the four Imams [i.e. Abu Hanifa, Ibn Malik, al-Shafi'i, and Ibn Hanbal].
2. Those jurists who are not independent, but who are associated with those who are. Hence, they base their opinions on what has already been established within their schools, and the main principles at work there.

Conditions to meet before a scholar can provide independent legal judgments include the following: s/he must be Muslim, adult and sane, trustworthy, above matters of corruption or things that detract from his/her prowess [and ability] to make such rulings. Likewise, s/he must be of sound mind, wise and able to make analogical decisions. In addition to a comprehensive knowledge of the Book, Sunna, *ijma'* and *qiyas* and what is attached to them, s/he must also be knowledgeable of the conditions regarding the use of textual evidence, its significance, and how to derive rulings from this. Thus, s/he must have a grounding in the study of the sources of the law (*usul al-fiqh*), of the science ('*ulum*) of Qur'an, *hadith*, of the things that abrogate past rulings (*nasikh*) and those things that have been abrogated (*mansukh*), of grammar, language, of language derivations, of the disagreements between the scholars as well as their agreements, to the extent that s/he is capable of giving independent rulings. In short, s/he must be knowledgeable of the law, its many categories and branches. The scholar who has all these characteristics is entitled to make independent rulings – s/he has fulfilled all obligations and reached the level of an absolute scholar (*mujtahid*). S/he is thus capable of summoning his own evidence, and is not required to follow the rulings of a single school.

Within the second category, of scholars [and this is the majority] who have not reached the stage of independent legal reasoning, there are many sub-categories. Each scholar of these sub-categories should strive to learn the body of material that belongs to his school. A scholar who has not achieved this, and proceeds to give an independent *fatwa*, is guilty of committing a serious sin.

Yet, scholars agree that it is permitted for the imitator (*muqallid*) to indicate his/her preference for a particular legal ruling. Hence, s/he is entitled to say, for example, “According to al-Shafi‘i’s school, this occurs, and so on [and I agree with this approach]”. There is clearly no harm in this attitude.²⁴ Accordingly, if the student of knowledge offers his opinion, this be taken from the opinions upheld within the certified law schools; and he should not cast around for his own sources of evidence (*adila*) [outside of these law schools].

When asked on a matter, the Companions used to direct the questioner to others [when they did not know the answer]. Abu Bakr once said: “where on heaven or earth could I find a place to dwell, if I should speak ignorantly or falsely about the Qur’an?” Indeed, the response, “I do not know” had its own legal status, and was often used by the early jurists. Thus, it was narrated that “There are three kinds of knowledge: a spoken book, a standing *Sunna* and ‘I do not know’”.²⁵ Ibn Mas‘ud described the ability to say that one does not know as his/her “suit of armor” (*junna*). Likewise, when asked to give his opinion on 10 matters, Ibn ‘Umar would respond to one, but decline to answer the other nine. While Imam Malik was asked forty-eight questions and declared that he had no answer to thirty two of these.

These are shining examples of the extent to which the early and most pious Muslims (*al-salaf*) feared giving an incorrect opinion, regarding a matter that they did not sufficiently about. They were afraid despite the fact that God commanded them to spread the call and warned that Muslims should not hide their knowledge. [In sum] Someone who wishes to spread knowledge [of Islam] should be confident that what he says is accurate; and whoever suggests a new opinion should not be inflexible, or overbearing, about it.

And God knows best.

²⁴ Al-Nawawi, *al-Majmu‘* 1/78.

²⁵ This is narrated by al-Khatib, and attributed to ‘Ali Ibn ‘Umar. Abu Dawud and Ibn Majah narrated something similar. See al-‘Iraqi, *al-Ahya‘*, Part I, p. 61.

Shaykh Muhammad Salah al-Munajjid Observes:

[Regarding any subject], a general member of the public that cannot grasp the [range of] evidence, and is incapable of understanding the methods adopted by the people of knowledge [i.e. the jurists] is obligated to imitate the rulings of others. Thus, he should ask the people of knowledge for their opinion. God said:

“Ask the followers of the Reminder if ye know not?”. (Q. 21: 7)

Dr. Yassir ‘Abd al-‘Azim

22. The Ruling regarding the Validity of a Selective Approach to the Law Schools

Question: A question was asked as to whether or not a Muslim may pick and choose opinions from different law schools.

Fatwa in Brief: It is not permitted for a Muslim to pick and choose between the rulings of the different schools. However, s/he may only follow an opinion that is sufficiently supported with evidence.

The Permanent Committee, 12/96

Response:

[In new matters] Choosing a new opinion through the careful marshalling of evidence is mandatory for scholars that are capable of doing so (i.e. the *mujtahidin*); while imitating [the established rulings of the different law schools] is obligatory on all others. Those who should only imitate past scholars are not obligated to follow one law school above all others; and there is nothing to prevent them benefiting from the concessions (*rukhas*) offered by the different schools.

Commentary:

In the category of Islamic legal rules (*ahkam*), some rules do not require Muslims to approach a jurist [to decide whether an act is permitted]; rather, such rules are common knowledge among all Muslims. These rules include the five pillars of Islam, and the prohibition against committing grave sins (*kaba'ir*). Other rules, however, require re-thinking. Indeed, most of *fiqh* falls within this category. The *mujtahidun* are those who carry the burden of re-

thinking the law. The general body of Muslims is obligated to follow the schools of the *mujtahidin*, on the basis of God's advice:

"Ask the followers of the Reminder if ye know not?". (Q.21: 7)

This also holds because they cannot afford to do more than this.

It is not obligatory for the general public to follow a particular school. Thus, it is allowed for a Muslim to follow the Hanafi school of law in one matter, then switch his/her allegiance to another *mujtahid* [than Abu Hanifa] in a different matter. From the time of the Companions onwards, people would consult one expert, before moving on to another expert on the next occasion. At no time were they obligated to follow only one legal expert (*mufti*). [Accordingly] If a member of the general public asks the opinion of a *mujtahid* regarding a specific matter and, after receiving it, asks for the opinion of another on the same matter, he is ultimately free to choose whichever opinion he prefers. Included here is the permission for a Muslim to follow the concessions (*rukhas*) of the different law schools; i.e. the one who performs his minor ritual ablutions (*wudu'*) according to the Hanafi school may perform his prayers according to the requirements of Shafi'i's school, and *vice versa*. This is legally permitted because, as has been shown, Muslims do not need to confine their questions to a single mufti, or law school.

And God knows best.

In the Fatwa Centre, under the supervision of Dr. 'Abdullah al-Faqih:

As a result of such variation God wanted to allow His worshippers greater range and flexibility [in their lives]. If Muslims find the opinion of one scholar from a particular era to be difficult they are permitted to follow another [easier] opinion [of a different scholar from a different era]. If God had wanted a specific text of the Qur'an and/or Sunna to be read in a single way, He would have ensured that there was no disagreement on the matter. This would not have taxed Him. Rather, God wants difference [among the scholars]; and the wisdom behind this only God knows. In his book *Jami' bayan al-'ilm wa fadluhu*, Imam Ibn 'Abd al-Bar reports that, when he and 'Umar gathered to remember the *hadiths*, 'Umar remembered things differently from Qasim. Qasim was perplexed and worried. Yet, 'Umar reassured him by saying that they would enjoy more blessings because of their variation of opinions. This is why the People of Knowledge say that the *mufti* should remind the person who asks him about a matter that there are more opinions than the one he prefers. Among those who claim this is Imam al-Buhuti al-Hanbali in *Sharh Muntaha al-Iradat*.

The Shaykh of Islam, Ibn Taymiyya states that a jurist who gives an opinion is not permitted to criticise the ruling of someone who disagrees with him. The scholar and the *mufti* should not demand that people follow them. That is why al-Rashid asked Malik's opinion about whether he [Rashid] should force people to follow him, Malik forbid him from doing so. Malik said: "The Companions of the Prophet (upon him be peace) spread out to live in different areas. Each of them went with his ideas and knowledge [so variation among scholars in different areas is natural]. Thus, when a man described a book as a work of "legal disagreement" Ahmad [Ibn Hanbal] said to him: "do not call it this a book of disagreement (*ikhtilaf*), rather, you should call it a study in richness (*si'ah*) [of opinion]". That is why some scholars argue that when there is consensus, the evidence is beyond doubt; and that when there is disagreement, there is mercy and choice aplenty. That is to say that, if they agree on something and a person disagrees with them, then this person is considered to have strayed [from Islam]; yet, if there is a variety of opinions, and one man prefers one opinion over another, while his colleague chooses yet another opinion, then all are blessed with choice. That is what is said by the Shafi'i (and other) scholars who are described as belonging to "those who command the right and forbid the wrong" (*al-amr bil ma'ruf wal-nahi 'an al-munkar*). Such matters of legal opinion are not to be rejected, and no one should obligate people to follow him regarding them. Yet, one can discuss his opinion from the perspective of the evidence [he knows]; thereafter, one who finds an opinion correct should follow it, while those who choose to imitate the opinion of another are also permitted to do so.²⁶

And God knows best.

Dr. Yassir 'Abd al-'Azim

23. The Ruling on the Person who Studies New Sciences rather than Science of Islamic Law

Question: A question was asked regarding the ruling of those busy themselves with the sciences of mathematics, physics, and so. Should this time be spent on studying the science of Islamic law instead?

Fatwa in Brief: Muslims who worry that busying themselves with the sciences of mathematics, physics, and so on, should leave the study of these sciences.

²⁶ Fatwa no. 16387, Rabi' al-Awal, 1423 [AH].

Rather, they should concern themselves with the study of the law, as this is more important and beneficial.

The Permanent Committee, 12/102-103

Response:

Studying new sciences, such as medicine, engineering, astronomy, chemistry and so on, is obligatory for the Muslim peoples. An insufficient interest in doing so is the reason that they Umma currently suffers from backwardness and weakness.

Commentary:

God said:

“Hast thou you not seen that Allah causeth water to fall from the sky and We produce therewith fruit of diverse hues; and among the hills are streaks white and red of diverse hues, and others are raven black; and of men and beasts and cattle, in like manner, diverse hues? The erudite among His bondsmen fear Allah alone”. (Q. 35: 27-8)

According to what is mentioned in this verse, those who fear God are scholars of astronomy, natural sciences, chemistry, plants and geology, in addition to the scholars of history, psychology, medicine and, indeed, of every science connected to humans and to nature. By understanding the mechanisms of creation, such scholars will believe [in God], or [if they already believe] their belief will increase. Through their effort to understand, they will benefit, and so too will others.

Studying the new sciences is obligatory for the Islamic peoples. An insufficient interest in doing so is the reason that they Umma currently suffers from backwardness and weakness.²⁷

In the Fatwa Centre, under the supervision of Dr. ‘Abdullah al-Faqih:

The study of the earthly sciences, such as engineering, medicine, mathematics, technology, physics, chemistry, mechanics and others, benefits humanity. For this reason, it is obligatory that a sufficient number of people specialize in their

²⁷ Shaykh ‘Atiyya Saqr, *Fatawa Dar al-Ifita‘ al-Misriyya*, no. 62, May 1997.

study. If Muslims neglect to do so, our societies will decay; and some acts of worship (*‘ibadat*) would be delayed.²⁸

Dr. Yassir ‘Abd al-‘Azim

24. The Ruling of Learning a Foreign Language

Question: A question was asked regarding [the validity of] learning a foreign language.

Fatwa in Brief: If there is no legal necessity to learn a foreign language, then doing so is disliked (*makruh*).

Permanent Committee, 12/133

Response:

Mastering a language is permitted. Those who do so gain valuable knowledge and rewards (*thawab*), as long as their purpose for doing so is good, and their use of this language agrees with [the principles and demands of] the law.

Commentary:

Among Muslims, there should be those with knowledge of foreign languages. This is specifically the case for those who wish to call [non-Muslims] to Islam. [But] It is also important in terms of coexisting with other countries. No authoritative text forbids this; while there are reasons for us to encourage it [second language acquisition among Muslims]. Al-Bukhari includes a *hadith*, attributed to Zaid ibn Thabit, in which the Prophet (upon him be peace) ordered Zaid to learn to write Hebrew. Zayd did so accordingly: “I would write for him when he wrote (to them), and read to him when something was written to him”. Likewise, Abu Jamra remarked that: “I used to translate for Ibn ‘Abbas and the people, and some of the people said: A ruler should have translators”.

The Prophet (upon him be peace) was fond of Zayd because he had memorized much of the Holy Book. So the Prophet (upon him be peace) asked Zayd to learn the language of the Jews, as he did not trust the Jews to record the Qur’an in their language accurately. [It is said that] Zayd took half a month to learn Hebrew, and, subsequently, wrote for the Prophet when he [the Prophet] wished to address the Jews; similarly, when they wrote to him [the Prophet],

²⁸ Fatwa 49739, 21st Rabi‘ al-Thani, 1428 AH.

Zaid translated what had been written. Thus, Zayd learnt Hebrew and/or Syriac by order of the Prophet, and because there was a need for this. The scholars spoke about mastering a language, so that [foreign] witnesses may, for instance, be trusted in court. This shows that mastering a foreign language is permitted; and that the one who does so gains valuable knowledge and rewards (*thawab*), providing that his/her intentions are pure, and that his/her use of language remains within the parameters of the law.²⁹

In the Fatwa Centre, under the supervision of Dr. ‘Abdullah al-Faqih:

There is no prohibition against people learning foreign languages, such as English. Indeed, learning these languages could be obligatory on some members of society, if there were sufficient benefits depending upon this. And God knows best.³⁰

Dr. Yassir ‘Abd al-‘Azim

25. The Ruling of Studying Secular Law

Question: A question was asked regarding [the validity of Muslims] learning about secular law.

Fatwa in Brief: It is not permitted to teach secular law as a general course in colleges of higher education. Rather, this subject should be limited to specialists, who are able to show how secular law deviates from the truth [of Muslim law].

The Permanent Committee, 12/34-35

Response:

There is nothing wrong in studying secular law providing that one’s study is guided by a legitimate interest, such as co-operating for the general good of society, fighting legal oppression, or comparing secular law with Islamic law to point out what is valid and invalid [according to Islam].

Commentary:

If education in secular law contributes towards the good, emphasizes truth and fights oppression, informs people of their human rights and responsibilities or

²⁹ Shaykh ‘Attiya Saqr, *Fatawa Dar al-Ifta’ al-Misriyya*, no. 328, May 1997.

³⁰ *Fatwa* no. 51311, 2 Jamad al-Thani, 1425, AH.

as comparative studies to discern between right and wrong and confirm the moral excellence of Islamic legislation then not only are such studies promoting values in keeping with Islam, but the learners are obeying God and deserve reward for doing so in accordance with their intentions and their firm belief in truth as defined by the Divine Legislature.

Those who study secular law should be attentive to God's words:

"Whoso judgeth not by that which Allah hath revealed: such are disbelievers". (Q. 5: 44; cf. 5:45, in which they are described as "*wrongdoers*"; and 5: 47, in which they are described as "*evil-livers*")³¹

And:

"And plead not on behalf of (people) who deceive themselves. Lo! Allah loveth not one his is treacherous and sinfull". (Q. 4: 107)

And to another of God's verses:

"Lo! Ye are they who pleaded for them in the life of the world. But who will plead with them for them on the Day of Resurrection, or who will then be their defender?". (Q. 4: 109)

And to a *hadith* in the collections of Abu Dawud and Tubrani, with a sound chain of transmission, in which the Prophet is reported to have said that whoever argues – in another report, it is said whoever *acts* – on behalf of corruption will be cursed by God for the rest of his/her life.

In the Fatwa Centre under the Supervision of Dr. 'Abdullah al-Faqih:

If the intention of the student is good, studying secular law is not, in itself, harmful. Hence, a student may study with the intention of showing how the Shari'ah is better than secular law; or to benefit from it [secular law] in those areas in which it does not oppose Shari'ah; or to benefit someone else. Studying secular law may only occur, however, under two conditions. First, that it does not prevent the student from learning and practicing his/her religious obligations; and, second, that when Islamic and secular legal systems oppose each other, s/he prefers the regulations of the former, and distances him/herself from those of the latter.³²

³¹ Shaykh 'Atiyya Saqr, *Fatawa Dar al-Ifta' al-Misriyya*, no. 46, May 1997.

³² *Fatwa* no. 10942, 29th Ragab 1422 AH.

Dr. Yassir ‘Abd al-‘Azim

Section Three: Innovation (*bid‘a*)

26. The Actual Meaning of “Innovation” (*bid‘a*)

Question: A question was asked regarding the real meaning of innovation; [that is to say] what is the praiseworthy innovation and what is a blameworthy one?

Fatwa in Brief: All innovations are deviations [from Islam], and there is no such thing as a good innovation.

The Permanent Committee, 2/321

Response:

An innovation is that [act or way of thinking] which arrived after the time of the Prophet (upon him be peace) and his Companions. The majority agreed that there are two kinds of innovation: those that guide Muslims to the good; and those that misguide. Whatever conforms to Islamic law is approved and whatever opposes it must be rejected. In this sense, the term innovation applies solely to matters of religion, not to the secular world.

Commentary:

Innovations pertain to all matters of religion that originated after the Prophet (upon him be peace) and his Companions. Innovations are of two types: those that guide Muslims to the good; and those that misguide. Any innovation that contradicts what God and his Messenger order belongs to the category of innovation that misguides; while any innovation agreeing with the wishes of God and His messenger is praiseworthy. The Prophet (upon him be peace) said: “The one who first implements a praiseworthy innovation benefits not only from its reward but also from the reward of all those who follow him [in his innovation], though the rewards [of these followers] are not diminished”. The same principle holds, however, regarding the person who instigates an evil innovation. Thus, “he acquires its sin and a weight of sin similar to that carried by those who have followed him [in error], though their sins are not diminished”.

Among the evidence for the legality of the praiseworthy innovation is a tradition reported by ‘Umar (r.a.), who, at a gathering of people for the *tarawih*

prayer [extra prayers offered at night during Ramadan], declared “What a good innovation this is!”. Thus, he clearly saw that it [this innovation] was a positive act. Indeed, before complementing it, he [explicitly] called it an innovation (*bid‘a*), as the Prophet (upon him be peace) had not established it [the *tarawih* prayers] before then, nor had people gathered for it, nor did it exist in the era of Abu Bakr. But ‘Umar (r.a.) gathered the people for it and recommended it for them. That is why he called it *bid‘a*, while in truth it is Sunna, as it is a praiseworthy act that is in agreement with the law. There is another *hadith*, which states that “each new matter is *bid‘a*”. However, this applies solely to new ideas that pertain directly to religion [and not to prosaic matters] and that run counter to the [demands and principles] of Islamic law and the Sunna. As for innovation in matters that pertain to this world, then knowledgeable people must decide on their adoption according to their consequences.

This way of defining the innovation, and of deciding into which of the two categories [praiseworthy or negative] it falls, belongs to al-Shafi‘i, al-Ghazali, al-‘Izz ibn‘Abd al-Salam and the majority of the jurists. These scholars then divide the subject of innovation into five categories:

1. The first category includes those innovations that it is obligatory upon all Muslims to perform, such as the establishing and teaching of the sciences of the Arabic language.
2. The second category consists of recommended innovations, such as the building of schools.
3. The third category consists of prohibited innovations, such as altering the way in which the Qur’an is read, and in opposition to the nature of the Arabic language itself.
4. The fourth category pertains to innovations that are reprehensible, such as the decorating of mosques.
5. The fifth [and final] category concerns innovations that are morally neutral [and thus permitted], such as putting different types of food on the table.

Others, however [disagreed with the above classification, and instead] believed that an innovation is blameworthy (*mazmuma*) by all means, and cannot be divided into things that are obligatory, recommended or permitted. That is how the *hadith* “Every innovation is misguidance” is interpreted.

[Yet, in our view] The correct opinion is the first one [that innovations can be good, neutral, and evil], upon which the majority agrees. The term “innovation” here applies solely to matters of religion, not to the secular world.

And we must consider what is really at stake. It is permitted, for instance, to celebrate the birthday of the Prophet, yet not to refer to this birthday as an “*Id*”. [This tells us that it is not necessarily the novelty, of itself, that offends; but, rather it is the way of approaching this novelty, and perhaps of granting it more importance than it really has, which is prohibited.] If we find an act [of *bid‘a*] legally reprehensible, we should classify it so through wisdom and patience. Any matter that divides the jurists should not lead to conflict or [excessive] litigation. For, those who are deceived into thinking that their own opinions are the only true ones, and that they will survive while the rest will perish (*yahlak*), are [surely] first among the ranks of the doomed (*halikin*).³³

Dr. Yassir ‘Abd al-‘Azim

27. The Ruling of Saluting the Flag

Question: A question was asked regarding [the religious validity of] saluting a flag.

Fatwa in Brief: Saluting a flag is illegal; it is a recent [and reprehensible] innovation.

The Permanent Committee, 1/150

Response:

Saluting the flag during the [playing of the national] anthem, or merely by making a signal with the hand, is a sign of loyalty to the homeland, legitimizing its authority and ensuring its safety. This is not a form of worship, or an act of religious innovation, and it does not attribute power to something other than God.

Commentary:

The flag is a symbol for the homeland in the modern era; yet, the Arabs once possessed a symbol for each tribe or group. All those who belong to the tribe or the group walked behind and protected the flag: [according to this tradition] the higher the flag, the nobler its people, and when the flags dropped, this was taken as a sign of contempt. To the Arabs, the flag is known as “a banner” (*raiya*).

³³ Muslim, *hadith* no. 6850.

It was reported that, in the Tabuk raid (*ghazwa*), Zaid ibn Haritha first carried the flag; and when he was killed, Ga'far ibn Abi Talib took it and fought until he too was slain. Then 'Abd Allah ibn Rawaha picked it up; and then Thabit ibn Akram al-Ajalani [each one falling in *jihad*]. Eventually, the flag was carried by Khalid ibn al-Walid. In the same report, it was also mentioned that, when Jafar's right hand was cut off, he carried the banner with his left hand; and when the other hand was cut off, he carried it with the stump of his arm until he died. The Prophet (upon him be peace) called upon God to replace Jafar's arms with two wings in heaven; and that is why he is called "Jafar the flier".

If the Companions and the pious ancestors (*salaf al-salah*) respected their flags, there can be nothing wrong with now saluting a flag. Such an act may not be described as a religious innovation, unless explicitly singled out by a text in the Qur'an or in the Sunna [which it is not], as has been mentioned before.

Dr. Yassir 'Abd al-'Azim

28. The Rulings Regarding the Celebration of al-Mawlid al-Nabawi

Question: A question was asked on [the validity of] celebrating the Prophet's birthday.

Fatwa in Brief: Celebrating the mawlid is not permitted; it is a [reprehensible] innovation.

Shaykh Ibn Baz, *Majmu' Fatawa wa Maqalat* 4/81

Shaykh Yassir Birhami, www.alsalafway.com

Response:

At a time when the youth have almost forgotten their religion and their interest in [secular] celebrations seems to outshine their interest in religious occasions, celebrating the mawlid is permitted. This permission nevertheless holds, as long as people's behaviour at these celebrations remains within the legal limits. Hence, there should be no mixing between men and women, eating and drinking [of prohibited foods and drinks], illegal competitions or [other forms of] entertainment, disrespecting of mosques, or anything else that does not agree with the principles of religion and [the dictates of] good manners.

Commentary:

Many scholars have come to reject the Islamic validity of mawlid celebrations on the ground that such celebrations commonly involve innovations, that have no basis in the origins of Islam. Already by the ninth century AH, scholars were divided on the subject. Al-Suyuti, Ibn Hajar al-‘Asqalani and Ibn Hajar al-Hatimi favoured permitting mawlid celebrations, while simultaneously warning against the innovations so often linked to them. Their opinion was based on the Qura’nic verse:

“And remind them of the days of Allah”. (Q. 14:5)

The days of God are [proof of] His blessing, and the birth of the Prophet (upon him be peace) is a great blessing.

In *Sahih Muslim*, Abu Qatada al-Ansari is reported as saying that, when “the Prophet (upon him be peace) was asked about fasting on Mondays, he responded: “It [Monday] is the day of my birth, and the day upon which I received the revelation [the Qur’an] for the first time”. This is a reminder from the Messenger of God (upon him be peace) to thank God for His blessings upon us by performing praiseworthy acts, and by fulfilling one’s religious obligations. That is why, on this particular day [the Prophet’s birthday], Muslims should thank God for his blessings upon us and for guiding us to his law. Hence, celebrating the Prophet’s birthday is among the basic demands (*usul*) of the faith. However, such celebrations should take place under the condition that they do not involve rituals specific to that day. Rather, a Muslim should be content to spread the good news [of the Prophet’s birth], to strive to draw closer to God through [obeying] His law, and to discuss with others the blessings of the Prophet’s birth. [Needless to say] S/he should avoid committing any prohibited act.

As to what may be eaten [at a mawlid celebration], they fall within the category of what God the Almighty has said in the following verse:

“Eat of the good things wherewith We have provided you, and render thanks to Allah”. (Q. 2:172)

Our youth have all but forgotten their religion in the midst of other celebrations that seem to outshine the glory of our religious occasions. Nevertheless, celebrating the mawlid is permitted by law. This permission is granted as long as the behaviour of the festivities remains within the limits of the law. Thus,

there should be no mixing between men and women, eating and drinking [of prohibited foods and drinks], illegal competitions or entertainment, disrespecting of mosques, or anything else that does not agree with [the principles and demands of] Islam and of good manners. If it is likely to include excessive wrongdoing (*mukhalafat*), then it is sensible to cancel a celebration to prevent this from occurring, [a cancellation] that is entirely in keeping with the sources of law. But if such celebrations are beneficial [and hence do not include/lead to vice], then there is no cause to prevent them from taking place. This is the case providing that all involved remain fully aware of the potential harms, and that such harms are at the very least limited wherever possible. As [it is possible for] many beneficial acts [to] resemble [on some level] wrongdoings [and thus for people to be lose their way], it is necessary for all of us to command the right and forbid the wrong (*al-amr bil-ma'ruf wa'l-nahi 'an al-munkar*) through legal means.

In his explanation of *Al-Mawahib* by Qastalani, al-Zaraqani mentions that Ibn al-Jazri, an Imam who died in 833 AH, commented on the views of al-Bukhari and others about Abu Lahab. The latter [Abu Lahab] is reported to have been happy for the birth of the Messenger of God (upon him be peace) and to have set free his slave “Thuwayba”, simply because she informed him of the news. For these [good] actions, God lightened his [Abu Lahab’s] punishment in hell. Zaraqani observes that: “if the load of this unbeliever, whom the Qur’an blames, is lightened in hell because of his happiness at the birth of the Prophet (upon him be peace), then what about the Muslim that believes in the unity of God, is overjoyed at his [the Prophet’s] birth and, thus, does as much as s/he can to gain his love?”³⁴

Dr. Yassir ‘Abd al-‘Azim

29. The Ruling Regarding the Celebration of Religious and National Feasts

Question: A question was asked regarding the validity of celebrating [Islam’s] religious and national feasts.

Fatwa in Brief: It is not permitted to celebrate any events other than the formal religious occasions that the law singles out [for celebration], namely the

³⁴ In the Arabic original, there is here a poem by al-Hafiz Shams al-Din Muhammad ibn Nasir.

two Feasts [‘Id al-Adha, and ‘Id al-Fitr]. However, Mother’s Day, national days, birthdays, or times connected to other religious events, such as the night journey of the Prophet (upon him be peace) (upon him be peace), or those dedicated to the opening of a mosque, should not be celebrated. For these kinds of celebration are [reprehensible] innovations that are new to Islam [and therefore invalid].

The Permanent Committee 3/59-61

Response:

Celebrating any occasion is permitted as long as the purpose of doing so remains within the limits of Islam. There is, then, no harm in calling such occasions “celebrations” [or “feasts”] (Arabic: *a‘yad*). For, what matters is what the name stands for, rather than the term [*‘id/a‘yad*] itself; and [as discussed already] not everything new should be understood as a cause for Muslims to stray from [the the demands and principles of] Islam. Hence, [as noted above] regarding the gathering of Muslims to pray the *tarwih* prayers, ‘Umar exclaimed: “What a good innovation this is!”

Commentary:

The word “celebration” (*‘id*) applies to an occasion that is repeated every year. It is mainly concerned with a group, regardless of whether or not this is a family, tribe, city or district. Celebrating these occasions is a way of showing concern for the group.

The celebration could be secular or religious. Islam does not prevent [people from enjoying] secular celebrations, as long as the purpose of these is good and what occurs there remains within the limits of law. Regarding religious celebrations, these may follow a text, as is the case of Islam’s two main feasts; al-Adha and al-Fitr, or it may not, such as the [celebrations surrounding the] Night Journey and the Birthday of the Prophet (upon him be peace). Whatever is mentioned in an authoritative text [i.e. Qur’an and/or Sunna] is permitted by the law, as long as people’s behaviour remains within legal limits. Regarding the celebrating of feasts that are not based upon an authoritative text, there are two opinions. The first prohibits them on the grounds that they are [reprehensible] innovations; while the second permits them on the grounds that they are not explicitly prohibited by a text.

Those who prohibit the celebrations [that are not based upon a text] support their view with a *hadith*, with a sound chain of transmission, that is included in

[the works of] al-Nisa'i and Ibn Haban. In this, Anas (r.a.) reports that when the Prophet (upon him be peace) entered Madina, and found the people there celebrating on two days, he remarked 'God has offered you two better alternatives: the day of Fitr and the day of Adha.

Based on this *hadith*, certain scholars argue that the celebration of any festival, other than the two main festivals ['Id al-Adha, and 'Id al-Fitr], is forbidden to Muslims. The response to this is that, in this *hadith*, the Prophet (upon him be peace) does not limit the number of festivals that Muslims may enjoy. Rather, he only says which ones ['Id al-Adha and 'Id al-Fitr] are better than those of the Madinan people; which originally had been celebrated by the Persians. More evidence [that the Prophet, upon him be peace, did not restrict the number of festivals in this way] is that he described Friday as a "feast".

When speaking of festivals other than the two main feasts, there is no explicit prohibition in any authoritative text. Indeed, at the beginning of Surat al-Rum, the Qur'an speaks of the happiness of the believers when, on the verge of defeat, the Rum rallied their forces and emerged victorious. Another possible [and legitimate] response [to the banning of celebrations] is that not every new thing should be regarded as an [reprehensible] innovation, a point that is supported by 'Umar's *hadith* on the *tarawih* prayers [cited above].

To summarize: the celebration of any occasion is permitted, providing the underlying purpose is good, and the way in which people celebrate on this day remains within the boundaries of God's law; and there is no harm in describing such events as "celebrations" (*a 'yad*). The point here is not the name, but what the name signifies.³⁵

Shaykh Salman al-'Awda argues that it is legally permitted to celebrate a baby's first birthday, or an adult's twentieth birthday, or, indeed, any happy event that we wish to celebrate. Hence [in al-'Awda's view], Muslims may celebrate marriages by inviting their family and friends to the meal (*walima*). In his program "*Al-Hayah Kalima*" ["Life is a Word"] on MBC, al-'Awda added that such occasions may not be described as 'feasts' (*a 'yad*). It is nevertheless permitted to celebrate them, every year, if the word "feast" is not used about them. al-'Awda emphasised the importance of this on the grounds that Islamic law specifically restricts Muslims to celebrating only two "feasts".

³⁵ Shaykh 'Atiya Saqr, from *Fatawa Dar al-Ifta' al-Misriyyah* no. 68, May 1997.

30. The Ruling on Visiting the Graves of the Righteous

Question: A question was asked regarding [the validity of] journeying to visit the graves of the righteous.

Fatwa in Brief: Visiting graves is a reprehensible act (*munkar*); and it is [therefore] not permitted.

Shaykh Ibn Baz, *al-Buhuth Magazine*, no. 39, pp. 143-5

Response:

There is no harm in traveling to visit the righteous, whether they are alive or dead.

Commentary:

Bukhari and Muslim include a report in which the Prophet (upon him be peace) states that “a Muslim should only exert effort in traveling to three mosques: my mosque, the Haram mosque and the Aqsa mosque”. Yet, while Muslims do not need to travel to pray in mosques other than these three, there is nothing to prevent someone from traveling to perform any other legally beneficial act, such as *jihad*, or the search for knowledge, or so as to gain a better living from God, to visit one’s brothers, or to improve bonds within the family. The merit of each of these acts is supported by verses in the Qur’an.

The meaning of this *hadith* is merely that these three mosques are better than all other mosques as far as prayer is concerned. Indeed [it is said that], praying in them doubles the reward a believer receives [for this act of worship]. In their collections, Ahmad and Ibn Majah include a *hadith* with a sound (*sahih*) chain of transmission to the effect that a single prayer in al-Haram mosque is equal to a thousand prayers in any other mosque. Al-Bukhari and Muslim report that praying in the mosque of Madina is equal to one thousand prayers in any other mosque, except for the Haram mosque. Al-Tabrani and Ibn Khuzaima, in his *Sahih*, and al-Bazar include another *hadith*, with a strong (*hasan*) chain of transmission, to the effect that praying in the Aqsa mosque is worth five hundred prayers in a normal mosque. And in another report, with a strong (*hasan*) chain of tradition, in the [collections of] Ahmad and Ibn Abu Shaiba, it is said that the main purpose of travel is simply to pray in these mosques,

because of the benefits that this brings. It is also reported by Abu Sa‘id al-Khudari that the Prophet (upon him be peace) said that Muslims should not travel to a mosque to pray except to the Haram mosque, my mosque, and the Aqsa mosque.

On the basis of this evidence, it is recommended (*Sunna*), or at least it is not prohibited, to travel to pray in these mosques [al-Aqsa, al-Haram, and the Prophet’s mosque]. In order to do so, and to gain the benefits of praying there, s/he must endure the physical and financial hardships of the journey. However, regarding other mosques, there is no need to travel, or to endure hardship, so as merely to pray in them. Indeed, some scholars prohibit this form of journey.³⁶ Yet, despite this, travelling to visit righteous people, be they alive or dead, is not prohibited by Islam.³⁷

Dr. Yassir ‘Abd al-‘Azim

31. The Ruling of Traveling to Visit the Grave of the Prophet (upon him be peace)

Question: A question was asked about traveling to visit the honoured grave [i.e. that of the Prophet], and the use of graves as mosques.

Fatwa in Brief: Traveling to visit the grave of the Prophet (upon him be peace), the use of graves as mosques, building mosques on graves, praying at graves, or burying the dead in mosques, is not permitted.

Shaykh Ibn Jebrin, *Fatawa fil-Tawhid* 23-25

Response:

The honoured grave [that of the Prophet] is the most desirable grave to visit [thus it is permitted to do so]; and using graves as mosques means orienting one’s worship towards them, and towards those that are buried there.

Commentary:

Visiting the grave of the Prophet (upon him be peace), or, more correctly speaking, visiting him in his grave, involves a Muslim visiting the most honoured of graves. Regarding other graves, [it is also permitted to visit] the

³⁶ Al-Samhudi, *Khulasat al-Wafa*, p. 70.

³⁷ ‘Atiya Saqr, *Fatawa Dar al-Ifia’ al-Misriyya*, no. 55. May 1997.

Madinan mosque, as it is close to the honored grave [of the Prophet]. The aim of the visitor is to glorify the man who is buried in this spot; it is not to glorify the local itself.

Visiting the Prophet (upon him be peace) requires going to his mosque. The Prophet (upon him be peace) attached blessings to this act when he said: “Prayers performed in my mosque are better than a thousand prayers performed in any other place, except the Haram mosque”. It is thus recommended (*mustahab*) that Muslims visit the graves of the Prophet (upon him be peace) and those of the righteous.

In *Al-Shifa' fi'l-Ta'rif bi Huquq al-Mustafa*, Al-Qadi 'Iyad includes a report attributed to Imam Malik ibn Anas. According to this, Abu Ja'far al-Mansur disputed with Malik in the mosque of the Prophet (upon him be peace). Malik told him [Abu Ja'far]: O Commander of the Faithful (*Amir al-Mu'minin*) do not raise your voice in this mosque! For, as God says to the people:

“Lift not up your voices above the voice of the Prophet, nor shout when speaking to him as ye shout one to another, lest your works be rendered vain while ye perceive not”. (Q. 49: 2)

And He advises the people further, by saying:

“Lo! They who subdue their voices in the presence of the Messenger of Allah, those are they whose hearts Allah hath proven unto righteousness. Theirs will be forgiveness and immense reward”. (Q. 49: 3)

Others He criticises:

“Lo! Those who call thee from behind the private apartments, most of them have no sense”. (Q. 49:4)

[Malik continued] We respect the Prophet dead as we respected him alive. Abu Ja'far drew close to Malik, and replied: ‘O Abu ‘Abd Allah, do I face the Qibla and pray, or do I face the Messenger of God (upon him be peace)?’ He [Malik] replied, ‘why would you take your face away from him, when he is the way to God for both you and your father, Adam, on the Last Day? Rather, you should face him [the Prophet] and ask for his intercession, so that God relieves you of torment [on the Last Day]’. God says:

“And if, when they are wronged themselves, they had but come unto thee and asked forgiveness of Allah, and the Messenger had asked forgiveness for them, they would have found Allah Forgiving, Merciful”. (Q. 4: 64)

Yet, while it is recommended to visit the grave of the Prophet (upon him be peace) and those of the righteous, Muslims must also be aware of the prohibition against mistaking these graves to be mosques, or [places for] celebrations. Many texts deal with this matter. Among these are the Prophetic *hadiths*: “May God curse the Jews and the Christians, for they have taken the graves of their Prophets as places of worship”; and “Do not let my grave become an idol that is worshipped, God’s wrath is immense against those peoples who turn the graves of their Prophets into mosques”; and “do not make your houses graves, and do not make my grave a place of festivity. But invoke blessings on me, for your blessings reach me wherever you may be”. Using graves as houses means directing one’s worship to them, and to those residing there, and this is illegal, worship is to be directed only to God. This is the meaning behind the prohibition against making graves into idols to be worshipped. For, here, the meaning of “mosque” is as a place of worship involving prayer and other [mandatory or recommended religious] acts. [Likewise] Taking a grave as a place of celebration entails trying to draw close to God in [certain festival seasons] and times.

Dr. Yassir ‘Abd al-‘Azim

32. The Ruling for Visiting the Ancient Mosques of Medina

Question: A question was asked regarding [the validity of] visiting the ancient mosques in Medina [seeking blessings from the relics of the Prophet].

Fatwa in Brief: Caring for relics and religious sites, as if they possess inherent nobility, leads to unbelief (*shirk*).

The Permanent Committee, *Kitab Fatawa wa Bayanat Muhimma*, p. 82

Response:

Seeking blessings through the heritage [relics] of the righteous is evidence of love. Thus, there can be no harm in this practice, so long as it remains within the limits of religion. And God knows best.

Commentary:

It is known that, when one human being loves another, he will love everything that is connected to the loved one. Yet, this kind of love should not lead people into exaggeration, so that the loved one is raised to an [unnaturally] high position. This happens, for instance, when a people so love their Prophet that they attribute to him the status of God, or close to divinity. The Prophet (upon him be peace) warned against such exaggeration in love. Rather, he said: “Do not exaggerate in praising me, as the Christians exaggerate in praising the son of Mary; but, rather call me the Slave of God, or [merely] His messenger” (a tradition narrated in Bukhari). [Within these parameters], the Prophet (upon him be peace) gave permission to his Companions to seek blessings from his relics. The reports confirming this are:

1. In describing the Truce of Hudaibiyya, historians note how the Companions would surround the Prophet (upon him be peace) [to gain his blessings]. They swore how every drop of his saliva would fall into the [outstretched] hands of a Companion, who then would massage his face and skin with it [in order to benefit from the blessings of the Prophet]. When the Prophet ordered them to listen, they obeyed; and when he performed his ritual purification (*wudu*'), they all but fought for the water he used [in this purification].³⁸

2. Bukhari narrated that the Muslims would take the hands of the Prophet (upon him be peace) when he was in Mecca, and rub their faces with them. Likewise, Abu Juhayfa says: “I took the hand of the Prophet (upon him be peace), and placed it on my face; and I found that it [his hand] was colder than ice and smelt better than musk”. And Ahmad narrated how, when the people gathered around the Messenger of God (upon him be peace) after the morning-prayer in the Wada' pilgrimage, Abu Yazid ibn Aswad was able to reach the Messenger of God (upon him be peace) because of his youth and great strength. [When Abu Yazid did so,] the Prophet (upon him be peace) put his hands on Abu Yazid's face and chest, and the latter found that he had never smelt a more beautiful scent, nor felt a colder [more refreshing] sensation than this. [Accordingly] Al-Shawkani says: “It is legal to receive blessing through touching the people of grace, as the Prophet (upon him be peace) himself approved of this”.³⁹

3. Imam Ahmad is reported to have kept some hair of the Prophet (upon him be peace) in the sleeve of his shirt. During the days of the *fitna* over whether the Qur'an was created, al-Mu'tasim refused to burn this shirt, because of the

³⁸ Al-Zaraqani, *al-Muwahib*, part II, p.192.

³⁹ [Shawkani's] *Nayl al-Awtar*, Part II, pp. 323-4.

blessings of the hair [in it]. Imam Shafi‘i received blessings from Ahmad’s shirt when he washed it/through the water seeping from it.⁴⁰ [Similarly], there exist numerous reports of how the Companions received blessings by praying where the Prophet (upon him be peace) had prayed, placing their hands where he had placed his, on the honorable pulpit (*manbar*) and elsewhere. In a *hadith*, al-Nawawi describes “*tahnik*”, as this word appears in the Arabic language, a practice through which a child is kept safe from evil. Here, the Prophet (upon him be peace) gave his blessings to [protect] the newborn baby by chewing a date, then putting this date into the baby’s mouth. The scholars agree that *tahnik* is permitted, either with dates, or with any other food that carries the same kind of goodness. The one performing it [*tahnik*] must be from among the ranks of the righteous, that is to say, s/he must be from among those people from whom Muslims may receive blessings, regardless of whether such people are men or women.

Some of the Companions, such as ‘Abd Allah ibn Umm Maktum used to encourage the Prophet (upon him be peace) to pray in his house, so that they could use it as a mosque; while Ibn ‘Umar used to follow closely in the steps of the Prophet (upon him be peace). In *Sahih al-Bukhari*, Musa ibn ‘Uqba is reported as saying: “I saw Salim ibn ‘Abd Allah checking places from the road and praying in them. He says that his [Salim’s] father prayed in them, and that he saw the Prophet (upon him be peace) [also] praying in such places”. Musa replied: “Nafi’ told me that Ibn ‘Umar was praying in these places [and so there was a likelihood that the Prophet had perhaps prayed too]”.

The Companions believed that they received blessings [simply] as a result of being close to the Prophet (upon him be peace). In *Sahih al-Bukhari*, the Prophet (upon him be peace) wore a silver ring on his ring finger, then Abu Bakr wore it after him, then ‘Uthman, until eventually it fell into the Aris well. On this ring was engraved “Muhammad the Messenger of God”. And in some versions, the ring stayed with ‘Uthman for 6 years; and they tried hard to find it in the well, but could not. Aris well is near the Qiba’ mosque and is known as “the well of the ring”. In al-Bukhari, there is a *hadith* in which al-Zubair ibn al-‘Awwam is reported to have struck ‘Ubayda ibn Sa‘id ibn al-‘As, with a spear headed stick (*‘anza*), on the day of Badr. The Prophet asked him [al-Zubair] to give him the stick, which he did. Abu Bakr then asked for the stick, then ‘Umar, ‘Uthman, and eventually ‘Ali [took the same stick]. Also in another *hadith* included in al-Bukhari, ‘Umar (r.a.) did not cut the tree at which Radwan offered his oath of allegiance, except when people disagreed about it, and about its place.

⁴⁰ Al-Dimari, *Hayat al-Hawayan al-Kubra*, Part 1, pp.100-01.

Receiving the blessings from the relics of the Prophet (upon him be peace) and the righteous testifies to their love [for the Prophet or the pious ones]. Thus, there can be no harm in this practice, so long as it remains within the limits of religion. And God knows best.

Dr. Yassir ‘Abd al-‘Azim

33. The Ruling on Shaking Hands after Prayer

Question: A question was asked about the ruling for the shaking of hands after prayer.

Fatwa in Brief: [The practice of] Shaking hands [with the person praying alongside you] after [finishing your] prayer is not Islamic in origin; it is, therefore, a reprehensible innovation.

Shaykh Ibn Baz, *Fatawa Islamiyya*, p. 179

Response:

The origin of shaking hands is Sunna. The fact that people have not always been observing this Sunna does not mean that it is no longer a recommended practise.

Commentary:

Shaking hands [after prayer] is, in itself, not only permitted but claimed by some to be Sunna – as a sign of mutual love, respect, and familiarity. Some *hadiths* address the advantages of shaking hands [after prayer]. In *Sahih Bukhari* [for instance], Qatada says: “I asked Anas was the practice of shaking the hand known to the Companions of the Prophet (upon him be peace)? He [Anas] replied: “yes”.⁴¹ In the *Sunan* of al-Tirmidhi, in a report attributed to Abu Amama (r.a.), the Messenger of God (upon him be peace) states: A visit to a sick person is only complete when you have put your hand on his forehead and shaken his hand.⁴² While in the *Sunan* of Abu Dawud, in a report attributed to Bara’, the Messenger of God (upon him be peace) claims: God forgives any two Muslims who, on meeting, shake each others hands before they depart.⁴³

⁴¹ Al-Bukhari, *Sahih*, 62-3.

⁴² Tirmidhi, *Sunan*, 2950.

⁴³ Abu Dawud, *Sunan*, 5214.

[Last] in the *Musnad* by Imam Ahmad, we find a report attributed to Anas ibn Malik in which the Messenger of God (upon him be peace) is reported to have said: “A people are approaching, whose hearts are kinder towards Islam than yours”. Commenting upon this, Anas explained: “the [kind-hearted] people who came were Yememis; among them was Abu Musa al-Ash‘ari [one of the later Companions]. When they came close to Madina, they started to sing in rhyme that soon [tomorrow] they will see the loved ones, Muhammad (upon him be peace) and his party. Once they arrived [in Madina] they shook hands [in greeting], and thus were the first to initiate this custom.”⁴⁴

Ibn Taymiyya disliked the practice of shaking hands after prayers on the grounds that it did not exist in the time of the Prophet, or [even] in that of the righteously-guided Caliphs. Yet, the majority of the scholars disagree with him [on this matter]. For them, the fact that an act did not exist [in the earliest days of Islam] does not automatically signify that it should be forbidden, or [even] that it is a harmful innovation, as long as such a practice does not run counter to [the meaning of] an established text [i.e. the Qur’an or Sunna]. Al-Nawawi said: “The origin of shaking the hands is Sunna”. The disagreement over whether or not the shaking of hands [after prayer] is permitted results from an initial disagreement over the meaning [and implications] of the term “innovation”. [Yet, in our opinion] If the matter provokes disagreement among the scholars, no prejudice should be shown towards any single opinion. And God knows best.

Dr. Yassir ‘Abd al-‘Azim

34. The Ruling for Kissing the Holy Book (al-Qur’an)

Question: A question was asked regarding the [validity of] kissing the Holy Book.

Fatwa in Brief: The Holy Book (i.e. the Qur’an) was revealed for reading and reflection; and there is no evidence to support that Muslims should kiss it.

The Permanent Committee, *al-Buhuth Magazine*, 45/96

Response:

⁴⁴ Ahmad Ibn Hanbal, *al-Musnad*, 12918.

Kissing the Holy Book is a way to show one's honor and respect for it. The same practice is also a way of glorifying the rituals of God. As there is no [established] prohibition against kissing the Holy Book, Muslims are permitted to do so. [Indeed] It is recommended for them if [by kissing it] they mean to glorify and honor the Qur'an.

Commentary:

The subject of kissing is mentioned as follows in the law. The Prophet (upon him be peace) kissed the Black Stone [in the Ka'ba], and [thus] it is Sunna to do so. [Now] Why did the Prophet (upon him be peace) kiss it? [He did so] Because it is said that kissing it [the Black Stone] is similar (*tashabih*) to kissing the hands of one's master and sovereign. And, in some stories, the stone is likened to the Right Hand of God on Earth, the Hand with which He shakes the hands of His worshippers. In this sense, kissing it [the Black Stone] is a way of glorifying God, and of showing one's respect to Him; it also demonstrates one's willingness to agree to obey and commit to Him; such as when a person gives his oath of allegiance to another [*bay'a*]. [Another reason to kiss the stone could be that] It also honors the remaining rock of the Ka'ba that Ibrahim (upon him peace) first built.

There are many reports attributed to the Prophet (upon him be peace) and his glorious Companions (r.a.) in which they kiss each other as a sign of respect and ennoblement. Among these are included:

1. The Prophet (upon him be peace) received Ja'far ibn Abu Talib on returning from Ethiopia and embraced him, then kissed him between his eyes.
2. Zaid ibn Haritha came to the Prophet (upon him be peace) in 'Aisha's house. The Prophet (upon him be peace) rose up and embraced Zayd and kissed him.
3. When the invaders came back from Mu'ta, they kissed the Prophet (upon him be peace)'s hands.
4. When God forgave those who had failed to join the Tabuk expedition, they kissed the hands of the Prophet (upon him be peace).
5. The Prophet (upon him be peace) allowed the delegation of 'Abd al-Qays to kiss his hands.
6. The Prophet (upon him be peace) permitted Usaid ibn Hudhair to kiss him. [This story goes as follows:] Usaid was struck by the Prophet [after he exceeded the limits of good taste in conversation.] Usaid protested that the Prophet had genuinely hurt him, and asked to take his revenge. The Prophet pulled up his shirt and told Usaid to strike him wherever he willed. Overwhelmed by his love for the Prophet and embarrassment at the situation,

Usaid declared: “How dare I ask for revenge? In truth, I was merely looking for a chance to kiss your body”. And then he kissed the Prophet’s body.⁴⁵

7. Two Jews asked the Prophet (upon him be peace) about nine miracles. When he explained these to them, they kissed his hands and feet and converted to Islam.

8. When ‘Umar ibn al-Khattab went to al-Sham, Abu ‘Ubayda kissed his hand; in another version of this story, Abu ‘Ubayda wanted to kiss his hand, but ‘Umar clenched his fist, held up his foot and ‘Ubayda kissed this instead. Zaid ibn Thabit kissed the hands of ‘Abd Allah ibn ‘Abbas when the latter held the stirrups of his horse steady as he [Zaid] mounted it. Zaid kissed his hands to show respect for the people of the Messenger’s house.

9. People kissed Salama ibn al-Akwa’s hand, when they knew that he had worn allegiance to the Messenger of God with it.

[The logic underpinning the regulation on] The kissing of the Holy Book is similar. It is simply a way of showing respect, and of appreciating the honor, glory [of the Book] and of agreeing to obey it and to be pious [towards it]. It [Kissing the Book of God] is also a way of glorifying the rituals of God:

“And whoso magnifieth the offerings consecrated to Allah, it surely is from devotion of the hearts”. (Q. 22: 32)

It is also a way of thanking God for His blessings:

“And when your Lord proclaimed: If ye give thanks, I will give you more; but if ye are thankless, lo! My punishment is dire”. (Q. 14: 7)

God’s blessings are many, to the extent which they cannot be counted. It is obligatory for us to thank God for them. Thanking Him increases these blessings or at least maintains their number; while disbelief (*kufr*) reduces them, or means that we may lose our pleasure in them. As there is no explicit prohibition against kissing the Holy Book, it is permitted to do so. Indeed, the same act is recommended, if through our kisses we mean to glorify and honor the Qur’an.

And God knows best.

Dr. Yassir ‘Abd al-‘Azim

⁴⁵ Al-Buhiqi, *Sunan*, 13970.

35. The Ruling for the *Tasabih* Prayers

Question: A question was asked regarding the validity of the *tasabih* prayer.

Fatwa in Brief: The *tasabih* prayers are a reprehensible innovation. The *hadith* upon which they are based is not reliable (*thabit*); hence, these prayers should be rejected.

The Permanent Committee, 8/164

Response:

There is nothing to prevent Muslims performing the *tasabih* prayers. Indeed, doing so is a virtuous act, and [even] weak *hadiths* are to be accepted when they agree with [the spirit of] virtuous acts.

Commentary:

A *hadith* in support of the validity of the *tasabih* prayers is included in the works of Abu Dawud, Ibn Majah, Ibn Khuzayma (in his *sahih*), and al-Tabrani. It has been narrated in different ways and attributed to different Companions. Hence, al-Hafiz Ibn Hajar, for example, attributes this same report to ‘Akrama ibn ‘Abbas. In this *hadith*, the Prophet (upon him be peace) said: “If you are able to pray them (*tasabih*) once a day, do so. If, however, you are unable to do so, pray the *tasabih* once a week. If you are incapable of doing this, then do so once a month. If this is not possible, do it once a year. And, if you are [still] unable to do even this, perform *tasabih* prayers once in your life”. This *hadith* was considered sound (*sahih*) by some of the transmitters [of *hadiths*].

Abu Faraj ibn al-Jawzi mentioned other *hadiths* on the *tasabih* prayer. He considered all of these weak, and discussed [what he perceived as] their weaknesses. Al-Nawawi said: A group of Imams among our friends, the Shafi‘is, have determined that the *tasabih* prayers are recommended. Among these Shafi‘is we find al-Baghawi and al-Ruyani, who attribute a tradition to ‘Abd Allah ibn al-Mubarak saying that they [the *tasabih* prayers] are desired (*murghab fiha*). According to these scholars, it is recommended (*mustahab*) to perform them every now and then, and not to forget about them completely. Another group of scholars, however, consider doing so illegal, on the grounds that the *tasabih* are innovations, without sufficient and trustworthy evidence.

Because of the disagreement over this matter, the one who performs the *tasabih* prayers is not to be blamed. For [as we have stated before], the

performance of any act, about which there is legal disagreement, may not be described as illegal. In addition [in this case], there is virtue to be found in the performance of these prayers; and, as many scholars point out, weak *hadiths* are acceptable [as evidence] when they agree with [the spirit of] virtuous acts. Similarly, the *tasabih* are also a kind of prayer, and thus include the mention of God's name. There is nothing here, then, which runs counter to the basic principles of Islam. Rather, the *tasabih* prayers are much like all voluntary prayers, though they include more mentions of the *tasbih* formula [the *tasbih* = “*subhan allahi...*” see above]. And are we not commanded to glorify God [by saying the *tasbih*] day and night? Ultimately, prayer [including the *tasabih*] is the best of all acts.

And God knows best.

Dr. Ahmad ‘Id

Section Four: Ablutions and Customs of Nature

36. The Ruling Regarding the Speaking of the Intention [before an act of worship]

Question: A question was asked regarding whether it is valid to speak one's intention (*niyya*) aloud [before an act of worship].

Fatwa in Brief: As this was not practiced by the Prophet (upon him be peace) or by his Companions, the uttering of one's intention [out loud before an act of worship] is a reprehensible innovation.

Shaykh Ibn Baz, *Fatawi al-Mar'a*, p. 29

Response:

The Shafi'i scholars observed that there is no harm in speaking one's intention aloud. Indeed, [in their opinion], it is even recommended (*Sunna*) to do so, on the grounds that the tongue helps the heart [to learn]. However, if s/he does not utter the intention (*niyya*), a Muslim's prayer is still valid.

Commentary:

The intention signifies one's purpose, and [deciding on] one's purpose is an action of the heart. Hence, the intention should not be uttered before praying, or before other acts of worship. And the acceptance [by God] of one's prayer does not depend upon the speaking of one's *niyya*, whether in secret or in

public. Nevertheless, the Shafi‘is observed that there is no harm in uttering one’s intention [before an act of worship]. Indeed, in this [the Shafi‘i] school, it is even recommended (*Sunna*) to do so on the grounds that the tongue helps the heart. [As the Shafi‘is realize, however] If one does not speak one’s intention, the validity of the prayer is not in question – providing that God wills it to be and – so long as the necessary factors are also present, such as reverence and sincerity.

The Malikis rule that the pronouncing of one’s intention is not in accordance with Islam, except when a Muslim fears that s/he may be vulnerable to the whispers (*waswasa*) of Satan. In this case, it is strongly recommended to voice the intention aloud. Likewise, while the Hanafis rule that speaking one’s intention is an innovation (*bid‘a*) – on the grounds that neither the Messenger of God (upon him be peace) nor his Companions were reported to have done so – they also [like the Malikis] recommend doing so to ward off the undesired attentions of Satan during prayer.

In conclusion, scholars hold a variety of opinions regarding this specific matter. In each case, they are able to summon evidence. The ruling [i.e. that of Ibn Baz] that categorically dismisses this matter as a reprehensible innovation is unsupported, as there are worthy scholars [the Shafi‘is] who tolerate or even recommend its practice; indeed, this is generally true when worshippers fear the corrupting influence of Satan [on their worship]. Place in mind, then, that uttering the intention [prior to prayer and other acts of worship] is not necessarily harmful, but could be of benefit.

In the Fatwa Centre, under the supervision of Dr. ‘Abdullah al-Faqih:

Among the people of knowledge, there are those who consider speaking one’s intention aloud to be an innovation. Likewise, among the people of knowledge there are those who generally recommend doing so [the Shafi‘is]; or [the final option] recommend doing so when Muslims feel vulnerable to the whispers of Satan.⁴⁶

And God knows best.

Dr. Ahmad ‘Id

⁴⁶ *Fatwa* no. 58210, 13th Dhul-Hijja, 1425 AH.

37. The Ruling for Shaving the Beard and Shortening one's Garments

Question: A question was asked about the ruling for those who say that shaving the beard and shortening the thawb is considered from *al-qushur*.

Fatwa in Brief: The consensus of the scholars (*ijma'*) is that it is obligatory to grow one's beard. It was also mentioned that wearing one's trousers above the ankle, out of arrogance or for any other reason, is illegal.

Shaykh Ibn Baz, *al-Da'wa Magazine*, no.1607

Response:

Trimming or shortening one's beard is not illegal according to all [four] Imams. Growing the beard is described as obligatory, or recommended. Likewise, the scholars disagreed over whether a Muslim man can shave his beard off; some considered this *haram*, while others did not. Regarding the length of one's trousers, if someone wears long trousers out of arrogance, then he breaks Muslim law. If he does not do so, then he does not break the law.

Commentary:

In the *hadith* collection of al-Tirmidhi, there is a tradition attributed to 'Amr ibn Shu'ayb. In this, 'Amr reports that his father learnt from his own father [i.e. 'Amr's grandfather], "that the Prophet (upon him be peace) used to remove something from the width and length of his beard".⁴⁷ A group of the Companions used to trim and shorten their beards. No one should think that the Companions acted leniently regarding their religion, or contrary to the demands of the Sunna. The scholars disagreed upon considering the *hadiths* on growing the beard as obligatory or recommended.

After mentioning a great number of traditions ascribed to the Prophet and to his Companions, Shaykh al-Albani finally ruled: "I have talked at length on this subject, appealing to the texts of the pious predecessors and the Imams, because most people [incorrectly] believe that trimming one's beard runs counter to the meaning of the *hadith* [in which the Prophet says] 'grow your beards'.⁴⁸

⁴⁷ Al-Tirmidhi, *Sunan*, 2988.

⁴⁸ Shaykh Nasir al-Din al-Albani, *al-Silsila al-Da'ifa*, Part V, p. 375 and following.

Regarding the subject of shortening one's trousers above the ankle, Bukhari includes a tradition in which the Prophet (upon him be peace) states: "When you eat, drink, give charity and wear clothes, let no extravagance or pride intrude upon your actions".

This indicates that what renders an action prohibited is that it involves extravagance, and thus suggests arrogance. If neither condition exists, however, there is no harm in doing so. Abu Bakr (r.a.) said "O Messenger of God, my waist-wrap (*izar*) trails unless I take extreme care of it". The Prophet (upon him be peace) said, "You are not like those who do this out of arrogance". Arrogance is vilified, even for those who roll their clothes up. As for those who wear good clothes – thanking God for them and not scorning those who cannot afford such clothes – there is no harm in doing so, even if these clothes are very precious. In *Sahih* Muslim, one *hadith* shows that the Prophet (upon him be peace) said: "a person will not enter heaven if s/he has a smallest tiny weight of arrogance in their heart". To which a man replied: '[but what if] a person likes to wear beautiful clothes and shoes?' The Prophet (upon him be peace) replied: 'God the Exalted is beautiful, and He loves beauty. Arrogance [in contrast] is ridiculing and rejecting the Truth, and despising people'".

Dr. Ahmad 'Id

38. The Ruling for Dying One's Hair Black

Question: A question was asked as to whether one can dye one's hair black.

Fatwa in Brief: Dying one's hair black is prohibited.

Shaykh Ibn al-'Uthaymin, *Majmu' Fatawa*, 11/123

Response:

The act of dying one's hair black is disagreed upon: some prohibit the practice; others dislike it; while others deem it acceptable.

Commentary:

In a *hadith* included in the collection of Abu Dawud, the Prophet (upon him be peace) observes: "He who has hair should honor it". There are other *hadiths*, considered sound (*sahih*) by some scholars, in support of the meaning of this. Indeed, there are many ways "to honor" the hair, and these differ according to

both man and woman. Each should do what suites him/her best. Therefore, Muslims may brush their hair, put cream in it, and/or dye it to hide grey hairs.

The Muslim scholars discuss dyeing one's hair black. Most prohibit Muslims from doing so. However, their opinions are based on [materials pertaining to] men, or to fraud, as in the case of old women who were pretending to be young, so as to [re]marry. However, as regards a married woman, whose husband knows [that she dyes her hair], there is no harm in her doing so. Indeed, we find that Ibn al-Jawzi even permits men to dye their hair. What underpins this prohibition, however, is the idea that old men [in particular] should be more concerned with preparing themselves to meet God, than with worrying about the colour and condition of their hair.

According to the Hanbali law school, dyeing one's grey hairs is recommended, though dying these black is legally disliked (*makruh*). Ishaq ibn Rahawiyya permits a woman to beautify herself by dyeing her hair black for her husband. In turn, [he declares] that it is not disliked (*makruh*) for a man to dye his hair black if he does so to prepare for war (*jihad*). According to the Shafi'i school, it is recommended for men and women to dye their grey hair yellow or red, though black is prohibited. [To recap] scholars disagree on the subject of dying one's hair black: some prohibit it, some consider it disliked; while others deem it permitted.

In the Fatwa Centre, under the Supervision of Dr. 'Abdullah al-Faqih:

There is no harm in a man or woman dyeing their hair any color, other than black. On this point, scholars disagree regarding the matter to fall somewhere between the categories of disliked (*makruh*) and prohibited (*haram*). And this opinion is the preferred one [of the majority].⁴⁹

Dr. Ahmad 'Id

39. The Ruling for Praying behind an Imam who Shaves his Beard

Question: A question was asked regarding whether or not it is permitted to pray behind an Imam who has shaved his beard.

Fatwa in Brief: Shaving one's beard off is illegal according to Islamic law. Continuing to shave it is a serious sin [i.e. from the *kaba'ir*]. The one who

⁴⁹ *Fatwa* no. 21296, the 11th of Jamad al-Thani, 1423.

shaves his beard should be avoided. As a sign of one's disapproval it is forbidden to pray behind him.

The Permanent Committee for Islamic Research and Ifta' 5/139

Response:

Shaving the beard is not a serious sin [from among the *kaba'ir*]. Indeed, the injunction to grow one's beard provokes disagreement among the legal scholars. An act that is legally prohibited must be agreed upon by all scholars. The Imam who shaves his beard not be avoided; and it is permitted (*ja'iza*) to pray behind him.

Commentary:

Al-Bukhari narrated that 'Abd Allah ibn 'Umar would pray behind al-Hajjaj ibn Yusuf al-Thaqafi, and 'Abd Allah ibn Mas'ud prayed behind al-Walid ibn 'Uqba ibn Abu Ma'it who used to drink alcohol. Once upon a time, he (al-Walid) led the Morning Prayer, and [instead of two] he included four *raq'at*. [As a punishment] he was struck by 'Uthman ibn 'Affan. The Companions also used to pray behind Ibn 'Ubayd, who was accused of atheism (*ilhad*) and of calling the people into error. So [if these people could lead prayers] anyone who knows how to pray may lead others in prayer.⁵⁰

There is no doubt that it is more advantageous to pray behind a righteous person [rather than behind someone who is corrupt]. Yet, even if the behavior of an officially recognised prayer leader [i.e. it is his job] is suspect, there is no legal problem in praying behind him; though it is also obligatory to advise him [to mend his ways]. [In this respect] Ibn Majah and Ibn Haban include the following narration: "There are three whose prayers will not be accepted: those of an unpopular Imam; a woman who allows her husband to wake up [the morning after an argument] and still to be angry with her; and two brothers when they are fighting".

Although praying behind a corrupt person (*fasiq*) is disliked (*makruh*), it is not unlawful. In addition to what is mentioned above, this is supported by a *hadith* included by al-Bayhaqi: "Pray behind the trustworthy and the corrupt, and perform *jihad* with the trustworthy and the corrupt".

⁵⁰ Al-Bayhaqi, no. 5509.

Shaving the beard is not a grave sin. Rather, it is among those [many] matters upon which the scholars have not reached agreement, as to whether it is obligatory, or merely recommended. According to the basics of Islamic law, a matter upon which the scholars disagree may not be generally prohibited to Muslims. Rather, only when a matter is universally prohibited does this prohibition hold. The Imam who shaves his beard should not be avoided; praying behind him is permitted. And God Almighty knows best.

Among the Fatawa of Shaykh ‘Abdullah ibn Hamid:

The majority of the People of Knowledge agree that praying behind a corrupt individual (*fasiq*) is valid; and that the prayers of one who does do not need to be repeated. For the Prophet (upon him be peace) said: “Pray behind a person who states that there is no God, but God”, narrated by Abu Na‘im (320/1) and al-Dar Qutni (56/2).⁵¹
And God knows best.

Dr. Ahmad ‘Id

40. The Ruling on Describing a Man who Shaves off his Beard as Corrupt

Question: A question was asked regarding the beardless man, and whether he may be described as “corrupt” (*fasiq*).

Fatwa in Brief: It is correct to describe the man who shaves off his beard as *fasiq*, if he refuses your advice [to let it grow].

The Permanent Committee, 5/146-147

Response:

Scholars disagree regarding the correct legal position on growing one’s beard. They are divided as to whether this is obligatory or [merely] recommended. A matter that is disagreed upon is not prohibited, that is why it is not permitted to describe a beardless man as corrupt.

Commentary:

It was previously mentioned that scholars disagreed regarding whether a man it is obligatory or merely recommended to grow one’s beard. It is confirmed as a basic principle of the religion [i.e. from the *usul*] that when a matter is not

⁵¹ *Fatawa* of ‘Abdullah ibn Hamid, page 127, q. no. 11412.

universally prohibited, it may not be described as such. Accordingly, it is not permitted to call a beardless man corrupt (*fasiq*). [It is entirely possible that] He follows the school of genuine seekers of knowledge and trustworthy Imams, who do not believe that shaving off one's beard is *haram*, and that growing it is [merely] recommended. This is the position, for instance, of the Shafi'i and many of the Hanbali scholars.

In *al-Furu'*, Ibn Muflih reports that Ibn Hazm states that there is a scholarly consensus to the effect that trimming one's moustache and letting the beard grow are obligatory; [while] our companions and others considered this merely recommended.⁵² Al-Nawawi observes that "the correct opinion is that it is disliked (*makruh*) to remove anything [i.e. shave even a little] from the beard; and this is the position in the Shafi'i school of law; and this also agrees with the approaches of al-Nawawi and al-Rafi'i."⁵³

In the Fatwa Centre, under the supervision of Dr. 'Abdullah al-Faqih:

Such legal matters are not to be rejected cursorily. No one should obligate another to follow his opinion on them. Rather, they must endeavour to convince people with proof established scientifically (*'ilmiya*). The one who believes his opinion to be true should follow it; while if his fellow chooses to follow another [legally established] opinion on the same matter, there is no harm in this.⁵⁴ Accusing the person who shaves his beard of being corrupt is an act of needless harm. And God the Almighty and Glorious despises any act that harms believers. Thus, anyone whomsoever believes in God and the Last Day (of Judgment) should strive not to harm his neighbor. And whosoever believes in God and the Last Day should speak positive and pleasant words or remain silent.⁵⁵

And God knows best.

Dr. Ahmad 'Id

41. The Ruling for Reciting the Name of God (*dhikr*) during the Performance of a Muslim's Minor Ritual Ablution (*wudu'*)

⁵² Ibn Muflih, *al-Furu'*, 1/130.

⁵³ Al-Nawawi, *al-Majmu'* 1/343.

⁵⁴ *Fatwa* no. 16387, 1st of Rabi' al-Awal, 1423 AH.

⁵⁵ Al-Tirmidhi, 3059; Bukhari, 5185.

Question: A question was asked about the validity of reciting God's name (*dhikr*) during the performance of *wudu*'.

Fatwa in Brief: Reciting God's Name (*dhikr*) during the performance of *wudu*' is an innovation [and thus forbidden]; it has no basis, or origin, in Islam.

The Permanent Committee, 5/205

Response:

Asking for something from God [referred to as *du'a*', not strictly part of the formal *Salah* prayers] during one's *wudu*' presents no legal problem. While there is no *hadith* testifying to the Prophet doing this, it is ascribed to the pious predecessors (*salaf*). Thus, this matter is no different from the general command to remember God [through performing *dhikr*]; thus there is no prohibition against this.

Commentary:

Saying the "*basmala*" [lit: "*b-ism Allah al-Rahman al-Rahim*", at the outset of one's performance of *wudu*' is recommended on the basis of the *hadith*: "any act of worship that does not start with *basmala* is defective". Likewise, there is another *hadith* in which it is stated that "there is no *wudu*' for him who does not mention God's name upon [performing] it [the ablution]". Both traditions are included in the *Sunan* of Abu Dawud. Nevertheless, according to the majority of scholars, the ablutions of Muslims who do not say this on purpose, or forget to say it outright, are still valid. The Hanbalis, however, consider it mandatory for Muslims to say the *basmala* at the outset of their *wudu*'. [In the view of this school] If they do not do so, their *wudu*' is invalid.

It is recommended (*Sunna*) after finishing one's *wudu*' to say the *Shahada* ([lit: "I bear witness that there is no God but God, and that Muhammad is His servant and messenger"]. In a *hadith* in Muslim, the eight doors of Heaven will be opened for the one who says it [*al-shahadah*, while performing *wudu*'] to enter from whichever [door] he pleases. And in another account [in Muslim], it is said "O, God! Make me among the people who repent and among those who seek purification".

Regarding the uttering of God's name (*dhikr*) during the performance of *wudu*', there is a sound *hadith* from Abu Musa al-Ash'ari, who reports that, when he brought water for the Messenger of God (upon him be peace) to purify himself, he heard the latter say, "O God! Forgive my sins, may my house be

spacious, and my provisions blessed”. There is, however, some disagreement regarding the time of this *dhikr*. Some say that the Prophet (upon him be peace) spoke during the performance of *wudu*’; while others say that it occurred after the Prophet completed his *wudu*’.

Regarding the subject of asking God for His kindness (*du‘a*’) while washing the separate parts of the body during *wudu*’, nothing is reported about the Prophet (upon him be peace) doing this. In his book *al-Adhkar*, al-Nawawi reports that the jurists prefer that an individual calls to God [i.e. during *wudu*’] by using the invocation (*du‘a*) that the pious predecessors (*salaf*) used.

The Salaf used to add, after the *basmala*, ‘thank God, who renders water pure;’ and after rinsing one’s mouth (*madmada*), they said ‘God please allow me to drink from the basin of the Prophet and provide me with a vessel that always replenishes;’ and after putting water up their noses, they said ‘please God do not deprive me of the fragrance of your blessing and of that of Heaven;’ and when washing their faces, they would say ‘please God make my face white on a day when some faces are made white, and some made black; and when washing their hands, ‘please God give me my book in my right hand, and judge me lightly, do not give it to me in my left, or from behind my back;’ and when wiping their hair, ‘please God let my hair not be singed by the fires of Hell, rather let me be in the shade of Your Throne, on the Day when there is no shade other than yours;’ and when washing their ears, ‘please God allow me to be among those who follow the best of what they hear;’ and when washing their feet, ‘please God plant my feet on the straight path”.

Hence, even though there is no *hadith* attributed to the Prophet (upon him be peace) on the subject of asking God (*du‘a*’), there is no harm in this practice. This is certainly true as it is reliably reported to have been a practice of the pious predecessors (*salaf*). Thus, the performances of *dhikr* and *du‘a*’ are as praiseworthy during *wudu*’ as during any other time of the day. There is no explicit text prohibiting them [thus they are permitted]. And God knows best.

Dr. Ahmad ‘Id

42. The Ruling on the Obligation of the Major Ritual Ablution on a Friday (*ghusl*)

Question: A question was asked about the ruling for the major ritual ablution (*ghusl*) [during the Friday Prayer].

Fatwa in Brief: The Friday *ghusl* is obligatory for each mature adult that attends the Friday prayer.

Shaykh Ibn al-‘Uthaymin, *Majmu‘ Fatawa wa Rasa’il*, 16/135

Response:

The major ritual ablution is not an obligation before the Friday prayer, according to most scholars. Indeed, it is even said that there is scholarly consensus (*ijma‘*) on the matter [that it is not obligatory].

Commentary:

Whoever comes to the Friday prayers should [not “must”] perform *ghusl*, wear two clean garments (*thawb*), and put on perfume. There is no disagreement regarding the fact that these things are recommended. In support of this, there are numerous *hadiths* attributed to both the Prophet, and to his Companions. Among these are included a *hadith* attributed to Salman al-Farsi, who reports that the Messenger of God (upon him be peace) once said:

Whoever takes a bath [i.e. the major ritual ablution] on Friday should purify himself well; then he should use the oil he puts in his hair, or perfumes himself with the scent of his house. Then, he should proceed to the mosque (for the Friday prayer). There, he should not leave a space between himself and the person that he prays alongside. He should pray as much as (God has) written for him, and then remain silent, while the Imam delivers the sermon (*khutba*). [If he does this correctly] All his sins from the previous Friday until that Friday will be forgiven.

This *hadith* is included by Bukhari. Yet, performing the major ritual ablution is not obligatory according to most scholars. Indeed, it is even said that there is scholarly consensus (*ijma‘*) on the matter [that it is not obligatory]. Ibn ‘Abd al-Bar said: “Muslim scholars, both past and present, agree that the Friday *ghusl* is not a matter of obligation”. Ahmad, however, knows another report, to the effect that a major ritual ablution on Friday is obligatory. Here, his evidence is that the Prophet (upon him be peace) once remarked that “the Friday ablution (*ghusl*) is obligatory on each *muhtalim*”. This validity of this *hadith* is recognised by the majority, who base their view [that *ghusl* on Friday is recommended] on it. Their evidence [contra that of Ahmad] is another

hadith, with a good chain of transmission (*Hasan*), narrated by al-Nisa'i and al-Tirmidhi. According to this: "It suffices to perform *wudu*' properly for the Friday prayer, though it is better to take a bath".⁵⁶

In the Fatwa Centre, under the Supervision of Dr. 'Abdullah al-Faqih:

According to the four law schools, the major ritual ablution before the Friday prayers is merely recommended, not obligatory. This is the best opinion. Nevertheless [there is no doubt that] Muslims should, on the strength of the abovementioned *hadiths*, perform this ablution.⁵⁷
And God knows best.

Dr. 'Ali Mansur

43. The Ruling Regarding the Use of Ethyl Alcohol in Perfumes and in Other Substances

Question: A question was asked regarding [the validity of] using ethyl alcohol in perfumes and/or in other things.

Fatwa in Brief: The [simple] answer is that this is not permitted.

The Permanent Committee, 13/54-55
Shaykh Sa'id 'Abd al-'Azim, www.alsalafway.com

Response:

The jurists disagree as to whether or not ethyl alcohol is ritually impure (*najis*). Its usage in medicine, sterilization, medical analyses, perfume and other things has [long since] become widespread. There is considerable legal evidence to support the opinion that it is pure (*tahir*).

Commentary:

The ruling on whether or not one can use perfume saturated in ethyl alcohol depends on the legal ruling of alcohol itself: is it ritually impure (*najis*) or pure (*tahir*)? On the principle that all intoxicants befuddle the mind and are thus prohibited (*haram*), the scholars agree that alcohol/grape wine (*khamr*) should not be imbibed. They are divided, however, as to the ritual purity status of the grape wine (*khamr*) itself.

⁵⁶ Ibn Qudama, *Al-Mughni*, 2/98.

⁵⁷ *Fatwa* no 11802, 22nd Ramadan, 1422 AH.

The four Imams [of the Sunni law schools] agree that intoxicating alcohol is impure. They base their opinion on the following Qur’anic verse:

“O Ye who believe! Strong drink [Arabic: khamr: “wine”/”alcohol”] and games of chance and idols and divining arrows are only an infamy of Satan’s handiwork. Leave it aside in order than ye may succeed”. (Q. 5:90)

Some of the pious predecessors disagree with the majority on this matter. Among these are included Imam Rabi‘ah, the shaykh of Imam Malik, al-Layth ibn Sa‘d, al-Muzni and others. Each of these scholars ruled that grape wine (*khamr*) is ritually pure [though prohibited to consume]. Their evidence was that, when it was declared prohibited (*haram*), the Companions spilled out the existing quantities of wine in the roads of Madina. These scholars said that, had grape wine been ritually impure [rather than merely forbidden to drink], the Companions would not have done this. The Prophet would not have allowed grape wine to be disposed of in this way, just as he prohibited Muslims from urinating or excreting in the road. Hence [according to this minority] alcohol (*kuhul*) is ritually pure.

These scholars [who say that ethyl alcohol is pure] must respond to the evidence of the majority [who say that it is impure]. The latter group supports its decision on the basis of the above verse [i.e. Q. 5:90]. The former group declares that, here, the meaning of the “impurity” [attached to alcohol] is metaphorical/ethical (*hukmiyya*). Thus, it is like the impurity attached to the polytheists (*mushrikin*) in the following verse:

“The idolaters only are unclean (innama al-mushrikun najis)”. (Q. 9: 28)

There is, of course, no doubt that all prohibited substances/ acts are metaphorically/ethically impure. What lends strength to this argument [of alcohol possessing metaphorical/ethical rather than ritual impurity] is that all the other subjects of the [previous] verse [5:90] – gambling, idols and divining arrows – are described as “filthy” (“*rijis*”). Yet, no one has ever considered these things as sources of actual and substantive impurity (*najasa ‘ayniyya*); rather they have been treated traditionally as forms of ethical impurities. In this sense [and according to this line of thinking] alcohol cannot be considered a source of actual or substantive impurity. Rather, on the basis of this Qur’anic verse, it is only metaphorically/ethically impure. In contrast, the opinion [of the

majority] – that alcohol is a source of actual and substantive impurity – requires further evidence.

Among the recent jurists to describe *khamr* as ritually pure are al-Shawkany, al-San‘ani (who wrote *Subul as-Salam*), Sudayq Hasan Khan (in his work, *al-Rawda al-Bahiyya*), and shaykh Muhammad Rashid Rida. Indeed, as Rashid Rida points out, Muslim scholars differentiate between two types of alcohol: *khamr* (wine distilled from grapes) and *nabidh* (wine that is not distilled from grapes). While there is no doubt that it contains alcohol, in Abu Hanifa’s view, *nabidh* is pure. He also notes that saying that a substance has alcohol in it is not the same as describing this substance as [unadulterated] alcohol. [So, to return to the subject of perfume] No scholar describes perfume as ritually impure (*najis*), even those [the majority] who consider grape wine (*khamr*) as a form of impurity.

Ultimately, as long as this matter provokes disagreement among the jurists – which first occurred after ethyl alcohol was used for medicine, sterilization, medical analyses, perfumes and other things – we incline towards the opinion that ethyl alcohol is ritually pure (*tahir*). Accordingly, it is not required for a person wearing cologne [or perfume, that contains alcohol] on his body, or clothes to wash these before praying. And his prayers are valid if he does not wash.⁵⁸

According to Ibn al-‘Uthaymin: Regarding [the usage of] perfumes that contain alcohol, we distinguish between them along two lines. [First] If there is only a small percentage of alcohol contained in a perfume, such as 5% or less, there is no harm in using it; and Muslims should not be worried if they do so. If there is a higher percentage of alcohol than this, however, then perhaps some harm is caused [to the wearer]. Hence, people are advised not to use substances with a higher alcohol content [than 5%], except where there is a medical need for doing so, when sterilizing wounds (*jiruh*) for instance. Ultimately, its use [other than in drinking/eating] is not forbidden to Muslims.⁵⁹

Dr. Anas Abu Shadi

⁵⁸ Shaykh ‘Atiyya Saqr, *Fatawa Dar al-Ifta’ al-Misriyya*, no. 9, May 1997.

⁵⁹ Ibn al-‘Uthaymin, *Laqa’ al-Bab al-Maftuh*, [?] /240, and *Kitab Fatawa al-Islam, Su’al wa Jawab*, Part I, q. no. 1365, p. 1171.

44. The Ruling on Owning Dogs

Question: A question was asked about [the validity of] owning a dog for reasons other than hunting, as well as the ruling of hunting with a dog.

Fatwa in Brief: It is not permitted to own a dog except for the purpose of hunting, guarding property, or guarding cattle. The money gained from buying and selling dogs was prohibited by the Prophet (upon him be peace).

Shaykh Ibn al-‘Uthaymin: *Nur ‘Ala al-Darb*, p. 74

Response:

It is permitted to own a dog if this benefits you. However, if you do not benefit from owning it, then it is not permitted. Buying and selling dogs is permitted according to Imam Malik, while Abu Hanifa held the same opinion, as long as it [the dog] is not dangerous.

Commentary:

In Muslim, it is narrated that the Prophet (upon him be peace) said: “Whoever owns a dog other than those used for guarding (cattle) and for hunting will have his rewards decreased by two *kiraat* [measures] daily”. And, in another version, it adds that this holds except regarding “dogs kept for guarding crops, or sheep, or for [the purpose of] hunting”.

From this, we understand that the prohibition against owning a dog applies only to those dogs from which we do not benefit. This is the case because, in the above *hadiths*, the exceptions that stipulated – hunting dogs and those guarding crops and cattle – bring benefits to Muslims. Likewise, we may derive from these sources that it is permitted for us to own [guard] dogs, to protect our homes, streets, and so on. By the same logic, police dogs would also be permitted.

[On the other hand] In [the collection of] Muslim, in a *hadith* attributed to Abu Masud al-Ansari, the Prophet (upon him be peace) prohibits money gained from selling dogs, the dowry (*mahr*) of a prostitute, and the gift of a magician. And, according to al-Shafi‘i, it is not permitted to sell dogs. Malik disagrees, however, and approves of their sale. Suhnun even remarks that “it is permitted to perform *hajj* from the money earned from it [selling dogs]. While Abu Hanifa said: “Selling a dog is permitted, except for those [dogs] which are

dangerous”.⁶⁰ The same was mentioned, in a *hadith* attributed to Jabir, and included by al-Nisa’i, who said that the Prophet (upon him be peace) prohibited the money earned from [selling] dogs, except hunting dogs.

In light of the above, buying and selling dogs is permitted according to Imam Malik, as well as the saying of Sahnun. Abu Hanifah argues that it is permitted to own dogs, providing that these are that are not dangerous. While al-Shafi’i claims that this is not permitted whatsoever.⁶¹ And God knows best.

Dr. Anas Abu Shadi

45. Ruling on the Use of Gold and Silver Containers

Question: A question was asked regarding [the validity] of using gold-plated containers, and as to whether they are prohibited, just as gold is prohibited [for the purposes of adornment].

Fatwa in Brief: It is not permitted to use gold-plated containers and, like gold, they are prohibited.

Shaykh Ibn Baz, *Majmu’ Fatawa*, 124/4

Response:

It is forbidden (*haram*) for men to adorn themselves with gold; but it is permitted for women to do so, if there is a need for it. Using gold vessels/containers is generally prohibited. However, utensils that are gold-plated are not prohibited because it would not be possible to remove the gold.

Commentary:

Gold is prohibited for men unless there is a necessity [in which case it becomes permitted]; it is not, however, prohibited for women. In one *hadith*, ‘Ali (r.a.) is reported as saying: “I saw the Messenger of God (upon him be peace) take silk in his right hand and gold in his left. Then he [the Prophet, upon him be peace] said: ‘These two things are forbidden to the men of my nation (*umma*)’” This is included in [the collection of] Abu Dawud. Likewise, in a *hadith*

⁶⁰ *Sharh Sahih Muslim*, Part X, p. 232.

⁶¹ Shaykh ‘Atiyyah Saqr, *Fatwa Dar al Ifta’ al-Misriyyah*, no. 59, May 1997.

located in al-Tirmidhi, Abu Musa al-Ash‘ari (r.a.) narrated that the Messenger of God (upon him be peace) said: “Wearing silk and gold is haram for the males of my nation, but it is halal for the females”.

It is prohibited for men and women to use gold or silver containers/vessels/utensils according to the *hadith* of Umm Salama, who reported that the Messenger of God (upon him be peace) said: “Whoever drinks from a gold or silver container, will indeed have the fire of Hell burning in his belly”.⁶² Metals other than gold and silver, like iron and brass, are permitted for use by Muslims. The only difference of opinion in this matter is from the Hanafis, who declare that the wearing of rings made from these metals is legally disliked.

Gold-plated objects are not prohibited because it is not possible to remove the gold.⁶³
And God knows best.

Dr. Anas Abu Shadi

Section Five: Prayer

46. The Ruling for Prayer without the Call to Prayer (*Adhan*)

Question: A question was asked about the ruling for praying/the prayer when the *adhan* has not been called.

Fatwa in Brief: It is not permitted to perform prayer unless the call to prayer has been made. This is because the call is an obligation upon all (*fard kifaya*).

The Permanent Committee, 6/55-56

Response:

The call to prayer (*adhan*), and the correct performance of prayers (*iqamat al-salah*), are recommended for all prayers, whether the Muslim prays in a group

⁶² Muslim, 5509.

⁶³ *Fatawa Dar al-Ifta' al-Misriyya*, subject (1076), (1285). Mufti: Shaykh Hasan Ma'mun 1375/01/21 h, 1955/09/08.

or individually. However, if these are not performed, his/her prayers will still be valid.

Commentary:

According to the majority of scholars the call to prayers, and the correct performance of prayers, are recommended (*Sunna*) whether the prayers are performed on time, in a group, or on one's own. However, they are certainly not obligatory. If they are not performed, the validity of the group and/or individual's prayers is not affected according to the opinion of Abu Hanifa, al-Shafi'i and the majority.

According to Malik, the *adhan* and *iqama* are obligatory, though only in Friday prayers at the mosque. While Ahmad [Ibn Hanbal] deems them obligatory (*fard kefaya*) at all times. According to the Zahiris (*ahl al-Zahir*), the *adhan* and *iqama* are obligatory for the validity of all prayers. This entails that it is not permitted for a Muslim to pray without the call to prayer being made. According to some of these scholars, the validity of the prayer is dependent upon the announcement of the *adhan* and the *iqama*.⁶⁴

The judgment of the majority of scholars is the more correct one and the one applied by Muslims all over the Muslim world over the centuries. And God knows best.

Dr. Ahmad 'Id

47. The Ruling for Speaking Aloud Prayers for the Prophet (*Dhikr*) after the Call to Prayer

Question: A question was asked regarding [the validity of] speaking (*jahr*) aloud *salawat sharifa* over the Prophet (peace be upon him) after the call to prayer.

Fatwa in Brief: Offering prayers for the Prophet should not be made out loud after the call to prayer, because it was never explicitly mentioned in any authoritative text.

The Permanent Committee, 6/101-102

Response:

⁶⁴ Al-Nawawi, *al-Majmu'*, 3/90.

[It is universally accepted that] Offering prayers for the Prophet (upon him be peace) immediately after the call to prayer (*adhan*) is not forbidden. There is nothing in the Sunna that prohibits this from happening; and the meaning of the general ('*umum*) and [authoritative] texts do not oppose it.

Commentary:

Historically, what is known is that, on finishing the call to prayer, Bilal would stand by the door of the Messenger of God (upon him be peace) and say: "*al-salamu alayka*, O Messenger of God", or perhaps, he would say: "upon you be peace (*al-salamu alayka*), O Messenger of God, you are closer to me than my father and mother, rouse yourself and hasten unto prayer, rouse yourself and hasten unto prayer, upon you be peace."⁶⁵

When Abu Bakr (r.a.) was Caliph, the caller to prayer was Sa'd al-Qurtuzi. This latter figure would stand by his [Abu Bakr's] door and say: "upon you be peace, O Caliph of the Messenger of God, God's Mercy and Blessings upon you (*rahmat allahi wa barakatuh*), rouse yourself and hasten unto prayer, and prosperity (*hay 'ala al-salah wa hay 'ala al-falah*). [Hasten to] The prayer, O' Caliph of the Messenger of God. When 'Umar (r.a.) then became Caliph, Sa'd used to stand by his door and say to him what he had previously said to Abu Bakr. When 'Umar addressed the people by declaring: "you are the believers and I am your commander (*amir*)", he was [thereafter] called "the Commander of the Faithful" (*Amir al-Mu'minin*). After the call to pray, the caller began to say: "Peace be Upon You, O Commander of the Faithful" (*al-salamu 'alayka ya amir al-mu'minin*). This also happened in the case of 'Uthman, when he became leader of the Muslims. [Not long after this] The callers to prayer began to salute the Caliphs on finishing the *adhan*; after doing so, they would call the believers to prayer. [And, in those times] The Caliph or Emir would ultimately lead his people in praying.

This happened in the days of the Umayyads and 'Abbassids in Egypt, Syria/Lebanon (*al-Sham*), Arabia, and in a number of other places. In Egypt, when the [Shi'ite] Fatimid Empire ruled, Jawhar al-Siqilli ordered that the *adhan* should be performed according to the acts/work of "Ahl al-Bayt", [Prophet's immediate family: 'Ali, Fatima, al-Hasan, and al-Husayn], so he added to it: "hasten to perform great works". Thereafter, the caller to prayer would stand by the castle and say "upon you be peace, O Commander of the Faithful", or perhaps he would say "upon you, and upon your pure ancestors be

⁶⁵ Al-Qitani, *Al-Taratib al-Idirayya*, Part I, p. 71.

peace, O Commander of the Faithful”. When, eventually, the Fatimid Empire fell, and the Ayyubids seized power, Salah al-Din rejected Fatimid jurisprudence. He [Salah al-Din] banned the pronouncement of peace (*salam*) upon the Caliphs, and ruled instead that believers should pronounce peace only upon the name of God’s Messenger. This being the case, after his call to pray, the caller [from the time of Salah al-Din] began to say: “peace be upon you, O Messenger of God, and His Mercy and Blessings [also be upon you]”; or perhaps he would say “[May His] blessings and peace be upon you”.

This only happened in “the Castle of the Emirate”, which means that it happened in the Sultan’s mosque, and in other such places. King Najm al-Din Ayyub, the last of the Ayyubids, ordered all the callers to prayer in Egypt and Cairo to stand on the minarets and, after the *adhan*, declare to the Muslims “Blessings and Peace upon you, O Messenger of God, and His Mercy and Bounty [also be upon you]”. And this was only to be done after the last *adhan* of the night prayer (*salah al-‘isha*). This process continued until the days of al-Mansur Haji Ibn al-Ashraf Sha‘ban ibn Husayn ibn al-Nasir Muhammed ibn Mansur Qalawun, who stipulated that, instead of including these words only for the night prayer, they should also be said after the *adhan* of the dawn (*fajr*) prayer, and, indeed, after all the call to all prayers, except those in the evening (*maghrib*). It has remained this way ever since.⁶⁶

From the above, we deduce that there is no harm in calling for God’s Blessings to be on the Prophet (upon him be peace) after the *adhan*. Indeed, it may be considered an act worthy of reward, like other such acts that arrived later than the time of the Prophet. For, it draws people’s attention to the fact that the time of prayer has arrived. And those things/acts that Muslims [in general] perceive as good are also perceived as good by God. According to the four law schools of [Sunni] Islam, it is known that the Successors (*khalaf*) added things after the call to prayer, such as: “Blessings on the Prophet, upon you be peace”; and they also added things before the prayer, such as the “*tasbih*” saying [*Subhan allahi wal-hamdu li-llahi wa la illaha illa allah, wa Allahu akbar*], and the supplication for help from God (*istigathat*), before the night prayer, and so on.

⁶⁶ Hasan Muhammad Qasim, *Al-Islam Journal*, Part II, no. 41.

And such additions are for the good [i.e they are *mustahsana* innovations], as there is nothing in the Sunna that prohibits them, and the general meaning of the texts supports their inclusion.⁶⁷

Accordingly, one should not heedlessly rush to condemn a practice as innovation [and reprehensible innovation at that]. Rather it is ones responsibility to carefully and patiently research the matter so that Muslims do not split over a legal judgment over such marginal issue that jurists and scholars have debated for centuries.

Dr. Ahmad ‘Id

48. The Ruling on Neglecting to Pray and on How to Deal with a Family that does not Pray [Regularly]

Question: A question was asked about the ruling on how to deal with a family that fails to pray [regularly]

Fatwa in Brief: If the family does not pray, they are apostates from Islam. It is illegal to live with them.

Shaykh Ibn al-‘Uthaymin, *Risalat Sifat Salat al-Nabi*, p. 29-30

Response:

The one who does not pray out of laziness – while nevertheless appreciating that it is obligatory for a Muslim to pray – is not an unbeliever (*kafir*). Thus, he and his wife should not [be forced to] separate.

Commentary:

Regarding the one who does not pray, if s/he denies the obligatory nature of prayer, s/he is an unbeliever (*kafir*) according to scholarly consensus. If, on the other hand, s/he declines to pray from laziness – while nevertheless appreciating that it is obligatory for Muslims to pray (as many do) – then s/he not be described as an unbeliever. This is the opinion of the four Imams, the majority of the pious predecessors (*salaf*) and the Caliphs.

⁶⁷ On this matter, cf. the the article by Shaykh ‘Abd al-Rahman Khalifa, *Islam Journal*, Part II, no. 48; and also see Shaykh Atiyya Saqr, *Fatawa Dar al-Ifta’ al-Misriyya*, no. 177, May, 1997.

Ibn Qudama mentions that, no Muslim judge in the history of Islam has separated a husband from his [Muslim] wife on the grounds that he is not praying, though many Muslims have, of course, stopped praying at one time or another. Thus, there is not the slightest doubt that [in most cases] the marriage between a husband [who does not pray] and his wife remains legal [and vice versa].

By the same logic, the husband who does not pray may not be described as an unbeliever providing that he grasps the obligatory nature of prayer. At the same time, it is incumbent upon his wife to encourage him to pray and not to lose hope [that he will begin again]. Thus, she must warn him of the penalties of neglecting to pray, and surround him with wise and good companions who may take his hand and guide him back to the path of truth. In such circumstances, friends play a vital role.

When calling a person to return to pray, one must consider the tone of one's voice, lest you aggravate those you wish to encourage to go to their prayers. However, if he [the person who declines to pray] is surrounded by a committed group [of fellow Muslims], then their ethics and characteristics will encourage him to begin his prayers, without needing to urge or command him in the matter. The Prophet (upon him be peace) remarked that "in matters of religion, a person will adopt the same characteristics as his fellow".

The wife who neglects to perform her prayers is subject to the same judgment; and we offer her husband the same advice. Hence, rather than rushing to divorce her, he [her husband] should remember the Qur'anic verse: "*And enjoin upon thy people worship, and be constant therein*" (Q. 20:132), and call upon her to rejoin the prayers, and to be righteous.

Both husband and wife rise to pray before dawn. They should ask God for help them, by saying:

"O Lord! Vouchsafe us comfort of our wives and of our offspring, and make us patterns for (all) those who ward off (evil)". (Q. 25:74)

And they should remember God's saying:

"Even thus (as He now is) were ye before; but Allah hath since then been gracious unto you. Therefore, take care to discriminate. Allah is ever informed of what ye do". (Q. 4:94)

They should remember that if God bestows upon a Muslim the gift of guiding someone [back to prayer] then this is better for the religion, and it is better for their lives [than divorce]. And a Muslim should be flexible in the way in which s/he calls another to return to prayer. Another useful way to convince someone [who does not pray] is to direct them to the wisdom of the outstanding scholars. Yet, it is not necessary to compel him/her to listen to, or [even to] read, these scholars directly. Rather one should look for ways to introduce the material that do not upset him/her. Perhaps one should start by telling this person about the simple and uncomplicated (*raqa'iq*) things in life. Hence, we might discuss matters of heaven and hell, [the nature of] God's Attributes, His blessings upon us, and the stories of those who repent. This would be better than to begin by discussing the [technical] obligations for the prayer, and other such matters. [A last piece of advice] Do not rush. For God Almighty knows best.

Dr. Ahmad 'Id

49. The Ruling on Stopping Work at Pray Time

Question: A question was asked regarding the obligation of employees to stop their work at prayer time.

Fatwa in Brief: This is obligatory. It is also incumbent upon all employees to cease their work as soon as the call to prayer is heard.

Shaykh Ibn Jebrin, *al-Dur al-Thamin*, p. 28

Response:

Though it is legally preferred for all Muslims to hurry to prayer, it is not necessary for workers to leave their work immediately at the time of prayer.

Commentary:

The window of time in which to complete one's prayers, from beginning to end, is considerable. A worker is not legally obligated to leave his work immediately to participate in the five prayers, though hurrying to pray is [the] better [option]. If a person is so busy with something important, and that may be lost if not completed at the time, s/he can delay his/her prayers. They must be completed, however, before the next call to prayer is heard.

Regarding the Friday prayers, it is obligatory for [tradesmen/women] to stop selling their products, and for those engaged in any other act that is not directed towards God, to cease what they are doing from the time of the first call to prayer. This is after the time of *zawal* [when *zuhr* begins], as mentioned in:

“O Ye who believe! When the call is heard for the prayer of the day of congregation, haste into remembrance of Allah and leave your trading”. (Q. 62:9)

We note, however, that there is nothing in this verse to indicate that Muslims must close their shops on Fridays, neither during prayer time nor after prayer time has finished. Such matters have been left to the individual’s discretion.

There is a clear command to increase trade, and to find God’s blessing (*rizq*) in the process in the following verse:

“And when the prayer is ended, then disperse in the land and seek of Allah’s bounty”. (Q. 62:10)

While this command may not obligate Muslims to trade on Fridays, it certainly permits them to do so [when they are not praying]. There is no instruction to shut up one’s place of business on Fridays. The legal obligation is simply to go to the Friday prayers.⁶⁸
And God knows best.

Dr. Anas Abu Shadi

Section Six: Congregational Prayer

50. The Ruling for Praying in Congregation

Question: A question was asked regarding [the validity of] praying in congregation.

Fatwa in Brief: Praying in congregation in the mosque is an individual obligation (*fard ‘ayn*) on every sane adult (*mukalaf*).

⁶⁸ Shaykh ‘Abd al-Rahman Qur’a, no. 11, Shawal 1340 AH; Shaykh ‘Atiyya Saqr, no. 223, May 1997.

Shaykh Ibn Baz, *Tabsira wa Dhikra*, p. 53-57
Shaykh Sa'id 'Abd al-'Azim, www.alsalafway.com

Response:

According to the majority of the People of Knowledge, praying together in the mosque is an individual obligation on sane adult. Rather, it is strong recommendation, or "*fard kifaya*". According to this view, as long as some people pray in the mosque, there is no need for all other Muslims to do so.

Commentary:

The scholars disagree upon this ruling. According to Ahmad ibn Hanbal, it is an individual obligation for any sane adult. His proof is the *hadith* that the Prophet (upon him be peace) refused to give a concession (*rukhsa*) to a blind man to pray at home, thus indicating the obligatory nature of praying in the mosque. [After all] If it were not obligatory, the Prophet (upon him be peace) would surely have granted the concession. Another evidence in support of this [the Hanbali] view is Muslim's *hadith*. In this, Abu Hurayra reports that the Prophet (upon him be peace) declared "I was about to order [the Muslims to go out and] collect fire-wood; then, they could burn down the houses of those [men] who choose pray at home". This *hadith* also indicates that communal prayer is obligatory for Muslims.⁶⁹

Yet, according to the majority of People of Knowledge – including Malik, Abu Hanifa and many of the Shafi'is – praying in congregation is an emphatic Sunna (*Sunna mu'akkada*). They base this idea on a sound *hadith* according to which the Prophet (upon him be peace) observes "The congregational prayer has 27 times more reward than the prayer of an individual". This proves that praying alone is legally permitted, as obligations are not described as better [or worse] than one another.

The majority also argue that the lack of a concession granted by the Prophet (upon him be peace) the blind man (the son of Umm Kalthum) – when the latter wished not to pray in congregation – is not, in itself, proof that it is obligatory for all Muslims to pray together in the mosque. Rather, the response of the Prophet (upon him be peace) must be read in the context of this one individual, who was known to be keen on performing good works, was intelligent, and, finally, was well capable of attending the congregation without being led there. The proof for this idea is that the Prophet (upon him be peace)

⁶⁹ Narrated by Bukhari, Muslim, and the writers of the *Sunan*. See al-Tirmidhi, *Sunan*, 295.

did grant a concession to others with valid excuses to pray in their houses and not to attend the congregation in the mosque. Hence, in a *hadith* in the collections of al-Bukhari and Muslim, ‘Utban ibn Malik, who fought at the battle of Badr, complained to the Messenger of God that his sight was growing weak; and, as the result of rain, he was experiencing difficulties getting to the mosque to lead the people in prayer. ‘Utban asked the Prophet to come to his house to pray, so as to establish a precedent whereby which he [‘Utban] could then invite the people always to pray at his house. The Prophet (upon him be peace) agreed to do so, and prayed two *raqa‘at* at ‘Utban’s house.

In this approach, the *hadith* of the Prophet (upon him be peace) in which he claims to want to burn down the houses of those who do not pray in congregation should not be considered evidence for the obligatory nature of congregational prayer. This is because if prayer was always an obligation, then the Prophet (upon him be peace) would have carried through in his threat. Yet, he did not do it, which shows that praying together at the mosque is not obligatory, though it is very important. Or, perhaps the meaning here is only to snub those who decline to pray in the mosque. Likewise, it is possible that the Prophet (upon him be peace) was talking about Friday prayer; or that congregational prayer was obligatory at the beginning of the Prophet’s ministry, and that this obligation was waived later on.

Many of the People of Knowledge consider the congregational prayer a communal obligation (*fard kifaya*). Indeed, in this case, it *is* obligatory for [a certain number of] people to pray in their mosque; yet, if sufficient numbers do this, the obligation to pray is dropped – for the remaining Muslims it is merely recommended (*Sunna*). This is to show, through Islamic ritual, our commitment to act on the call to prayer. And [in our view] this is the best opinion as it fits all the [above mentioned] evidence.

According to other scholars, however, those with wives and children are permitted to pray at home on the grounds that, if they do not do so, perhaps their spouses and children may not pray. In this instance, praying with their families at home is better than not praying at all. A believer is not obligated to go to the mosque to pray, providing there are people already gathered there to pray.⁷⁰

And God knows best.

⁷⁰ Qurtubi, *Tafsir*, Part I, p. 348; and Ibn Qudama, *al-Mughni*, Part II, p 2.

Dr. Ahmad ‘Id

51. The Ruling as Regards the Prayer Leader who is Corrupt and/or Inexperienced

Question: A question was asked regarding the legitimacy of praying behind a prayer leader (*Imam*) who is corrupt (*fasiq*) and/or a beginner (*mubtadi*’).

Fatwa in Brief: One should not pray behind someone who is corrupt or who is still learning the rudiments of the faith.

The Permanent Committee, 7/364

Response:

The Companions and the Followers (*tabi‘un*) prayed behind the corrupt and inexperienced. Anyone whose prayer is permitted is, in turn, permitted to lead the prayer him/herself.

Commentary:

In the *hadith* collection of al-Bukhari, it is narrated that ‘Abd Allah ibn ‘Umar prayed behind Hajjaj ibn Yusuf al-Thaqafi. Likewise, in the *hadith* collection of Muslim, it is narrated that Abu Sa‘id al-Khudari prayed the ‘id prayers behind Marawan, while, in Muslim’s *hadith* collection, it is reported that ‘Abd Allah ibn Mas‘ud prayed behind al-Walid ibn ‘Uqba ibn Abu Ma‘it, who used to drink alcohol. In fact, he [al-Walid] once led the morning prayers and included four *raq‘at* [the kneeling position in prayer], an act for which he was struck by ‘Uthman ibn ‘Affan. The Companions would also pray behind Ibn ‘Ubayd, who was accused of atheism (*ilhad*) and wrongdoing (*dalal*).

Anyone whose prayer is valid may lead the prayers. Yet, praying behind someone who is corrupt is legally disliked (*makruh*). Thus, for instance, when the Prophet (upon him be peace) saw the prayer leader spitting in the direction of the *qibla*, he remarked that “he [this man] should not lead you [in prayers]”. Thereafter, he was banned from leading prayers. When he complained at this treatment, the Prophet (upon him be peace) replied: “Yes, [but] you have offended against (*adhayt*) God and his Messenger”.⁷¹

⁷¹ Narrated by Abu Dawud and Ibn Habban.

If an honourable [in terms of religion and ethics] person may be found, it is better to pray behind him [than behind weaker men]. However, if the corrupt individual is merely fulfilling his role as Imam, it is permitted to pray behind him. Thereafter, the people should advise him [to mend his ways] so that they can benefit from him as a prayer leader. In a *hadith* included by Ibn Majah and Ibn Haban: “There are three individuals whose prayer will not be accepted: an unpopular Imam; a woman wakes up [after an argument the night before] and her husband is angry with her; and two brothers when they are fighting”.

Although praying behind a wrongdoer is disliked (*makruh*), it is nevertheless legally valid. This opinion is supported by a *hadith* included by al-Bayhaqi: “Pray behind the trustworthy and the corrupt, and perform *jihad* with the trustworthy and the corrupt”.

Among the Fatawa of Shaykh ‘Abdullah ibn Hamid:

The majority of the People of Knowledge agree that praying behind a corrupt individual is valid, and that the one who prays behind him should not be ordered to repeat his prayer. For the Prophet (upon him be peace) said: “Pray behind the one who says 'there is no God, but God'”. This *hadith* is included by Abu Na‘im (320/1) and al-Dar Qutni (56/2).⁷²
And God knows best.

Dr. Ahmad ‘Id

52. The Ruling on the Shaykh who Prolongs the Prayers

Question: A question was asked regarding whether it is valid for the Imam to prolong the time of the prayer.

Fatwa in Brief: Extending the prayer is a matter of following the Sunna; it should not depend on the whims of the people.

Shaykh Ibn al-‘Uthaymin, *al-Da‘wa Book* (5), 2/90-91

Response:

The criteria governing the length of the prayers and how long should the Imam extend the prayer primarily depends on how much can the people comfortably tolerate and not on the individual whims of the Imam. The Sunna

⁷² Shaykh ‘Abd Allah Ibn Hamid, Fatawa, no. 11412, p. 127.

dictates how long a prayer should usually last, depending upon the abilities of the worshippers.

Commentary:

In his work, *al-Adhkar*, al-Nawawi observes that the recommended practice is that the chapter after *al-Fatiha* in the morning (*subh*) and afternoon (*dhuhr*) prayers should be selected from the longer ones. In the ‘*asr* and ‘*isha*’ prayers, however, this chapter should be a medium length. While, the chapter for the magrib prayer should short.

According to the scholars, it is recommended (*mustahab*) for the Imam to use less time in the recitations and supplications during the different motions of the prayers. Instead of reading the longest verses, or invocations, one may read shorter ones [that are still in keeping with the demands of the prayer]. For this reason, Abu Hurayra reported that Prophet (upon him be peace) once said: “When anyone of you happens to lead the prayers, he should make them short and light, because there may be some among your number who are sick, weak or old”.⁷³

Prolonging these matters is disliked (*makruh*). However, if you are leading a smaller number of people with no possibility of outsiders joining them during the prayers, that you know would like you to prolong the prayers, then, it is not disliked but rather recommended that you do so, as you are acting in accordance with their wishes. Indeed, there are some sound *hadiths* of the Prophet (upon him be peace) in which he is reported to have prolonged the prayers. [Of course] If the Imam does not know the people behind him, and is therefore not sure as to whether or not they wish him to prolong the prayers, then he should not do so. This stance is also supported by sound *hadiths*. Among them is a *hadith* attributed to Anas, in which the Prophet (upon him be peace) declares “When I stand up for prayer, I sometimes intend to prolong it; but then I hear some child crying and instead I shorten the prayer because I know that the child’s crying would upset the mother (who might be offering her Prayer behind me)”. This *hadith* is included in the collections of Bukhari and Muslim.

Even if a group of worshippers gathered in a mosque wish to prolong the prayer, however, the accessibility of the mosque to others who may not withstand the lengthy recitations should prevent the Imam from prolonging the prayer.

⁷³ Included in the collections of Bukhari and Muslim.

The Imam may extend the duration of the prayer so that it does not exceed the capabilities of people praying. This should never be according to the whim of the Imam to select from the practice of the Prophet what he [the Imam] wills. Rather, the Sunna dictates how long a prayer should usually last, depending upon people's abilities.⁷⁴ Therefore, the *hadith* sources show that reading the Qur'anic al-A'raf (chapter 7), or a shorter chapter, are both recommended (*sunan*) for prayers.⁷⁵ The decision on which to choose, however, is not left to the capriciousness of the Imam; rather, this decision must depend upon the capabilities of those praying behind him. And God knows best.

Dr. Ahmad 'Id

53. The Ruling Regarding Prayer in a Mosque that Contains a Grave

Question: A question was asked about the ruling regarding praying in a mosque that contains a grave.

Fatwa in Brief: Mosques that have graves are not to be prayed in; and doing so is illegal.

Shaykh Ibn Baz, *Majmu' Fatawa wa Maqalat*, 5/388-389

Response:

If the purpose for praying to the grave is to honor it then it is illegal and not valid, regardless of the position of the grave. But if this is not the purpose then it is makruha, while valid if the grave is in front of the person praying, otherwise it is not even makruh.

Commentary:

In the *hadith* collections of Bukhari and Muslim, the Prophet (upon him be peace) is reported to have said: "God fought the Jews, those who used the graves of their Prophets as mosques". There is another *hadith* in Muslim in which, five days before his death, the Prophet (upon him be peace) said: "Beware of those who preceded you; for they used to take the graves of their Prophets and righteous men as places of worship. You must not take graves as mosques, I forbid you to do that". [From the six Canonical *hadith* collections]

⁷⁴ See the *hadith* in the *Sunan* of Abu Dawud, 814.

⁷⁵ Al-Tirmidhi, 310.

All except al-Bukhari and Ibn Majah include *hadiths* in which the Prophet (upon him be peace) says: “Do not pray to graves and do not sit on them”. Discussing these *hadiths*, some scholars said that it is wrong to take graves as places of worship; while it is not wrong to build the mosque first, and then the grave later, so that the mosque attendant (*waqif*) and others may be buried there. In response to this, al-‘Iraqi observes: “that there is no difference here, whether the mosque was built with or without the intention that a part of it should be used as a burial ground. Such an action [burying someone within a mosque] is prohibited. There can be no bargaining as to whether this is permitted, it goes against the fundamental nature of the mosque itself”.

While burying a person in a mosque is prohibited according to some scholars [such as al-‘Iraqi], it is only disliked (*makruh*) according to others. There is also disagreement as to whether or not the location of the grave is important; [that is to say, it may be more disliked] if it is positioned in front of the praying place, behind it, on its right or left. Some say it is disliked if the grave is in front. This is because what lies in front of the worshipper signifies the direction of prayer; in this sense, the grave takes the place of the mosque [as the main vehicle of one’s prayers]. However, if the grave is positioned behind, or to the right or left of the worshipper there is no harm in this.

The three Imams believe that the prayer of someone near a grave is valid and is not [even] legally disliked. In contrast, however, if the grave positioned in front of place of prayer, they consider prayer in such a place to be disliked. One’s prayers, nevertheless, remain valid. According to Imam Ahmad ibn Hanbal, however, praying near a graveyard is forbidden (*haram*), which means that one’s prayers are rendered invalid. This disagreement only concerns the graves that are located within a mosque. However, if the graves are kept separate from the mosque, and people pray in the mosque and not at the gravesite itself, there is no disagreement between the scholars that this act is permitted, and not even disliked.

[At the same time,] If the purpose of the prayer in the direction of the grave is to honor it [the grave], then [there is no disagreement] this is *haram*. One’s prayers, in this instance, are invalid regardless of the position of the grave. However, if there is no intention to honour the grave, then this practice is merely disliked. Thus, the Muslim’s prayers remain valid.

Dr. Ahmad ‘Id

54. The Ruling for Praying Wearing (Sandals or Shoes) in the Mosque

Question: A question was asked about the ruling for praying wearing *ni'al* (sandals or shoes) in the mosque.

Fatwa in Brief: Praying wearing sandals or shoes (*ni'al*) is permitted; mosque carpets are no reason to remove one's shoes/sandals.

Shaykh Ibn al-'Uthaymin, *Majmu' Fatawa wa Rasa'il*, 12/387

Response:

There is nothing to prevent a Muslim from praying in his/her shoes/sandals in an empty space, or one that is guaranteed not to get dirty (*talwith*). However, if the mosque contains a clean cover/carpet, we should protect it from being spoilt (*talawuth*), even from a substance that is ritually pure [such as mud].

Commentary:

It is in keeping with the Sunna of the Prophet to rebuild, to service and maintain old mosques. This is based on a *hadith*, included by Bukhari and Muslim and attributed to 'Uthman Ibn 'Affan (r.a.), in which the Prophet (upon him be peace) states that "He who has built a mosque for God, the Exalted, will have a house built for him in Paradise".

The scholars agree that Muslims are to keep mosques free of all ritual impurities (*najasat/ qadhurat*). It is not allowed to bring impurity into the mosque, or for anyone who has ritual impurity on his body or clothes, or with [open] wounds [blood/pus being forms of *najasa*], to enter the mosque.

It is also recommended to maintain the appearance of mosques by removing all other substances, even if they are ritually pure. Thus, the mosque should be kept clean of mucus, saliva and other similar excretions [though all of these are ritually pure, thus their presence does not negate a Muslim's prayers, or nullify his/her ablutions]. In the collections of Bukhari and Muslim, Anas (r.a) reports that the Prophet (upon him be peace) found dried saliva in the mosque; and he scratched this away with his own hand. He said that "spitting in the mosque is a sin; for this to be forgiven, it [the saliva] should be buried". Likewise, it is disliked to bring unpleasant smelling substance into the mosque, on the basis of the following *hadith*: "He who eats garlic or onions should remain away from

us, and from our mosque”.⁷⁶ It was also narrated that, when he saw a man wiping his sandals on a column in the mosque, Abu Hanifa said to the man: “if you had wiped it with your beard, it would have been better for you [implying that it is more appropriate to spoil one’s self, than the mosque – though both acts are disliked]”.⁷⁷

One who wants to enter a mosque should take his sandals or shoes off before he enters so as to guard against defiling (*talwith*) the mosque. It has been said that entering the mosque wearing sandals/shoes is poor ethics (*su’ al-adab*). Regarding ‘Ali, it is reported that he had two pairs of sandals. After he performed *wudu’*, he would wear one pair to the mosque’s door; then he would change into the other pair to enter the mosques where he prayed.⁷⁸ This was when the surface of the mosque was crushed rock. How different is the situation now that it is covered with carpets?

If a mosque is covered with a clean cover or carpet, we must protect it from being polluted, or spoilt even from a ritually pure substance [such as mud, saliva, and so on]. Hence, the above legal opinion, that declares entering a mosque with shoes legal runs counter to the aims of both the law and one’s mind (*‘aql*). Today’s mosques are covered with expensive carpets and cleaned on a daily basis by machines so that their floors and surfaces remain in pristine form. Shoes invariably carry [some degree of] filth, and may even carry ritual impurities (*najasat*) [such as excrement, etc.]. Praying when wearing shoes is a concession (*rukhsa*). But this is not a recommended practice, and this matter is not a required aspect of prayer.

In *Fatawa al-Islam: Su’al w Jawab*, under the supervision of Shaykh Muhammad Salih al-Munjid:

Today’s mosques are covered with carpets. Entering these mosques wearing shoes will contribute, over time, to a layer of dirt (*awsakh*) in the mosque. Indeed, perhaps some people will become more negligent still and enter the mosque with shoes that carry filth and ritual impurities. If it people had been encouraged to pray in mosque wearing their shoes, we would have needed vast numbers of workers to clean up after each prayer. I do not believe that those who currently permit Muslims to wear their shoes during prayers will want to pray in dirty (even filthy and ritually impure) mosques. Here, Shaykh al-Albani

⁷⁶ Mutalib, *Ula al-Nahy*, 2/254.

⁷⁷ Al-Sarkhasi, *Al-Mabsut*, 1/85.

⁷⁸ Al-Bahr al-Ra’iq 2/37 [author Ibn al-Mujayn].

[who is often mentioned as a proponent of wearing shoes in mosques] advises caution:

Regarding the matter of wearing shoes/sandals (*ni'al*) in the mosque, I have advised our Salafi brothers not to go to extremes. The difference between now and the time of the Prophet (upon him be peace) is that our mosques are covered in carpets. I compare this with an example from the Sunna: the Prophet (upon him be peace) encouraged those who needed to expel their saliva, or mucus, while praying, to spit on their left, or under their feet. Now, it obvious that this advice only made sense when the mosque floor – where the person felt that s/he had to spit – was made of sand, or of crushed rocks. These days, however, mosque floors are covered with carpets. Should we now say that it is permitted to spit on the carpets?! This matter [wearing shoes in the mosque] is like the previous one [spitting in the mosque].⁷⁹

In conclusion, there is nothing to prevent Muslims from praying in their shoes/sandals in empty spaces, or in places guaranteed to be ritually pure. However, if the public [wears shoes/sandals and] prays in a public mosque, and those responsible for this mosque must then spend great time and effort to clean the mosque [floor] of the filth [that has been traipsed in], then the legal opinion that Muslims may pray wearing shoes is liable to lead to dissent (*fitna*) and to open the door to evil (*sharr*) [by causing arguments and division]. And God knows best.

Dr. Ahmad 'Id

55. The Ruling Regarding Certain Novelties in the *Tarawih* Prayer

Question: A question was asked about certain novelties (*muhdithat*) in the *tarawih* prayers, such as saying between *raq'as* that “*salat al-qiyam* will be rewarded by God [*athabakum Allah*]”, and/or invoking God’s Names (*dhikr*).

Fatwa in Brief: Saying that “*salat al-qiyam* will be rewarded by God”, and/or invoking God’s Names (*dhikr*) between *rak'at* are [reprehensible] innovations; there is no good (*hasana*) in doing so.

The Permanent Committee, 2/352-253

⁷⁹ Shaykh al-Albani, *Fatawa al-Islam, Su'al wa Jawab*, Part I, q. no. 69793, p. 5670.

Response:

According to the majority of scholars, innovations are two types: blameworthy ones, which contradict what God and His messenger have commanded; and praiseworthy ones, which are in keeping with God's recommendations, and the behavior encouraged by His Prophet (upon him be peace). In the second type of innovation, there is religious merit (*hasana*).

Commentary:

In *al-Majmu'*, al-Nawawi observes that the [need for a] call to prayer, and the perfect performance of the five prayers (*iqama*), are supported by the authoritative texts, and the consensus of the scholars. It is also agreed upon that only the five obligatory prayers require the performance of *adhan* and *iqama*. However, as regarding the 'id prayers, the prayer for an eclipse (*kusuf*), and the prayer for rain, we say "*al-salah jami'ah*".⁸⁰ This also applies to the *tarawih*, if it is performed in congregation.⁸¹

This shows that there is nothing to prevent Muslims from saying "*al-salat jami'ah*", "*salat al-qiyam* will be rewarded by God". Likewise, it is permitted to praise the name of the Prophet between *raqa'at*. And whatever Muslims perceive as good is [also] perceived as good by God. According to the majority of scholars, there are two types of innovation: praiseworthy (*hasan*) and blameworthy (*qabih*). The evidence for this is the following *hadith*: "The one who is responsible for instigating a praiseworthy innovation receives [from God] both its reward and the rewards of those who follow him [in this new act], though the rewards of those who imitate are not diminished. While the one who is responsible for instigating a blameworthy innovation receives [from God] both the results of his/her sin and the weight of the sins committed by those who follow him/her [in this new act], though the weight of their [the followers'] sins is not diminished".⁸² And [in another *hadith*] 'Umar said: "What a blessed innovation this is!"⁸³ [Note how] When this new act was praiseworthy, he ['Umar] nevertheless described it an innovation because the Prophet (upon him be peace) had not established it, nor had he gathered people to perform it, nor even did this act exist in the era of Abu Bakr. Rather, 'Umar (r.a.) gathered the people and recommended this act to them. That is why he called it an innovation (*bid'a*), while, in truth, it is Sunna.

⁸⁰ Al-Bukhari, 1051.

⁸¹ Al-Nawawi, *al-Majmu'*, 3/83.

⁸² Muslim, *Sahih*, 2398.

⁸³ Malik, *al-Muwatta'*, 249.

There are two kinds of innovations: those that guide a Muslim to right path; and those that guide Muslims towards the path of destruction. Those [innovations] that contradict [the spirit of] the commands of God and his Messenger are blameworthy; while the other kind of innovation is in keeping with [the spirit of] the commands of God his Prophet (upon him be peace) are to be praised. The majority of the scholars agree upon this matter. And God knows best.

Dr. Ahmad ‘Id

Section Seven: Funeral Rites

56. The Ruling for Praying over a Person who did not pray (after the death of the latter), and for Praying over those who Sacrificed to the Saints (*awliya*)

Question: A question was asked about the ruling for praying over the dead body of a person who did not pray, or who sacrificed animals to the saints (*awliya*), or who seeks their [that of the saints] intercession.

Fatwa in Brief: It is not permitted to pray over these people. They are unbelievers (*kuffar*) who have left the fold of Islam.

The Permanent Committee, 8/410

Response:

The one who stops praying out of laziness is not an unbeliever, according to the majority of scholars. One should not rush to accuse members of the general public of leaving Islam. Rather, one should consider these matters carefully. [Further] It is legally incumbent upon all of us to correct the acts of Muslims [who do not perform their obligations].

Commentary:

As mentioned previously, according to a consensus of scholars, only the person who refutes the obligatory nature of prayer may legitimately be described as an unbeliever (*kafir*). Someone who neglects his/her prayers out of laziness, while at the same time knowing them to be obligatory, which happens all too frequently nowadays, may not be described as an unbeliever. This is the

opinion of the four [Sunni] Imams, and the majority of the pious predecessors (*al-salaf*) and those who followed them (*al-khalaf*).

It has also been mentioned that, when a member of the general public slaughters an animal with the intention of distributing its meat among the poor, as an act of charity, s/he will be rewarded. For [regardless of the fact that s/he has sacrificed an animal to a saint], the [spirit of this] act is correct. However, if the slaughter was performed with the intention that s/he draws close to the dead person, the act is not viable (i.e. not *sahih*). One should not rush to accuse members of the general public of performing acts that are in opposition to Islam. Rather, one should strive to correct the mistaken acts of others, as this is an obligation upon all Muslims. Further, if someone is ignorant [for instance in the matter of slaughtering to saints], it is forbidden to accuse him of disbelief.

From *al-Fatawa al-Sughra*: disbelief (*kufr*) is an unforgiving accusation. A Muslim should not be accused of disbelief if there is evidence that s/he is not. In conclusion, if according to most opinions a person is an unbeliever, yet a single person considers him not to be, the prudent jurist (*mufti*) should take the side of the one who does not consider him an unbeliever. It is encouraged always to think well of Muslims. Accordingly, one should not give a legal opinion accusing a Muslim of disbelief if his words may be understood in a different/better light, or if there is disagreement among scholars regarding the question of his disbelief, and even if this disagreement is based upon a weak *hadith(s)*. Most of the current accusations of disbelief are not legally justified. And I am committed to never giving a fatwa that [unfairly] contains an accusation of disbelief.⁸⁴

Dr. ‘Ali Mansur

57. The Ruling on whether a Dead Person Benefits when Another Recites the Quran on his/her Behalf

Question: A question was asked regarding the benefits over reciting the Qur’an on behalf of the dead person.

Fatwa in Brief: Reciting the Qur’an with the intention of sending its reward to the dead person is not permitted; this practice is not supported by any [authoritative] text.

⁸⁴ Ibn ‘Abdin, *Hashaya [sic]*, 4/224.

Response:

According to the majority of scholars, a dead person benefits from the Qur'an being recited on his/her behalf. This is the consensus of Muslim scholars. Hence, in every era and place, people have gathered to recite the Qur'an over, and send it reward to, their dead. Previously this has never met with disapproval.

Commentary:

The majority of the People of Knowledge believe that the benefits of charitable acts and prayers (*du'a*) will reach a dead person. They disagree, however, on whether other voluntary acts, such as fasting, reciting the Qur'an over them, and other such things, will also benefit the deceased. According to the majority, a dead person benefits from both acts [fasting and Qur'anic recitation on their behalf]. Some of them, however, forbid this on the grounds of the following *hadith*: "If a son of Adam dies, all his works (*'amalu*) cease, except for three of them: an ongoing act of charity, his knowledge [that he has left to the community], or a righteous child who prays to God for him [i.e. the deceased]". The Prophet (upon him be peace) remarked: "all his works cease except for three", and he did not say that he [the deceased] can no longer receive benefit from someone else's works. If someone calls God for him, this is not his work. He nevertheless benefits from it; and reciting the Qur'an on behalf of another falls under the same ruling.

In response to those who do not think that reading can reach [and thus benefit] the dead, if he [the reader] concludes his recitation by saying "may God give the reward of this reading to such and such person", this guarantees the effectiveness of the act. Thus stated, this is a matter of *du'a*.

The *hadiths* show that reciting the Qur'an in the presence of a dead body benefits the deceased, whether or not this is the intention of the reader. This is because when the Qur'an is read, especially in a gathering, angels descend around the readers, and [God's] mercy is brought forth. Indeed, this is not dependent upon reading in a gathering; such benefits also arrive when an individual reads. Hence, in the collections of Muslim and al-Bukhari, there is a *hadith* attributed to 'Asid ibn Hadr in which, having reading the Qur'an (in the company of only his son and horse), 'Asid says to the Prophet (upon him be peace) that "a cloud seemed to descend over my head, as if there existed

around me a canopy of lights”. The Prophet (upon him be peace) replied to ‘Asid: “these were angels who drew near to hear you [while you were reading]. Had you continued to recite, people would have seen them in the morning, and they would have been seen by everyone”.

In a *hadith* included by Ahmad [Ibn Hanbal], Abu Dawud, al-Nisa’i (the utterance is his), Ibn Majah, Ibn Haban and al-Hakim (the latter two consider it *sahih*), the Qur’anic chapter of Yassin is to be narrated over the dead. Here, the Prophet (upon him be peace) is reported to say: “Ya-Sin is the heart of the Qur’an. The one who recites it solely for God’s Sake, his sins will be forgiven. Read it on behalf of your dead”.

There is no harm in reciting the Qur’an at the grave. In a *hadith* attributed to Ahmad, it is said that: “on approaching graves, [the Muslim should] recite the verse of al-Kursi [Q. 2: 255]. Then, s/he should say the Sura of Ikhlas (*Qul huwa allahu ahad*), and do so on behalf of the people in the grave [that s/he is visiting]. Indeed, Muslims in every time and place have gathered to recite the Qur’an, and send its rewards to their dead, without any disapproval being voiced. And because of the sound *hadith* (*sahih*) of the Prophet (upon him be peace): “Verily the dead are punished in their graves by the wailing of their family over them”. And God is too generous to send the punishment of sin (*ma’siya*) to one [that has died], and to stop the reward for him.”⁸⁵

Also, al-Abi said, while reciting on behalf of the dead is a matter of disagreement, we should not disallow it. Rather, we should continue, and perhaps the correct opinion will emerge. These matters are not known to us. The disagreement does not hinge on a legal technicality, but, rather, on whether something happens or does not [i.e. do one’s prayers over the deceased reach God?]. In this sense, reading over the dead is never a bad thing. For, even if these prayers do not reach the dead, they benefit the reader. Thus, [at least] one of them always benefits from this; while, at the same time, no harm is caused to anyone. We always hope, of course, that God does bless the dead person through our prayers. This hope underpins the practices of asking Muhammad (upon him be peace) for relief from torment in the grave (*shafa’*), and praying supplementary prayers (*du’a*), and so on.

In the Fatwa Centre, under the Supervision of Dr. ‘Abdullah al-Faqih:

⁸⁵ Ibn Qudama, *al-Mughni*, 2/225.

According to Shaykh Ibn al-‘Uthaymin, it is permitted to recite Qur’an on behalf of the dead. The Shaykh agrees that these prayers reach him (the deceased), and that he will benefit from one’s recitation if God wills this to be so. What is not permitted, however, is for people to gather at graves and to recite over them. Here, the Shaykh’s opinion agrees with that of the majority of the People of Knowledge and with that of Muslim researchers. On this point, see the *fatwa* of the Shaykh in *Majmu‘ Fatawa al- ‘Aqida*, book II, p. 305. And God knows best.⁸⁶

Dr. ‘Ali Mansur

58. The Ruling for Building Domes on Graves

Question: A question was asked regarding the validity of building domes on graves.

Fatwa in Brief: Building domes on graves is *haram*. It is one of the ways (*dhara’i*) to polytheism (*shirk*).

The Permanent Committee, 9/82-83

Response:

Building [a dome] on graves and raising them above their surroundings is disliked (*makruh*), unless it is for the purposes of showing off, or if the grave is built on/near a public [charity] graveyard, in which case it is unlawful.

Commentary:

Muslim and others include a *hadith* in which Thumama ibn Shafayy reports the following:

When we were with Fadala ibn ‘Ubaid, in the country of the Romans at a place (known as) Rudis, a friend of ours died. Fadala ordered us to prepare a grave for him [the deceased], and level the ground. Then he said: ‘I heard the Messenger of God (upon him be peace) commanding [us] to level the grave’. And it was also narrated that Abu al-Hayaj al-Asadi reported that ‘Ali ibn Abu Talib said to him: ‘Shall I not direct you along the same path as the Messenger of God (upon him be peace) sent me? Do not leave any image without erasing it or any high grave without levelling it’.

⁸⁶ *Fatwa*, no. 3406, 26th Dhul-Hijja, 1421.

Al-Tirmidhi says: Some of the People of Knowledge object if a grave is raised higher than ground level, unless this is only slightly, to the degree that people do not walk over, or sit on, the grave. According to *al-Fiqh 'ala al-Madhahib al-Arba'a* [*The Fiqh According to the Four Schools of Law*], building domes on graves, houses, or schools, or surrounding these structures with walls is disliked, even if there is no arrogance or ostentation in doing so. However, if the professed purpose [in constructing a dome or wall or decorating a grave] is to show off, then these acts are unlawful (*haram*). It is also forbidden (*haram*) to build a dome or erect an elaborate grave on public cemeteries or *waqf* lands assigned to charity because such buildings may usurp and crowd the space for other graves. In this respect, the Shafi'i scholars deem it permitted to build domes on the graves of Prophets, martyrs and righteous people, even if these are [erected] in public cemeteries or *waqf* lands so as to commemorate the memory [of these pious individuals].

In light of the above, building on graves and/or raising these graves above ground level is disliked but not in the *haram* category. However, when such construction takes place out of arrogance, or occurs in a public land, or an area endowed as a graveyard, it is *haram*. The Shafi'is excluded the cases of the graves of the Prophets, martyrs and pious individuals from the category of disliked. These scholars permit building on these graves in the public spaces or endowed lands to celebrate their memory. Here, the opinion of the majority [which forbids these erections in public cemeteries or endowed land] is stronger.

And God knows best.

Dr. 'Ali Mansur

59. The Ruling for Placing Flowers on Graves

Question: A question was asked regarding the validity of placing flowers on graves.

Fatwa in Brief: Putting flowers on graves is a reprehensible innovation because it is an imitation of the unbelievers (*kuffar*).

The Permanent Committee, 9/89-92

Response:

The branches of plants and their stalks glorify God as long as they are not dry [i.e. they are still alive/recently cut]. They bring God's kindness to the body lying in the grave, because, as with all living things, they praise God [*tasbih*].

Commentary:

Al-Bukhari includes a *hadith* narrated by Ibn 'Abbas, in which the Prophet (upon him be peace) once passed by two graves, and said, 'They [those lying in the graves] are being tortured, though not for a great sin. One of them allowed himself to be defiled by urine, while the other spread rumours [and thus dissent]'. He [the Prophet, peace be upon him] took a green leaf of a date-palm tree, split it into two pieces, and fixed one on each grave, saying 'I hope that their punishment may be lessened until they (the leaves) dry'.

In another incident reported by Ibn Hibban in his Sahih, Abu Hurayra narrated that the Prophet (peace be upon him) stopped by a grave. He turned to his companions to bring him two green Palm leaves. He placed one at the head [of the grave] and the second at the feet.

The wisdom behind such acts is: It is said that all parts of a plant still glorify God, as long as they are fresh[ly cut]. Their presence eases the hardship of death because they praise God [through the blessing of *tasbih*]. The same is true of trees, and all living things. In this view, the placing of plants, twigs and flowers on graves may not be prohibited so long as we remember that the only One who grants benefit and wreaks harm is God. Prayers (*du'a*), acts of charity and other works on behalf of the dead are ways through which we ask God to be merciful for the deceased. As for imitating non-believers, this is not of itself prohibited (*haram*), unless we set out intentionally to do so. And God knows best.

Dr. 'Ali Mansur

60. The Ruling for Instructing the Deceased after Burial

Question: A question was asked regarding [the validity of] instructing the dead after burial [on what to say to God].

Fatwa in Brief: Instructing the dead [a practice known as "*talqin*"] on what to say [to God] after they have been buried is a reprehensible innovation; it is not mentioned [in the authoritative sources].

The Permanent Committee, 8/340

Response:

There is no harm in addressing a dead adult immediately after his/her burial. However, one should not address a boy [child] after burying him, as he is not legally obligated to perform any religious duties. Instructing the dead after burial is generally recommended (*mustahab*) according to the Shafi‘is and Hanbalis, but is legally disliked (i.e. deemed *makruh*) by Imam Malik.

Commentary:

Al-Nawawi mentioned that addressing the dead after burial is recommended. This opinion is also transmitted from groups of the Shafi‘is. Nawawi said:

Instructing the dead after burial is *mustahab*, someone would sit next to his head and say: “O such and such, son of such and such [name of the mother]! O slave of God, son of the slave (*amma*) of God, Remember the state in which you left this world. In this [state] you witnessed that there is no God but God, and that Muhammad is His servant and messenger, that Heaven and Hell are real, that there is no doubt that the Last Day is coming, and that God raises people from their graves. You also witness that you are pleased with God as your Lord, Islam as your religion, Muhammad (upon him be peace) as your Prophet, with the Qur’an as your book, with the Ka‘ba as your *qibla*, and with the believers as your brothers.

Shaykh Nasr added the following to the above: “My God is God; there is no God but Him, on Him I depend, and He is the Lord of the Heavenly Throne (*‘arsh*)”. This form of instruction (*talqin*) is recommended for the deceased. A *hadith* concerning this addition – albeit containing a weak link in the chain of transmission – is included by Abu al-Qasim al-Tubrani in his *Mu‘jam*. This *hadith* is attributed to Sa‘id ibn ‘Abd Allah al-Azdi, who said that he witnessed Abu Umama (r.a), in his last days, declare:

When I die, do unto me what the Prophet (upon him be peace) ordered when he said ‘When one of you dies, and the earth has settled over him, let one of you stand at the head of his grave and say: ‘O such and such, son of such and such [name of the mother]’. For, he [the deceased] will hear him even if he does not reply. Then let him say a second time: ‘O such and such, son of such and such [name of the mother]!’ He [the deceased] will sit up [in his grave]. Then let him say: ‘O such and such, son of such and such [name of the mother]’. At this, the other one will say: ‘Instruct me, and may God grant you mercy!’ Though you may not notice it. Then let him say: ‘Remember the state in which

you left this world. When you witnessed that there is no God but God, and that Muhammad is His servant and messenger; that you are pleased with God as your Lord, Islam as your religion, Muhammad as your Prophet, and the Qur'an as your book'. At this, Munkar and Nakir [the angels questioning believers in the grave] hold each other back, saying: 'Let us go; there is no need for us to tarry here, for he has been instructed in his argument'. A man said: "O Messenger of God, what if he [the instructor] does not know his [the deceased] mother's name?" He [the Messenger, peace be upon him] replied: "Then let him say: 'Son of Hawwa [Eve]. O such and such, son of Eve'".

Al-Nawawi said: Although this *hadith* is weak, we are comfortable with [relying upon] it. Modern scholars and others agree that it is lenient, and in keeping with the meaning of other *hadiths* promoting virtues, and instilling a love [of what is correct] and fear of [sin] in a Muslim. This *hadith* is supported by other *hadith*, such as that which says "ask confirmation [from God] from your brother", and the advice of 'Amr ibn al-'As, and both *hadiths* are sound.

Indeed, the people of al-Sham have been doing this [addressing the dead] since the earliest era in Islam, and continue to do so until this day. Addressing the dead immediately after his/her burial applies when the deceased is adult and sane (*mukallaf*). However, Muslims do not address the boy after he dies [or the girl], as no legal duties are incumbent upon him [or her].⁸⁷ Ibn Taymiyya also mentioned that the idea of instructing the dead is derived from the Companions and the Followers. According to him, there are three opinions in this matter: that it is recommended (*mustahabb*); that it is disliked (*makruh*); and that it is neutral (*mubah*).⁸⁸

And God knows best.

In the Fatwa Centre under the Supervision of Dr. 'Abdullah al-Faqih:

It is agreed upon that addressing the dead after burial is not obligatory. There is no evidence to suggest that it was practiced in the era of the days of the Prophet (upon him be peace), or of his Caliphs.

Nevertheless, some of the companions, such as Abu Imamah and Wa'ila ibn al-Asqa', did practice this. Imam Ahmad [Ibn Hanbal] permits this; while some of his school and that of al-Shafi'i consider the same practice recommended (*mustahab*). Others, however, describe it as an innovation, and as legally

⁸⁷ Al-Nawawi, *al-Majmu'*, 5/274.

⁸⁸ Ibn Taymiyya, *al-Fatawa al-Kubra*, 3/25.

disapproved. There are three opinions regarding instructing the deceased after burial: that it is recommended (*mustahab*); that it is disliked (*makruh*); and that it is neutral (*mubah*). And the last of these [that it is neither recommended nor disliked] is the fairest opinion.⁸⁹
And God knows best.

Dr. ‘Ali Mansur

Section Eight: Fasting

61. The Ruling for the Person who Fasts, but who does not Pray

Question: A question was asked regarding [the validity of] the fast of the person who does not pray.

Fatwa in Brief: Fasting without praying is not permitted. If one does not pray then one ceases to be Muslim. Thus, one’s fasting is not valid.

Shaykh Ibn al-‘Uthaymin, *Fatawa al-Siyam*, p. 34

Response:

Whoever fulfills the pillars of fasting from intention, refraining from eating, drinking, sex and other things from the Dawn till sun set, his fast is valid [in the sense that it is technically correct, not in the sense of being rewarded]; and not praying does not affect its validity.

Commentary:

If an act of worship is performed correctly according to the conditions specified by Islamic law, then it is valid; and it should not be repeated. If someone refrains from eating, drinking, committing any sexual act, or from any of the other prohibited acts during the time of fasting, from dawn until sunset, his fast must be judged as correct, and not invalid (*batil*). This holds true even if, during the same period of time, he commits sins, such as telling lies, or fails to pray.

Yet, while his fasting is correct, is it rewarded by God? The correct *hadiths* suggest that is not. Thus one states: “If one does not give up falsehoods in words and actions, God has no need of him [the faster] giving up food and

⁸⁹ *Fatwa*, no. 1978, 11th Rabi‘ al-Awal, 1422.

drink”. This *hadith* is included in all [six Canonical] *hadith* collections, except that of Muslim. This is to say that, while correct, his fasting is not rewarded. However, he [the faster] should not be asked to repeat it because it is nevertheless correct.

The same applies regarding those who fast, but do not pray. Their fasting is technically correct, and thus need not be repeated. However, the above *hadith* suggests that, under these conditions, God will neither accept their fast, nor grant them a reward for it. Indeed, even if we suppose that their fast is accepted and rewarded by God, the penalty attached to their failure to pray will be severe. If God has not first forgiven the person neglects to pray, it will cost him mightily on the Day of Judgment. Hence, we should direct our eyes towards, and instill in our hearts, God’s words:

“And whoso doeth good an atom’s weight will see it then, and whoso doeth ill an atom’s weight, will see it then”. (Q. 99: 7-8)

“Whoso doeth right it is for his soul, and whoso doeth wrong it is against it. And thy Lord is not at all a tyrant to His slaves”. (Q. 41: 46)

Regarding the idea that the fast of this person is invalid because, by ceasing to pray, s/he also ceases to be Muslim, we have discussed this point already. [To sum up our response then] According to the four [Sunni] Imams, only the person who ceases to pray because s/he believes that prayer is not an obligation may be described as non-Muslim. And God knows best.

Dr. ‘Ali Mansur

62. The Ruling for the Delayed Performance of the Ramadan Fast

Question: A question was asked as to whether or not a person who, for many years neglected to fast in the month of Ramadan but has recently repented, must make up the fasts that s/he missed [as “delayed ritual performances”, or *qada*’].

Fatwa in Brief: He does not have to make up his/her fasts *qada*’; but s/he is obligated to ask repentance from God and to increase the number of righteous acts s/he performs.

Shaykh Ibn al-‘Uthaymin, *Majmu‘ Fatawa wa Rasa’il*, 19/87, p. 41

Response:

This opinion disagrees with the consensus of the scholars, and with the spirit of the fast, which demands asceticism from us. The scholars agree that it is mandatory for someone who has neglected to fast in previous Ramadan months to perform *qada’* for all the days that s/he has missed.

Commentary:

If the time of an obligatory act of worship passes, and a Muslim has failed to perform this act on time, the obligation to do so remains until s/he makes up the missed act of worship as *qada’*. The scholars agree that all obligatory acts of worship that are missed should be performed as *qada’*. Al-Suyuti says that each person who misses an obligation has, for his own sake, to perform this act as *qada’*. While Sahib al-Talkhis argues that all obligatory acts of worship (*‘ibada*) that are not performed must be [made up as] *qada’* or as acts of expiation (*kaffarah*). According to the Indian legal opinions, the performance of *qada’* is obligatory (*fard*) for [the neglect of] an act that is obligatory (*fard*); it (*qada’*) is mandatory (*wajib*) for [the neglect of] an act that is mandatory (*wajib*) [generally speaking, *fard* and *wajib* mean much the same in Sunni law, though some, predominantly Hanafi, jurists prioritise the *fard* above the *wajib*]; and it is merely recommended (*Sunna*) for [the neglect] of an act that is recommended (*Sunna*).⁹⁰

The [main] evidence in support of the obligatory nature of making up one’s missed acts of worship is a *hadith* attributed to Abu Hurayra (r.a.). According to this, the Prophet (upon him be peace) ordered the person who commits a sexual act during Ramadan to fast an extra day to atone for breaking his/her fast. If the performance of *qada’* is mandatory (*wajib*) for the one who neglects to perform an act of worship through forgetfulness, then it is even more necessary for the one who does so willingly.

Another piece of evidence in this debate is a *hadith* included in the collections of Bukhar and Muslim. According to this, a man asked the Prophet (upon him be peace) about his recently deceased mother, who had missed a month of fasting. The man wished to know whether it was possible to perform the fast on her [his mother’s] behalf. To this, the Prophet (upon him be peace) replied: “yes, as the most important thing is to meet one’s debt to God”. In another

⁹⁰ *Al-Mawsu‘ al-Fiqhiyya*, 34/25.

account, a woman asked the Prophet (upon him be peace) about her mother, who had intended to go on pilgrimage (*hajj*), yet had not managed to do so before her death. [As in the previous account] This woman wanted to know whether it was permitted for her to perform the *hajj* on behalf of her mother. He [the Prophet, upon him be peace] replied: “Do you not think that if she was in debt, you would pay it off for her?” She said, “Yes”. He said, “The debt owed to God is more deserving of being paid off”.

This *hadith* supports the obligatory nature of *qada'* in meeting one's debt to God.

There is more evidence in support of *qada'* in these circumstances:

1. God's words:

“Fasting is prescribed for you”. (Q 2:183)

Here, God does not distinguish between the time of fasting, and after this time. The logic is clear: one's fast must be fulfilled during its time, or [if not then] afterwards.

2. There is proof that the sick and traveling person, who are not sinners [and who have excuses not to perform their ritual obligations], are nevertheless commanded to perform the obligations as *qada'*. It is, therefore, even more incumbent upon the Muslim who, without a legitimate excuse, neglects to perform his/her obligatory acts of worship to make up these duties as *qada'*.
3. We all are expected to meet our religious obligations on time. Yet, the obligation to perform *qada'* does not expire. Rather, this can only be met through the remission of one's debt ('*ibra'* ') [to God, regardless of when this happens]. This debt [like all debts] may only be waived by the aggrieved party; and, in this case, [when this party is God] such permission will not be granted.
4. The scholars agree that abstaining from fasting during Ramadan is obligatory. If a Muslim does not do so, s/he should make up this lapse through the performance of *qada'*:

In *al-Mughni*, Ibn Qudama declares that, if a Muslim abstains from fasting because of such and such reason (after which he lists all possible reasons to

abstain), then he has to perform *qada'*. We do not know of any disagreements regarding this matter. This is because the act of fasting is a debt that must be paid; it will not disappear on its own.⁹¹ And God the Almighty knows best.

From the book, *Fatawa al-Islam Su'al wa Jawab*: if a Muslim is capable of performing *qada'* – in lieu of the act of worship s/he has missed – yet puts this [the performance of *qada'*] off, then s/he is a sinner. For, the [Sunni] Imams agree that a Muslim is obligated to perform *qada'* [if s/he misses an act of worship].⁹²

And God knows best.

Dr. 'Ali Mansur

63. The Ruling for Injecting in the Day Time during Ramadan

Question: A question was asked regarding whether it was permitted to inject [oneself or another] during [one's fast in] Ramadan.

Fatwa in Brief: If these injections are intended to provide the body with nutrients (*mughadhi*), then they break one's fast. If this is not the purpose for the injections [i.e. if they are medically necessary], then one's fast is not broken.

Shaykh Ibn al-'Uthaymin, *Fatawa al-Siyam*, p. 58

Response:

Injections do not break one's fast, whether this involves nutrients or otherwise. This is because a substance injected into the body is not processed in the usual way [i.e. it does not enter through the mouth and continue into the digestive system].

Commentary:

In May 1919, [Egypt's Grand Mufti from 1914-20] Shaykh Muhammad Bikhit al-Muti'i ruled they injections into the vein, muscle or under the skin do not break a Muslim's fast. His opinion was based on the idea that substances

⁹¹ *Al-Mughni*, 3/22.

⁹² Shaykh Muhammad Bikhit, no. 23, Sha'ban, 1337 AH/May 1919; Shaykh Hasan Ma'mun, *fatwa* no. 759, 11th Ramadan, 1379/ 8th March, 1960.

entering the body through injections (or through the skin's pores) do not reach the abdomen or stomach. Hence, they [these substances and the injections themselves] do not fall in the category of a fast-breaker. And this opinion agrees with those of the majority of scholars.

Al-Muti'i ruled that a Muslim's fast is only broken when a substance reaches the abdomen and settles there. That is to say, this substance must remain solely within the abdomen, and that nothing of it [this substance] remains outside the abdomen, nor connected to anything outside the abdomen. [Further, according to al-Muti'i] This injected substance must reach the abdomen through the usual paths [i.e. it must be eaten]. In contrast, the skin's pores, and or other such entrances, are clearly not the body's usual pathways into the abdomen. In modern medicine, injections introduce substances under the skin, whether this [skin] belongs to the upper arm, leg, the backside, or to any other part of the body. Such injections cannot, therefore, nullify one's fast, as they do not introduce substances into the abdomen through the correct paths. For, even if an injected substance reaches the abdomen, it travels there via the skin, and not via the workings of the digestive system.

And God knows best.

Dr. 'Ali Mansur

Section Nine: Pilgrimage

64. The Ruling on Women Performing the Pilgrimage without a Suitable Companion (*mihrim*)

Question: A question was asked as to whether or not it is permitted for a woman to perform either the minor (*'umra*) or the major (*hajj*) pilgrimages without a companion.

Fatwa in Brief: Pilgrimage is not legally obligatory for women if they do not have a companion [to travel with them].

Shaykh Ibn al-'Uthaymin, *Majmu' Fatawa w Rasa'il*, 2/590

Response:

The purpose of this ruling should be to guarantee the security and comfort of Muslim women. As long as a woman performs the pilgrimage with a legally appropriate companion (*mihrim*), a trustworthy colleague, or through

responsible official supervision, or though similar people, and she feels safe and secure, it is permitted for her to perform the pilgrimage [even in those cases where a *mihrim* is not involved].

Commentary:

According to a *hadith* included in the collections of Bukhari and Muslim, the Prophet (upon him be peace) once said: “It is unlawful for a woman who believes in God and the Day of Judgment to travel for three or more days without being accompanied by either her father, brother, husband, son, or another male companion [that poses no threat to her chastity, i.e. a *mihrim*]” In another *hadith*, included in *Al-Mishkat*, a man said to the Prophet (upon him be peace): “O Prophet, I have been nominated to perform *jihad*; but my wife has left for the pilgrimage”. The Prophet (upon him be peace) replied: “Go and perform the Hajj with your wife”.

The scholars disagree regarding the meaning of these texts and others. The question at stake is whether or not a legally appropriate companion (*mihrim*) must accompany a woman during her pilgrimage. Here, the Hanafi scholars argue that there must a husband or *mihrim* must indeed accompany a woman. The Shafi‘is, in contrast, say that the presence of a *mihrim* is not vital; rather, the main condition is that a Muslim woman feels safe and secure [during her pilgrimage]. According to those who follow the Shafi‘i school of law; if such security arrives through the presence of her husband, *mihrim* or even trustworthy women, then she must be allowed to travel. Some of them [go so far as to] argue that, while she is legally obligated to travel with [at least] one woman, if her safety may be guaranteed without the need for any specific companion [*mihrim*], she may travel, providing that she remains with the group (literally “caravan”, or *qafila*). Likewise, providing that she is safe, the Malikis do not insist that a woman must generally travel with a *mihrim*. However, in one account, Imam Ahmad [Ibn Hanbal] does make the presence of the husband or *mihrim* an obligatory condition for a Muslim woman to perform her pilgrimage. Though in another account, he does not insist on this.

According to Ibn Hazm in *Al-Muhalla*, he prefers (*tarjih*) not to consider the *mihrim* obligation for a woman to travel to pilgrimage, so if she can not find one of both (husband/*mihrim*) she can do pilgrimage, and there is nothing wrong in that.

Those who insist on the presence of the husband or *mihrim* do so to lighten the [risk of] sin (*ithm*), and the difficulty (*haraj*) involved, if she travels without

them. Yet, if she does perform her pilgrimage without either figure, her pilgrimage is valid, providing the necessary [ritual] conditions are fulfilled. Thus, she does not have to repeat her pilgrimage with a *mihrim*, even if, according to some scholars, she is considered to have committed by traveling without her husband or a *mihrim*. Here, the wisdom underpinning the rule is concerned primarily with the safety and security of women. It depends on whether or not she requires a legally appropriate male companion to achieve her goals [of performing the pilgrimage]. There is no doubt that the process of modern travel is considerably improved, thanks to the shorter periods of absence from one's homeland, added luxuries and comforts available *en route*, the [comparative] security of the places in which the *hajj* rituals are performed. There is also no doubt that such matters should influence our understanding of the [abovementioned] *hadith* that limits the freedom of women to travel alone. There is a sound (*sahih*) *hadith* in al-Bukhari, attributed to 'Uday ibn Hatim, in which the Prophet predicts that "a day will come when a woman may travel from Hira to the Ka'ba with fear of nothing, but God alone".⁹³

It is clear that what matters here is making sure that women are as safe and secure as possible. If these conditions are met through the presence of a *mihrim*, a trustworthy company or companions, a responsible official or similar person, it remains obligatory for a Muslim woman to perform pilgrimage. Thus, she may [and indeed must] travel. The wives of the Prophet (upon him be peace) went on pilgrimage after 'Umar ibn al-Khattab (r.a.) granted them permission to do so. 'Umar sent 'Uthman ibn 'Affan and 'Abd al-Rahman ibn 'Awf (r.a.) with the women; and this pilgrimage was as valid [literally: it was as Sunna] as if they had gone on pilgrimage with the Prophet (upon him be peace) himself.

Dr. Mahmoud 'Abd al-Gawad.

65. The Ruling for the Validity of the Pilgrimage of Someone who does not Pray

Question: A question was asked regarding the validity of the pilgrimage of someone who does not pray.

⁹³ Shaykh 'Atiyya Saqr, *Fatawa Dar al-Ifta' al-Misriyya*, no. 9, May 1997; Shaykh 'Abd al-Muhsin al-'Ubikan, *fatwa min hadith*, for MBC.

Fatwa in Brief: If an individual stops praying, whether or not s/he admits that prayer is a religious obligation, s/he becomes an unbeliever (*kafir*). The pilgrimage of such an individual is invalid because of his/her act of disbelief (*kufr*).

Shaykh Ibn Baz, *Fatawa Islamiyya*, 2/185

Response:

If someone completes the necessary elements of the pilgrimage, it stands as valid. The question of whether or not a person prays does not affect the validity of his/her pilgrimage.

Commentary:

If an act of worship is performed correctly, it should not be repeated. Hence, if a pilgrim complete the necessary elements of his/her pilgrimage – wearing the garments (*ihram*) of the pilgrimage; circumambulating the Ka‘ba (*tawaf*); running between Safa and Marwa (*sa‘y*), standing on ‘Arafat (*al-wuquf bi ‘arafat*); shaving (*halq*) and so on – the act of pilgrimage is valid according to the law. This is true, even if the pilgrim commits sins, such as lying and neglecting to pray.

Yet, while the performance of the pilgrimage is technically correct [and thus valid, in opposition to the claim of Ibn Baz’s *fatwa*], we may ask whether it also gains its reward from God? [On this the scholars are divided]. It may be accepted, it may not. And if it is not accepted, then, this pilgrimage will not bring reward. On this matter, the Prophet (upon him be peace) said: “whoever goes on *hajj* and refrains from committing an obscenity (*rafth*) or sins (*fusuq*) will return as pure from sin as the day on which he was born to his mother”. Nevertheless, the pilgrim is not required to repeat his pilgrimage because it is technically valid (*sahih*), even if it is [perhaps] not accepted.

If we suppose that his/her pilgrimage is both accepted and rewarded by God, the penalty for neglecting his/her prayers is severe. This will be shown on the Day on Judgment, if God has not forgiven him before this.

“And whoso doeth good an atom’s weight will see it then, and whoso doeth ill an atom’s weight, will see it then”. (Q. 99: 7-8)

“Whoso doeth right it is for his soul, and whoso doeth wrong it is against it. And thy Lord is not at all a tyrant to His slaves”. (Q. 41: 46).

In response to the idea that this pilgrimage is invalid because anyone who does not pray should automatically be regarded an unbeliever (*kafir*), we have already explained that the Muslim who ceases to pray through laziness is not, according to the four [Sunni] Imams and the majority of the scholars to be described as an unbeliever.
And God knows best.

Dr. Mahmoud ‘Abd al-Gawad

66. The Ruling for Those Who, Having Cut Their Hair or Trimmed Their Nails at the Beginning of Dhul-Hijja, Want to Sacrifice

Question: A question was asked about the ruling for those who want to sacrifice if they cut their hair or trimmed their nails at the beginning of Dhul-Hijja.

Fatwa in Brief: It is forbidden (*haram*) for a pilgrim to cut his/her hair or trim his/her nails at the beginning of Dhul-Hijja and then perform the sacrifice.

Shaykh Ibn Jebrin, Fatwa on 8th/ 12th/ 1421

Response:

According to the majority of scholars, cutting one’s hair or trimming one’s nails before performing the sacrifice is not forbidden. Rather, it is either permitted or disliked.

Commentary:

The main *hadith* collectors (other than al-Bukhari) include a tradition attributed to Umm Salamah (r.a.), in which the Prophet Muhammad (upon him be peace) said: “When you see the new moon of Dhul-Hijjah and one of you wants to offer a sacrifice, let him refrain from (removing anything) from his hair or nails”.

The main disagreements between the jurists on the subject of cutting one’s hair or trimming one’s nails before the performing of sacrifice may be summarized as follows:

1. Al-Shafi‘i: it is marginally disliked. This means there is no legal penalty attached to doing so. Support for the above opinion is the above mentioned

hadith, which suggests that the Prophet disliked rather than prohibited these things.⁹⁴

2. Ahmad ibn Hanbal and some from al-Shafi'i's school: these acts are *haram*, on the grounds that, in the first *hadith* mentioned above, the Prophet (upon him be peace) prohibited them [rather than merely expressing his dislike of them].
3. Abu Hanifa: shaving and trimming [before sacrifice] are permitted, not disliked.
4. Imam Malik: one opinion of Malik's is that these acts are not disliked (the same opinion as Abu Hanifa); but it is also reported that, in another opinion, he claims that it is forbidden (*haram*) to volunteer for an act that is not a religious obligation (*wajib*).

This shows that, according to the majority of scholars, cutting one's hair or trimming one's nails before performing the sacrifice is not forbidden. Rather, it is either permitted or disliked. And one should not be excessive in one's zeal for any particular opinion, particularly when the majority of scholars are not in agreement with you.⁹⁵

In the Fatwa Centre, under the Supervision of Dr. 'Abdullah al-Faqih:

On the 10th of Dhul al-Hijja, when a Muslim wants to sacrifice, it is obligatory that s/he does not trim either his/her hair and/or nails untrimmed. It is prohibited (*yuharam*) to take anything from them. And it was said that it is *makruh*, which is the opinion of the People of Knowledge. This is on the basis of a *hadith* included in the collection of Muslim, attributed to Umm Salamah (r.a.), in which the Prophet (upon him be peace): "From the beginning of the ten days of Dhul al-Hijja, those who intend to sacrifice should refrain from cutting their hair and clipping their nails, until they have performed the sacrifice". And, in another version of this *hadith*, the Prophet adds that Muslims should also not shave their skin. If the pilgrim cuts something from his/her nail or nails, s/he should therefore ask for God's forgiveness, and there is no compensation (*fidya*) for this.⁹⁶

And God knows best.

Dr. Mahmoud 'Abd al-Gawad

⁹⁴ This reading is also supported by another *hadith*, included in al-Bukhari, no. 1698.

⁹⁵ Shaykh 'Atiyya Saqr, *Fatawa Dar al-Ifta' al-Misriyya*, 60, May 1997.

⁹⁶ *Fatwa*, no. 7150, 3rd Dhu al-Hijja, 1424 AH.

Section Ten: Trade and Transactions

67. The Ruling for the Free Offers Distributed by Commercial Shops

Question: A question was asked regarding whether it is permitted for Muslims to accept free offers given by shops to advertise their products.

Fatwa in Brief: This is not permitted to Muslims, as it is akin to gambling. And this [gambling] is known to be prohibited according to Islamic law.

Shaykh Ibn Baz, *Majmu' Fatawa wa Maqalat*, 19/398

Response:

The free offers given to a customer who buys a shop's products are to be treated as gifts (*hiba*), from the seller to the buyer. In terms of the law, it is permitted (*halal*) to accept such offers because the substances themselves are not illegal and because we may consider them as bonuses [literally: sales or discounts].

Commentary:

These offers are given freely to customers that have bought a shop's products. They [the offers] may be connected to the products, stored in the products' cans/boxes, or offered to the customer separately from them. Such factors depending upon the quantity [and nature] of the products bought, and upon other circumstances. These offers contain no harm. They are gifts (*hiba*) from the seller to the buyer. The jurists (*fuqaha'*) permit the acceptance of harmless gifts [and this occasion fits within this category]. Legal principle dictates that it is permitted to accept such gifts because they are not offensive to Islam. Rather, they may be considered as deserved bonuses. Also, there is no *gharar* in this, as people are aware of the [nature of] the offer.

This method of advertising one's product may not be compared with gambling. There are two kinds of prize that may be offered to someone who buys a product: [first] money and [second] any other form of gift. Through both kinds, the manufacturer seeks to raise awareness of its product, and to encourage more people to buy it.

This is very different from the illegalities perpetrated by some companies who print papers with specific numbers and sell these to people. This is a lottery (*yanasib*), which is illegal (*haram*). It is illegal because it is akin to gambling –

people's money is taken in exchange for nothing, without any legal justification, and at great risk. In contrast, these free offers are not bought. Rather, a customer pays for a specific product knowing that s/he will be rewarded with a free extra gift. This, in turn, encourages these customers to buy products from the company.⁹⁷

And God knows best.

Shaykh Ibn al-'Uthaymin said: Nowadays, companies award free offers for those who buy their products. We say that there is no harm in this, providing two conditions apply. First, the price of the product must not have been raised to include the price of the product offered alongside it. If the price has been raised, the buying of this product [plus the 'free' gift] is deemed similar to gambling and is considered illegal in Islam. The second condition is that the person buying the product should do out of genuine need, and not only for the sake of the free offer. For, in the second instance, it is merely a waste of money.⁹⁸ [In this respect] We have heard of people who have bought cartons of milk or cheese, which they have not wanted, only for the prizes offered with these products. He would buy the product and spill it in the market, or even somewhere in the house; and this is not permitted. It is a waste of money; and the Prophet (upon him be peace) has forbidden us from wasting our money.⁹⁹

And God knows best.

Dr. Anas Abu Shadi

68. The Ruling on Hire Purchase

Question: Is hire purchase [i.e. paying for a product through installments, and at a higher eventual price] permitted?

Fatwa in Brief: This is an underhand way of charging interest, [and act] which God has declared forbidden (*haram*).

Shaykh al-'Uthaymin, *Fatwa Al-Mu'asira*, pp 47-52

Response:

⁹⁷ Shaykh Ahmad Haridi, *Fatawa Dar al-Ifta' al-Misriyya*, no. 1068, 11th November, 1968.

⁹⁸ See al-Bukhari, *Sahih*, 1477.

⁹⁹ Muhammad Salih al-Munajjid, *Fatawa al-Islam Su'al wa Jawab*, Part I, q. 12583, page 866.

The increase in price in hire purchase is permitted, providing nothing in the contract explicitly stipulates that there is interest to be paid.

Commentary:

Paying a higher price in higher purchase is permitted according to Islamic law, and according to the four [Sunni Imams, on the condition that it does not resemble anything that is prohibited [i.e. *riba* and/or gambling].

In order for a hire purchase to be permitted it must fulfill certain important conditions. To begin, both parties must agree upon an appointed price and an appropriate method of payment, as well as a total eventual price. [If these conditions are met] The sale of hire purchase is permitted according to the verse:

“God permitteth trade [bi‘ya] and forbiddeth usury (riba). (Q. 2:275)

In this instance, the word “trade” (*biy‘a*) includes both the condition [of the sale] and the time [in which something must be paid for]. The same meaning is found in another verse:

“Except it be a trade among by mutual consent”. (Q. 4:29)

While the verse:

“O ye who believe! When you contract a debt for a fixed term, record it in writing”. (Q. 2:282)

[i]s proof that hire purchase is permitted in Islam. Similarly, in a *hadith* attributed to ‘Abd Allah ibn ‘Amr, the Messenger of God (upon him be peace) told ‘Abd Allah to prepare an army, until no camel was left unused. As part of the process, the Prophet ordered him to take all camels from the Muslims’ sources of charity; and, for every camel that was taken, he [the Prophet] promised that it would be replaced by two [camels].

Some scholars believe that it is never permitted to raise a price depending on the passing of time [it takes to repay this]. In their view, any increase is to be considered [as the charging of] *riba* [interest], which is forbidden. Abu Bakr al-Jisaas al-Hanafī and others among the pious predecessors (*al-Salaf*) hold this opinion. Yet, the best opinion is that of the majority: that [under certain conditions], it is permitted.

And God knows best.

In its sixth conference at Jeddah in Saudi Arabia, The Islamic Council of Jurists ruled on the subject of hire purchase as follows: “after an agreed upon period of time has elapsed, it is permitted to raise the price that must be paid so that it becomes higher than the current price. It is also permitted to mention the cash price and the price of hire purchase”.

And God knows best.

Dr. Anas Abu Shadi

69. The Ruling on the Buying and Selling of [Ethyl] Alcohol

Question: A question was asked regarding the buying and selling of ethyl alcohol.

Fatwa in Brief: This is not permitted, as it [ethyl alcohol] is an intoxicant (*muskir*) and ritually impure (*najis*).

The Permanent Committee, 13/53

Response:

Any substance that is beneficial to Muslims may be exempted from the general ban on trading in impurities. This is the Hanafi and Zahiri opinion.

Commentary:

Jabir related that the Prophet (upon him be peace) said:

Verily God and His Messenger (upon him be peace) forbade selling alcohol, carrion, pig and idols. It was said: “O Messenger of God, what about the grease of carrion because ships are anointed with it, skins are greased and people light themselves a lamp with it?” He [the Prophet] replied: “No, this is forbidden (*haram*)”. This *hadith* is narrated by the group [of 6 main *hadith* collectors].

Al-Bayhaqi included a *hadith*, with a sound (*sahih*) chain of transmission, in which Ibn ‘Umar (r.a.) was asked about [the purity status of] oil into which a mouse had dropped. He [Ibn ‘Umar] replied: use it to temper your pots.

The Prophet (upon him be peace) found a dead sheep owned by Maymuna. He [the Prophet] asked, ‘Aren’t you going to use its skin?’ To which they replied ‘Messenger of God, but it is carrion’. The Messenger of God, said: ‘Yes, but only eating it is *haram*’”. This *hadith* is narrated by the group [of the 6 main *hadith* collectors], bar Ibn Majah.¹⁰⁰

The majority of scholars rule that the selling of, and trading in, impurities is forbidden (*haram*). This is on the basis of the first *hadith* cited above [i.e. that of Jabir] that any contract involving the selling or buying of impurities is invalid.

However, on the basis of the second *hadith* and that of Ibn ‘Umar, it is permitted (*halal*) for Muslims to use impure substances for anything other than eating/drinking.

Indeed, according to the Hanafis, any substance that can be used beneficially by Muslims is an exception to the general prohibition on trading in impurities. The Zahiris follow the Hanafis [in this ruling]. They argue that it is permitted to sell excrement [for farming, for instance], and other impure substances used in agriculture, or [in manufacturing] fuel, as well as impure oils, and dyes, as long as the end product is not eaten.

These scholars’ [Hanafis and Zahiris] evidence for this overall ruling is that, if it is legally permitted to use these impure substances, then selling them must also be permitted (*halal*), providing that such substances are used for purposes other than eating/drinking. And they interpret Jabir’s *hadith* to mean that the prohibition against trading in impurities applied only in the early days of Islam, when Muslims were still used to eating and drinking them; after Islam had settled in the Muslims’ hearts, however, [these scholars assume that] it became legal to use impure substances for any purpose, other than for eating/drinking.¹⁰¹

Dr. Anas Abu Shadi

70. The Ruling on the Buying and Selling of Digital Media

¹⁰⁰ Al-Bukhari, *Sahih*, no. 2221; Muslim, *Sahih*, 832.

¹⁰¹ Shaykh ‘Atiyya Saqr, *Fatawa Dar al-Ifta al-Misriyya*, May 1997.

Question: A question was asked regarding [the validity of] buying and selling videos.

Fatwa in Brief: Our answer is that it is not permitted to sell or to buy videos, as they encourage corruption [in a Muslim's heart].

Shaykh Ibn Baz, *al-Da'wa Journal*, no. 1045

Response:

Like any other modern invention, videos [digital media] have the potential for good (*khayr*) and for evil (*sharr*). The legal responsibility lies [not only] with those who sell, [but also with those who] distribute, and use these videos.

Commentary:

Digital media like videos, CDs and DVDs are like any other recent invention: they have potential for good (*khayr*) and for evil (*sharr*). [In this sense] They are like pens: we can use them to write up a scientific lesson or to write down insults and gossip; or they are like drinking glasses: we can drink water and/or other permitted drinks in them, or we can choose a drink that is prohibited to us [alcohol, and so on]. These videos show a variety of materials. It would be difficult for many people to gain such knowledge [i.e. through the news and educational programs] without this technology. The programs that contain subjects that Muslims are permitted to watch [things that are, in themselves, *halal*] will not have a damaging effect on our ethics or commitment to religion. If they are not a cause for missing one's religious duties, then, listening, watching, and trading in them is permitted. If these conditions are not met, then it is forbidden to use these media.

Digital media can be used for great good, either for recording and broadcasting purposes, [or simply for] watching and listening [as an ordinary viewer]. But, this is providing the viewer is able to control his/her use of them. If each person is capable of controlling his/her use of them, the one assuming responsibility in this matter is not the inventor or seller, but the viewer him/herself. Yet, if the individual viewer is not able to control his/her usage of these media, then, the broadcasters who design the programs should fear God, and chose what is beneficial to people, and avoid showing anything that is contrary to religion and good manners. And the public should make sure to draw the attention of the broadcasters to their responsibilities in these matters.

"Call unto the way of the Lord with wisdom and fair exhortation". (Q. 16: 125)

And God knows best.¹⁰²

Dr. Anas Abu Shadi

71. The Ruling for Dealing with Banks

Question: A question was asked regarding the validity of dealing with banks.

Fatwa in Brief: This is not permitted, because they [banks] are built on the practice of charging interest [*riba*: often translated as “usury”]. It is forbidden to put one’s money in them regardless of interest or lack of interest accrued. In fact, doing so only supports sin (*ithm*) and transgression (‘*adwan*).

Shaykh Ibn Baz, *Majmu‘ Fatawa wa Maqalat*, 19/137

Response:

1. Islam defines and prohibits two types of *riba*: *riba al-ziyada*, and *riba an-nasi’a*, and the latter stands for any form of *riba* that is charged over a fixed period of time. These prohibitions are in keeping with [meanings derived from] the Noble Qur’an and the Sunna and the consensus (*ijma’*) of the [Sunni] Muslim Imams.

2. The interest charged by banks is a form of illegal *riba*. Putting one’s money in banks without gaining interest, however, for the purposes of protecting one’s money is permitted.

Commentary:

Islam declares the charging of interest (*riba*) to be illegal. The most important type of *riba* is the taking of a loan with a previously specified agreement on the amount of interest this money will be charged; so that the borrower may delay paying it back [until s/he can do so at a later time]. The fact that this is forbidden is clearly proven by the [words of the] Noble Qur’an, through the Sunna, and [has resulted in] the consensus of the Muslim Imams. God said:

“Those who swallow usury cannot rise up save as he ariseth whom the devil hath prostrated by (his) touch. That is because they say: trade is just like usury; whereas God hath permitted trading and forbiddeth usury. He unto

¹⁰² Shaykh ‘Atiyya Saqr, *Fatawa Dar al-Ifta al-Misriyya*, no. 72, May 1997.

whom an admonition from his Lord cometh, and (he) refraineth (in obedience, thereto), he shall keep (the profits of) that which is past, and his affair (henceforth) is with God. As for him who returneth (to usury) – Such are rightful owners of the Fire. They will abide therein”. (Q. 2: 275)

“God hath blighted usury and made almsgiving fruitful. God loveth not the impious and guilty”. (Q. 2: 276)

Similarly, the Prophet (upon him be peace) remarked that “gold is to be exchanged for [the same amount of] gold, and anything extra is *riba*”. From these texts and others, it is clear that the charging of *riba* is illegal.

Likewise, if an amount of money is put in a bank, in the understanding that it gains a specified quantity of interest, this is also a form of *riba* [and thus illegal]. The [overwhelming] evidence against this practice includes the previous texts and the consensus of scholars. However, the practice of keeping one’s money in banks for the purposes of safety, and not for taking interest, is permitted. For, such money is not set aside for the purpose of charging interest; while the fact that a Muslim’s money mixes with money that is gained illegally [through *riba*] does not render the former also illegal. And if this is the case, Muslims are free to invest their money in any legally permitted way.

Ultimately, God Almighty will ask each Muslim about his/her money. S/he will be asked regarding where s/he earned it, and on what s/he spent it. If banks invest their money, and pay their taxes (*zakat*) in the ways in which Islam instructs them to do, there is no problem [with them]. This is the opinion of the majority of the modern People of Knowledge from al-Azhar [University] and elsewhere; and this opinion is supported by the relevant scriptural sources.¹⁰³

Other people even believe that charging interest is permitted, following in this the Shafi‘i scholars and others who hold the same view.¹⁰⁴ Their [original] opinion was that only the paying of interest on gold [and the like] was prohibited, and that, even when it became the general currency, this prohibition should not extend to money. Yet, the Shafi‘is view has changed over time. Nowadays, they argue that as paper money became the general form of

¹⁰³ Shaykh ‘Abd al-Majid Salim, *Fatawa Dar al-Ifita’ al-Misriyya*, no. 615 and 618, 27th Sha‘ban, 1348 AH, 27th January, 1930.

¹⁰⁴ Muhammad Sai‘d Tantawi (Shaykh al-Azhar), Dr. ‘Ali Jum‘a (Mufti of Egypt), and Dr. Nasr Farid Wasal (ex-Mufti).

currency in all eras and places, it has become necessary to categorize it as gold and silver.
And God knows best.

Dr. Anas Abu Shadi

72. The Ruling for Dealing in Shares in Banks

Question: A question was asked regarding [the validity of buying/selling] shares (*ashum*) in banks.

Fatwa in Brief: This is illegal, as the work of banks is illegal.

Shaykh Ibn al-‘Uthaymin, 9/7/1412

Response:

It is permitted to buy [and sell] shares in a company that works in an Islamically viable field. [On the other hand] It is not permitted to deal with companies that trade in illegal, morally corrupt (*khabith*) fields.

Commentary:

It is legal to buy [and trade in] the shares of a company that works in a legal and Islamically viable (*tayib*) field. Its dealings must be free, therefore, of usury, cheating, monopoly, fraud, betrayal, ignorance, gambling or any method of cheating people out of their money (*akl amwal al-nas bil-batil*). In contrast, it is illegal to deal with companies that work in illegal, morally corrupt fields.

Those who buy shares in a company that operates illegally [according to Islamic law] with the intention of changing this company [from within], so that it no longer acts contrary to the demands of Islamic law, are performing a service to Islam. For by doing this, s/he increases its spread and influence. The jurists disagree as to whether or not it is permitted to do so; if s/he is not able to change the company at the time s/he buys the shares, but rather aims to do so in the future and through the committees of General Assembly and the Governing Council. In either case, any interest earned must be spent on a noble cause (*khayr*).¹⁰⁵

Dr. Anas Abu Shadi

¹⁰⁵ Shaykh Atiyya Saqr, *Fatawa Dar al-Ifita' al-Misriyya*, no. 8, May 1997.

73. The Ruling for Working in Banks

Question: A question was asked regarding whether or not it is permitted to work in banks.

Fatwa in Brief: It is not permitted, such work is built on usury; and it is illegal to work in any field where this happens.

Shaykh Ibn al-‘Uthaymin, 9/7/1412

Response:

The activities of some banks do not operate in opposition to [the demands and principles of] religion; while those of others do. A bank’s money is a matter of suspicion, a mixture of the permitted and the forbidden. It is legal for a Muslim to work in a bank providing that s/he does not contribute to, or participate in, the practice of *riba*.

Commentary:

Dealing with a bank involves the running of accounts, paying of checks, letters of credit, the internal bills between traders and banks, and the fees taken for these jobs are in no way connect to usury. Accordingly, whoever carries out these tasks is not breaking Muslim law. Nevertheless, banks also have activities that run counter to [the spirit and demand] of religion. Specifically, the lending and borrowing of money with interest, which is the main aim of any bank [is illegal according to Islamic law].

The result is a mixture of permitted and prohibited monies. Working in banks must, therefore, remain a matter of suspicion. A *hadith* in Bukhari and Muslim speaks to this issue directly:

The lawful is clear and the prohibited is clear. Between them, however, are some unclear matters about which most people are ignorant. So, whoever steers clear of these unclear matters is sure of his innocence in terms of religion, and in terms of his self-respect. Yet, whoever enters into the unclear issues also threatens to enter into the realm of prohibited things, just as the shepherd who grazes his sheep around the royal pasture, yet always threatens to graze them on it [and thus to break the law and be punished].

If a believer wants to be completely at ease with his/her conscience, s/he should look for a career that does not attract suspicion. Even if s/he earns less

from this, and the wage covers necessities rather than luxuries [this would be better than working in a bank]. However, if a believer cannot find [unequivocally] *halal* work, s/he is permitted to work temporarily in this field, as it has become a matter of necessity (*darura*). At the same time, this person should search for a position that does not require him/her to perform prohibited, or potentially prohibited, actions. If his/her intention is true, God will make it [their search] easier. God said:

“And whosoever keepeth his duty to God, God will appoint a way out for him, and will provide for him from (a quarter) whence he hath no expectation”. (Q. 65: 2-3)

And:

“And whosoever keepeth his duty to God, He maketh his course easy for him”. (Q. 65:4)¹⁰⁶

It was mentioned above that some scholars consider the interest earned in banks to be permitted (*halal*). Al-Shafi‘i’s [original] opinion was that only the paying of interest on gold and the like was prohibited, and that, even when it became the general currency, this prohibition should not apply to [interest earned on] money. Someone who must work in a bank [and is troubled by it] should follow the opinion of these scholars; it is better to do this than continue in a job s/he believes to be forbidden.

And God knows best.

Shaykh ‘Abd al-Muhsin ibn Nasser al-‘Ubaykan said:

Shaykh ‘Abd Allah ibn Muhammad ibn Hamid, the former head of the Higher Judicial Council (*majlis al-qada’*) (r.a.) believes that working in a bank should be permitted, providing that an employee does not involve himself in *riba*. Shaykh ‘Ubaykan believed this opinion to be the correct one.

Dr. Anas Abu Shadi

74. The Ruling on Benefiting from Interest [One’s Money] through a Bank

Question: A question was asked regarding [the validity of] benefiting from interest made through the bank.

¹⁰⁶ Shaykh ‘Atiyya Saqr, *Fatawa Dar al-Ifita’ al-Misriyya*, no. 8, May 1997.

Fatwa in Brief: This is not permitted. Clearly, such interest is the result of *riba*, and [on these grounds,] it is illegal to deal with banks.

Shaykh Ibn al-‘Uthaymin, *Majmu‘ Durus wa Fatawa al-Haram al-Makki*, 3/386-390

Response:

It is permitted to accept interest gained on your money in the bank. However, this interest should not be used to benefit the individual; rather, it should be directed towards projects that generally benefit Muslims.

Commentary:

Islam declared *riba* illegal. The most obvious kind of *riba* occurs when someone takes out a loan, upon which a specified amount of interest has been agreed, so that s/he pays back this money in installments, and over a prolonged period of time.

The prohibition of this kind of *riba* is clearly stated in the Noble Qur’an and in the *hadiths* and is the established consensus of the [Sunni] Muslim Imams. Hence, God said:

“Those who swallow usury cannot rise up save as he ariseth whom the devil hath prostrated by (his) touch. That is because they say: trade is just like usury; whereas God hath permitted trading and forbiddeth usury. He unto whom an admonition from his Lord cometh, and (he) refraineth (in obedience, thereto), he shall keep (the profits of) that which is past, and his affair (henceforth) is with Gody. As for him who returneth (to usury) – Such are rightful owners of the Fire. They will abide therein”. (Q. 2: 275)

Likewise, the Prophet (upon him be peace) said: “gold is to be exchanged for [the same amount of] gold, and anything extra is *riba*”. On the basis of this evidence [the Qur’anic verse and *hadith*], the prohibition upon any act of *riba* is firmly established. Also, if money is put into a bank [or similar institution], on the understanding that it will accrue a specific amount of interest, then this must be understood as a type of *riba* in Islam.

A Muslim should not benefit from, or use this interest, as it has been gained illegally. However, a Muslim may accept this interest if s/he channels it into a

morally worthy cause,¹⁰⁷ such as the building of a mosque, a hospital, or s/he dedicates it to the service of the poor, and so as to follow the Sunna of the Messenger of God (upon him be peace). Indeed, the Sunna directs us on what we should do with illegally made profits, so that Muslims may shoulder their responsibilities wisely.¹⁰⁸
And God knows best.

Dr. Anas Abu Shadi

75. The Ruling Regarding Investments in Non-Islamic Banks

Question: A question was asked about [the validity of] dealing with non-Islamic banks.

Fatwa in Brief: This is not permitted. All bank work is illegal because it is based on the practice of *riba*.

Fatwa of the Permanent Committee, no. 21406

Response:

If banks declare that they work according to [the principles and demands] of Islamic law, and they set up a committee consisting of established legal scholars to [monitor and] approve their work, it is permitted to deal with [and invest one's money in] them.

Commentary:

If banks declare that they work according to [the principles and demands of] Islamic law in all dealings, and they set up an internal committee of established scholars to [monitor and] approve their work, then it is legal to deal with these banks. The responsibility for [the validity of] these dealings will be carried by the censorship committee.
And God knows best.

Dr. Anas Abu Shadi

¹⁰⁷ On this see Imam Ghazali, *Ihya' 'Ulum al-Din*, pp. 882-3.

¹⁰⁸ Shaykh Jad al-Haq, *Fatawa Dar al-Ifta' al-Misriyya*, no. 1260, 5th Muharram 1402, 2nd of November, 1981.

76. The Ruling for Investment Certificates

Question: A question was asked about [the validity of] the investment certificates that have prizes.

Fatwa in Brief: These are illegal; they are a form of gambling.

The Permanent Committee, no. 4/443
Shaykh Yassir Birhami at www.alsalafway.com

Response:

In legal terms, the prizes awarded to winners of investment certificates type (g), and to those with savings accounts (*daftar tawfir*) are to be treated as gifts (*hibat*), which some scholars permit.

Commentary:

In legal terms, the prizes offered to winners of investment certificates type (g), and to those with savings accounts (*daftar tawfir*), are to be treated as gifts (*hibat*); and are thus permitted by some scholars. They do so on the grounds that such gifts do not gain a person interest, and the amount and timing are not specified in advance. If these conditions are not met, and [in particular] if it is possible for a person to lose money through these offers, then they would need to be treated as forms of gambling, which is forbidden. The condition for something to be described as gambling is that the partners are not excluded from gain or loss; that is the particular feature of gambling. As this is not the case –since these prizes involve only gain and do not entail any loss if the participant does not get the prize –therefore, it is permitted to own investment certificates type (g) or saving accounts, and to take the prizes offered with them.

And God knows best.

Dr. Anas Abu Shadi

77. Ruling of Insurance

Question: What is the ruling regarding [the validity of] business insurance?

Fatwa in Brief: It is not permitted because it is a form of gambling and is harmful.

Shaykh Ibn Jebrin, *Al-Lu'Lu' Al-Makin*, pp. 190-1
Shaykh Yassir Birhami, www.alsalafway.com

Response:

Contemporary scholars differ as regards the question of taking out insurance, in today's understanding of the term. Some situations now make it necessary for people to own some types of insurance so as to prevent harm and hardship.

Commentary:

Insurance is a system of convenient and shared responsibility; and it alleviates [potential distress]. According to this understanding of its function, insurance fits well within the foundational framework of Islam, providing that it is implemented according to Muslim law. There are various systems of insurance; within each there are different types. Hence, it is now possible to take out business insurance, social insurance, and mutual insurance. Each type carries its own policies.

Social insurance implies that no profit is made. Rather, it safeguards the individuals [i.e. the insurance holders] and their wider society. According to the law, it is permitted for a worker to contribute some of his/her salary during the period he is working [towards this purpose]. In so doing, s/he will benefit from this [kind of] insurance [policy]. This insurance coverage begins when s/he starts to work, and thus it resembles Islamic or Mutual Insurance. And God knows best.

Business insurance, however, is a more controversial subject. The majority of contemporary scholars believe that business insurance is forbidden to Muslim (*haram*); so too [for the same reasons] are “life” and “building” insurance policies. To insure these things from damage and destruction it is necessary that a certain amount should be paid to an insurance company over a specific period of time. In return, the company will pay the costs of any potential damage or destruction [were this to happen]. These types of insurance are not permitted according to Islamic law on the grounds that they are predicated on something that may, or may not happen. In this sense, they resemble gambling. And this is the reason for their prohibition.¹⁰⁹

¹⁰⁹ Al-Mawdu‘(666), Mufti: Shaykh Bakri al-Sadfi, 10th of Sha’ban, 1328. Al-Mawdu‘(666), Mufti: Shaykh Muhammad Bakhit, 13th of Rabi’, 1337 AH. Al-Mawdu‘(668), Mufti: Shaykh ‘Abdurahman Qira’, 7th of Jumad Athani, 1344 AH/ 23rd/ 12, 1925. Al-Mawdu‘(666), Mufti: Shaykh Jad al-Haqq ‘Ali Jad al-Haqq, 7th of Safar, 1401/1980/12/14.

[In contrast to this] Some contemporary scholars are of the opinion that this form of insurance is permitted. Among these scholars are included Shaykh ‘Ali al-Khafif, Muhammad Musa, ‘Abd al-Wahab Khalaf, Mustafa al-Zarqa, and the [current] Mufti of Egypt, ‘Ali Jum‘a.

[In our view] The best approach to this subject is to be cautious and to follow the opinion of the majority [and thus not to take out business insurance]. However [as stated above], in these days [where trust is hard to find], there is often a need for some types of insurance, so as to prevent harm and hardship. [In the world of business] A person may fear that s/he will lose his money. This is especially the case if [the source of] his/her capital includes money that belongs to different people. As we know, in times of necessity a prohibited thing becomes permissible. Thus, Muslims may need to deal with [and thus to use] insurance companies from the perspective of necessity or of dire need; and the [potential] danger s/he faces [in the workplace] may be solved by the [otherwise forbidden] system of business insurance. And God knows best.

Dr. Anas Abu Shadi

78. Ruling on Working in Insurance Companies

Question: What is the ruling on working in insurance companies?

Fatwa in Brief: It is not permitted to work as an employee for such companies. Insurance is forbidden (*haram*) and working [within such companies] is a means of supporting evil and injustice.

The Permanent Committee, 8/15

Response:

The question of whether or not a Muslim may work in a business insurance company depends upon the legal status of insurance itself [as discussed in the previous *fatwa*]. Whoever follows the majority of scholars, in saying that it is prohibited, will agree that working in such a company is also prohibited. [On the other hand] If a person follows the [rulings of] scholars who judge business insurance to be compatible Islamic law, s/he is permitted to work in these companies.

Commentary:

Scholars agree that it is allowed to work in Islamic insurance and/or aid agencies. If we follow those jurists who consider business insurance prohibited, then working in business insurance companies is also prohibited, because of the risk and harm that this involves. Indeed [in our view], working in this area is not allowed. For, in His Holy Book, God forbade Muslims from supporting evil and injustice [in any way]. Yet, whoever believes that business insurance is compatible with Muslim law is free to work in this field. This situation is a cause for suspicion (*shubha*), however. And anything that is a cause for suspicion is [likely to be] forbidden (*haram*), or close to forbidden for Muslims. To this effect, there is a *hadith* in the collections of al-Bukhari and Muslim which states: “The permitted is clear and the prohibited is clear. Yet, between them are doubtful matters grasped by only a few people. Those of you who stay away from such matters protects their religion and honor; while those of you who fall into these matters has already fallen into what is prohibited. In this sense, you are shepherd who grazes your sheep [on a cliff], and the herd teeters on its edge”.

A true believer looks to safeguard him/herself. Thus, s/he will not look for work that raises suspicion as regards the law. S/he [the true believer] needs only to covers life’s necessities, and does not yearn for luxury. If, however, after searching diligently and finding that there is no legally permitted work available, s/he may accept a job in this field. Yet, s/he must continue to search for another job until s/he finds it. If his/her intention is sincere, God will make this search easy for him/her:

“Whoever keepeth his duty to Allah, Allah will appoint a way out for him, And he wil provide for him fropm a (quarter) whence he hath no expectation”. (Q. 65:2-3)

And God also says:

“Whoever keepeth his duty to Allah, He maketh his course easy for him”. (Q.65:4)¹¹⁰

Dr. Anas Abu Shadi

¹¹⁰ Shaykh ‘Attiyah Saqr, *Fatwa Dar al-Ifia’ al-Misriyya*: no. 52, May 1997.

79. The Ruling on Credit Cards¹¹¹

Question: A question was asked regarding [the validity of] using credit cards.

Fatwa in Brief: This [owning and using credit cards] is not permitted. Credit cards are the work of people who profit from usury, and devour the property of others.

The Permanent Committee, 13/524

Response:

It is permitted for a person to use a credit card when the total amount of money in his/her account is equal to, or exceeds that of the credit limit of the card and the amount of the purchases s/he wishes to make. It is not permitted to use credit cards, except under these conditions, and/or if interest is charged on the card.

Commentary:

In a contract between the two persons, a credit card is given by a bank to an ordinary person. This enables the credit card owner to purchase products or services, from places that approve the use of the card. The credit card user is not obligated to repay the price immediately; rather, the card guarantees the commitment of the original manufacturer (the bank) to repay this money. The payment is made from the monies of the bank. The bank then reclaims this money through installments from the credit card owner's bank account. After a certain period of time elapses, some banks claim interest on the money outstanding, while others do not.

There are two types of credit cards: "covered" (*al-mughata*) and "uncovered" (*ghayr al-mughata*). A covered credit card refers to the card of an individual whose bank account contains an amount of money that is equal to, or more than, the credit card limit [thus this individual is never in debt to the card]. In contrast, an "uncovered" credit card refers to the card of someone who does not have sufficient money in his/her account to cover their purchases.

Rulings for credit cards:

¹¹¹ Such as Visa, Mastercard, American Express, and so on.

1. If the credit card belongs to an institution or company with a special committee[s] to monitor its work, then using this credit card is permitted. This is only the case, however, as long as this institution or company does not charge interest on the monies of their customers. In this case, if a customer is late in repaying the money s/he owes [on his card], the institution/company should stop his/her credit card from working until the payment of his debt is settled.
2. It is permitted to use credit cards when these are “covered” [according to the above definition].
3. It is not permitted to use “uncovered” credit cards [according to the above definition]. It is not permitted to use a credit card if interest is charged on the card; this holds even if the card owner intends to repay his/her debts in the period before interest is charged. Some scholars permit Muslims to use these [“uncovered”] cards when they live abroad on the grounds that it would be a hardship for them not to do so.¹¹² According to these scholars, Muslims living abroad must repay the amount they owe before the interest-free period elapses, so that they are not charged interest for late payment; thus, they avoid the sin of *riba*. Yet [in our opinion], there is no obvious difference between [the lifestyles of] those who live abroad and those living in Muslim countries [thus uncovered credit cards are to be avoided by all if interest is charged on them].
4. It is permitted to use an uncovered credit card, if no interest is charged on the debts.

Dr. Anas Abu Shadi

80. The Ruling for Discount Cards

Question: A question was asked regarding [the validity of using] discount cards.

Fatwa in Brief: This is not permitted. Such cards are produced by those who [are content to] devour the property of others, contribute to consumerism, and create enmity between shop owners.

The Permanent Committee, 14/13-16

Response:

¹¹² E.g. Dr. Yusuf al-Qaradawi, and others. See Qaradawi’s website at Islamonline.

If the person who buys this type of card knows that the money s/he saves through the discount card is likely to exceed the money s/he spent on the card, then buying such cards is permitted. The resulting transaction is to be considered as a form of sale or discount.

Commentary:

First, providing that these cards are given out freely, it is permitted to produce and accept. This is because they may be seen as a form of donation or gift (*hiba*).

Second, it is also permitted to produce and use discount cards, in return for which you pay an annual subscription. The card owner should also know that the amount saved through the discounts on offer exceeds the price of the card. In turn, the seller benefits from promoting (*tarwiji*) his/her products at a reasonable price. There exists no legal prohibition on this matter. Rather, it must be considered a form of sale or discount. It is unconnected with “devouring the property of others”.

Third: it is not permitted to produce and accept these cards if the [potential] buyer is not sure that s/he will benefit from them or not. Indeed, in this case, these cards may contribute to the devouring of property. If the buyer pays an amount of money and does not know what s/he will get in return, then the damage (*gharam*) [to one’s pocket and religion] is certain (*mutahaqiq*), while the gain (*ghanam*) remains merely hypothetical. And, in the sound *hadith* included in the collection of Muslim, the Prophet (upon him be peace) prohibited any sale which may lead to the devouring of other people’s property.

And God knows best.

Dr. Sami Ibn Ibrahim al-Suwaylam said:

Regarding the discount card, modern scholars disagree on its rulings. Some argue that it is prohibited outright on the grounds that it is a type of gambling (*maysir*) and, therefore, results in damage (*gharar*) [to one’s pocket and religion]. This is the case when the buyer pays the price of the card without knowing whether s/he will benefit from it. Here, he hesitates between winning and losing [in an action similar to gambling].

Others argue that these cards are permitted. They do so on the grounds that what one pays for is the work of the mediator in convincing the shop to lower

its prices [and sell its products at a discount]. In this case, the price of the card is merely the fee one pays to the mediator [i.e. the card's manufacture]. (Check: Khalid al-Muslih, *al-Hawafiz al-Tugariyya*, pp. 179-192).

[Before buying these cards] it is important to obtain detailed information [on their uses]. God knows best, but there is no legal objection to someone who says: “get me a discount from a shop, and, in return, I’ll give you this [a card]”. Imam Ahmad [Ibn Hanbal], for instance, argues that it is permitted that a person says to another [who acts as his mediator]: “borrow one hundred for me from such and such a place, and, in return, I will give you ten [and this will suffice]”.¹¹³

And God knows best.¹¹⁴

Dr. Anas Abu Shadi

81. Ruling of Rental that Ends in Ownership

Question: What is the ruling of rental that ends in ownership?

Fatwa in Brief: This is not permitted. This is because they are two contracts on the same thing, which is not settled on either of the two, because they have different stipulations.

Hay’ah Kibar Al-‘Ulama, *al-Dawah Journal*, 1421/01/22

Response:

Ownership after rental is a process consisting of a number of [mini-]transactions: agency, renting, promising to sell, and then, eventually, the sale or partnership. All of these [mini-]transactions are permitted. And the same applies when they are combined to form a major transaction [i.e. ownership after a period of renting]. This is providing all the conditions that make a contract valid remain in place.

Commentary:

Ownership after rental is a transaction based on two contracts: [first] rent followed by [second] sale. Indeed, it can be based on three contracts, whereby

¹¹³ *Al-Mughni*, Dar Hajr, 6/441.

¹¹⁴ Sami ibn Ibrahim al-Suwaylam, a researcher in Islamic finance, *Fatawa Istisharat al-Islam al-Yawm*, p. 8, no. 464, 14th /3/ 1425 AH.

an agent is initially involved. Each of these [two or three] stages is permitted.¹¹⁵

We consider ownership after rental as a transaction that consists of a number of [mini-] transactions: agency, renting, promising to sell, and then sale or partnership. All of these [mini-]transactions are permitted. And the same applies when they are combined to form a major transaction [i.e. ownership after a period of renting], providing that the conditions that render a contract valid remains in tact.

Such conditions include the following:

1. There is a promise from the side of the financier (bank) to rent to the customer after the financier owns the item.
2. The financier is authorized by the customer to buy whatever he needs with the intention of then renting it to him (the customer). This authorization is permitted according to the law.
3. It is preferred that renting takes place immediately after the property is purchased by the financier. However, as the financier must first complete the [necessary paper work for a] contract before s/he buys the item, this matter often takes time. Here, s/he must be careful so as not to rent out something that s/he does not yet own. For this is prohibited on the basis of a Prophetic *hadith* attributed to Ibn Hazm. In this, the Prophet (upon him be peace) said: “Do not sell something which you do not own”.¹¹⁶ This *hadith* pertains to selling before ownership, and not to renting. This is because the customer will not pay anything until s/he has received the actual item and starts benefiting from it. After all, renting grants benefit rather than ownership. The harm that the Prophet (upon him be peace) forbid, as regards selling, is which is not owned and is erased.¹¹⁷
4. Promising the sale of an item, or giving it as a gift or partnership after renting, is permitted when this involves separate contracts.

¹¹⁵ Ze’ylee, Tabyin Al-Haqaiq, Sharh Kanz Al-Daqaiq, 53/5.

¹¹⁶ Daraqutni, 2859.

¹¹⁷ Ibn Hazm said, “Whoever sells something that is permissible, then he it is not permitted to sell except after owning except for wheat. Ownership according to him means in his hands without any prevention. If a prevention occurs it the permissibility of sell it is still permissible. Because he actually owns it he does what he wants it, giving it as gift, renting it, giving it as mahr or charity, loaning it taking it back before it is in his actual ownership and before putting his hands on it. Al-Muhalaa 472/7.

5. The responsibility for the rented item is upon the owner, not the tenant. If the condition is different from this, the contract it is not valid. Any damage done must be covered by the financier (bank), except if it is the fault of the tenant who, in that case, must pay. Of course, where ownership follows renting, the tenant takes the responsibility from the financier.
6. The tenant must strive to protect the rented item, and must use it for appropriate purposes. S/he cannot change any part of the item without the permission of the owner.

And all of the above agrees with the rule of renting in Islamic law.
And God knows best.

Dr. Anas Abu Shadi

82. The Ruling on Retrieving a Present from the Person You Wish to Give this Present to

Question: A question was asked regarding whether or not a Muslim should be permitted to retrieve a present from the person s/he wishes to give this present to.

Fatwa in Brief: This is illegal. It is prohibited on the basis of the *hadith* in which the person who reclaims his *sadaqa* is described as acting as if s/he has swallowed their own vomit.

The Permanent Committee, 16/172

Response:

According to the majority of the scholars, if a father gives all of his properties, or [merely] some of them, to his son as a gift (*hiba*) free of charge, he [the father] is still free to take back this gift at a later date. While Abu Hanifa disagrees with this, the opinion of the majority is stronger.

Commentary:

To take back one's gift [from its recipient] is prohibited by the majority of scholars, unless the one reclaiming the present is a father from his son. Only in this instance can the present be taken back [without a sin being committed]. The most important of the *hadith* collectors [bar Muslim and al-Bukhari], al-Tirmidhi, Abu Dawud, al-Nisa'i and Ibn Majah, include a *hadith* attributed to Ibn 'Abbas and Ibn 'Umar. In this the Prophet (upon him be peace) remarks:

“It is not permitted to give a gift, and to reclaim it, except when a father reclaims a gift from his son. The same logic also applies to the mother, and children of all ages.

This is the opinion of the majority. Malik argues that it is permitted to take back the present if it has remained in its original condition; however, if it has changed in any way [through wear and tear], it may not be reclaimed. In contrast, Abu Hanifa claims that it is never allowed to reclaim a gift, even when this gift is given by a parent to his/her child. In this view, however, it is allowed to reclaim a gift given to a stranger. On this matter, however, Abu Hanifa’s opinion is not strong, as it contradicts the meaning of the above mentioned *hadith*.

The [above mentioned] *hadith*, considered sound by al-Tirmidhi, is also relevant. Here, it is said that the “one who takes back a gift is like a dog that swallows its vomit”. According to the logic of Abu Hanifa one may buy a gift [from someone that you wish to give this gift to]. What is prohibited is reclaiming, rather than buying a gift.¹¹⁸

Dr. Anas Abu Shadi

83. The Prohibition against Opening an Account for Donations in a Bank that Charges Interest

Question: A question was asked regarding [the validity of] opening an account for [charity and] donations in a non-Islamic bank.

Fatwa in Brief: It is illegal. The work of non-Islamic banks is illegal [i.e. banks that charge interest]; and dealing with them is therefore also illegal.

The Permanent Committee, 16/259

Response:

It is permitted to keep the money one intends to pay to charity (*sadaqa*) and/or in donations [to Muslim causes] in a bank account that does not pay interest.

Commentary:

¹¹⁸ Shaykh ‘Atiyya Saqr, *Fatawa Dar al-Ifta al-Misriyya*, no. 54, May 1997.

It is permitted to keep the money one intends to pay to charity (*sadaqa*) and/or in donations [to Muslim causes] in a bank account that does not pay interest. This is because the logic underpinning the prohibition against non-Muslim banks [i.e. that they charge interest] does not apply here. Ultimately, then, providing this money is not used or treated in an illegal way, one may keep one's money in this form of bank.¹¹⁹
And God knows best.

Dr. Anas Abu Shadi

84. Participating in Science Competitions, and/or those of Newspapers, Magazines and Shops

Question: A question was asked on [the validity of] participating in science competitions, and/or those of newspapers, magazines and shops.

Fatwa in Brief: This is permitted providing that the competition concerns matters of religion. Thus, it [the competition] must quiz Muslims on their knowledge of law (*fiqh*), monotheism (*tawhid*) and Qur'anic interpretation (*tafsir*). Magazines in which these competitions are posted may not include advertisements, or other [ways of] wasting time.

Shaykh Ibn Jebrin, *al-Lu'lu al-Makin*, 213-214

Response:

[Participating in] A competition is permitted for Muslims as long as the purpose of this competition is to bring relaxation or education, or any other worthwhile and legally permitted benefit. This is the case providing that there is no authoritative text prohibiting it, that no religious obligations are missed because of it, that it does not cause harm to any living creature, that it is not connected to any prohibited act or substance, and [finally] that it does not lead to corruption (*mafsada*).

Commentary:

On the basis of clear evidence, Islamic law dictates that competition is permitted as long as its purpose is to bring relaxation or education to Muslims. Likewise, there must exist no authoritative text prohibiting it; no religious

¹¹⁹ Shaykh 'Abd Al-Majid Salim, *Dar al-Ifta' al-Misriyya*, n. 36, Ramadan, 1358/October 1939.

obligations will be missed because of it; it does not cause harm to any living creature; it is not connected to any prohibited act or substance; and [finally] it does not lead to corruption (*mafsada*).

There is no doubt that competitions are allowed if these benefit the Muslim, allowing him/her, for instance, to improve his/her physical condition body, to gain knowledge or to develop other abilities and skills. Running races are permitted [between individuals]; so too are horse races; and/or competitions between animals and birds, archery, shooting [with any variety of weapons]. Likewise, there is no problem for Muslims to participate in boat races, athletics, weight-lifting, and [most types of] boxing. The rules for [and nature of] these competitions may be secular, and not religious.

The more dangerous and aggressive competitions, in which the competitors risk serious injury – among which are included some types of boxing, wrestling and Kung-fu – are not permitted in Islam, as they exhibit vulgarity (*safah*) and cruelty. This is also the case when there is cruelty to animals [in the name of sport]. Cruelty to animals is not permitted in Islam; hence, there should be no dog, cock, ram or bull fights.

Ibn ‘Abbas (r.a.) narrated the Prophet prohibited fighting (literally: “harassment”, *al-tahrish*) between sheep. This account is included in Abu Dawud’s *hadith* collection, as well as elsewhere. [On these grounds] It is incorrect to use an animal as a target in sport. Once, ‘Abd Allah ibn ‘Umar (r.a.) passed by a group of boys from Quraysh who were shooting at a bird [with bow and arrows]. On seeing Ibn ‘Umar, they ran away. Ibn ‘Umar said: “who did that? May God curse the one who did that [shooting at the bird]. The Messenger of God (upon him be peace) cursed the one who takes any living creature as a target [for sport]”. This *hadith* may be found in both Bukhari and Muslim.¹²⁰

And God knows best.

Dr. Anas Abu Shadi

¹²⁰ See *Majma‘ al-Fiqh al-Islami Journal*. The authors: Doctor Muhammad ‘Abd al-Rahmin, Sultan al-‘Ulama’, lecturer in *fiqh* in the University of the United Arab Emirates, and Dr. Mahmud Ahmad Abu Lail, lecturer in *fiqh*, Faculty of Shari‘ah, the University of United Arab Emirates.

Section Eleven: Family and Gender Relations

85. The Ruling Regarding the Mixing of Boys and Girls in Education

Question: A question was asked regarding [the validity of] mixed gender schools.

Fatwa in Brief: Mixed gender education (*ikhtilat*) is not permitted; therefore, studying in mixed schools is also not permitted.

The Permanent Committee, 3/103

Response:

Leaving one's study or work because men and women are permitted to mix there is to commit the greater of the two sins. According to the law, Muslims are instructed to commit the lesser evil whenever this is possible. If excesses do occur, one should advise Muslims with wisdom and kindness.

Commentary:

Some degree of social mixing has existed between men and women since the dawn of Islam. This has occurred in markets, mosques and so on. Yet, such mixing has always been subject to restrictions, based upon Islamic legal ethics. The fact is that work or study places are necessarily public; thus, [the ruling] is the same as if a Muslim was walking in the road, or had gone to the market, and/or any other form of public meeting. In such instances, each gender must act in accordance with the demands of Muslim law and ethics. Regarding this matter, we turn to the verses:

"Tell the believing men to lower their gaze and be modest". (Q. 24: 30)

And:

"Tell the believing women to lower their gaze and be modest, and to display of their adornments only that is apparent, and to draw their veils over their bosoms". (Q. 24: 31)

According to the Prophet's Sunna, men and women are to avoid mixing together, intimacies in secluded spaces, physical contact [that may lead to sexual provocation], suggestive comments, strong perfumes, places in which

many people mill around [bodies are pressed against each other], and any action that results in the lowering of one's ethical standards.

In addition to behaving ethically, both Muslim men and women should make sure to redirect those do not behave ethically. On this point, God's words:

"And the believers, men and women, are protecting friends, one of another; they enjoin the right and forbid the wrong". (Q. 9: 71)

This should be in a wise manner/way, in which a Muslims seeks obedience or at least to save him/herself from the sin of not behaving as God says:

"And when a community among them said: why preach ye to a folk whom Allah is about to destroy and punish with an awful doom, they said: in order to be free from guilt before your Lord, and that haply they may ward off (evil)". (Q. 7: 164)

It is illegal to remain silent regarding the violation of ethics, according to what God said:

"Ye have charge of your own souls. He who erreth cannot endure you if ye are rightly guided". (Q. 5: 105)

As mentioned in numerous texts, people will not learn to behave ethically until they understand the command to promote good and to forbid evil. If one's advice [to promote good and to forbid evil] is not at first grasped, it is obligatory to treat the evil-doers in a way that shows your dissatisfaction with them. In this way, they may eventually rectify their behaviour.

It is difficult for someone to leave his/her study or work, because men and women mix there. After all, most fields – both nationally and internationally – involve such mixing. It is a legal obligation to consider this matter seriously and cautiously. For, in this era, the complete separation of men and women is impossible in most places. To walk away from one's studies or work out of a fear of mixing with someone from the opposite sex is actually a greater sin than remaining in the study/work place. It is a waste of knowledge, and weakens one's work and the Umma. [As stated above] It is incumbent upon Muslims to do the opposite: commit the lesser of two sins. Hence, one should strive to gain knowledge and work experience, even though this involves one sharing one's study/work place with someone of the opposite sex. In addition to that,

advising with wisdom is a legal obligation which lifts all blame and sin (from the advisor). And God knows best.

Dr. Yassir ‘Abd al-‘Azim

86. The Ruling for Working in Places where there is Unrestricted Mixing between Men and Women

Question: A question was asked on the ruling for working in the places where there is unrestricted mixing between men and women.

Fatwa in Brief: This is not permitted; it involves [and leads to] immorality.

The Permanent Committee, 15/161

Response:

Working in a place where men and women cooperate professionally, and thus mix, is permitted, as long as both behave ethically.

Commentary:

The meeting of men and women is not, in itself, prohibited. Rather, it is permitted, or [even] required, if the aim of this meeting is noble. Hence, if men and women co-operate to complete a job, a charity project, an obligatory act of *jihad*, or some other such act that requires the efforts of both men and women in terms of planning, direction and realization, then there is no problem. This does not mean, however, that such meetings lie outside the boundaries of the law. Here, instead, the emphasis must be on good, respectful and pious interactions, such as those outlined by Islam.

Concern the nature of interactions between men and women, the following demands are made of Muslims:

- 1) Muslim men and women should commit “to lowering his/her gaze” (*bighad al-nasr*): this applies equally to both men and women, when they are in the company of each other. A Muslim person should not look at those areas of the body, in a person of the opposite sex, that s/he is not permitted to look at (i.e. *al-‘awra*). God says: “*Tell the believing men to lower their gaze and be modest. That is purer for them. Lo! Allah is aware of what they do*”. (Q. 24:30)

- 2) Both should commit to wearing modest clothes permitted by Islamic law and appropriate to the workplace, and the profession. Neither should aim to expose their bodies to the scrutiny of the other, or to entice their attention, or arouse the sexual feelings of the other. That also includes avoiding [the wearing of] anything that stirs the desires of the opposite sex. Thus, they should not put on perfume, or accessories that draw attention to them.
- 3) Both should commit to modesty and good behaviour (*adab*) in all actions, and, in particular, when dealing with the opposite gender. They should observe modest behaviour when speaking, walking, sitting, and exchanging material. They should be respectful of each other and treat each other within the boundaries of their work.
- 4) Men and women should be cautious of meeting in seclusion, or behind closed doors, or in private offices. The sound *hadiths* have forbidden this.
- 5) Unrelated and unmarried men and women should only meet when it is necessary to do so, such as when they work in the same area or office [and must complete a project together]. They should not seek to meet outside of the workplace or work time.

If there is mixing between men and women in a place of work, yet, such mixing remains within the parameters of Islamic law, or close to these, then such work is not forbidden to Muslims. They must stay close to the ethical guidelines that we have mentioned [in the above list].¹²¹

According to Shaykh, Dr. ‘Abd al-Muhsin al-‘Ubaykan: there is no legal text that prohibits men and women from meeting in the workplace. In his speech during one of the first meetings of the 7th National Conference (*al-Hawar al-Watani*), al-‘Ubaykan observed that the presence of a veiled woman [*bi al-hijab al-shar‘i*] does not fall into the category of illegal mixing of the genders (*khalwa*), except when this causes disruption [*iftitan*]. He added that mixing (*ikhtilat*) takes place when Muslims circumambulate the Ka‘ba (*tawaf*), when they run between Safa and Marwa (*sa‘y*). Thus, not all mixing is prohibited; rather this prohibition extends to those types of meeting that cause disruption (*fitna*) [in the workplace and elsewhere].¹²²

Dr. Anas Abu Shadi

¹²¹ Free summary of Yusuf Qaradawi, from his website.

¹²² See www.alwatanyh.com.

87. The Ruling Regarding Marriage to a Minor [a girl between 2-10 years]

Question: A question was asked regarding the ruling of marriage to young girls (from 2-10 years) who had not yet reached the age of puberty.

Fatwa in Brief: It is permitted for a pre-pubescent girl to marry [a mature man].

The Permanent Committee, 18/123

Response:

In the present day, setting an age limit for marriage benefits both parties. Each must be capable of shouldering the responsibilities placed upon them by marriage. [In order to protect both parties] Some governments enforce legal age limits. This is a good thing (*khayr*), as long as all [relevant] circumstances are taken into account when establishing these limits. [When marriage partners are still young their] Legal guardians (*uli al-amr*) must be obeyed in these matters, as long as they act for the good of the child.

Commentary:

[Traditionally] Islam has never upheld a minimum age for marriage. Yet, Islam set limits for *taklif* (religious duties) in general. Specifically, these duties are [only obligatory] once an individual reaches the age of puberty, and thus only when s/he has reached the age of fifteen lunar years. Yet, Islam did not apply the same principle to the marriage contract. Rather, marriage before this age has always been permitted through marriage guardians (*awliya' al-amr*). Although there is no minimum age limit for marriage, it is better that this not occur before puberty, at a time when both the young man and woman are [physically] mature. This will protect them from corruption/deviation (*inhiraf*). Marriage earlier than this may cause [both parties] hardship, due to the intellectual effort required in marriage. The approval of secular law (*qanun*) is not a condition for the [Islamic] validity of marriage. However, the legal systems of most Islamic countries will not document, and [thus] approve, a marriage contract before both husband and wife reach a certain age. The logic underpinning this decision is that marriage requires commitments from both parties that it would be unreasonable to expect of a pre-pubescent individual. However, as [in both physical and mental terms] a girl reaches womanhood before a boy, it is sensible that she can marry at sixteen, while he should wait until he is [at least] eighteen.

The majority of scholars rule that it is permitted for a male and female to marry as soon as they are deemed legally old enough to have sexual intercourse. They also permitted their guardians to marry them earlier than this, before they reach the age of puberty. In the latter case, a marriage contract may only be completed under the supervision of the guardians.

The majority based their opinion – that a young woman may marry before she reaches the age of puberty [under the guardian’s supervision] – on God’s words:

“And for such of your women as despair of menstruation, if ye doubt, their period (of waiting) shall be three months, along with those who have it not”. (Q. 65: 4)

According to this verse, the waiting period after divorce (*‘idda*) for a pre-menstrual girl is three months. An *‘idda* naturally follows a divorce; and there is no divorce without [there first being] marriage. [According to one interpretation of the verse] Therefore, it is permitted for people who have not reached maturity to marry legally, providing the marriage conditions are met. This is because, in this verse, the *‘idda* is stipulated for a girl before she begins her menstrual cycle [and, as mentioned above, if there is an *‘idda*, then the Qur’an presumes that there has been a marriage]. In Islam, then, there is no legally stipulated age for marriage. In these days, a minimum age limit is set by [secular] legal systems so as to protect the psychological and physical well-being of the couple. In doing so, it allows both partners to carry the responsibilities of marriage.

Some governments enforce legal age limits. This is a good thing (*khayr*), as long as all [relevant] circumstances are taken into account when establishing this. [A young woman’s legal] Guardians (*‘uli al-amr*) must be obeyed in these matters, as long as they act for the good of the child. God said:

“O Ye who believe! Obey Allah, and obey the Messenger and those of you who are in authority”. (Q. 4:59)¹²³

Dr. Anas Abu Shadi

¹²³ Jad al-Haqq, *Fatawa Dar al-Ifta’ al-Misriyya*, no. 1161, 18th Dhu-al-Hijja, 1400 AH/27th October, 1980.

88. The Ruling on Wearing a Marriage Ring

Question: A question was asked regarding [the validity of] wearing a ring, while engaged or married. However, [this is with the knowledge that] the ring must not be made of gold.

Fatwa in Brief: Wearing a ring [regardless of the metal used] is an innovation; and it may be among those acts prohibited by law.

Shaykh Ibn al-‘Uthaymin, *Majmu‘ Fatawa*, 18/100
Shaykh Yassir Birhami, www.alsalafway.com

Response:

As long as one does not wish to imitate the non-believers (*kuffar*) through doing so, then wearing a ring is not legally forbidden to Muslims. Indeed, if this ring is silver, it is permitted to both men and women; if, however, the ring is fashioned from gold, it is forbidden to men, and allowed to women.

Commentary:

The idea of a ring being used to signal an engagement or marriage goes back thousands of years. It is thought that the first to do so were [Egypt’s] Pharaohs; [later] the Greeks also wore rings; and, ultimately, the practice of wearing a ring [to signify engagement and/or marriage] became known around the world. The fact that one wears this ring on the ring-finger of the left hand is due to the Greeks, who believed that a vein from the heart passed through this finger. The English are the most likely to wear rings; and this habit may be described as an essentially Christian one.

Muslims adopted the same habit, regardless of the reasons behind it. The important thing, here, is to be aware of the legal consequences involved. Specifically: the wearing of a ring is, in itself, permitted. For, no [authoritative] text prohibits this action. One must not, of course, wear a ring in order to imitate the non-Muslim (*kuffar*). Such imitation is forbidden, especially if it carries a religious meaning that is not consonant with [the values and principles of] Islam. If this ring is silver, it is permitted to both men and women; if, however, the ring is fashioned from gold, it is forbidden to men, and allowed to women.

Some *hadiths* are concerned with this matter. Among these is a *hadith* included by al-Tirmidhi, with a good (*hasan*) chain of tradition (*isnad*). According to

this, “Wearing silk and gold has been made unlawful for the men of my people, but lawful for our women”. There is another *hadith*, included by Muslim: “He forbade us wearing gold rings”. Likewise, there is another *hadith* [in Muslim] which recalls that, when the Prophet (upon him be peace) saw a man wearing a gold ring, he reached forward, and removed it, saying: “Would one of you seek a burning charcoal and place it on his hand?!”

And Allah knows best.

Dr. Anas Abu Shadi

89. The Ruling for Ululating and Clapping Hands at Weddings

Question: A question was asked regarding [the validity of] ululating and clapping hands at weddings.

Fatwa in Brief: Ululation is not permitted because a woman’s voice should not be heard by men, other than by her husband and those within her immediate family [literally, her voice is “*awra*”]. In contrast, clapping is permitted to women, when they need to draw men’s attention [for any reason].

Shaykh Ibn Jebrin

Response:

A woman’s voice may be heard by men other than her husband and those belonging to her immediate family [thus it is not “*awra*”]. Ululation is permitted if it is done in a way that is not intended to seduce men; [and thus] it is least problematic when it occurs in the company of women. Clapping is not an act of worship; it is not a means of drawing closer to God; and there is no prohibition against it.

Commentary:

The question of whether or not it is permitted for women to ululate at weddings is permitted on the basis of the same legal principles that allow her to sing [at weddings]. When it is not affected or intended to seduce, a woman’s voice is not “*awra*” [see immediately above for definition]. Ululations are permitted, especially if they occur between women and are not heard by men unknown to the women. However, if the tone of the ululation is intended to provoke a man [to lust], it is not permitted.

Regarding clapping, God says about non-Muslims (*kuffar*):

“... their prayers... was but whistling and ... clapping”. (Q. 6: 35)

And, the people of Quraysh used to circumambulate the Ka‘ba naked, whistling and clapping. [At the time] They believed such acts allowed them to draw near to their gods. The clapping mentioned here, however, does not relate to people trying to draw near to, or worship, God. Rather, in these cases, such acts are mere traditions, or customs, by which some people express themselves. And there is nothing in the law that prevents such expressions. Despite this, however, it is better that such acts [clapping, ululating] do not happen in parties in mosques. This is a sign that Muslims wish to avoid imitating the non-believers in their rituals.

According to the Fatwa Centre, under the Supervision of Dr. ‘Abdullah al-Faqih:

Scholars disagree regarding the validity of ululating [in Islam]. Such disagreements arise from [a variety of] contrasting opinions regarding the legal status of a woman’s voice, and whether or not this [the voice] constitutes a form of *‘awra*. The preferred opinion [here] is that it is not *‘awra*. Thus, ululating is permitted, providing that there is no danger that it may seduce or stir the lusts of men.

And God knows best.

Dr. Anas Abu Shadi

90. The Ruling for the Bride’s Wedding Procession

Question: A question was asked regarding whether [Muslim] women should be permitted to make a wedding procession for the bride from the entrance hall [of the place housing the party] to the dais (*kusha*) upon which the bride and groom sit [for the party]. In this procession, women beat the traditional drum (*duff*), recite hymns in praise of God and His Prophet (upon him be peace), and offer greetings to the couple. What, then, is the ruling regarding such a wedding procession? And what is the ruling for sitting in the dais?

Fatwa in Brief: This [the wedding procession/dais] is not permitted. It is an innovation, and all innovations are reprehensible. A Muslim woman is naturally modest. By sitting in the dais, the bride presents herself to a crowd of onlookers; thus, she cannot be described as modest.

Shaykh Ibn Jebrin

Response:

Announcing the marriage [to one's community] is recommended (*Sunna*); the wedding procession for the bride is part of this announcement.

Commentary:

Announcing and declaring the marriage, so that news of it spreads among the community, is recommended (*Sunna*). The *hadith*: "Announce the marriage, hold it in the mosques, and beat tambourines on its occasion", included by al-Tirmidhi, with a good (*hasan*) chain of tradition, calls for this announcement to be made through all possible means. Among these is included the beating of tambourines (*daffs*), the gathering of well-wishers, and the wedding procession for the bride. Regarding what is permitted women: during the bride's wedding procession, [as she moves] from the entrance hall to the dais (*kusha*), people may beat tambourines and recite hymns, both are recommended acts. Hence, al-Bukhari includes a *hadith*, attributed to 'Aisha, in which she ['Aisha] prepares a woman to marry a man from among the Followers (*ansar*). [At which point] The Prophet said to her: "O 'Aisha! Do you have no forms of entertainment (for the marriage ceremony); for, the Followers enjoy these?"

It is permitted for the bride to sit on the dais, so that other women see and congratulate her. Likewise, as mentioned already, it is permitted for women to dance when in the company of each other [but not of men]. However, if the dais includes both the bride and the groom, the wedding party [automatically] involves mixing (*ikhtilat*). And [the evils of] this has also been discussed above. If those who put on the wedding are confident that such mingling of men and women will not result in a contravention of [the spirit and demands of] Islam, it remains within the limits of the law. Nowadays, however, in most countries, people's traditions [at weddings] all too often exceed these limits. It is better to be cautious, therefore, and to designate one place for men and another [separate place] for women. This way, women are free to behave as they wish, and not as they must in the company of men.

And God knows best.

Dr. Anas Abu Shadi

91. The Ruling for Treating/Curing one's Wife when she is Sick

Question: A question was asked about whether or not a husband is legally obligated to treat/cure his ill wife.

Fatwa in Brief: The husband is not obligated to cure his wife.

The Permanent Committee, 19/260

Response:

The opinion of some Maliki scholars – that it is obligatory for a husband to pay for his wife's medical treatment – is a noteworthy opinion and should be followed. Accordingly, [we rule that] it is obligatory for a husband to pay for the treatment of his wife; and this is in keeping with the general spirit of Islam.

Commentary:

God says:

“O ye who believe! It is not lawful for you forcibly to inherit the women (of your deceased kinsmen), nor (that) ye should put constraint upon them that ye may take away a part of that which ye have given them, unless they be guilty of flagrant lewdness. But consort with them in kindness, for if ye hate them it may happen that ye hate a thing wherein Allah hath placed much good”. (Q. 4: 19)

And the Prophetic *hadith*: “Their right on you is to treat them kindly and provide them with clothing and food”, which is narrated by Muslim. The Prophet also warned against shirking one's responsibilities (*al-taqsir*) in this matter: “It is enough sin for a person to hold back the due of one whose provision is in his hand”. This is narrated in different ways by Abu Dawud and Muslim. On this subject, the scholars differ. It is recognized that other demands [of the wife] must be met, such as those concerning her food, clothing, housing, entertainment (*mut'ah*), service and what is traditionally required during festivals and special occasions.

However, some scholars say that there is no legal obligation for the husband to meet the medical costs of his sick wife. A group of Maliki scholars, in contrast, argue the opposite. The latter is a noteworthy opinion, and it should be followed. Indeed, according to this opinion, a husband must pay for his wife's treatment from his own money, even if she is rich.

According to the Hanafi scholar, Abu Yusuf, it is also obligatory for a husband to prepare his wife's body, and pay for [the costs of] her burial. In this way, he behaves in accordance with the spirit of Islamic law, neither being stingy nor extravagant. Yet, such costs are his to meet even if she is rich. If the husband dies before his wife, the costs [of her later funeral and burial] should be paid from his inheritance, though his will should address his own [funeral/burial] needs first.

And God knows best.

Dr. Anas Abu Shadi

92. Regarding the Legal Status of Children whose Mother does not Pray

Question: A question was asked about the legal status of children whose mother does not pray.

Fatwa in Brief: The children of a mother who does not pray are considered outside the realm of Islamic law.

The Permanent Committee, 20/340

Response:

The fact that someone, man or woman, or both, ceases to pray does not [automatically] affect the legal validity of the marriage, providing that all parties accept the obligatory nature of the prayers. Likewise, the legal validity of relationship between parents and child is also stable.

Commentary:

The husband that does not pray is not [automatically] considered a non-believer by any of the four Imams, and the majority of the People of Knowledge, as long as he understands that these prayers are a religious obligation. The same legal logic applies to the woman who does not pray.

Ibn Qudama mentions, in *al-Mughni*, that despite the number of people who have neglected their prayers throughout the ages, not a single Muslim judge has ever separated a Muslim man and wife for this reason. It was never reported to us that someone who had abandoned prayer was not washed, or prayed over, or buried in Muslim cemeteries. Likewise, there is no evidence suggesting that the Muslim who stopped his/her prayers has been prohibited

from inheriting and bequeathing, or separated from their spouse. Had they been judged non-believers, these penalties would have applied.

Accordingly, the relationship between a man and woman, when one or both partners ceases to pray, is valid; and their marriage is free from legal defect. Likewise, the legal validity of relationship between parents and child is also stable.

[This point made] The person who neglects to pray should be often advised to return to prayer. S/he [the person who prays] should never cease to encourage their partner in this matter, while reminding them of the penalties for not doing so. Likewise, s/he should surround him/her with decent and morally refined people, who will lead him/her towards a better path [s/he should remember that] friendship works well in achieving this. And God knows best.

Dr. Anas Abu Shadi

93. When is the Parentage of the Father Proven?

Question: A question was asked regarding the inheritance rights of children born outside legal marriage. If the parentage of the father is known, does the [illegitimate] child inherit from him?

Fatwa in Brief: The parentage of the father is not accepted unless the conception [of the child] occurs within the framework of a valid, stable marriage, or [even] within a marriage that is legally flawed; it [the parentage] is not recognized, however, if a child is born outside of marriage altogether (*min zina*).

The Permanent Committee, 20/387

Response:

The legal validity of a relationship between a child born outside of wedlock to his/her father [who has had sex outside of marriage] is not accepted according to the majority of jurists. Ishaq ibn Rahwiya and Ibn Taymiyya and others, however, argue in favor of the idea that such a relationship is legally recognised.

Commentary:

Children born illegitimately are children born as a result of sexual immorality (*fahisha*). Here, the rights of parentage naturally belong to the mother, and not to the father. Thus, the child should only inherit from her [the mother's] side [of the family] because the child's relationship with her [the mother] is beyond doubt.

Regarding the relationship between this child and his/her father, the majority of scholars deny its legal validity, even if the father confirms that the child is his. The reason underpinning this is that [within the framework of a legally valid marriage] parentage is a 'blessing' (*ni'ma*); whereas sexual intercourse outside of marriage (*zina*) is a moral crime, which should not lead to [or described as] a blessing. However, if the father confirms that a child belongs to him, and does not mention that s/he [this child] was born outside of marriage – and the conditions to confirm his declaration are present – then, on these grounds, the child will be treated as his [according to Islamic law]. This decision will repair [the original sin], and if one of them dies, the other will inherit.

According to Ishaq Ibn Rahwiya and Ibn Taymiyya and others argue in favour of the idea that such a relationship [between father and the child born outside of marriage] is legally valid. They argue that, as an act of sexual immorality (*zina*) is a concrete reality, we may assume that [if he comes forward to announce the fact] the parentage of the father becomes as apparent as the parentage of the mother. In this sense, the family tree is not broken, and the child will suffer neither harm nor disgrace for a crime that s/he did not commit. God says:

“Say: Shall I seek another than Allah for Lord, when He is Lord of all things? Each soul earneth only on its own account, nor doth any laden bear another's load. Then unto your Lord is your return and He will tell you that wherein ye differed”. (Q. 6: 164)

According to this second opinion, the child inherits naturally from his father, and vice versa. Inheritance is a natural condition of [the workings of] the family tree. Hence, according to these scholars [Ishaq ibn Rahwiya and Ibn Taymiyya] the child is legally recognized, and thus able to inherit from his father [despite the latter's act of immorality].

Dr. Anas Abu Shadi

94. The Ruling of a Wife Assuming the Family Name of her Husband

Question: A question was asked regarding [the validity of] a woman assuming her husband's [last/sur-] name.

Fatwa in Brief: It is not permitted. This is because a woman's legal affiliation (*nasab*) must primarily be to her father [and not the husband]. To alter this is forbidden (*haram*).

Permanent Committee, 20/378

Response:

If changing the name of person shifts his/her legal affiliation [*"nasab"*, often translated as "lineage"] away from his/her father, then, it is not permitted; and there is a severe warning against doing so. However, the woman who adds her husband's name to her name does not deny [the importance of] her father or family. It is an addition due to marriage, not to *nasab*.

Commentary:

Changing names is permitted, if it is done for the purpose of seeking a better name. However, if changing the name results in changing one's *nasab*, then it is forbidden. In al-Bukhari, one Prophetic *hadith*, said, "The greatest lie is when a man relates himself to other than his father".

If a woman adds the name of her husband or his family to hers, and removes her father's name, this practice neither belongs to Islam or to the cultures of the countries in which Muslims live. For, God says:

"Proclaim their real parentage. That will be more equitable in the sight of God. And if ye know not their fathers, then (they are) your brethren in the faith, and your clients". (Q. 33:5)

And He also says:

"And Mary, daughter of 'Imran, whose body was chaste". (Q. 66:12)

Thus [we note that], despite his revered status with God and among the people, the wives of the Prophet (upon him be peace) did not relate themselves, through their names, to the Prophet (upon him be peace). [Like Maryam in the above verse] 'Aisha was referred to as "'Aisha the daughter of Abu Bakr";

while Hafsa was “Hafsa, the daughter of ‘Umar”; and Zainab was “Zainab, the daughter of Jahsh”, and so on.

Nowadays, however, if a woman adds her husband’s name to her own, it does not deny [the importance of] her father or family. People should know that the name is that of her husband, and not that of her father. Thus, it is an addition due to marriage, and is unrelated to the matter of *nasab*.

“Allah citeth an example for those who disbelieve: the wife of Noah and the wife of Lot” (Q. 66:10)

The meaning is merely that she is the wife of this person. The change in name does not indicate that she is no longer related to her father. Hence, this change is not forbidden, providing that [the nature] of it is known by the general public. As for formal paperwork certifying ones identity, then it should only state so and so daughter of so and so, naming the father only.

Some scholars say that it [changing one’s name] is [forbidden because it involves] imitating the [practices of the] disbelievers. Imitating without intention, however, is not forbidden (*haram*).

And God knows best.

Dr. Anas Abu Shadi

95. The Obligation to be Fair to One’s Children when Giving Presents

Question: A question was asked regarding the need to be fair to one’s children regarding the giving of presents.

Fatwa in Brief: It is obligatory [to give to all children equally]. Preferring one child over another is prohibited. This is on the basis of the *hadith* attributed to al-Nu‘man ibn Bashir, who said: “Do not make me a witness for injustice. Your children have the right to be treated fairly”.

The Permanent Committee, 16/192-194

Response:

When distributing money amongst one’s children, it is disliked, rather than prohibited, to prefer one child above another, according to the majority of scholars. If there is a good reason for doing so, however, then it is not even disliked.

Commentary:

The scholars of the [Sunni] four schools agree that it is legally disliked for parents to favour one child above others, in terms of the money they receive [as a gift]. According to Abu Hanifa and Shafi'i, such preference is not prohibited, however. Imam Malik also rules that is permitted for a man to give more of his money to some children above others. According to Imam Ahmad ibn Hanbal, any form of preference is forbidden; and doing so is to neglect one's role as a parent.

The best opinion in this matter is that of the majority, though this must apply under the condition that there is a clear reason for giving one/some children more money than the others. [Despite this Imam's view] The Hanbalis also ascribe to this opinion. Thus, in the Chapter of Gifts in *al-Mughni*, Ibn Qudama observes:

If he [the father] singles out one of them for a reason – because s/he is in need, or chronically ill, or blind, or has a large family, or because s/he is preoccupied with seeking knowledge, or for any other [equally good] reason – this [giving more money to a specific child] is permitted. Likewise, if he refrains from giving to one of them because s/he is an evildoer or an innovator, or because s/he will use this money to disobey God, or to deny the rights of the parents, then this too is permitted.¹²⁴

And God knows best.

Dr. Anas Abu Shadi

96. The Ruling of Showing Preference for one Child over another

Question: A question was asked about [the validity of] preferring one child over others when giving gifts.

Fatwa in Brief: It is not permitted, except with the approval of the others, or if the child who receives the gift is unable to earn.

Shaykh Ibn Baz, *Women Fatwa*, pg. 205

Shaykh Yassir Birhami: www.alsalafyway.com

¹²⁴ Shaykh Hasan Ma'mun, *Dar al-Ifitā' al-Misriyya*, no. 1063, 14th Dhull-Qi'da, 1377.

Response:

Preferring some children over others when giving gifts is disliked, but it is permitted if there is a reason [for doing so].

Commentary:

In [the collections of] Muslim, Abu Dawud and Ahmad, in a *hadith* attributed to Jabir (r.a.) which states:

The wife of Bashir told her husband: ‘Give my son a slave boy and seek permission from the Prophet (upon him be peace)’. He [the husband] came to the Prophet (upon him be peace) and said: “Indeed, the daughter of that person (naming his wife), asked me to give her son a slave boy’. To which the Prophet (upon him be peace) replied: ‘Does he have any siblings?’ The man said: ‘Yes’. And the Prophet (upon him be peace) then asked, ‘Did you give them the same as you gave him?’ He replied: ‘No’. To which the Prophet (upon him be peace) responded: “Then, this [the giving of a slave boy] is incorrect; and I will not be a witness except to the truth”.

[On the basis of this *hadith*] The scholars of the four [Sunni] schools of law agree that it is legally disliked (*makruh*) to show preference, or to single out children and give them money [while ignoring their siblings].

The jurists differ, however, as to whether or not showing a preference is actually prohibited. Abu Hanifa and Al-Shafi‘i agree that it is not prohibited; while Imam Malik argues that it is permitted for a man to give some of his money to some of his children without giving [the same amounts] to his other children. [Siding with the former scholars] Imam Ahmad ibn Hanbal believes that showing any preference for one child above another is not permitted; and whoever does so has committed a [moral] error.

The preferred opinion is that of Abu Hanifah, Malik, and Al-Shafi‘i: that it is permitted to single out some children above others, to give them gifts of money, if there is a reason for doing so.

[Indeed, many of] The Hanbalis are of the same opinion. Thus, in the Chapter on Gifts of *Al-Mughni*, by Ibn Qudamah, we find that: If he [the parent] singles out for preference some of his children, and this preference is based on their needs – such as [the needs of children suffering from] prolonged illness, blindness, or [as the result of belonging to] a large family, or if the child is

busy seeking knowledge or for any other valid reason – then it is permitted [to give them, and not their siblings, gifts].

Equally, a parent may base his decision to spend, or refrain from spending, on one or more children on [whether they commit] wrongdoings or [reprehensible] innovations in religion. The parent is equally free to prefer one above another, or to withhold his generosity altogether, if this will help curb disobedience.¹²⁵ And God knows best.

Fatawah from the Fatwa Centre under the Supervision of Dr. ‘Abdullah Al-Faqih:

Some People of Knowledge are of the opinion that the above *hadith* (of Bashir) supports the legal obligation of giving to all children equally and its being non-binding if it occurs in a different manner. They base their opinion on Ishaq, al-Thawri and al-Bukhari. It is also the saying of Imam Ahmad.

The majority of scholars are of the opinion that it is [merely] preferred to treat one’s children with absolute equality. And there is a *hadith* to this effect, though it also warns of the dangers of being unjust. This *hadith* is narrated by Muslim.

[To conclude] The majority of scholars agree that, when giving gifts, a parent may prefer [one or] some of his children above the others, on the condition that these children are healthy adults. [We also note that] Whatever the parent gives before his death cannot be counted in the inheritance. This is the opinion of Imam Ahmad, according to a *hadith* narrated by Muhammad ibn Hakim and al-Maymuna. Moreover, it is the opinion of Imam Malik and as-Shafi‘i, and of most of the People of Knowledge.¹²⁶

Dr. Anas Abu Shadi

97. The Ruling on the ‘Awra of Women in the Company of Other Women

Question: What is the ‘awra of a woman when she is in the company of other women? Is it between the navel and the knee?

¹²⁵ *Fatawa Dar al-Ifta’ al-Misriyya*, subject (1063), (1285). Mufti: Shaykh Hasan Ma’mun and Shaykh Jaad al-Haqq.

¹²⁶ *Fatwa*, no. 5348, 26th Sha‘ban, 1422 AH.

Fatwa in Brief: The *'awra* of a woman in front of other women is not between the navel and the knee. It was mentioned that the legislated *'awra* of the woman is to cover herself, from the palms of the hands to the heels, and if required, she can cover between the knee and the upper arm.

Shaykh Ibn al-'Uthaymin, 1414/11/20

Response:

Jurists agree that the *'awra* of a woman in front of other Muslim women is between the navel and the knee. There is no difference of opinion among them on this matter. What is mentioned in this *fatwa* runs counter to the consensus of Muslim scholars.

Commentary:

The *'awra* of a woman in front of Muslim women is the same as men in front of other men. That is to say, she is expected to cover the [skin between her] navel and knees. In turn, it is permitted to look at her entire body, except the area that lies between these two places. This applies when women are in the company of other women, and there is no sexual desire. However, it is prohibited if there is sexual desire [on anyone's part]; and, thus, if there is fear of *fitnah*.

Scholars unanimously agree on this opinion. The above *fatwa* runs counter to the consensus of Muslim scholars.

In the Hanafi text, *Bid'a Asani*, 124/5, the author observes that a woman is permitted to look at the entire body of a woman, except that which lies between the navel and the knee. In the Maliki text *Sharh Mukhtasir*, Khalil Kharshi, 247/1 observes that, in terms of what may be looked at, the *'awra* of a free woman with another free woman, a slave woman, or a disbelieving woman lies between the navel and the knee.

In the Shaf'i text, *Asna Al-Matalib*, 11/3, it is written that: "when (women) look at other (women) what is permitted to see is [what lies] above the navel and what is below the knee. For this [area] is not *'awra*, in front of other women".

[Last] According to the Hanbali text, *Sharh Muntaha Al-Iradat* 626/2, it is permitted to look at everything, except that which lies between the navel and

the knee. This applies to a woman looking at another woman, even if she is not Muslim; and to a man looking at another man, even if he is a young boy [and thus may be found attractive by some men]).

On the basis of these texts, the scholars agree that it is permitted to look at these parts. This is on the condition that [this look] does not lead to desire or discord (*fitna*); and if these things are present, such a look is prohibited. And God knows best.

Dr. Yassir ‘Abd al-‘Azim

98. Shaking Hands with (marriageable/non-*Mahrim*/foreign) Women

Question: A question was asked about shaking hands with marriageable women [i.e. women that a Muslim male can marry].

Fatwa in Brief: This is not permitted, whether the woman is young or old, and whether or not there is a barrier [between the skins of the hands that touch].

Shaykh Ibn Baz, *Da‘wah Journal*, no. 885

Response:

Scholars differ as regards whether or not the legal ruling on shaking hands with a marriageable woman. Some describe it as prohibited (*haram*); while others describe it as permitted. If this act leads to neither desire nor fear of discord (*fitna*), then we prefer the opinion of those who consider it permitted.

Commentary:

The majority of scholars agree that it is permitted for a man to shake hands with a marriageable woman, if she is old and undesirable.

In contrast, they prohibit young men and women from shaking hands. However, the Shafi‘is permit this; on the condition that there is neither desire nor *fitna*. In addition, [in this opinion] there must be a barrier [between the skins of the people shaking hands]. There is a narration from Imam Ahmad in which he says that this is disliked (*makruh*), but not prohibited. Some contemporary scholars believe that shaking hands is permitted, provided that [as a result of such contact] there is no desire. Those who uphold this opinion does so as follows:

1. Just because the Prophet (upon him be peace) preferred not to perform an act does not, of itself, make this act forbidden to Muslims. Rather, it may be that it is merely disliked, or that is better not to perform it. Perhaps the Prophet (upon him be peace) left it simply because of a particular situation. The saying of the Prophet (upon him be peace) “Verily, I do not shake hands with women” [could be read accordingly].
2. The scholars do not agree as to whether or not the Prophet (upon him be peace) abstained from shaking hands with women during the Oath of Allegiance with women. A narration from Umm ‘Atiyyah from the Ansar (r.a.) suggests that the Prophet (upon him be peace) shook hands with the women took this oath. This contradicts the saying of the Mother of the Believers, ‘Aisha (r.a.), who swore that this event [the handshaking] never took place.¹²⁷
3. These scholars impugn the chain of transmission and content of the following *hadith*: “It is better to be stabbed in the head with a (large) needle than to touch a woman that is not permitted [to touch]”.¹²⁸
4. There is an authentic Sunna which supports the opinion that men and women touching hands is permissible on the condition that there is no desire or fear of fitnah. However, perhaps the Prophet (upon him be peace) did it and this is proof that it is permissible in Islam and can be followed. “*Verily, in the Messenger of God is a perfect example*”. (Q. 33:21)

In further support, in *Sahih Al-Bukhari*, it is reported that Anas ibn Malik (r.a.) said: “Slave women from Madinah used to hold the hand of the Prophet (upon him be peace), and walk with him until they had fully confided in him”. Likewise, there is a narration in the *Musnad* of Imam Ahmad [Ibn Hanbal] that such women used to take the hands of the Prophet (upon him be peace), and that he never pulled his hands away, until after the woman had left. In addition, in *Sahih al-Bukhari* and in *Muslim* and in other books of the Sunna, Anas (r.a.) is reported to have said that the Prophet (upon him be peace) slept at the house of Umm Hiram, the aunt of Anas and the wife of ‘Ubada ibn al-Saamit, with his head in her lap, while she would caress his head. And while some scholars claim that she was one of his relatives [and hence non-marriageable], al-Hafiz

¹²⁷ Details in the Research of Shaykh Qaradawi, and in the research centre of the *Dar al-Ifta’ al-Misriyyah*. Check its site on the Internet.

¹²⁸ Mu’qal ibn Yassir al-Tabrani and al-Baihaqi.

al-Dimyati denies this. [In response to this] Some scholars argue that this [resting one's head in the lap of a woman] was only permitted for the Prophet (upon him be peace). However, the judge, Ayad, denies this.

[Taken together] the above narrations clearly show that touching [between a man and a woman providing that it does not lead to sexual desire and/or *fitna*] is not prohibited. Thus, if a man and a woman meet, and there is no sexual desire or fear of *fitna* on either side, as was the case in the meeting between the Prophet and Umm Hiram and Umm Sulaim, then, if the need presents itself, there is no harm in shaking hands. [One example of this would be] If a person returned from a journey, or other similar occasion.

At the same time, it is important that Muslims be aware that, if there is any fear that a handshake might lead to *fitna*, then this act is certainly prohibited. It is better for a Muslim not to begin shaking hands, but if someone stretches out his/her hand he should shake it.

We have clarified this ruling so that the Muslim who needs to do this will do it without feeling that he has sinned.¹²⁹

Dr. Yassir 'Abd al-'Azim

99. The Ruling of Women Wearing Trousers/Pants

Question: A question was asked about women wearing trousers/pants.

Fatwa in Brief: It is not permitted for a woman to wear trousers/pants even if these are very loose.

Shaykh Ibn al-'Uthaymin, *Dawah Journal*, no. 1476/1

Response:

The style of clothing worn by men and women depends on the culture, place and time in which they live. Broadly speaking, most forms of clothing are permitted, except those which Islam has specifically prohibited.

¹²⁹ Details in the research of Shaykh Qaradawi and the research centre of Shari'ah, *Dar al-Ifta' al-Misriyyah* and its site on the Internet.

Commentary:

Men and women's clothing depends on factors of culture, community and/or family, and place and time; it also depends on the benefits and harm [that such clothes bring to the wearer]. Most forms of clothing are permitted, except those which Islam has specifically prohibited for certain clear reasons [for instance, when they allow a person's 'awra to be shown]. There is no type of clothing that must be worn [at all times by Muslims] because putting on one's clothes is not an act of worship. Similarly, there is no prohibition against wearing any type of clothing, except if this clothing flouts the stipulations of Islamic law, or if this clothing has a design, or symbol, that is prohibited.

If Islamic law stipulates that an item of clothing is prohibited, then, this case is analogous to the prohibition on men wearing silk and/or gold. For, if an item of clothing promotes any sentiment that runs counter [to the spirit and demands of] Islamic law – such as when a man wears clothers that betray his arrogance and pride; or when a woman allows her 'awra to be shown; or when clothing is worn [by a man or woman] so as consciously to resemble that of the unbelievers – it is forbidden. [In this sense] It is not the clothing that is prohibited; but, rather, the things that come with it. Such things may be hated or prohibited.

To conclude this matter:

1. There is nothing wrong with men and women wearing hats or caps for protection against the sun, a habit common to many countries. Indeed, doing so may be a beneficial act if the person's intention is good – for prevention [of sickness] is better than cure.
2. [These days] Suits, pants, pajamas, coats and jackets/tops are worn almost universally [by both men and women]. There is no harm in wearing these clothes, on the condition that they do not, in any way, flout the stipulations of Islamic law, as this has been described above.¹³⁰

Dr. Yassir 'Abd al-'Azim

¹³⁰ 'Alam Nassir, *Fatawa Dar al-Ifta' al-Misriyyah*, no. 1369/11/05, 1950/08/19.

Section Twelve: Lawful and Unlawful Categories

100. The Ruling for Photos, Statues, and Children's Toys

Question: A question was asked regarding photos, statues and children's toys.

Fatwa in Brief: Making a representation of a creature with a soul, either with a camera or by hand, on paper or on any other surface, and living off [the money gained from] this is illegal according to Islam. Hanging such representations on a wall is illegal, as well as keeping them for memory. It is not permitted to pray in a place where photos/paintings are hung, or in clothes upon which images are printed, except when there is a legal necessity (*darura*) in doing so. Children's toys are also prohibited. However, when there is a legal necessity, such as producing photos for passports and so on, exceptions to this rule are known.

The Permanent Committee, 1/445-457

Response:

Carving, sculpting, painting, and/or photographing humans and/or animals is permitted as long as this is done for benefit of people. It is not permitted when it is done with the intention of encouraging us to glorify an image, or so as to stir within us a desire to commit obscenities. Sculpting/carving a statue of a live figure, whose subject possesses a soul, is what constitutes an illegal act. Using children's toys, even if they resemble a human subject, to teach or to amuse is permitted.

Commentary:

The Holy Qur'an was revealed to the Prophet (upon him be peace) in an idol-worshipping community. In this community, idols were placed around the honorable Ka'ba as subjects for veneration. According to numerous *hadiths*, the Prophet (upon him be peace) rejected the making of images. For, this act imitated the process of God's creation and encouraged the worship of them. Yet, according to the noble *hadiths* of the Prophet (upon him be peace), [particularly] as mentioned in the books of the jurists, it is permitted to make representations of living animals and people if this is for beneficial purposes. Likewise, such representations should not encourage us to glorify any image [other than God], and must not stir sexual desires for us to commit obscenities (*fawahish*), and/or other illegal acts.

The representation of a whole person or animal, through carving or sculpture [i.e. a full length figure], is prohibited to Muslims. This is on the basis of a tradition included in the *hadith* collections of Bukhari and Muslim. Here, Masruk observed that alongside ‘Abd Allah, they entered a house where there were statues. He (‘Abd Allah) asked about one of the statues; and they replied: “it is a statue of Maryam”. ‘Abd Allah then said that the Prophet (upon him be peace) observed that “the people who will suffer most on the Day of Judgment are artists (*musawwarun*)”; and, in another report, he says “those who make these representations will be punished on the Day of Judgment. They will be instructed to give life to their creations!” This tradition makes it clear that creating a statue/sculpture is, in itself, a sin (*ma’siyya*). The wisdom behind this ruling ensures that no image is worshipped, or used as a vehicle for people to attempt to draw close to God.

In his book, *al-Jami’ li ahkam al-Qur’an*, al-Qurtubi cites God’s verse:

“They made for him what he willed: synagogues and statues”. (Q. 34: 13)

Responding to this verse, Qurtubi notes that children’s toys are an exception to the general rule that the making of images is illegal. For, it is known that, when ‘Aisha married the Prophet (upon him be peace), she brought her toys with her. [Indeed] She and her friends used to play with ‘Aisha’s toys at the Prophet’s house; and when the Prophet (upon him be peace) entered the house they used to hide them out of embarrassment. This *hadith* is reported by Muslim.¹³¹

In the Fatwa Centre, under the supervision of Dr. ‘Abdullah al-Faqih: Photographing with cameras or videos is a matter of disagreement amongst the people of Knowledge; while any prohibit it, others permit it. We prefer to permit it.

Dr. Yassir ‘Abd al-‘Azim

101. The Ruling on Watching Television

Question: A question was asked regarding whether or not it is permitted for Muslims to watch television.

¹³¹ Shaykh Jad al-Haqq, *Fatawa Dar al-Ifita’ al-Misriyya*, no. 1279.

Fatwa in Brief: Watching television is prohibited, on the grounds that it is harmful to a Muslim's religious disposition (*'aqida*) and to his/her manners, and because it broadcasts singing, music, paintings/photography and other subjects/materials that are at odds with Islam (*munkarat*).

Shaykh Ibn Baz, *Majmu' Fatawa*, 3/227

Response:

Owning a television and watching programs that are [religiously and/or ethically] beneficial is permitted, as long as one is able to avoid the corrupt and corrupting programs that are also aired.

Commentary:

Television shows a range of things. Some are lawful (*halal*) in origin. Thus, they do not have a negative effect on a Muslim's religious disposition (*'aqida*) or manners, and will not prevent him/her from fulfilling their religious obligations. In this case, listening to and/or watching a television is permitted. In contrast, whatever opposes the [demands and principles of Islam] is prohibited; and those who broadcast such things, and the viewers who watch them, will both be blamed for doing so. The aspect most likely to lead to [a harsh] judgment involves men looking [lustfully] at women – dancers, actresses or others – that show their bodies and display what God has ordered them to cover. [Of course,] It could be said that, in this case, the viewer is not looking at women, but rather at their images. Yet, the jurists discussed looking at the images of women in mirrors, well before the invention of television. They asked whether or not this carries the same ruling as looking at her directly. They disagreed about this: the preferred decision is that, if a man gazes on a woman with desire, he is breaking the law; for, this is likely to lead the committing of a serious sin (*zari'a ila muharam*). It is the greatest cause of the most serious of sins, and anything resembling this is [therefore] prohibited, whether this occurs through a direct look, or through [a reflection in] the mirror. If the yardstick here is the degree to which an act causes strife/dissension (*fitna*) [as regards one's religion and relationships with others], people have different opinions on what is, and what is not, a cause of evil (*muftin*); and everyone knows his/her own limits.

The evidence in support of watching plays and innocent games is found in a *hadith* included in the collections of Bukhari and Muslim. Here, 'Aisha (r.a.) is reported as saying: "While I looked at the Ethiopians who were playing in the courtyard of the mosque, the Prophet (upon him be peace) used to dress me in a

garment that covered the upper part of the body (*rida*). (I continued watching until I was satisfied”. So, you may deduce from this how a young girl (yet to reach puberty) who wishes merely to enjoy herself should be allowed to behave. In another account, the Prophet asked ‘Aisha if she wanted to look. She replied: “yes”. And he lifted her [‘Aisha] up so that they were cheek to cheek. Aisha watched until she became bored and the Prophet excused her.

In *al-Matalib al-‘aliya*, Ibn Hajar reports that ‘Aisha used to watch “al-darkala”, which is a type of boys’ game.¹³² It was described as dancing. Confirming Islam’s leniency as regards the enjoyment of innocent pleasures, the Prophet (upon him be peace) said to Abu Bakr, when he stopped the concubines (*jawari*) from singing to ‘Aisha on the day of the Feast: “let them O Abu Bakr! These days are celebrations, so that the Jews realise that our religion is open and allows room for relaxation, and that I have been sent with an easy and straightforward message” (narrated by Ahmad from ‘Aisha). There is no need to think that the Prophet (upon him be peace) allowed her to watch the Ethiopian games and to listen to music simply because she was a little girl, not yet mature [and therefore capable of sin]. Perhaps this [permission] was also granted before the veil became obligatory [on the Prophet’s wives] and such amusement was forbidden to them. This is just a possibility, not a certainty; otherwise, there would have been no difference between scholars regarding these rulings.¹³³

In the Fatwa Centre, under the Supervision of Dr. ‘Abdullah al-Faqih:

The ruling regarding the owning (and watching of) a television was previously discussed in a previous answer (no. 1886). We decided there that it is legal for Muslims to own a television; and that watching beneficial programs is also legal, as long as one can avoid the corrupt and corrupting programmes that it carries. If one cannot avoid doing so, then it is illegal to own or watch a television.¹³⁴

Dr. Yassir ‘Abd al-‘Azim

102. The Ruling Regarding the Playing of the Role of the Prophet (upon him be peace) and/or that of the Companions

¹³² Ibn Hajar, *Al-Matalib al-‘Aliya*, Part IV, p. 28.

¹³³ Shaykh ‘Atiyya Saqr, *Fatwa Dar al-Ifta’ al-Misriyya*, no. 72, May 1997.

¹³⁴ Fatwa no. 15702, 9th Safar, 1423 [AH].

Question: A question was asked regarding playing the role of the Prophet (upon him be peace) and/or the Companions [in a dramatic production].

Fatwa in Brief: The evil of staging a representation (*tamthil*) [in theatre or film] of what occurred between the early Muslims and the polytheists (*kuffar*) outweighs its benefits; for its potential to corrupt [the hearts and minds of the viewers] is greater than its potential for instruction. On these grounds, such representations are forbidden and Muslims should cease even to think about doing so.

The Permanent Committee, 3/197-198

Response:

It is good to retell the Qur'anic religious stories through the ways and language of the time. Doing so brings the time of the Prophet to life in the minds of our children. The personalities of the Prophet (upon him be peace) and the messengers of God are so precious and noble that they must not be played by actors, and may not be imitated by Satan.

Commentary:

The Prophet (upon him be peace) and messengers of God were chosen by Him [for special purposes]; they are the best of humans beings. Given such a privileged status, their characters are too noble to be played by ordinary people [actors] or by Satan. God protects them [His Prophets and messengers] from sins, great or small. This is the case before the arrival of their messages [i.e. the Torah, Gospels, and Qur'an] and after it.

The evidence for this is a *hadith* included by al-Bukhari, in which Abu Hurayra relates that the Prophet (upon him be peace) said: "Anyone who sees me in a dream will also see me awake. Satan does not take my form". On this basis, we know that Satan can never take the visual form of the Prophet (upon him be peace) in life or in a dream, as God protects His messengers and their reputations.

This honorable *hadith* leads us to the fact that God protects the Seal of the Messengers from Satan taking his form; the legal implications of this ensure that it is prohibited for a human to enact (*yataqamas*) the character of the Prophet (upon him be peace).

If this is the correct legal stance regarding the validity of acting the role of the Seal of Prophets, then the same [prohibition] should apply to playing the parts of God's previous messengers. This is because the glorious Qur'an places them in the same category of honor and protection [as the Prophet]. So, if as a form of protection from God, Satan cannot take their form, then neither should humans. Hence, it is not permitted for any actor to play the role of a messenger of God.

It is good to introduce the stories of Qur'an and religion through modern means, languages, and subjects. Doing so brings the time of the Prophet to life in the minds of our children. This is a good (*mahmud*) matter, but we must obviously follow the principles and ethics of Islam, and of the Qur'anic texts. Likewise, we should present the events as narrated in the Qur'an, making sure not to allow the faces of the Prophets to be shown [on the screen/stage]. We may, however, listen to a voice [in the third person] narrating what the Prophets have said, and describing their biographies and miracles (as occurs in the Qur'an). God is the guider to the right path, and He is the Source of strength.¹³⁵

Dr. Yassir 'Abd al-'Azim

103. The Ruling for Clapping and Standing up for the Teacher

Question: A question was asked regarding the ruling for clapping, and standing for, the teacher.

Fatwa in Brief: Clapping is highly disliked (*makruh*); so too, is standing for the teacher.

Shaykh Ibn Baz, *al-Da'wa Journal*, no. 1325

Response:

Nowadays, clapping is not an act of worship. As such, it does not communicate the desire to get closer to God. Rather, it is a custom that allows a person to show their admiration [for someone they respect], and there can be no legal

¹³⁵ Shaykh Jad al-Haq, *Fatawa Dar al-Ifta' al-Misriyya*, no. 1292, 7th Shawal, 1400 AH / 17th August 1980.

prohibition against this. [Likewise] there is no harm in standing up for a person out of respect, if s/he deserves it. Hence, one could stand up for a just Imam, one's parents and/or scholars.

Commentary:

[In the days before Islam] The people of the Quraysh would circumambulate the Ka'ba (*tawaf*) naked, clapping and whistling. They imagined such acts to be a form of worship. [Needless to say] Islam does not agree. God said:

“And their worship at the (holy) House is naught but whistling and hand-clapping”. (Q. 8: 35).

This shows that those who try to get close to God through clapping and whistling are wrong. In his interpretation [of the Qur'an], al-Qurtubi pointed to that, as he na3a on the ignorant among the Sufis, who dance and clap, and said: This is a munkar that the wise one would not do, the one who does that imitates the polytheists (*mushrikin*) in the rituals they used to perform around the Ka'ba. Yet, clapping nowadays is not an act of worship, and does not signify a desire to draw closer to God by. It is [merely] a custom and form of behavior that some people choose to show their admiration for a particular subject. There is no law against this in Islam. [Though] It is better for this not to occur in mosque celebrations, so as to distinguish [modern and correct] Muslim behavior from that of the ancient polytheists.

As regards standing up for a person out of respect when they enter [a room], there is no legal objection to this, providing s/he [the person arriving] deserves this. Hence, one might stand for the arrival of a just Imam, one's parents and/or scholars. Likewise, one could stand for the traveler [on his/her return from a journey], the elderly, a teacher or anyone else to whom we show respect. It was reported in the *hadith* collections of Bukari and Muslim that, when a wounded Sa'd ibn Ma'az arrived on his donkey, the Prophet (upon him be peace) told his Followers (*Ansar*) to “stand up to receive your chieftain”. This was not intended merely to help [the wounded Sa'd]. Rather, the men of Bani al-Ashhad remarked: “we stood up for him in two rows, and each man saluted him until it was the time of the Prophet (upon him be peace); and he was the last [to salute]. Similarly, Talha (r.a.) stood up for Ka'b ibn Malik, when God forgave him. And, according to the report in Bukhari and Muslim, the Prophet (upon him be peace) did not reject this idea.

A sound *hadith*, in al-Tirmidhi's collection, reports that the Prophet (upon him be peace) once said: "he who does not show compassion to the young, respect to the elderly is not one of us". While Ahmad [Ibn Hanbal] narrated that the Prophet (upon him be peace) also said: "he who does not respect the elderly, or have mercy upon the young, or appreciate the rights of our scholars is not one of us". Another *hadith*, with a good (*jayyid*) chain of tradition and included in Abu Dawud's collection, states that: "among the acts of venerating God are included: honoring the elderly Muslims, the one in authority, and any memorizer of Qur'an, who avoids extremism and laziness".

Some scholars mention that the act of standing up [for another person] has four potential rulings:

1. Forbidden (*mahzur*): it is not to be performed for a person who desires that people stand up for him, as this merely promotes snobbery and arrogance.
2. Disliked (*makruh*): it may be performed for someone who is not snobbish or arrogant. The fear [and reason for its classification as disliked] is that, by doing so, a person may imitate the actions of tyrants (*jabibara*).
3. Permitted (*ja'iz*): it may be performed to honour someone who does not wish it, and when the person who stands does not fear that his/her action is an imitation of the action of the tyrants (*jababira*).
4. Permitted (*mandub*): it should be performed for the return of those who have traveled, as a way to show one's happiness on their [safe] arrival. Likewise, it is recommended as a way of congratulating those who have recently received a blessing; and lastly, as a way of showing support to those who have recently suffered a crisis.¹³⁶

This is the way in which those *hadiths* that forbid standing up [for a person entering the room] should be interpreted. These include the strong (*Hasan*) *hadith*, in the collections of Abu Dawud and al-Tirmidhi, in which the Prophet (upon him be peace) states: "the one who likes people to stand up in his honor seeks a place in hell"; and, from the collections of Abu Dawud and Ibn Majah, with a strong (*hasan*) chain, and attributed to Abu Umama al-Bahilli (r.a.). In this, the Messenger of God (upon him be peace) came out to the believers leaning on a cane, upon seeing him, they stood up. So, the Prophet said: "do not stand up like the 'Ajim stand for each other".¹³⁷

¹³⁶ Al-Safarini, *Ghidha al-Albab*, Part I, p. 275, and following.

¹³⁷ Abu Dawud, *al-Adab*, 5232.

Dr. Yassir ‘Abd al-‘Azim

104. The Ruling for Using Musical Instruments in Education

Question: A question was asked regarding [the validity of] using musical instruments for educational purposes.

Fatwa in Brief: It is not permitted to play any instrument – such as those instruments normally used to entertain – that is not used to play Islamic psalms, or for the purposes of education.

The Permanent Committee, 12/184-6

Response:

Using musical instruments in education or for other purposes according to those who allow it is permissible with the condition that the lyrics of this music are compatible with the spirit of Islam, and do not contain obscenities.

Commentary:

The scholars differ regarding the validity of playing musical instruments and singing when it is accompanied with music. Some deem it permitted, while many others prohibit it. The majority considers such music illegal (*haram*); while a group of scholars reject all *hadiths* that deal with the subject of singing, claiming that none of them is sound (*sahih*), and/or that those of them that are sound do not provide clear evidence [of a prohibition]. Hence, for example, Ibn al-‘Arabi al-Maliki said that “none of the *hadiths* regarding [the prohibition against] singing is sound, as the people who report them (*naqiliha*) did not trust those mentioned in the *hadith*. Regarding the the kind of percussion instruments used traditionally in [Arab/Muslim] weddings – and specifically the *daf* and *tabl* – it is permitted to play these providing that the lyrics of the [wedding] songs remain compatible with the spirit of Islam and do not contain obscenities.

The permission to play the *daff* [an instrument resembling a tambourine/drum] at a wedding does not mean that it only is exclusively permitted; rather, he mentions the *daff* since it is the best-known of its genre. Indeed, any instrument may be used to announce the wedding. The permission to play a pipe (*mizmar*) at a wedding has already been demonstrated through the Prophetic *hadith* in which Abu Bakr protested against the playing of musical instruments at the house of the Prophet (upon him be peace). God’s Messenger replied: ‘O Abu

Bakr, let them be [the pipe players]. This is a festival (*'id*)". What is not permitted, however, is for men and women to mix freely, and/or to listen to vulgarities. If musical instruments are used at occasions where people [are likely to] overstep the boundaries of good taste, these instruments should not be used in the first place.¹³⁸

Ibn Hazm, in response to those who argue against playing musical instruments using the *hadith* attributed to Abu Malik al-Ash'ari and included in Bukhari's collection of *hadith*, in which the Prophet (upon him be peace) says: "From among my followers, there will be some people who consider illegal sexual intercourse, the wearing of silk, the drinking of alcoholic drinks and the use of musical instruments, as lawful"¹³⁹ judged this *hadith*, to contain a broken chain of narrator: a gap between al-Bukhari and the second narrator, Sadqa ibn Khalid.

According to Ibn Hazm, "nothing in this chapter [on music] is correct; rather everything here is invented". [He continues to say] "I swear to God if all these *hadiths*, or even one, were transmitted by a trustworthy source, [and thus this ruling could be traced] back to the time of the Prophet (upon him be peace), I would not hesitate to follow it".¹⁴⁰

This is enough to show that the ruling regarding singing, when accompanied with music, is a matter that divides the scholars. And, as mentioned previously, if the scholars differ in their opinions, each Muslim is free to follow the opinion that best suits him/her. For, there is richness and space [of interpretation in Islam].

Ultimately, each listener must, on occasion, act as his/her own moral counselor. Thus, if s/he finds that a particular song, or genre of song, speaks directly to his/her animal, rather than spiritual, side, s/he should avoid listening to it. In so doing, s/he closes the door on conflict and dissension in his/her heart. Here [as always], religion is compatible with ethics. [A final point] All scholars agree that singing is illegal if it is accompanied by illegal acts, such as those that often happen in a drinking environment.

And God knows best.

¹³⁸ Ibn al-'Arabi, *Ahkam al-Qur'an*, 3/527.

¹³⁹ Al-Bukhari, *Comment* 5590.

¹⁴⁰ Ibn Hazm, *al-Mahali*, 7/565.

Dr. Yassir ‘Abd al-‘Azim

105. The Ruling on Watching Sports Matches

Question: A question regarding [the validity of] watching sport’s matches.

Fatwa in Brief: It is not permitted if these matches involve prizes. Watching such matches is permitted [on three conditions]: if no prize is offered; the competitors do not dress immodestly [literally: show their “‘awrat”]; and they do not prevent Muslims from performing their religious duties.

The Permanent Committee, 15/238-239

Shaykh Sa‘id ‘Abdul ‘Azim, www.alsalafway.com

Response:

Both playing and watching sports’ matches are permitted. However, it is obligatory that Muslims maintain a high level of ethical behavior whilst playing/watching sports. Doing so must not dominate someone’s life to the point that it distracts him/her from performing his/her religious obligations.

Commentary:

It is known that any act which is not, in itself, harmful, and that no [authoritative] text prohibits, is permitted. This is because the original state of all things is to be permitted to us [until evidence is found that they are no longer permitted]. The proof of this legal flexibility is found in the Qur’anic verses: “*He it is who created for you all that is in the Earth*” (Q. 2:29); and “*And hath made of service unto you whatsoever is in the heavens and whatsoever is in the earth*” (Q. 45: 13). The demands placed upon us by God’s law lie within our ability and energies; they should not stop us from enjoying the good things in life. Such enjoyment must remain within reasonable limits, and occur [only] for the purposes of relaxation and enjoyment (*tarwih ‘an al-nafs*).

Such enjoyment [typically] includes sport. As it happens, football [or soccer] is an ancient sport. It is said that it was played in China for more than three thousand years ago. In its current state, the game began in Britain; but it grew in popularity until, these days, it is played throughout almost the entire world. As a general rule, it is permitted to play and watch such sports. It is vital, however, that Muslims keep such matters in perspective. Hence, they must maintain a high level of ethical behavior whilst playing/watching sports. And,

doing so must not dominate someone's life to the point that it distracts him/her from performing his/her religious obligations.¹⁴¹

According to the Fatwa Centre, under the Supervision of Dr. ‘Abdullah al-Faqih:

There is no legal prohibition against watching football and/or other sports if it does not involve any prohibited acts/things. Thus, men should not watch women athletes, or, vice versa. Neither should Muslims be so busy with matches that they forget the basic principles and demands of Islam, such as performing their five prayers, or respecting their parents. Supporting a team should not lead to fanaticism, as that, in turn, leads to hatred and feuding with others, and/ or saying things that contradict Muslim law, or general ethics.¹⁴²

Dr. Anas Abu Shadi

106. The Ruling for Working in a Newspaper

Question: A question was asked regarding [the validity of] working in a newspaper.

Fatwa in Brief: This is not permitted. In newspapers, evil and corruption outweigh dedication and seriousness. Thus, journalists publish news on actors, actresses, and merely spread rumors, gossip and temptation.

The Permanent Committee, 15/52-53

Response:

If a person works in a newspaper that does not break [Muslim] laws, or the greater proportion of such laws, there is no harm in this. However, if a newspaper is known to publish gossip and lies [rather than serious news stories], it is not permitted for Muslims to work there.

Commentary:

Globally speaking, the media is now the main source for publishing knowledge, opinions, and behavior for both young and old. To a considerable extent, it shapes the way a society thinks. The media forms a society's knowledge base, and protects its ethical standards; it directs public opinion and

¹⁴¹ Shaykh ‘Atiyya Saqr, *Fatawa Dar al-Ifta’ al-Misriyya*, no. 227, May 1997.

¹⁴² Fatwa no. 18809, 28th Rabi‘ al-Thani, 1423 AH.

informs decisions in all areas of [political?] life. As such, the media has become the most effective and powerful contributor to the spread of Islam. It must be used wisely by Muslim “callers” [*da‘iya*] in their traditional struggle to attract new believers to the faith.

The original attitude of the law regarding the media is that it is permitted. However, any of the five legal classifications – obligation, recommendation, preferable, dislike or prohibition – can here be applied. The matter depends entirely on the information offered/given, the means used [to gain this information], the results build on it, and the practices associated with it.

The media’s function is to spread news, and to comment upon this news. It thus disseminates and discusses a wide variety of ideas. [From the perspective of Islam] The media faces an obligation to commit to a sufficiently high level of moral values, ethics and laws so as to guarantee that they do not [willingly] mislead [the public]. A Muslim media representative must be aware of this, and the following commitments:

1. A commitment to truth. Stories must be thoroughly investigated and [whenever possible] proof obtained, before publication. Those in control must resist the temptation to publish quickly merely in order to raise sales.
2. A commitment to publish information that is in keeping with the principles of religious ethics, and laws. Thus, a responsible media representative distances him/herself from promoting abnormal (*shadhdha*) and/or deviant (*munharafa*) thoughts.
3. A commitment to neutrality when commenting upon and criticizing [public] opinions. This approach should not show bias, racism or overstep the boundaries of good ethical behavior.
4. A commitment to avoiding criticism against the established principles of religion. Such criticism leads only to doubt and the spreading of ambiguity.
5. A commitment to following the established principles of religion. The freedom of the press is not an absolute freedom. Rather, it must be guided through religious knowledge, of ritual, ethics, and customs.
6. A commitment to caring/protecting the dictates of religion, as religion has more influence on people’s moral behaviour than any other sphere of thought.
7. A commitment not to work in institutions that are known to attack Islam. No [Muslim] media representative should continue in their position if his/her work supports aggression and arrogance [against Islam/Muslims].

8. A commitment not to work for institutions that are based upon acts/things that are legally prohibited by Islam. Thus, no [Muslim] media representative should work in magazines or [television] channels dedicated to spreading obscenity and vice.

If a person works in a newspaper [or in another media organization] that commits to these principles, or [at least to the majority of them], it is permitted for him/her to continue in his/her job there. If, however, this person works at a place where an interest in [publishing] evil outweighs an interest in [publishing] good, s/he should cease to work there immediately.¹⁴³
And God knows best.

Dr. Anas Abu Shadi

107. The Ruling for Working as an Accountant

Question: A question was asked regarding [the validity of] working as an accountant.

Fatwa in Brief: It is not permitted because it involves a Muslim in [the spreading of] sin and transgression.

The Permanent Committee, 15/20

Response:

[Working in the field of] Accountancy is permitted, providing this involves a Muslim solely in activities that are legally acceptable. It is not permitted to work as an accountant, if s/he is expected to perform illegal activities, except in [the rare] case of necessity – at which time prohibitions are automatically permitted.

Commentary:

[Working in the field] Accountancy is permitted, providing this does not involve a Muslim in activities that are legally forbidden. It is not permitted to work [in the long-term] as an accountant, if s/he is expected to perform illegal activities, except in [the rare] case of necessity – at which time prohibitions are automatically permitted. Working in the field of accountancy is legal, as the accountant holds a technical job using legally neutral tools. [As stated in the

¹⁴³ Shaykh ‘Atiyya Saqr, *Fatawa Dar al-Ifta’ al-Misriyya*, no. 234, May 1997.

previous ruling, no.107] The original attitude of the law regarding all things is that they are permitted. In contrast, there can be no prohibition, except through the arrival of concrete legal evidence.

If a Muslim works in institutions that practice prohibited activities, such as trading in alcohol or pigs, his job is illegal, unless there are legally established reasons that indicate the necessity of working in such a profession. Even when there are mitigating circumstances, and a person is employed in a job that contravenes Muslim law, s/he is obligated to look for other work [that is not offensive to Islam], and to take this as soon as the opportunity presents itself.

If, on the other hand, a job involves a Muslim in a mixture of permitted and prohibited acts, as is the case for most accountants, providing the permitted outweighs the prohibited, this Muslim is granted permission (*rukhsa*) to continue his/her work. In this case, however, the person who works there must subtract from his/her wage the amount that s/he believes has been earned from prohibited acts. In addition to this, the suspicion [that s/he is acting in a way that displeases God] remains; thus, this worker must continue to search for work that is unequivocally permitted by Islam.

If the opposite is true, and the prohibited outweighs the permitted, it is recommended that s/he not work in the field of accountancy, so as to avoid a Muslim involving him/herself in sin. However, there could be situations in which s/he faces no option but to work in this field. This is permitted, providing that there is a genuine necessity for doing so.

There is no harm in the field of accountancy, as long as one's role is limited to [making/reporting] financial decisions. A Muslim should not put him/herself in a position of management, or importance; for the accountant is a recorder/transcriber (*naqil*) of reality. There is no prohibition against this, except in those institutions whose main activities run counter to God's laws.¹⁴⁴ And God knows best.

According to the Fatwa centre, under the Supervision of Dr. 'Abdullah al-Faqih:

The science of accountancy is useful and important to matters both worldly and religious. In terms of its worldly merit, the case is obvious. As for its religious merit, the case may not be so obvious. The clearest example [in favour of the

¹⁴⁴ *Majma' Fuqaha' al-Shari'ah in America*, 5th Round.

religious need for accountancy] is the calculations required by Islamic jurisprudence (*fiqh*) in establishing inheritance laws. Assuming that this example confirms the merit of accountancy, even in its religious application, Muslims are hereafter expected to learn and excel in this science. Once they have done so, they must use this science only in calculations that lie within the scope of Muslim law. [Thankfully] This law permits the Muslim a great deal of flexibility. Nevertheless, in a case involving *riba*, the work of an accountant is forbidden, on the basis of the sound *hadith* in which the Prophet (upon him be peace) cursed not only the “eater of money”, but also “the one who feeds it, witnesses it, and the one who makes a record of it”.¹⁴⁵ And God knows best.

Dr. Anas Abu Shadi

108. The Ruling on Swearing a False Oath

Question: It was asked: If someone swears a false oath by the Book of God, should s/he Atone [i.e. perform “*kaffarah*”¹⁴⁶] for this?

Fatwa in Brief: [Any form of] Swearing by the Book of God is not permitted, on the grounds that this form of swearing is not mentioned in the Sunna.

Shaykh Ibn al-‘Uthaymin, *Nur ‘Ala al-Darb*, p. 43

Response:

It is known that swearing by the Qur’an is an ordinary oath; thus, it is permitted to do so. This oath should be fulfilled, however; unless it is sworn for the sake of an act that is contrary to Islam. In such a case, the person should break the oath and perform *kaffarah* for this.

Commentary:

Swearing by the Qur’an is religiously valid. Fulfilling the oath is obligatory unless it is made for the sake of doing an act that is contrary to Islam. In the latter case, a person should break the oath and atone for doing so. This is supported by the *hadith* in which the Prophet (peace upon him) said: “Whoever makes an oath then finds another one better than it [i.e. the first oath], s/he

¹⁴⁵ *Fatwa* no. 57923, 30th Qi‘da, 1425.

¹⁴⁶ Translator’s note: “*kaffarah*” is often translated as “expiation”.

should change to that which is better, and atone [for the breaking of the first oath]”.

In an act of *kaffarah*, a Muslim feeds ten poor people, or clothes them; and if s/he cannot afford to do this, then s/he should fast for three successive days. Feeding the ten poor people should be done twice daily – lunch and dinner – until they are satisfied. The Hanafis hold the opinion that, instead of the two meals, a sufficient amount of money may be given to each poor person. And God knows best.

Dr. Anas Abu Shadi

109. Ruling on Playing Sports while Wearing Shorts

Question: A question was asked about the ruling of playing sports while wearing shorts.

Fatwa in Brief: It is not permitted to expose one’s thighs while playing sports.

Shaykh Ibn al-‘Uthaymin, *Fatawa Islamiyya*, 431/4

Response:

According to Imam Malik (r.a.) the thigh is not part of the “‘awra” [the parts of one’s body that it is legally obligated to shield from the sight of others]. From this, we say that it is permitted to play sports while wearing short pants.

Commentary:

Covering the ‘awra is compulsory for both men and women. The ‘awra of men is different to that of women. The ‘awra of a woman is every part of her body, except her hands and face. This is based on the aya in which women are instructed:

“*To display of their adornment only that which is apparent*”. (Q. 24: 31)

Scholars have agreed that the ‘awra of men is the genitals and anus. It is not permitted to look at them and one’s prayers are broken, if these areas are not covered. There are different opinions about the other parts of the body, like the navel, thighs and knees, however. The majority of scholars are of the opinion that it is compulsory to cover the ‘awra based on the *hadith* narrated by Ahmad, al-Hakim and al-Bukhari in which the Prophet (upon him be peace)

passed by Ma‘mar whose thighs were exposed, and the Prophet (upon him be peace) said: “Cover your thighs for indeed the thighs are part of the ‘*awra*”. In the *hadith* collections of Malik and At-Tirmidhi, the Prophet (upon him be peace) is also reported to said this to another man. From these reports, the majority of scholars argue that the prayers of someone who exposes their thigh are broken. According to this interpretation, the prayers of those men who wear shorts while playing sport are invalid. And the majority of scholars therefore argue that one must wear clothes that cover the ‘*awra* when playing sport.

If there is a need or necessity, however, it is permitted to follow the opinion which says that thighs are not part of the ‘*awra*. This opinion is based on a *hadith*, attributed to Anas in al-Bukhari, in which, on the Day of Khaibar, the Prophet (upon him be peace) raised his waist wrap (*izar*) up to his thighs. In so doing, he exposed them until Anas “was looking at the fairness of his thighs”. Imam Malik follows this opinion.¹⁴⁷
And God knows best.

Dr. Anas Abu Shadi

110. Clapping is a Display of Pre-Islamic Ignorance

Question: A question was asked about the ruling of clapping when it is appropriate or in social gatherings.

Fatwa in Brief: Clapping is a manifestation of pre-Islamic ignorance; at the very least, it is disliked (*makruh*).

Shaykh Ibn Baz, *Fatawa Mu‘asira*, p. 67

Response:

Clapping at appropriate times is not worship and is not a means of drawing closer to God. It is a cultural tradition; and a way in which some people choose to express themselves when amazed or surprised by [or appreciative of] something. There is nothing that prohibits this [clapping] in Muslim law.

Commentary:

Those who draw close to God by whistling and clapping are wrong. This is pointed out by al-Qurtubi in his interpretation [of the Qur’an] (*tafsir*), when he

¹⁴⁷ Shaykh ‘Atiyya Saqr, *Fatawa Dar al-Ifra’ al-Misriyya*, no. 173, May 1997.

criticizes the ignorance of the Sufis who dance and clap. [In his view] Such behaviour is contrary to the spirit of Islam, and in opposition to rational thought. It is the kind of behaviour that people used to do in their houses [before Islam enlightened them].

However, the type of clapping mentioned in this *fatwa* is not worship. Further, it does not suggest that anyone is attempting to draw closer to God. It is a cultural tradition; and a way in which some people choose to express themselves when amazed or surprised by [or appreciative of] something. There is nothing that prohibits this [clapping] in Muslim law. It is better, however, not to do it during celebrations that take place in the mosque. For, in this way, Muslims distinguish themselves from the unbelievers (*kuffar*).

Scholars mention that it is permitted to clap at times other than during prayer and the sermon (*khutbah*). There should first be a need for this, such as when someone wishes to seek permission [for a request], or wishes to alert someone, or to embellish a [Islamically permitted] song (*nashid*), or when women and children play. When there is no need for clapping, however, this practice is disliked (*makruh*).¹⁴⁸

And God knows best.

Dr. Anas Abu Shadi

111. Ruling on Playing Chess

Question: A question was asked about [the validity of] playing chess.

Fatwa in Brief: It is not permitted to play chess.

Shaykh Ibn al-‘Uthaymin, *Important Questions*, p. 18

Response:

Chess is not haram according to Al-Shafi‘i on three conditions: that it is played without any gambling; that it does not distract a person from performing his/her prayers [or other religious obligations]; and that there is no worthless talk during the game.

¹⁴⁸ *Radd al-Muhtaar* 395/6, *Tuhfatul al-Muhtaaaj* 150/2, *Al-Fatawa al-Fiqheyyah al-Kubra* 356/4.

Commentary:

It is not permitted to play chess if this leads to gambling, or to the drinking of alcohol, or the unveiling of one's face, or mixing between men and women, or cursing, or if it causes a person to neglect a compulsory act of worship (*wajib*), or if it incurs some form of harm.

Some of the People of Knowledge are of the opinion that chess is not forbidden (*haram*). Thus, for instance, al-Shafi'i observes that: "Playing it [chess] resembles that which is vain; I dislike it, but there is no clear evidence that it is forbidden". [Echoing the view of his Imam] al-Nawawi remarks that: "according to our school of law [i.e. the Shafi'is], chess is disliked; but it is not outlawed (*haram*). [In contrast to this] One group of scholars is of the opinion that chess is prohibited (*haram*); but, there is no *hadith* in support of this."¹⁴⁹

If there is no text from Islamic law (Shari'ah) to clearly show that something is forbidden (*haram*), then it is permitted. Indeed, as long as this subject is not harmful, and is not used for that which causes harm, then it may not be forbidden. Something is only prohibited when there exists a specific reason – when, for instance, a person neglects something that God made obligatory for him/her and his/her family.¹⁵⁰

Do the carved figures [i.e. the chess pieces] that are used during chess make this game *haram*? The answer to this is they are not carved from rock [for from wood], and they do not have complete bodies. The features of the pieces are not clear and neither are [the contours of] their bodies. Hence, these figures are merely parts, rather than complete entities; and, even if they were complete entities, they would still not be prohibited.¹⁵¹

Like any other form of entertainment, chess may distract a person from remembering God [and herein lies the danger]. Some of these forms of entertainment are prohibited; while others are not. Yet, they all distract the person from remembering God. The act of being distracted from something that is compulsory (*wajib*) is, in itself, *haram*. This [chess] is unlike intoxicants that turn the person away from the remembrance of God and cause him to lose his mind. It was narrated that 'Abd al-Rahman ibn 'Auf led the people in prayer, and read: "Say, O you who have disbelieved, I worship what you

¹⁴⁹ *Al-Targhib wal-Tarhib* 4/4.

¹⁵⁰ Shaykh Muhammad Rashid Rida, *Fatwa Dar al-Ifta' al-Misriyya*, no. 71, May 1997.

¹⁵¹ *Sharh Fath al-Qadir*, 416/1, *Al-Mabsut*, 47/24.

worship, I am a worshipper of what you worship”.¹⁵² However, chess does not make the person lose his mind and does not prevent those who want to from remembering God.

In most cases playing chess does not contribute to enmity and hatred [unlike intoxicants]. Indeed, many people who play it are morally upright. Intoxicants on the other hand cause enmity and hatred because they increase [the illusion of] courage, cheerfulness, and strength, while also leading people into to violence and to wishing for revenge.

And God knows best.

Dr. Anas Abu Shadi

112. Ruling on Playing Cards and “Fuzball”, and, the Ruling of Playing Uno, Monopoly, and Pokeman Games

Question: A question was asked regarding [the validity of] playing cards, fuzball, Uno and Monopoly.

Fatwa in Brief: These games are not permitted. They make a person so busy that s/he forgets to remember God and to perform his/her prayers. Also, they often contribute to enmity and hatred, as well as wasting one’s time.

The Permanent Committee, 238/15

Response:

There is no authoritative text that explicitly mentions, and prohibits, these games. In Islamic law, if there is no text that prohibits something then that thing is permitted; this is the case providing that it is not harmful, and that it is not used as a means of causing harm.

Commentary:

It is not permitted to play something if it leads to gambling drinking alcohol, obscenity, or causes one to neglect his/her prayer, or harms him/her in any way.

According to al-Shafi‘i, the rule for games such as this – though not for those of pure chance, such as dice – is that they are permitted. For they encourage a

¹⁵² *Ahkaam al-Qur’an* by Ibn ‘Arabi 165/2.

person to calculate, and thus may lead to the sharpening of his/her thought processes; though [as mentioned] there is no specific [authoritative] text in this matter.

Regarding the difference between games of skill [permitted] and those of chance [prohibited], the ruling was arrived at by means of *qiyas* (juristic reasoning). There is no game using dice that is not based on chance; and this is similar to the ways in which people used to cast lots in pre-Islamic times. By contrast, the games that depend on skill and intelligence, like chess, are permitted [and do not resemble those belonging to pre-Islamic times].

In this matter, the ruling of the Zahiris is different. This school of law claims that anything that is not explicitly prohibited by any [authoritative] text is *halal*. They base their ruling on the following verses:

“He it is who created everything in the earth for you”. (Q. 2:29)

“He has explained unto you that which is forbiddeth unto you”. (Q. 6:119)

If no text supports the prohibition of something, it is legally permitted (*halal*). This is the opinion of Muhammad Rashid Rida who argues that, providing they do not cause harm, none of these games should be prohibited. His ruling is based on the reasoning that, if something is prohibited, this is because it is likely to damage a person’s religion, body, mind, honor, or wealth. On the other hand, anything that does not cause harm, and is not singled out by a specific text, is not forbidden (*haram*). With regards to games and amusement, some Shafi‘i scholars argued that: “If wealth is safe from loss, and the tongue is not engaged in vain talk, and that a person does not neglect their prayers, and that this amusement involves two friends, it may not be described as prohibited.”¹⁵³

At the same time, however, there is no doubt that becoming engrossed in something and, thus, using it excessively is disliked according to Islam.

The response to those who say that such games should be banned because they contain images, or because they distract from the remembrance of God, or because they cause enmity and hatred, is the same as in the previous *fatwa* on chess.

¹⁵³ *Asna al-Matalib* 4/344.

And God knows best.

If the games do not have these prohibitions, then it is permitted to play them. However, one should make sure that children are aware of praying at the correct times [and thus do not lose themselves in their games at these times].

The following are some of the more dangerous games [that children can play]:

- Games that include wars with the good of the earthlings and bad aliens from outer space because they imply that the heavenly realms are evil.
- Games that glorify the cross [and Christianity] and attribute it powers, which promote cultic practices.
- Games that promote magic.
- Games that degrade Islam and Muslims and show respect for others.
- Games that promote gambling.
- Games that harm the body, the eyes, and the nervous system.
- Games that promote violence, crime and which make killing appear as if it were a normal act. Such games destroy the soul at a young age.
- Games that corrupt the meaning of reality for the child by bringing him up in a world of excessive imagination. Here, the child is faced with the idea that returning after death is impossible; while, in this life, humans are granted extraordinary powers, or creatures from space arrive, and so on.

The legal result of this is that children are only permitted to play those games that are of an educational benefit. With such games, there is no harm. On the other hand, if it is necessary, these games should not be allowed to be played. And God knows best.¹⁵⁴

Dr. Anas Abu Shadi

113. Ruling on Writing Fiction for a Child's Education and Upbringing

Question: A question was asked regarding [the validity of] writing fiction for the purposes of education and upbringing.

Fatwa in Brief: It is not permitted to compose fiction designed for a child's education and upbringing.

The Permanent Committee, 187/12

¹⁵⁴ From the book *Fatawa al-Islam Q&A*, Shaykh Muhammad Salah al-Munajjid. Part I, pg 3008, Q.2898 (competitions in the Islamic Shar'ia) by Dr. Sa'd Ashthri.

Shaykh Sa‘d ‘Abd al-‘Azim (www.alsalafway.com)

Response:

If this is for the purpose of a praiseworthy cause, which may only be achieved by fantasy and fabrications, then such writing is permitted. Indeed, [in certain cases] it may even be necessary.

Commentary:

Speaking is a way of achieving a purpose or goal. If a noble cause can be achieved either by dissimulation or by being truthful, then dissimulation is prohibited. However, if the only way to achieve this goal is to lie, then it becomes permitted to do so; regardless of whether the objective is a matter of legal obligation, or is merely permitted.

The proof for this is what was authentically narrated in the *hadith* narrated in al-Bukhari and Muslim, and attributed to Umm Kulthum bint ‘Uqbah ibn Abi Mu’it said. In this, Umm Kulthum reports that: “I heard the Messenger of God (upon him be peace) say, ‘he who reconciles people is not lying, by ascribing or saying something good’. Another narration extends this matter: “From what I have heard, it is only permitted to do this [i.e. to lie] in three cases: war; in order to reconcile people; and when a husband speaks to his wife [in order to calm her], and *vice versa*”.

The last of these examples – lying to one’s spouse – is only permitted when this will improve the nature of their relationship, a practice which is quite common. It is not permitted to dissimulate, however, if it will cause harm to the relationship between a husband and wife.

Some scholars believe that the permission to dissimulate is restricted to the three cases stipulated in this *hadith*. In fact, it is permitted in any case where doing so will bring peace [to a situation or people] without harming others in the process. For example, ‘Abd Allah ibn ‘Amr ibn al-‘As lied to the man whom the Prophet (upon him be peace) said was from the people of Paradise, so he accompanied him for a couple of days to check out his story after lying to him about his relation to his father.¹⁵⁵

Summary:

¹⁵⁵ Narrated by Ahmad [Ibn Hanbal], *At-Targhib wal-Tarhib*, Part III, p. 219.

The permitted form of lying is that which does not result in harm, and which brings benefit and peace according to Islamic law. In such cases, dissimulation is permitted, though it is important that it be kept to a minimum. A lie may appear unimportant to the speaker; yet, the person being spoken about may feel that s/he is being done a great injustice.

Children's stories are tales of real life or fictional characters and events, in the past, present or future. The author's purpose is to educate and to entertain [children]. If the outlook underpinning the writing is based on truth, and thus the story contains truthful things [albeit in an allegorical form], then it is permitted to write [and read] such tales.

This is so, even if the characters in the story are made up and do not resemble a genuine person. An example of this is animals talking, as they do in the book *Kalila wa dimna*. If the [author's] intention is good, the story contains no prohibited subjects, does not distract from the performance of compulsory acts, and does not harm the body, mind, money, or general behaviour [of the reader and/or listener] and so on, then these stories are *halal*.

These are detailed rulings for stories that are acceptable [according to Islam]. Failing to follow any of these rulings renders the story disliked or prohibited, depending upon the extent to which the author strayed [while writing it].

If the aim [of a children's book] is to mock a noble subject, or to call for immorality, or it is anti-religious, or if the subject material is prohibited, or if it promotes discord (*fitna*) or harm, then this book is prohibited. And God knows best.

Dr. Anas Abu Shadi¹⁵⁶

¹⁵⁶ Shaykh 'Atiyyah Saqr, *Fatawa Dar al-Ifta' al-Misriyyah*, no. 13, 65,116. May 1997.