
Muslims in Estrangement Countries

(Islam began as something strange and will go back to
being strange, so glad tidings to the strangers.)

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This book is translated into English and published by an almsgiver
in dedication for the soul of his late father. May Allah forgive him,
his parents and all Muslims.

Introduction

Praise is due to Allah, The Lord of the worlds. May prayers and peace be upon Prophet Muhammad, all his offspring and Companions! I bear witness that there is no god, but Allah alone, with no partner, and that Prophet Muhammad is the worshipper, and messenger of Allah.

Muslims who live in disbelief countries-- either as natives or foreigners-- are in a bad need to get acquainted with the verdicts of *feqh* (Islamic jurisprudence) in their current state of affairs, and tribulations which might befall them, to be able to handle them in the most appropriate manner that pleases Allah. They have to be guided how to solve their [probable] problems—mostly distresses. The realization of what is [almost] right requires—after comprehending the relevant religious texts—knowing the rules of *shari'a* (laws of Islam). Further, the case under consideration has to be carefully investigated, as some cases can be quite similar; with minute differences. Every verdict depends on the various individual circumstances. Therefore, in the same issue, the *fatwa* (religious advisory opinion) can change.

Allah has granted those whom He approves extensive knowledge in *feqh*. Hence, since a muslim has a sincere

intention in pleasing Allah, Allah will inspire and guide him to righteousness, as Allah almighty says in the Holy Qur'an:

(وَاتَّقُوا اللَّهَ وَيُعَلِّمُكُمُ اللَّهُ) البقرة ٢٨٢

"So fear Allah; For it is Allah that teaches you." (Sura: 2, Al-Baqarah verse: 282). In another Sura, Allah almighty says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِن تَتَّقُوا اللَّهَ يَجْعَلْ لَكُمْ فُرْقَانًا﴾ (الأنفال: ٢٩)

"O ye who believe! if ye fear Allah, He will grant you a criterion [to judge between right and wrong]." (Sura: 8, al-Anfaal, verse: 29). In a third Sura, Allah says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَآمِنُوا بِرَسُولِهِ يُؤْتِكُمْ كِفْلَيْنِ مِنْ رَحْمَتِهِ وَيَجْعَلْ لَكُمْ نُورًا تَمْشُونَ بِهِ وَيَغْفِرْ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ﴾ (٢٨) (الحديد)

"O ye that believe! Fear Allah, and believe in His Messenger, and He will bestow on you a double portion of His Mercy: He will provide for you a Light by which ye shall walk [straight in your path], and He will forgive you [your past]: for Allah is Oft-Forgiving, Most Merciful." (Sura: 57. Hadid, verse: 28). Prophet Muhammad, may

prayers and peace be upon him (PBUH), said: ""The reward of deeds depends upon the intentions"¹.

In order to get acquainted with *feqh* (jurisprudence) of tribulations, it is helpful for the foreigner Muslims to go back to the Prophet's and his Companions' *sirah* (biographies), as they lived as a strange minority among an atheist community, which deemed them as enemies to be fought. Prophet Muhammad (PBUH) said: "Islam initiated as something strange, and it would revert to its (old position) of being strange; so good tidings for the strangers."²!

Among the rules of *shari'a* adopted in this work are:

1. 'Fending off harm is prior to bringing about benefits': an example of this is that Allah commands one to obey parents, even if they are unbelievers. Yet, if this obedience will lead to religious sedition, then, it constitutes a great harm which must be considered, prior to their obedience.
2. Islamic *shari'a* came to increase benefits, and to decrease harms. It also approves the best benefit. An example; a Muslim living in a disbeliever country,

¹Al-Bukhari's *Sahih* (Sound Hadith), number (1), and Muslim's *Sahih* no. (1907)

²Muslim's *Sahih* no. (145)

while being an indigenous citizen of an Islamic country should return to his native country. However, if the advantage of one's stay in that faithless foreign country is greater, it will be better to remain there as long as this is more useful.

3. From the fundamentals of Islam is loathing the disbelievers and demonstrating enmity towards them. An exception from these rules is the case of disbelievers who do not demonstrate enmity towards the Muslims, do not fight them, do not support their enemy, but may act as supporters to Muslims in some situations, and this is through righteousness and justice, as Allah said:

(لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ

وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ) (٨) (المتحنة).

"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." (Sura: 60, Mumtahana, verse: 8)

In Prophet Muhammad's *sirah* (biography), it was mentioned that Khuza'a tribe was the confident of Prophet Muhammad (PBUH), either its Muslims or disbelievers. Prophet Muhammad permitted his Companions to immigrate to Ethiopia, and it was a disbeliever country at that time, and he said: "it has a fair king who does not oppress anyone"³.

When the Taeff community dismissed the prophet (PBUH), he was not able to enter Makkah except in the protection and accompaniment of al-Muta'am bin 'Ady who was a disbeliever. Prophet Muhammad acknowledged this favor for him, and said in Badr Ghazwa (invasion) when the capturers were gathered to him: "if al-Muta'am bin A'dy was still alive, and asked me to release those dirty, I would leave them for his sake"⁴.

4. All the religious legal commands are a must on the worshipper as long as one has an ability to perform them. Allah almighty said:

﴿لَا يَكْلَفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾ (البقرة: ٢٨٦)

³ *Ibn Hesham's Biography* (1/ 345). Doctor Akram el-A'mri in his book, *The Sound Prophet's Biography*, (1/ 171) . Its documentation is sound.

⁴ Al-Bukhari's *Sahih* (sound hadith), no. (4024)

"On no soul doth Allah Place a burden greater than it can bear".(Sura: 2, al-Baqarah, verse: 286). Also, Prophet Muhammad (PBUH) said: "If I command you to do something, then do of it as much as you can"⁵. Consequently, this rule leads to another very beneficial one:

5. 'Hardship brings about facilitation'. Prophet Muhammad (PBUH) said: "pray while standing, if you cannot; then pray while sitting down, in case you cannot; then pray while sleeping on your side"⁶. Allah Almighty said about he who confronts much suffering in fasting:

﴿فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ﴾ (البقرة: ١٨٤).

"but if any of you is ill, or on a journey, the prescribed number [Should be made up] from days later".(Sura: 2, al-Baqarah, verse: 184)

6. It is very useful to distinguish duty impositions and adequacy impositions; if there is a conflict between them, the priority is to the duty imposition. An example is that a woman wants to study a scientific

⁵Al-Bukhari's *Sahih* (sound hadith), no. (7288)

⁶Al-Bukhari's *Sahih* (sound hadith), no. (1117)

field to benefit her Muslim sisters. However, she can obtain her end only through communicating with men and through wantonness. In this case, preserving chastity and modesty is a duty imposition; while this study is an adequacy imposition. The duty imposition is prior to the adequacy imposition. Thus, there is no need for such study. There are some other rules that enhance the comprehension of *shari'a* (Islamic legislation).

7. It is known from induction –from the fundamentals of *shari'a* (Islamic legislation)—that it would be better for the Muslim to have precaution in debatable matters in which the dispute is agreeable. This is when the dispute is worth investigation. In other words, every legal opinion in *shari'a* is supported by religious evidence. It will be shown through the attached *fatawa* of men of religion.
8. One of the useful legal rules of *shari'a* for Muslims in suspicious matters is to do what one surmises to be right, or else one will be deemed guilty. For instance, the fasting person who doubts the sunset and is not sure of it, and thinks that the sun has not set yet, cannot end his fasting until he ascertains that

the sun has set. A similar example is determining the time of prayer and many other things that will be mentioned as examples in the attached *fatawa* (religious advisory opinions).

In tackling some issues, I depended only on the *fatawa* (religious advisory opinions) as the advisors who issued these *fatawa* are trustee men of religion; I have referred to reference books to those who seek further details. I have written in this subject long detailed treatises. Yet, I favor writing this brief treatise as a preface to other longer books.

One of the most distinguished works I have consulted is Dr. Muhammad Yussri's dissertation. It employs fundamentals, and follows the path of the religious predecessors. It is marked by powerful statements, and clarity of expression. I have extracted from this dissertation some topics and invited the reader to read it for having more details. May Allah bless Dr. M. Yussri's soul for his useful work for both Islam and Muslims!

After contemplating some urgent concerns of our Muslim brothers who live in faithless countries, I find out that these matters are originated from three fundamentals⁷:

Firstly; nationality and stay

Second; arbitration and fulfilling rights

Thirdly; allegiance and disavowal

I have confined my discussion in this book to approximately fifty issues. I wish Allah supports me in gathering the questions that are not mentioned here in further publications.

The best conclusion is to pray and wish peace for the soul of Prophet Muhammad bin Abdullah, the embodiment of Allah's granted mercy, and blessings.

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Riyadh

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⁷These fundamentals are distributed on three chapters, and are attached with relevant issues, that are sometimes intertwined with the three fundamentals.

The First Fundamental

Nationality and Stay

In this first chapter or fundamental, the following issues are explored:

1.1 Nationality

1.2 Stay

1.3 The Unbeliever's Conversion to Islam

1.4 Hijab (veil) of the Muslim Woman

1.5 Communication between Man and Woman

1.6 Loans

1.7 Insurance

1.8 Credit Cards

1.9 Upbringing inside the Family

1.10 Clothing

1.11 Owning Dogs

1.12 Verdicts of foods:

1.12.i Slaughters

1.12.ii Existence of Forbidden Components

in Eatables or

Drinks

1.12.iii Eating in the Unbelievers' Pots

1.12. iv Eating in the Unbelievers'

Restaurants

1.13 Constructing Masjids in Faithless Countries

1.14 Expending the *Zakat* (Alms) in Calling for Allah

1.15 Giving the alms to those whose hearts are recently reconciled to Islam

1.16 *Zakat al-Fettr* (Lesser Feast Alms)

1.17 Friday's Prayer:

1.17. i The Required number for Friday Prayer

1.17. ii Friday Prayer of Women

1.17. iii Translating Friday Sermon

1.17. iv Praying Friday before Noon

1.17.v Praying Friday twice because of the narrow Masjid

1.18 The Muslims' Acceptance of the Unbelievers' Donations to Establish Charity Projects

1.19 Residence

1.20 Sham Marriage

1.21 Times of prayers

1.21.i Lasting of day or night for twenty four hours or more

1.21.ii Extreme shortage of day or night with the existence

of legal astronomical signs

1.22 Fasting time:

1.22.i Observing the crescent in the coming and end of Ramadan

1.22.ii Fasting in '*Arafaa* Day, is it the day of people's gathering on '*Arafaa* Mountain during Hajj (pilgrimage) or the ninth day of zi al-Hegga according to each country?

1.22.iii Determining the time of *imsac* (giving up eating) in Ramadan in case of Cloudy Weather

1.22.iv Various *Fatawa* (religious advisory opinions) about fasting

1.23 The Muslim's Fear of revealing his Islam

1.24 Praying in Masjids containing tombs

1.25 Praying behind the heretic *Imam*

1.26 Burying the Muslim in the infidels' tombs

1.1 Nationality

Doctor Muhammad Yussri has professionally presented in his book, *Feqh El Nawazil* (Jurisprudence of Tribulations) *for the Muslim Minorities*, a long valuable paper about 'nationality and naturalization', which intertwines fundamental theory and practice. I have taken some extracts from that paper, employing some modifications and summarization. Dr. Yussri, may Allah bless his soul, pointed out that in the past, preceding jurisprudents used to divide the world into islamic community and non-islamic community, whereas in contemporary time, people are distinguished according to their nationalities. Also, an individual can be naturalized in a country other than his native—according to particular provisions which differ from one state to another.

Nowadays, many people seek acquiring foreign citizenship for various motives: having a political asylum; obtaining freedom; and enjoying advantages inaccessible in one's native country, or any other motive, but this is not all.

There are a number of duties and rights that one must observe, such as abiding by the laws of that new country, submitting to its institutions, defending it, joining the track of its defendants, exerting efforts to empower it,

owing allegiance to it and declaring disavowal to other countries. This is in addition to many other constituents of an enormous system, which is called 'citizenship'. Hence, there is an urgent need to know the verdict of being naturalized in non-Islamic countries; as it is a very critical issue.

Defining nationality and naturalizing

Men of law define 'nationality' as that "legal and political tie which relates the individual to the state. Accordingly, the individual is considered a subject of that country, enjoying all the rights exclusive to its native citizens and inaccessible to the foreigners in general. Further, one has to perform some duties to be attributed as native in contrast to the foreigner".

Other men of law define 'nationality' as "the political and legal tie between the individual and the state". Some add to these two ties a third one; namely the social one, particularly, if the people of that country belong to the same culture.

'Naturalizing', on the other hand, is "demanding affiliation to the citizenship of a given country, which grants approval to include that individual among its

subjects. This results in naturalizing which entails the submission of the person to all the laws of that country, willingly or unwillingly, and the readiness to defend it in case of war". Naturalizing has some general terms, applicable to any country, as well as specific terms, defined by the country itself.

The effects of naturalizing:

The most important consequence of naturalizing is to gain the attribute 'native', which necessitates enjoying all the rights of the indigenous people, and abiding by all their laws and duties. Among the most prominent rights and duties are the following:

First: the rights of the naturalized person

The naturalized individual becomes equivalent to the native citizen in the general rights , with the exception of some cases such as applying to high critical offices. Among these rights:

- 1) Acquiring the right of citizenship
- 2) Enjoying everlasting stay
- 3) Receiving diplomatic protection inside the state, and receiving care for one's personal affairs abroad, through the consulates.

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- 4) Consulates take care of a citizen status abroad.
 - 5) Enjoying political rights, such as elections—after passing an investigation period and practicing basic freedoms.

Second: the duties of the naturalized person

- 1) Submission to the state codes and courts of law.
- 2) Recruitment in the army, and readiness to defend the state in case of war
- 3) Representing that country abroad.
- 4) Participation in constructing the state

The verdict of being naturalized in a non-Islamic country:

The issue of 'naturalizing' differs from that of 'immigration from a disbeliever country to a Muslim country', since immigration is as old as Islam, and has been tackled by many Muslim thinkers in books of *feqh* (jurisprudence), interpretation of Qur'an, explanation of *hadith* (words of Prophet Muhammad) and others.

Naturalizing is a rather recent issue that did not exist during the lifetime of our predecessors and *imam(s)* (leading men of religion). You can find --in the prominent jurisprudents' books-- detailed, clear discussions of the

verdicts of immigration from an atheist community to a Muslim community, as well as the verdicts of the non-Muslim minorities living in a Muslim society. However, the jurisprudence of the Muslim minorities living in non-Islamic countries is a rare subject in jurisprudence books as it was rare to find a Muslim who was in need to live in a non-Islamic country.

The existence of the Islamic State constituted a resort and a shade for the Muslims. The lack of political borders between the Islamic countries removed any feelings of homesickness or estrangement that might inflict the Muslim in a country other than his. Furthermore, the Muslim enjoyed high dignity, so that one did not need to settle abroad in an atheist country or to obtain its citizenship. The Muslims' settlement in faithless countries indicates the Muslims' weakness and deterioration of their sense of identity. This is because the defeated or the weak, only, is the one who seeks to imitate the conqueror.

Reviewing history, this is revealed to be a regular issue, as during the reign of the Islamic State, polytheists were very keen to learn the Arabic language and to live in the Islamic countries; to enjoy security, justice, and prosperity which were lacking in their native countries.

After the fall of the Islamic State, and the spread of the Christian invasion for the Islamic countries, or what is wrongly called colonization; the disbelief countries facilitated naturalization to those who desired from the Muslims; to erase their identity, and to suppress the sparks of faith and *jihad* (fighting for Allah's cause) in their hearts. This took place on the turn of the twentieth century. It was a natural result of the weakness of Muslims and empowerment of their enemy.

In his famous preface, Ibn Khaldun stated: " The defeated is always fond of imitating the defeater's slogan, clothing, creed, customs and all his conditions .The reason behind this imitation is that the self suggests perfection and greatness in its conqueror and looks upon him as an accomplished individual, because it is defeated by him. It might be mistaken in its thinking that its enemy is distinguished due to his customs and traditions, not physical power. Therefore, one always sees the loser imitating the winner in clothing, vehicle of transportation, weapons, and all conditions"⁸.

In fact, seeking naturalization in an atheist country is rather a recent issue. Therefore contemporary jurisprudents

⁸Ibn Khaldoun's Introduction, (volume: 2, p. 505)

dispute on it and their arguments can be categorized as follows:

▪ **The first opinion:**

The majority of contemporary jurisprudents suggest prohibiting being naturalized. Supporters of this view are:

- Sheikh Muhammad Rashid Reda
- Sheikh Ali Mahfouz- staff member of Al-Azhar Higher Islamic Scholars Corps
- Sheikh Muhammad 'Abd -el-Baqi al-Zaraqani
- Sheikh Idrees al-Sharif Mahfouz—Lebanon Mufti (religious advisor)
- Sheikh Yussef al-Degwi—staff member of Al-Azhar Higher Islamic Scholars Corps
- Sheikh 'Abd al-Latif bin 'Abd al-Rahman,
- scholar 'Abd al-Hamid bin Badees,
- scholar Al-Basher al-Ibrahimi
- all the members of the Algerian Muslim Scholars
- the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion) in Saudi Arabia
- the reverend Sheikh Ibn 'Uthaimyein and others.

- **The second opinion:**

Some contemporary jurists legitimize being naturalized, provided that the Muslim maintains and sticks to his religion and rejects assimilation with the unbeliever community. Among those scholars are Dr. Yussuf al-Qaradawi and Dr. Wahba al-Zihili.

- **The third opinion:**

It is legitimate to be naturalized in an infidel society whenever there is a necessity, as being religiously persecuted in one's Islamic country and not accepted save only by the unbeliever government. This opinion is adopted by some of the members of the Islamic *Feqhi* (Jurisprudent) Assemblage. However, Sheikh al-Khalili has put three conditions for this legitimacy:

- 1) Impossibility of resorting to the Islamic world
- 2) Having the intention to return home whenever possible
- 3) Selecting a country that permits practicing religious rites freely

- **The fourth opinion:**

Those scholars intersect the issue; as they divide people who seek being naturalizing into three categories:

- 1) Seeking naturalizing in a disbelief country without having a religious legal justification, but for mere infatuation by that country, its people, and its regime; this case is considered an apostasy from Islam. May Allah forbid!
- 2) Naturalizing of the Muslim native minority of that country; in this case, it is legitimate naturalization and those Muslims should try to spread Islam in their country. Also, they ought to have the intention to immigrate, if urgent, in case of the rise of the Islamic State.
- 3) Naturalizing of the Muslim minorities which are not original citizens of that disbelief country. It includes the following considered conditions:
 - a. The Muslim' persecution and oppression in one's native country which cause one's departure and resorting to another country; this case is legitimate provided that there is a real

urge behind moving, a guarantee of security for the Muslims in that disbelief society, and possibility to perform the religious rites. Moreover, the Muslim must hold the intention to return to his Islamic country whenever he can, must deny any libertinism, even with his heart, and must refuse assimilation in these atheist societies.

- b. Departing from the Muslim country to a disbelief one to earn a living, as one's stay in the native country means one's self and family's demise and destruction; in this case, a Muslim can naturalize if he will not be able to remain there without naturalization.
- c. It is legitimate to naturalize for the benefit of Islam and Muslims, to call for Islam and to spread it.
- d. It is forbidden to naturalize only for worldly affairs, without any necessity, or gains for Islam and Muslims.

This detailed argument is endorsed and approved by some religious scholars and researchers.

The pieces of evidence of those who prohibit naturalizing:

Those who denounce naturalizing have provided many religious textual pieces of evidence:

(لَا يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ وَمَنْ يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ)

إِلَّا أَنْ تَتَّقُوا مِنْهُمْ تُقَاةً (آل عمران: ٢٨).

- Allah said in Qur'an: "Let not the believers Take for friends or helpers Unbelievers rather than believers: if any do that, in nothing will there be help from Allah: except by way of precaution, that ye may Guard yourselves from them".(Sura: 3, aal-i-Imran, verse: 28)

(يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا آبَاءَكُمْ وَإِخْوَانَكُمْ أَوْلِيَاءَ إِنْ اسْتَحَبُّوا الْكُفْرَ عَلَى الْإِيمَانِ وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَأُولَئِكَ هُمُ الظَّالِمُونَ (٢٣) قُلْ إِنْ كَانَ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ وَإِخْوَانُكُمْ وَأَزْوَاجُكُمْ وَعَشِيرَتُكُمْ وَأَمْوَالٌ اقْتَرَفْتُمُوهَا وَتِجَارَةٌ تَخْشَوْنَ كَسَادَهَا وَمَسَاكِينُ تُرَضُّونَهَا أَحَبَّ إِلَيْكُمْ مِنَ اللَّهِ وَرَسُولِهِ وَجِهَادٍ فِي سَبِيلِهِ فَتَرَبَّصُوا حَتَّى يَأْتِيَ اللَّهُ بِأَمْرِهِ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الْفَاسِقِينَ (٢٤) (التوبة) .

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- Allah said in Qur'an: "ye who believe! take not for protectors your fathers and your brothers if they love disbelief above Faith: if any of you do so, they do wrong. Say: If it be that your fathers, your sons, your brothers, your mates, or your kindred; the wealth that ye have gained; the commerce in which ye fear a decline: or the dwellings in which ye delight - are dearer to you than Allah, or His Messenger, or the striving in His cause;- then wait until Allah brings about His decision: and Allah guides not the rebellious."(Sura: 9, al-Tauba (Repentance), verses: 23-24)

In these two verses, Allah forbade having the relatives as supporters if they were disbelievers; then what about having the stranger unbelievers as supporters?

(إِنَّ الَّذِينَ تَوَفَّاهُمُ الْمَلَائِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُوا فِيمَ كُنْتُمْ قَالُوا كُنَّا مُسْتَضْعَفِينَ فِي الْأَرْضِ قَالُوا أَلَمْ تَكُنْ أَرْضُ اللَّهِ وَاسِعَةً فَتُهَاجِرُوا فِيهَا فَأُولَئِكَ مَأْوَاهُمْ جَهَنَّمُ وَسَاءَتْ مَصِيرًا (٩٧) (النساء).

- Allah said in Qur'an: "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!" (Sura: 4, al- Nisaa, or The Women, verse: 97)

- From *Sunna* (Prophet Muhammad's teachings), Abu Dawood narrated on the authority of Sumra bin Gundob that Prophet Muhammad (PBUH) said: "the one who associates with the unbeliever and lodges with him is just like him [unbeliever]"⁹.
- In another *hadith*, on the occasion of an invasion in which the infidels killed the Muslims, the prophet said: "I disavow any Muslim living among the infidels"¹⁰.
- Al- Nessa'ei narrated on the authority of Garir bin 'Abdullah: "I pledged allegiance to Prophet Muhammad (PBUH) to pray regularly, to pay *zakat* (alms), to provide advice to every Muslim, and to keep away from the polytheist
- "¹¹.

⁹Abi Dawood's *Sunnan*, with number (2787), revised by Al-Albani in *the Correct Series*, with number (2330).

¹⁰*Al-Termezi's Sunnan*, with number (1604), revised by Al-Albani in *the Sahih of Al-Termezi's Sunnan*, with number (1307).

¹¹*Al-Nessa'ei's Sunnan*, with number (4175), and in *Ahmad's Musnad*, with number (19238). Its editors said: a sound *hadith*.

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- Al- Nessa'ei narrated on the authority of Bahz bin Hakim, on the authority of his father and grandfather that Prophet Muhammad said:" Allah almighty does not approve a converted infidel's deed unless he quits the unbelievers and accompanies the Muslims"¹².
 - In Muslim's *Sahih* (sound *Hadith*), on the authority of Baridah who said that Prophet Muhammad (PBUH) always gave some recommendations whenever he sent a leader of a troop of soldiers. Among these recommendations: "then call them to move from their home to that of the immigrants"¹³.

The indications and implications of the previous verses and *hadith*(s) (words of the prophet) are to provide abundant warnings against supporting the disbelievers, being intimate with them or admiring their libertinism. Those texts have illustrated that associating with the disbelievers are contradictory to the fundamentals of Islam and is destructive to the faith in allegiance and disavowal and love or hatred for Allah's sake—without which the individual's faith will not be sound.

¹² *Al-Nessa'ei's Sunnan*, with number (2568), and revised by Al-Albani in *the Sahih of Al-Jami Al-Sagheer*, with number (7748). Its editors said: a sound hadith.

¹³ *Muslim's Sahih*, with number (1731)

Absolutely, naturalizing entails loyalty to that country, as well as submission to its system and laws, since the naturalized person becomes a citizen who has both rights and duties, subject to the verdicts of its creed in his personal affairs and inheritance. Further, he will deny the parent's interference in his children's life when they become adults. Therefore, demanding naturalization in a disbeliever country, without compulsion, but as a sign of approval of the naturalized individual of that country, is deemed as an apostasy from Islam, and an abandoning of the accompaniment of the believers to that of disbelievers; a matter that Allah has warned against, as is illustrated by the above mentioned texts.

Then Dr. Yussri concluded his argument in this subject by saying: "what is clarified-- after reviewing the pieces of evidence of those who have various arguments with reference to the religious texts-- is that the argument prohibiting naturalization is the right one as it is enhanced by strong pieces of evidence which have no equally strong opposite pieces of evidence. Further, it is the more likely argument.

Nevertheless, there are some circumstances and conditions which legitimize naturalization if there is an

urgent need that should be considered. Definitely, this legitimacy does not include the one who has been naturalized for infatuation with atheism, favoring its verdicts, and boasting the new nationality. Also, it does not embrace the one who has been naturalized for worldly unnecessary gains. The former is undoubtedly an apostate, with the common agreement of scholars, while the latter is on the verge of great danger, as he prefers this life to the afterlife. He is referred to in Allah's words:

(قُلْ إِنْ كَانَ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ وَإِخْوَانُكُمْ وَأَزْوَاجُكُمْ وَعَشِيرَتُكُمْ وَأَمْوَالٌ
اقتَرَفْتُمُوهَا وَتِجَارَةٌ تَخْشَوْنَ كَسَادَهَا وَمَسَاكِينُ تَرْضَوْنَهَا أَحَبَّ إِلَيْكُمْ مِنَ اللَّهِ وَرَسُولِهِ
وَجِهَادٍ فِي سَبِيلِهِ فَتَرَبَّصُوا حَتَّى يَأْتِيَ اللَّهُ بِأَمْرِهِ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الْفَاسِقِينَ (٢٤)
(التوبة)

"Say: If it be that your fathers, your sons, your brothers, your mates, or your kindred; the wealth that ye have gained; the commerce in which ye fear a decline: or the dwellings in which ye delight - are dearer to you than Allah, or His Messenger, or the striving in His cause;- then wait until Allah brings about His decision: and Allah guides not the rebellious".(Sura: 9, al-Tauba (Repentance), verse: 24)

(مَنْ كَانَ يُرِيدُ حَرْثَ الْآخِرَةِ نَزِدْ لَهُ فِي حَرْثِهِ وَمَنْ كَانَ يُرِيدُ حَرْثَ الدُّنْيَا نُؤْتِهِ مِنْهَا وَمَا لَهُ فِي

الْآخِرَةِ مِنْ نَصِيبٍ (٢٠) (الشورى)

"To any that desires the till of the Hereafter, We give increase in his

till, and to any that desires the till of this world, We grant somewhat thereof, but he has no share or lot in the Hereafter."(SURA: 42.Shura, or Consultation, verse: 20)

Instead, the argument encompasses three circumstances as follow:

1. The Muslim minorities who are native citizens of those atheist countries; they acquire nationality by birth, with no choice, and thus they are not guilty. They cannot lead a normal life without having a nationality; as it is a necessity. However, they must abide by the verdicts of Islam, and must reveal it or else they must move to another country. Immigration is available as long as there is repentance, which is accessible until the sun rises in the west. Yet, whoever chooses to remain in that country, or feels helpless, must do his best to reveal his religion as much as possible. Allah

renders every human to bear only as much as one can.

2. The one who is forced to be naturalized as a result of religious persecution in his native country, because of suffering austerity in livelihood, being exposed to danger that threatens him or his honor, or does not have any citizenship and denied stay unless by naturalizing. If this person cannot manage this necessity through stay only, then he can naturalize. The naturalization here is justified by the rule, "necessities legitimize the forbidden. Also, it is justified by the words of Allah almighty:

(وَمَا لَكُمْ أَلَّا تَأْكُلُوا مِمَّا دُكِرَ اسْمُ اللَّهِ عَلَيْهِ وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلَّا مَا

اضْطُرَرْتُمْ إِلَيْهِ) (الانعام)

"Why should ye not eat of [meats] on which Allah's name hath been pronounced, when He hath explained to you in detail what is forbidden to you except under compulsion of necessity?" (Sura: 6, Anam, verse: 119). *Shari 'a* (Islamic law) permitted uttering disbelief words in case of coercion if the heart is full of faith. Allah almighty said:

(مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ) (النحل

(١٠٦

" Anyone who, after accepting faith in Allah, utters Unbelief,- except under compulsion, his heart remaining firm in Faith - but such as open their breast to Unbelief, on them is Wrath from Allah, and theirs will be a dreadful Penalty".(Sura: 16, Nahl, verse: 106). In another Sura, Allah said:

(لَا يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ وَمَنْ يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ

اللَّهِ فِي شَيْءٍ إِلَّا أَنْ تَتَّقُوا مِنْهُمْ تُقَاةً) (ال عمران 28)

"Let not the believers Take for friends or helpers Unbelievers rather than believers: if any do that, in nothing will there be help from Allah: except by way of precaution, that ye may Guard yourselves from them." (Sura: 3, al-i-Imran, or The Family of Imran, verse: 28)

Nevertheless, necessity must be well assessed and assured and one must ascertain that it will be removed by naturalizing; provided that the Muslim's identity is not assimilated with the disbelievers' identity, and to secure himself and his family from

sedition, and to feel belonging to Islam and Muslims. Also, the Muslim is required to hold the intention of returning to his Islamic homeland whenever possible, and to deny wantonness by his heart if he does not manage to fight it physically or through debate. The Muslim must select a country in which he can reveal his Islam freely.

3. The Muslim can naturalize to benefit Islam and Muslims at large, such as in the cases of calling for Allah, urgent studies that interest the Muslims, and that cannot be acquired otherwise, provided that one should secure himself, his family, his religion, and should deny all forms of libertinism mentioned earlier. Here, there must be a measuring of the gains in relation to the losses. Allah is aware of what is going inside the hearts of the benevolent as well as the malevolent. This condition of naturalizing *might* be categorized as compulsory naturalizing, but in fact it is constitutes a necessity in its essence and verdict, while the initial two

conditions *are absolutely* performed out of necessity. Finally, Allah is the omniscient"¹⁴.

¹⁴ *Feqh El Nawazil* (Jurisprudence of Tribulations) *for the Muslim Minorities* by Dr. Muhammad Yussri, (Volume: 2, p. 1125), with modification.

1.2 Stay

1- "In the past, antecedent men of religion have argued about the necessity of immigration from an atheist society to an Islamic society, an argument belonging to time other than the contemporary. The Islamic State acted as the resort of every Muslim, and all the Islamic countries were viewed as one large homeland. Hence, wherever the Muslim moved, he was considered in his home with no feelings of estrangement or homesickness.

Nowadays some Muslims elope from their native countries because of religious as well as worldly persecution. In contrast, the Muslim might lead in that new country a dignified life and might enjoy rights as well as freedom in performing his religious rites in a manner that is inaccessible in most Islamic countries"¹⁵. Thus, we complain to Allah from the estrangement of religion, and its relatively small number of supporters, and from the domination of tyrants.

¹⁵ *Feqh El Nawazil* (Jurisprudence of Tribulations) for the Muslim Minorities by Dr. Muhammad Yussri, (Volume: 2, p. 1094).

2- The verdict of this issue and other similar issues cannot be generalized as people have different circumstances. Every individual has a particular verdict which is appropriate to his state of affair. Allah almighty said:

(لَا يَسْتَطِيعُونَ حِيلَةً وَلَا يَهْتَدُونَ سَبِيلًا) (النساء) (٩٨).

"Except those who are [really] weak and oppressed - men, women, and children- who have no means in their power, nor [a guide-post] to their way." (Sura: 4, al- Nisaa, or The Women, verse: 98)

This is because the person who finds a means of release differs from he who does not. Similarly, human beings are varied in their

statuses: the powerful versus the weak, the rich versus the poor, and the one who has kinsmen and protectors versus the one who does not. Therefore, the verdicts vary according to each condition. Further, applying verdicts require investigating and comprehending some fundamentals as "fending off harm is prior to bringing about benefit", and "obliterating a greater harm by doing a lesser one", in addition to other fundamentals.

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- 3- What is helpful in reaching the right verdict is conducting a comparison between the condition of somebody in an atheist society and in his native country, then to approve the more beneficial and less harmful.
 - 4- It is equally important to be aware of the condition of those faithless countries, as in some of them, Muslims have achieved prominence, have mosques, reveal their rites, while in others, this is impossible.
 - 5- Accurate study and comprehension of religious legal texts and Prophet Muhammad's *Sira* (biography) necessitate the distinction between the original inhabitant of an atheist country and the immigrant. There is a great difference between the one who will return to his homeland and family upon his departure from that atheist society , and the one who cannot enter another country if he departs, in addition to confronting the terms of stay which are applicable to a rather few number of people. The one who fully comprehends what has been said will be directed to the right path, Allah willing. Allah said:

(وَالَّذِينَ جَاهَدُوا فِينَا لَنَهْدِيَنَّهُمْ سُبُلَنَا وَإِنَّ اللَّهَ لَمَعَ الْمُحْسِنِينَ (٦٩) (العنكبوت)

Allah said: "And those who strive in Our [cause],-
We will certainly guide them to our Paths: For verily
Allah is with those who do right".(Sura: 29, Ankabut,
verse: 69)

**An inquirer asked the Permanent Committee for
Scientific Research and *Iftaa* (issuing religious advisory
opinion) in Saudi Arabia:**

"I was born in France, and I have been living there
till now. I am twenty six years old. My parents are
Tunisian. I am married and I have two children; the elder is
four years old, while the younger is nine months. I want to
immigrate to an Arabic country to secure the future of my
children, to preserve their religion and language. I intended
to settle in Tunis among my family members; my parents
too intend to return home, but the problem is that hijab
(veil) is completely forbidden for a Muslim woman, even at
streets. All my female family members there are forced to
take off hijab. In addition, any religious meetings, even
during a wedding ceremony, are not allowed. Muslim youth
there live individually and insecurely as they are worried
even to pray at mosques.

Therefore, it is impossible for me and for my wife who wears hijab to live there; further, I do not guarantee that my children learn the sound basic rules of Islam. Upon contemplating my current state of affair, living in a libertine country, I feel confused; as I do not know if immigration in this case is a must or not? Please, inform me, using religious texts from Qur'an and *hadith*, to be able to take the right decision, as not to regret later on. May Allah bless your souls!"

The answer: thank you, dear brother, for your kind religious feeling, which is actually a must on every Muslim who believes in Allah as a God, Islam as a religion, and Muhammad as a prophet. We recommend you to stick to piety in all your circumstances. You have to know that living in a libertine country is illegitimate in Islam, unless there is a legitimate necessity, as receiving medical care which is not available in Islamic countries, or missionary work to spread Islam...etc. Thus, you have to exert the utmost effort to leave that atheist country, and to move to an Islamic country, even if it is not your native one. Allah said:

(وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا (٢) وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ) (الطلاق: ٢ - ٣).

"[...] And for those who fear Allah, He [ever] prepares a way out,

3. And He provides for him from [sources] he never could imagine[...]." (Sura: 65, Talaq, or Divorce, verse: 2-3). As long as your condition in both France and Tunis is as bad as you have mentioned, and you cannot manage to immigrate, you have to preserve your piety and to hold fast to your religion, and perform all the religious rites as establishing the five regular prayers and others. Everlasting resort to Allah brings about peace of mind. You have to avoid the company of roisters. If you meet a Muslim, keep his company. You have to call for Allah as much as you can. Finally, we ask Allah to grant you success as he is the omnipotent¹⁶.

May Allah bless your soul! We ask Allah to pray for and bless the souls of Prophet Muhammad, his offspring and Companions.

**The Permanent Committee for Scientific Research and
*Iftaa***

Member: Bakr Abu Zaid

¹⁶ Fatwa (advisory opinions) of the Permanent Committee for Scientific Research and *Iftaa* , (1/ 455- 456), with number: (19581).

Member: Saleh al- Fawzan

Vice president: 'Abd el-'Aziz aal el- Sheik

President: 'Abd el-'Aziz bin Baz

Another inquirer asked Sheikh 'Abd el'Aziz bin Baz:

"what is your advice for the Muslim brothers and sisters living in England and who do not work and receive unemployment pension from the government? Sometimes, they find work, but they do not inform the government. Is their deed lawful from the religious perspective?"

The answer:

All Muslims who live in libertine communities must depart to Islamic communities in which they will be able to practise their religious rites. If not, they have to choose countries with lesser harm, as did some of the Prophet's Companions when they moved from Makkah to Ethiopia (Habasha at that time), as they would be exposed to lesser harm, before conquering Makkah. If they cannot, they have to be pious. There is no problem to receive a pension from the disbelief country as long as it does not result in committing a forbidden deed. However, they have to receive it only according to the formal system of that state. They are not allowed to tell lies, or to cheat in order to

obtain it. They should not commit any deed that Allah forbade. They have to increase their knowledge of Qur'an and *Sunna*, to ask men of religion whenever they feel muddled, either through the mail or telephone calls. May Allah direct their souls to the right path, and grant them extensive religious knowledge, and protect them against any form of evil, either from within or without! Allah is the Most Generous and the Most Gracious¹⁷.

¹⁷The Collection of Various Fatwa and Articles by Sheikh 'Abd el-'Aziz bin Baz, (28, p. 238- 239).

1.3 The Unbeliever's Conversion to Islam

It means the infidel's submission to Allah. The manner in which Prophet Muhammad (PBUH) called the disbelievers to Islam maintained that he asked them initially to pronounce their testimony that there is no God except Allah, and that Muhammad is His messenger. If they responded, he would explain to them the Islamic *shari'a* (laws), each according to its hierarchal significance as well as relevance to the given circumstances.

Al- Bukhari and Muslim narrated on the authority of bin 'Aabas who said that Prophet Muhammad (PBUH) sent Mu'aaz to Yemen and said to him: "You will come across some people of the book --Christian and Jews. Call them to testimony that there is no God except Allah, and that Muhammad is his messenger. In case they obey, inform them that Allah has enjoined upon them five regular prayers every day and night. If they accept, tell them that Allah has commanded their rich to pay alms for their poor"¹⁸.

Prophet Muhammad told Ali: " Walk mildly, till you reach their quarter. Then call them to Islam. Inform them

¹⁸Al-Bukhari's *Sahih* (sound Hadith), with number (1395), and Muslim's *Sahih*, with number (19).

with their religious duties. I swear by Allah, if you manage to convert to Islam just one person, it is better for you than to own red-brownish camels"¹⁹.

Hence, it is said that the disbeliever who converts to Islam is asked to pronounce the two testimonies and to hear their interpretation that no entity can be worshipped save only Allah, and that Prophet Muhammad is the last prophet and messenger, who is sent for both Arabs and non-Arabs to believe him and obey his commands, and to avoid what he has prohibited. Then, the converted is asked to wash himself. Al- Termezi narrated in his *Sunan*, on the authority of Qais bin 'Aasem who said: "I came to Prophet Muhammad (PBUH) and informed him with my intention to convert to Islam, then he ordered me to wash with water and *sidr*—a wild plant with good scent (technically known as *ziziphus spina-csisti*)"²⁰.

After this, the converted person must be acquainted that repentance erases all past sins, and that Islam annuls what came before it. This person should learn that the most precious gift from Allah is the conversion to Islam, and

¹⁹Muslim's *Sahih*, with number (2406).

²⁰*Al-Termezi's Sunnan*, with number (605), revised by Al-Albani in *the Sahih of Al-Termezi's Sunnan*, (volume: 1, p. 187), with number (495).

salvation from hell. In his *Sahih*, Muslim narrated on the authority of Abi Huraira that Prophet Muhammad said: "I swear by Allah who owns my soul, if any individual of the Muslim community told a Christian or a Jew about me, then that one dies without believing in my message, this Christian or Jew will definitely dwell in hell"²¹.

Then, the five principles or pillars of Islam should be explained, together with interpreting what is meant by faith in the Doomsday, and fate. The converted one must know that the Christians' claim that Jesus Christ is the son of God, together with the belief in trinity, is false. In reality, Jesus is God's worshipper and messenger. He is a human being as the other prophets. He is neither distinguished by deity traits, killed nor crucified. Allah has raised him to heaven when the Jews planned to murder him. Allah said:

وَمَا قَتَلُوهُ وَمَا صَلَبُوهُ وَلَكِنْ شُبِّهَ لَهُمْ (النساء: ١٥٧).

"[...]they killed him not, nor crucified him, but so it was made to appear to them[...]." (Sura: 4, al- Nisaa, or The Women, verse: 157). Jesus Christ will descend to earth before the Day of Judgment to break the cross, to kill the swine, introducing no new *shari'a* (religious law), but will

²¹Number (153)

apply that of Prophet Muhammad (PBUH). He will stay on earth for whatsoever Allah determines, and then he will die as is the condition for all mankind.

If a pagan, an unbeliever, or even a worshipper of shrines wants to convert, he must be informed that Allah is the creator, the granter, the manager of this cosmos, to whom worship is due. This person must faithfully perform all his religious rites such as *du'aa* (call), *nazr* (dedication, by vowing), slaughtering cattle as a sacrificial offering, and plea etc. to Allah only. Allah said:

قُلْ إِن صَّلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ (١٦٢) لَا شَرِيكَ لَهُ وَبِذَلِكَ أُمِرْتُ وَأَنَا

أَوَّلُ الْمُسْلِمِينَ (١٦٣) (الأنعام: ١٦٢- ١٦٣).

"Say: 'Truly, my prayer and my service of sacrifice, my life and my death, are [all] for Allah, the Cherisher of the Worlds: No partner hath He: this am I commanded, and I am the first of those who bow to His will.'" (Sura: 6, al-An'am, verses: 162-163)

Also, that converted must disavow atheism and atheists. Allah almighty said:

(فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِنْ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا انْفِصَامَ لَهَا وَاللَّهُ سَمِيعٌ عَلِيمٌ

"[...] whoever rejects evil and believes in Allah hath grasped the most trustworthy hand-hold, that never breaks [...]." (Sura: 2, Al-Baqarah, verse: 256). At last, that man should be told to be pious, to have steadfast faith in Allah. Allah, almighty said:

(وَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ) (آل عمران: ١٠٢).

"O ye who believe! [...] die not except in a state of Islam". (Sura: 3, Al-'i-Imran, or The Family of 'Imran, verse: 102)

Further, he should be recommended to call his wife, children, parents and kinsmen to embrace Islam. He must be keen to keep the company of the benevolent people who will support him to do whatsoever pleases Allah, and to have more comprehensive knowledge of religion. It is equally important to attract his attention that he may notice some bad behaviors such as telling lies or ill manners in some Muslims. These manners are not approved by Islam which calls for benevolence and denounces malevolence. These mistakes belong to individuals, not to Islam.

Concerning circumcision, it is obligatory for men, and honorable for women. Yet, this matter should be postponed until faith settles in his heart, lest this initiation for calling him to undergo circumcision will be repulsive for him.

An inquirer asked the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia:

"what is the verdict in the case of the disbeliever who had uttered—on his death bed at a hospital-- the testimony that there is no god except Allah, and that prophet Muhammad is his messenger, then he died. Would he be considered a Muslim or no?"

The answer: Uttering the Islam testimony before one's death, without mentioning it while enjoying good health in one's lifetime, together with being in a state of atheism, is considered a conversion to Islam, and this dead person is treated as such in washing his dead body and burial rituals. Muslims should pray for him, and plea to Allah to have mercy upon him. Prophet Muhammad (PBUH) said: "Allah accepts repentance of a worshipper as long as he has not

had the death gargle yet"²², narrated by Ahmad and al-Termezi and others.

In the same context, there is the story of Prophet Muhammad when he offered his Uncle Abi Taleb to utter the Islam testimony on his deathbed, but the latter refused. In *Sahih* (Sound *Hadith*), Prophet Muhammad visited an ill Jewish lad, and recommended him to convert to Islam, and he accepted. Then the Prophet came out, saying: "Praise is due to Allah who rescues him from hell through me"²³.

On the other hand, if someone was accustomed to utter the Islam testimony during his lifetime, but he worshiped an entity other than Allah, as praying for the souls of the dead to help him, or slaughtering cattle as an offering to their dead bodies, in this case, he will not be considered a Muslim by uttering the Islam testimony on his deathbed, unless he repents for his previous libertinism²⁴.

May Allah bless your soul! We ask Allah to pray for and bless the souls of Prophet Muhammad, his offspring and Companions.

²² Imam Ahmad's *Musnad* (volume: 10, p. 300), with number : (6160), its editors said, a good Isnaad (source).

²³ Al-Bukhari's *Sahih* (sound Hadith), with number (1356).

²⁴ Fatwa (advisory opinions) of the Permanent Committee for Scientific Research and Iftaa , (1/ 352), with number: (19603).

**The Permanent Committee for Scientific Research and
*Iftaa***

Member: Bakr Abu Zaid

Member : Saleh al- Fawzan

Vice president: 'Abd el-'Aziz aal-el- Sheik

President: 'Abd el-'Aziz bin Baz

1.4 Hijab (veil) of the Muslim Woman

Hijab (veil) is an indicator of chastity and purity of a woman. Allah enjoined it on all Muslim women. Allah almighty said:

(يَا أَيُّهَا النَّبِيُّ قُلْ لِّأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ ذَلِكَ

أَذْنَى أَنْ يَعْرِفْنَ فَلَا يُؤْذِينَ وَكَانَ اللَّهُ عَفُورًا رَحِيمًا) (الأحزاب: ٥٩).

"O Prophet! Tell thy wives and daughters, and the believing women, that they should cast their outer *gelbab* (garments) over their persons [when abroad]: that is most convenient, that they should be known [as such] and not molested. And Allah is Oft-Forgiving, Most Merciful".(Sura: 33, Ahzab, or The Confederates, verse: 59). In another verse, Allah almighty said:

(وَقُلْ لِّلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا)

(وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ) (النور: ٣١)

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

Light, verse: 31). '*Gelbab*' is a dress over the *khemar* (veil). Om Salama said that upon hearing this verse ,*al-Ansar* women appear as if there were crows above their heads as a result of the shape of their clothing²⁵.

In these honorable verses, there are clear pieces of evidence that a woman's head, hair, neck, chest and face should be veiled in the existence of stranger men, other than her father, brothers, husband, sons, sons in law, grandfathers, and uncles—what are called *mehrem*. Revealing parts of her body to foreign (stranger) men is forbidden. It is evident in *Sunna* (the Prophet's teachings) when Prophet Muhammad commanded women to come out to pray in Eid (religious feast), they said to him: "O Prophet! One of us does not wear a *gelbab*". He replied that: "Her sister should lend her a *gelbab*"²⁶. This *hadith* illustrates that it was common for the wives of the Prophet's Companions to go out dressing in *gelbab*, as the Prophet did not permit them to go out without it.

²⁵ *Abi Dawood's Sunnan*, with number (4101), revised by Al-Albani in *the Sahih of Abi Dawood's Sunnan*, (volume: 2, p. 773), with number (3456).

²⁶ Al-Bukhari's *Sahih* (sound Hadith), with number (324), and Muslim's *Sahih*, with number (890), his own term.

Abu Dawood narrated on the authority of 'Aaishah who said: "Riders would pass us when we accompanied the Messenger of Allah while we were in the sacred state (wearing ihram), [intending to go pilgrimage]. When they came by us, one of us would let down her outer garment from her head over her face, and when they had passed on, we would uncover our faces."²⁷. It acts as evidence that it is mandatory to veil the face; it is only legitimate to unveil it during *Ihram* (holding the intention to go pilgrimage). Unless there is a strong motive to unveil it [which is during ihram and pilgrimage], it would be legitimate to unveil it all the time²⁸.

Some western countries have waged a campaign on women who wear hijab. In France, Muslim girl students were prohibited to put on veil in classrooms and on streets. Further, every woman who wears hijab/ veil will be fined. Allah almighty said:

(وَلَنْ تَرْضَىٰ عَنْكَ الْيَهُودُ وَلَا النَّصَارَىٰ حَتَّىٰ تَتَّبِعَ مِلَّتَهُمْ) (البقرة: ١٢٠).

²⁷ *Abi Dawood's Sunnan*, with number (1833), *Abi Dawood* did utter a comment on it and said in his message to the community of Makkah , it is sound hadith.

²⁸ *Al-Bazian Encyclopedia in the Women's Affairs*, by Sheikh 'Abd al-'Aziz bin Baz, (volume: 2, p. 1041- 1043).

"Never will the Jews or the Christians be satisfied with thee unless thou follow their form of religion [...]."(Sura: 2, Al-Baqarah, verse:120)

An inquirer asked the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia:

"What is the Islamic style of clothing convenient for women?"

The answer: the Islamic style of clothing appropriate for women is to cover all her body in front of non- *mehrem* men (stranger men), with wide, non-transparent clothes, without embroidery, or ornaments. Also, she has to veil her face in front of those men, as a woman's face is the initiator of temptation. Allah almighty said:

(وَإِذَا سَأَلْتُمُوهُنَّ مَتَاعًا فَاسْأَلُوهُنَّ مِنْ وَرَاءِ حِجَابٍ ذَلِكُمْ أَطْهَرُ لِقُلُوبِكُمْ وَقُلُوبِهِنَّ)

(الأحزاب: ٥٣).

"O ye who believe! Enter not the Prophet's houses,- until leave is given you,[...] And when ye ask[the prophet's ladies] for anything ye want, ask them from before a screen: that makes for greater purity for your hearts and for theirs".(Sura: 33, al-Ahzab, or The Confederates, verse: 53)

Hijab means covering of the entire woman's body, including her face, in front of stranger men. Allah almighty said:

(وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ) (النور: ٣١)

"And say to the believing women that they should [...] draw their veils over their bosoms" (Sura: 24, Nur, or Light, verse: 31). *Khemar* is a head covering that Allah commanded to be drawn also to cover the bosom, passing through the face and veiling it. This is in addition to other evidence that obligate women to wear hijab²⁹.

May Allah bless your soul! We ask Allah to pray for and bless the souls of Prophet Muhammad, his offspring and Companions.

The Permanent Committee for Scientific Research and Iftaa

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Vice president: 'Abd el-'Aziz aal- el- Sheik

²⁹ Fatwa (advisory opinions) of the Permanent Committee for Scientific Research and *Iftaa* , (24/ 15- 16), with number: (16376).

President: 'Abd el-'Aziz bin Baz

An inquirer asked the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia:

"An American Muslim woman has no one to provide for, so she ought to work in various places without putting on the veil. Yet, she wears hijab when she is off work. What is the verdict in this case?"

The answer:

It is illicit for the Muslim woman to work with men. She has to abide by the religious legitimate hijab, and to keep away from the assemblages of men. She has to search for a lawful work. If she leaves an illegitimate work to please Allah, He definitely will compensate her with something better. Allah almighty said:"³⁰.

(وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا (٢) وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ

(الطلاق: ٢- ٣)

"[...] And for those who fear Allah, He [ever] prepares a way out,

³⁰ Fatwa (advisory opinions) of the Permanent Committee for Scientific Research and *Iftaa* , (17/ 231), with number: (19504).

3. And He provides for him from [sources] he never could imagine[...]." (Sura: 65, Al-Talaq, or Divorce, verse: 2-3)

May Allah bless your soul! We ask Allah to pray for and bless the souls of Prophet Muhammad, his offspring and Companions.

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President: 'Abd el-'Aziz bin Baz

1.5 Intermingling between men and women

Intermingling between a man and a woman who are foreigners to each other is one of the serious plights and seditions that have occurred in human societies either the disbelievers or the believers.

Sheikh "Abd el-'Aziz bin Baz pointed out: "Women during the lifetime of Prophet Muhammad (PBUH) did not mix with men neither at masjids, nor at market places. Reformers nowadays warn against this illegal intermingling; Qur'an, *Sunna*, and the Islamic scholars have warned against it, too. In the Prophet's mosque, women prayed behind men in back rows. Thus, Prophet Muhammad said: "the best rows of men are the front ones, while the worst are the back ones. In contrast, the best rows for women are the back rows, while the worst are those at the front"³¹. This is to avoid the temptation of men at the back with women in the front rows. Further, men at that time were told to wait till all women could come out of the mosque , as not to be bumped into men at the doors of the mosque, although they were extremely pious, then what about their successors?!

³¹Muslim's *Sahih*, with number: (440).

Prophet Muhammad (PBUH) warned women against walking in the middle of the road, and instructs them to walk only on the roadside for fear that they touch men, which would result in temptation³². Further, Prophet Muhammad had specified a particular door for the exit of women³³. Ibn el-Qaim said: "He who is in charge—the ruler—must prevent illegal communication between men and women in market places, paths, and men's gathering. The Imam (the ruler) is fully responsible for this, as it can cause a serious sedition". Al-Bukhari and Muslim narrated on the authority of Usama bin Zaid that Prophet Muhammad (PBUH) said: "what will be considered the worst temptation for men are women—after the end of my lifetime"³⁴. In another *hadith*, the prophet ordered women: "you have to walk only on the roadsides"³⁵.

Also, the ruler must prevent women's going out, applying cosmetics, with full ornaments, or wearing transparent loose clothes. They should not talk to men on passages, and men equally should not do this. The ruler

³² *Al-Bazian Encyclopedia in the Women's Affairs*, by Sheikh 'Abd al-'Aziz bin Baz, (volume: 2, p. 1055).

³³ *Abi Dawood's Sunnan*, with number (462), from the hadith of Ibn O'mar, revised and corrected by Al-Albani in *the Sahih of Abi Dawood's Sunnan* , (volume: 1, p. 92), with number: (439).

³⁴ Number: (5096), and in *Muslim's Sahih's*, with number: (2740)

³⁵ *Abi Dawood's Sunnan*, with number (5272), revised and corrected by Al-Albani in *the Sahih of Al-Jami Al-Sagheer* , with number: (929).

should imprison the woman who goes out of home a lot, particularly if she is in her ornaments, as allowing doing this is an assistance for committing disobedience. Allah will punish the ruler for this. 'Omar bin el-Khatab, Prince of the Fidel men, prohibited women's walking in the way of men, or communicating with them on the road. Thus, he should be an example to be followed by any ruler.

Undoubtedly, enabling women to communicate with men is the origin of all evils, and one of the reasons behind public curses. Also, it is one of the causes of both public and private corruption , and spread of obscenity and adultery."³⁶

One of the possible solutions is that Muslims cooperate to establish institutions, companies, or schools owned by conservative Muslims who can remove some evils, existing in the western societies such as communication between men and women, not praying, drinking wine...etc. All these are legally permitted in some western countries.

An inquirer asked the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia:

³⁶*Al-Turuq Al-Hukmeyah* (The Methods of Issuing Verdicts), pp. 280-281

"Is it legitimate that Muslim young women receive co-education at schools and universities, as it is the only form of education in western communities? Simultaneously, those Muslim sisters will stick to the Islamic code of dress, although this exposes them to teasing from the infidels."

The answer:

Interaction between men and women in education is illicit, and a foul evil, as it results in sedition, and spreads corruption, and violation of religious rules. What occurred as a result of this interaction is evil and corrupt behavior which is one of the clearest evidence on the necessity of forbidding it. Added to this, it takes place in a libertine community, then it is more dangerous. Education of woman is not one of the necessities which justifies doing a forbidden deed³⁷.

May Allah bless your soul! We ask Allah to pray for and bless the souls of Prophet Muhammad, his offspring and Companions.

³⁷ Fatwa (advisory opinions) of the Permanent Committee for Scientific Research and *Iftaa* , (12/ 181- 182), with number: (19479).

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Member: Saleh al- Fawzan

Vice president: 'Abd el-'Aziz aal- al- Sheikh

President: 'Abd el- 'Aziz bin Baz

An inquirer asked the Permanent Committee for Scientific Research and *Iftaa*:

"Is it legitimate that a Muslim young woman goes out to receive medical education--if permitted-- in case she should commit one of the following deeds, even if she tries to avoid them?

- a) Interaction with men through talking to her patients, professors, and people in public transportation.
- b) travelling from one country to another as from Sudan to Egypt, if the journey takes a number of hours, not three days.
- c) Is it allowed for her to stay alone without a *mehrem* (male companion from her family), in the accompaniment of other young women?

The answer:

Firstly; If the woman's coming out of her home to receive medical education , results in interaction with men and consequently seduction, then it is illegitimate. Preserving chastity is an obligatory duty, but studying medicine is an adequacy duty. An obligatory duty is prior to an adequacy duty. Yet, just talking with the patient or the professor is not forbidden. What is illegitimate is that she talks in a soft, tempting manner, so any hypocrite libertine person will take advances towards her.

Secondly; if she is accompanied by male companion from her family, in her travel to study medicine or to teach it, or even to treat patients, it is allowed, but if not, then it is forbidden, even if it is a flight. Prophet Muhammad (PBUH) said: "A woman should not travel without a *mehrem* [male accompaniment from her family members]"³⁸. It is an agreed upon *hadith*. Preserving chastity is prior to studying medicine or teaching it.

Thirdly; if a woman's stay without a male companion from her family will be among a safe company of women to study medicine , to teach it or to treat women, it is legitimate. Yet, if she feels worried about being exposed

³⁸Al-Bukhari's *Sahih* (sound Hadith), with number (1862), and Muslim's *Sahih*, with number (1341), his own term.

to sedition as a result of absence of her husband, or a male companion from her family, it is illegitimate. Also, if she treats men, it is illegitimate, unless there is a necessity, provided that they are not in seclusion³⁹.

May Allah bless your soul! We ask Allah to pray for and bless the souls of Prophet Muhammad, his offspring and Companions.

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³⁹ Fatwa (advisory opinions) of the Permanent Committee for Scientific Research and *Iftaa* , (12/ 178- 180).

1.6 Loans

One of the reasons behind the suffering of Muslims is their need to take loans to buy houses or cars or other commodities. What are available are the *ribawi* (usurious) loans provided by banks with annual usurious interests. It is already known that *riba* (usury) is unlawful according to the verdicts of Quran and *Sunna* and consensus of religious scholars. Allah almighty said:

(الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ) (البقرة: ٢٧٥).

"Those who devour usury will not stand except as stand one whom the Evil one by his touch Hath driven to madness. That is because they say: "Trade is like usury," but Allah hath permitted trade and forbidden usury. Those who after receiving direction from their Lord, desist, shall be pardoned for the past; their case is for Allah [to judge]; but those who repeat [The offence] are companions of the Fire: They will abide therein [forever]." (Sura: 2.Al-Baqrah, verse: 275). In another verse, Allah said:

(يَمْحَقُ اللَّهُ الرِّبَا وَيُزِيلُ الصَّدَقَاتِ وَاللَّهُ لَا يُحِبُّ كُلَّ كَفَّارٍ أَثِيمٍ) (٢٧٦)

(البقرة).

"Allah will deprive usury of all blessing, but will give increase for deeds of charity: For He loveth not creatures ungrateful and wicked." (Sura: 2.Al-Baqarah , verse: 276).
In a third verse, Allah said:

(يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنتُمْ مُؤْمِنِينَ) (٢٧٨)

(البقرة).

"O ye who believe! Fear Allah, and give up what remains of your demand for usury, if ye are indeed believers." (Sura: 2, Al-Baqarah, verse: 278). These honorable verses indicate the absolute illegitimacy of usury, either little or much, and regardless to its belonging to a particular territory or state. It is a deadly sin which removes the blessing, and heaps Allah's wrath and curses.

Muslim narrated in his *Sahih* (Sound Hadith), on the authority of Gabber, that: "Prophet Muhammad (PBUH) cursed the usurer, his agent, the registrar, and the eye witnesses on usury. He added that they are all equal [in the sin]"⁴⁰.

⁴⁰ Number: (1598)

Al- Bukhari and Muslim narrated in their *Sahih(s)* , on the authority of Abi Sa'eid al-Khudry who said that Prophet Muhammad (PBUH) said: "Do not sell gold for gold unless equivalent in weight, and do not sell less amount for greater amount or vice versa; and do not sell silver for silver unless equivalent in weight, and do not sell less amount for greater amount or vice versa and do not sell gold or silver that is not present at the moment of exchange for gold or silver that is present."⁴¹

Al-Nawawi said: "Muslims have agreed upon forbidding usury in these six items but they disagree upon other cases"⁴². Islamic scholars have forbidden dealing in usury among Muslims either in Islamic lands, or in the enemies' land. All the religious scholars decide the absolute illegitimacy of dealing in usury between the Muslims and their enemies, borrowing or lending, either in Islamic countries, or non-Islamic countries, either securely or insecurely. This opinion is maintained by *Al-Malekiya*, *Al-Shafe'ia*, and *Al-Hanabela* in their sound sects⁴³.

Al-Nawawi said: "it will make no difference in forbidding usury if it takes place in Islamic lands or anti-

⁴¹ Number: (2177), and in *Muslim's Sahih*, with number (1584).

⁴² *Al-Majmou* (The Collection) by Al-Nawawi , (volume: 9, p. 391).

⁴³ *Al-Majmou* (The Collection) by Al-Nawawi , (volume: 9, p. 391).

Islamic lands, as whatsoever is forbidden in an Islamic country remains as such in a non-Islamic country. It is forbidden whether the transaction is done between two Muslims, or a Muslim and an enemy of Islam, either the Muslim entered it securely or insecurely, or any other case.

The Assemblage for Islamic Researches in Cairo decreed in 1385 A. H. in Cairo that usury is illicit, and is not allowed under a need or necessity. Taking a loan with usury is forbidden as well. Their guilt will not be removed unless there is an urgent need."⁴⁴.

The Assemblage of *shari'a* jurists in America has decreed the following: "Praise is due to Allah and May Allah bless the soul of Prophet Muhammad, and then:

The Assemblage of *shari'a* jurists in America , which is held in its second conference in Copenhagen in Denmark from 4-7 Gummada the First , in the year 1425 A. H., which corresponds to 22-25 June, 2004 A. D. After reviewing researches presented by the members and experts of the assemblage concerning the issue of: 'purchase of houses through usurious financing' and the detailed arguments about it, the Assemblage decreed the following:

⁴⁴*Feqh el-Nawazil* by Dr. al-Hizani (v. 3, p. 136)

Firstly; the emphasis upon what the definite religious pieces of evidence have shown that usury is forbidden, with its two forms: *fadl* and *nassia* .*Fadl* usury is to buy a smaller amount of new gold, for instance, with a greater amount of old gold . *Nassia* usury is to buy an existent commodity with an absent one. It also confirms that banks interests are a forbidden usury, a matter decided by all the houses of *Iftaa* (advisory religious opinions), jurisprudent assemblages all over the Islamic world.

Secondly; we assure that usurious loans will not be fundamentally legitimate unless in cases of extreme necessity determined by the Islamic *Shari'a* (law), as the case of other absolutely forbidden issues in *Shari 'a*. This necessity has provisions indicated by men of religion as it must be existent not expected. That is; to surmise and verify that there is a real danger on one's faith, self, mind, offspring, or wealth; or to be an urgent necessity as the obliged person fears his own destruction, or amputation of one of his body organs, or recession of his utility if he does not take the usurious loan. That person must have no other means except this one. The one who is confused in defining the rank of his necessity ought to resort to trustee pious and religious scholars to determine the extent of his necessity through *Fatwa* (religious advisory opinion).

Thirdly, need is the same rank as necessity in permitting something forbidden provided that:

- 1- Existence of an urgent need in its legal concept; which is to fend off harm, helplessness and inability to act, instability in earning livelihood, maintaining subsistence level. It should not be just aspiring to own something, desiring utilizing it, or enjoying affluence.
- 2- Lack of any other legal substitutes, such as overwhelming of vice, obstruction of all legitimate means, or else one must exert efforts to earn his living in a lawful way. Among these substitutes is renting, whenever possible.
- 3- Content with what is needed only, and forbidding what is related to extravagance and affluence.
- 4- Inability to find accessible legal substitutes.

Fourth: according to all the above mentioned, he who is unable to own a house in a legitimate way without *riba* (usury), or even doubt in falling in usury, should be contented with renting a house, as it rescues the person from committing the sin of usury.

Fifth: if rent constitutes an extreme embarrassment, and apparent suffering for some people, for considerations

as the number of the family members, unavailability of a vast adequate house to be rent, very high rent that the father cannot afford, or any other coercive circumstances, then it is legitimate to own a house by taking loan. This loan must conform to the previous constraints. Also, men of religion should be consulted to estimate the urge behind this need, and the legal terms; to make sure that it is equivalent to the necessity that permits the forbidden.

Sixth: emphasis upon all what the formal and civil Islamic assemblages have assured about the significance of providing Islamic substitutes to finance houses: through establishing Islamic firms , a matter of a paramount priority, more approved to Allah, and more useful for Islam and Muslims. It can be provided through persuading those who are in charge of the western banks to modify their contracts with Muslim communities in accordance with the verdicts of Islamic *shari'a*, till the desired Islamic substitute is provided, a matter which is feasible in those societies.

Seventh: calling the wealthy Muslim men to adopt a profitable project that combines a gain in this life and a reward in the afterlife. For example, they can provide

residences for Muslims staying in western societies in a legal religious form as partnership, *murabaha* (selling including the original capital plus known profit) , manufacture, or leasing it in a way that ends with ownership in accordance with religious legal conditions . They must not exaggerate in defining their profit, as not to be a sedition that lets people detest dealing with Islamic firms, or renders them think badly of the Islamic application, whenever it is called for or appears. At last, Allah is the greatest and the most omniscient⁴⁵.

⁴⁵Decisions and recommendations of the Assemblage second conference, (pp. 100- 102)

1.7 Insurance

Before discussing this topic, it is preferable to define insurance at the beginning. It is a contract by which terms the insurer abides by paying the insured or the beneficiary from insurance a sum of money or revenue, or any other financial compensation if a particular event or danger takes place as specified in the contract. This is in return of installments, or a financial payment from the insured to the insurer⁴⁶.

The Higher Scholar Corpse in Saudi Arabia and the Islamic Jurisprudent Assemblage has issued a *fatwa* (religious opinion) to forbid commercial insurance in all its forms. The text of the decree of the Islamic Jurisprudent Assemblage concerning insurance is:

" the Islamic Jurisprudent Assemblage , affiliated to the Islamic World League in its first session in Makkah in the quarter of the Islamic World League in 10th Sh'aban, 1398 A. H. , has already reviewed insurance in all its forms, and its presented studies. Further, the Assemblage scholars have multiple debates and arguments about it, and all of them agree --except

⁴⁶ Al-Waseet, by 'Abd El-Razeq al-Sanhuri, (v. :2, p. 1087)

Sheikh Mustafa al-Zarqaa—upon forbidding commercial insurance in all its forms, either on the self, or merchandise and the assemblage concluded with consensus that the cooperative insurance is legal.

The International Islamic Jurisprudent Assemblage concluded that "the commercial insurance contract with regular installments, in which the insurance commercial companies deal, is a corrupt contract, and therefore it is legally forbidden"⁴⁷.

On the other hand, cooperative insurance has two forms:

The first form: it is represented in the cooperation of a group of tradesmen who belong to the same craft/ trade and are exposed to a particular set of dangers; consequently, they participate together in compensating anyone of them in case of being exposed to a form of danger. This form, unless corrupted by illegitimate transaction such as usury, is legal. That is decided by the Islamic Researches Assemblage in its second conference in Cairo in 1385 A.H., in addition to other jurisprudent assemblages.

⁴⁷ *Al-Magma Magazine*, second issue (2, p. 545)

The second form: the complex cooperative insurance, which is performed by a specialist company. In this case, all the insured—bills owners—share in this company, and they constitute the general assembly, and administration board. Then money is collected from the participants, and is spent in the administration of the company, and in compensating whoever is exposed to harm, or to be given to the beneficiary according to the agreed upon. The left sum remains in the account of the company, and a part of it can be distributed among the participants. This kind of insurance is common in western countries, particularly the Scandinavian⁴⁸.

The verdict of cooperative insurance

It is legal in principle; because it is people's money that turns back to them, and that the relation between participants is based on cooperation and donation, not commerce and making profit from this insurance, unless the dealings of these companies are accompanied by usury. Among the categories of cooperative insurance are: pensions, social guarantee, and cooperative societies insurance.

⁴⁸ For further details, see: *Feqh El Nawazil* (Jurisprudence of Tribulations) for the Muslim Minorities by Dr. Muhammad Yussri, (Volume: 2, pp. 894–930).

The Islamic Research Assemblage, affiliated to Al-Azhar, in its second conference in 1385 A.H., has decided:

- 1- The insurance of the cooperative societies includes the participation of all its insured members to present to them what they need from subsidy and services, and this is considered cooperation on righteousness.
- 2- Governmental pension system, and the similar systems as the communal guarantee system applied in some states, the social insurance system applied in other states – all are legitimate.

This is endorsed under verdict number 9 (2/9) from the International Islamic Jurisprudent Assemblage, follower of the Islamic Conference Organization, the Islamic Jurisprudent Assemblage, follower of the Islamic World League, and the Higher Scholars Corps⁴⁹.

An inquirer asked Sheikh 'Abd el-'Aziz bin Baz:

"In my country, people are forced by law on car insurance, if one makes an accident, is it

⁴⁹ *Al-Taameen Al-Islami* (The Islamic Insurance) by Ali Al-Qura Daghi, (pp. 197 and the following pages)

legitimate to repair one's car from this insurance money?"

The answer:

If people are forced, they can take what has been paid; with no increase, as not to fall in gambling. For example if someone pays ten thousand pounds, he should restore ten thousand pounds, and so on. But if he receives any extra sum, he should spend it in charity, for the sake of the poor, and the needy⁵⁰.

This is applicable to all other kinds of insurance as health insurance, property insurance, and others. If the Muslim is forced to pay insurance, he should restore the same sum that he has paid, with no increase. At last, Allah is all-knowing.

⁵⁰ The Collection of Various Fatwa and Articles by Sheikh 'Abd el-'Aziz bin Baz, (v. :28, p. 120).

1.8 Credit Cards

Sheikh Bakr bin 'Abdullah abu-Zaid has written a valuable treatise in this topic, from which I take some extracts, with modification and summary:

Definition⁵¹:

It is a metal, or plastic magnetized card, which carries the name of its owner, date of its issuance, date of expiry, and a pass word known only to its owner. The Jurisprudence Assemblage, with decision number (65/1/7) in the period from 7-12/ 11/ 1412 A.H., defines it as follows:

"credit card is a document issued from a producer to a normal human being, or to an arbitrary entity— according to a contract between them-- to enable its carrier to purchase commodities, or receive services from those who accept dealing with credit cards, without paying the price instantly, as the issuing bank is obliged to pay. Among the types of that document is that which enables withdrawing money from banks".

⁵¹The Magazine of the Islamic *Feqhi* Assemblage (7/ 717), and see (7/ 480, 559, 653)

Explanation of the definition⁵²:

With reference to the above definition, it is clear that the contract of the issuance of the credit card is compound as it consists of two attached deeds, in which there is a deal of submission and acceptance.

They are:

The first: a contract between the bank issuing the credit card, and its carrier, which defines the maximum amount for credit, together with the terms of the relationship between the issuing bank and the carrier.

The second: a contract between the bank issuing of the credit card and those firms, companies, banks which endorse it. Among the most important articles of this contract is the commission that the issuing bank receives from shops owners and presenters of services who deal with these cards.

That is the general definition of a credit card, but it does not apply to ever card⁵³; for the terms of the contracts and specifications vary according to each issuing bank. Therefore, the verdict must be

⁵²Ibid. (7/ 560, 655)

⁵³The Magazine of the Islamic Feqhi Assemblage (7/ 377- 378).

specific to every credit card by itself, with its terms, and specifications, in addition to evaluating its terms.

Types and forms of credit cards:

Cards constitute a growing and widespread phenomenon; issued directly by banks, by organizations, or by associations; and received and carried by individuals, to the extent that this age can be called the age of cards. By induction, viewers can see a large number of ordinary cards and credit cards that can be categorized into three types:

The first type: the ordinary card

It is also called the teller card, the automated teller card, the instant withdraw card, and the traditional card⁵⁴. It is a card provided by the bank to its clients who have accounts, to withdraw instantly from their accounts upon using the cards through the automated teller machines, or the electronic transfer systems, which are characterized with the following:

- 1- It is issued only for those who have accounts at the bank.

⁵⁴ *Al-Mugma* (the Assemblage) Magazine (7/ 448-449, 656)

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- 2- It does not allow withdrawing money without having a balance owned by its carrier.
 - 3- It is done for free
 - 4- Debiting takes place as soon as the sum of money is delivered or transformed through using it.
 - 5- It is local, used within the geographical circumference of the state. It may extend if the automated teller machines are linked with another country.
 - 6- Among its services is to inquire about the balance.
 - 7- Among its services is that its carrier can withdraw money from the net of other banks, participating in securing the teller machines. It is according to the system of the teller networks; if the carrier of the card has withdrawn money from an automated teller machine of a different bank, the establishment responsible for this machine takes from the bank issuing the card a commission in return for providing the service of availability of withdraw through its automated teller machines. This commission is estimated as four riyals for every one thousand riyals.

Its verdict

This type of cards with the above description is not subject of research, as there is no legal doubt in legitimatizing it, unless there is an addition of a feature or a term that annuls its legitimacy, and renders it forbidden. In case its carrier transfers money to a trader, then it acts by proxy; because the client has an account at the bank, so he deputed it to pay from his balance.

The second type: debtor card or debit card⁵⁵.

Its issuance is conditioned by the existence of an account by the client at the bank, but it does not provide the client with extra cash money. It has the following advantages: whenever the client uses it in a department store or air lines, for instance, the issuing bank debits money directly from the client's balance to pay the invoice of the trader.

Its verdict:

This type, with this description, is legitimate as there is no religious forbidding in it, unless there is an additional description that might change its legal verdict.

⁵⁵ *Al-Mugma* (the Assemblage) Magazine (7/ 379)

The third type: Credit cards or accreditation cards or cards of *mala'a* (the ability to payback)⁵⁶

It is issued by a bank which is member in the set of licensed organizations and establishments, or that sponsor banking cards. Among the most popular cards of this type are:

- Visa cards⁵⁷
- Master cards⁵⁸
- Dinners' club cards⁵⁹
- American Express cards⁶⁰

Every organization or establishment from the above mentioned ones issue a number of cards, that differ in features, provisions and targets. Among them is Visa Organization that licenses the issuance of three kinds of cards:

- 1- Silver visa cards
- 2- Golden visa cards
- 3- Electron visa cards

⁵⁶ Al-Mugma (the Assemblage) Magazine (7/ 379- 380, 445, 449, 451, 656, 8/ 580-593).

⁵⁷ Defined before

⁵⁸ Defined before

⁵⁹ Defined before

⁶⁰ The American Express is a bank and a large financial institution that handle banking activities, supervise the issuance of cards, and organizes the link between the bank and those who want to have the cards.

American Express Organization issues three types of cards:

- 1- American Express Green card
- 2- American Express golden card
- 3- American Express diamond card

These credit cards can be divided into two sections:

The first section: Ordinary credit card. It is also called monthly accreditation card, or monthly debit card⁶¹.

In fact, it is local or international card that is issued with subscription fees. It enables its carrier to buy from store shops, or to be offered services in airline offices, hotels, restaurants...etc. Further, it can be used in automated teller machines to withdraw cash money from the specified machines, or electronic transfer systems. It does not force its carrier to have an account at the bank issuing it, but the bank lends him a sum of money that has a maximum limit, technically known as the credit line. Then the bank issuing it demands from its carrier to pay back the money within a month. In case of not paying back, the bank invalidates the card, and asks the client to pay back the money with its delay interests.

This card endorses the following aspects:

⁶¹*Al-Mugma* (the Assemblage) Magazine (7/ 379- 380, 449- 450, 656).

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- 1- Its issuance does not necessitate the client's having a balance (as in American Express cards, and Dinners' club cards), but some issuance authorities might necessitate this.
 - 2- the bank lends the client—its carrier-- a sum of money that has a maximum limit, technically known as the credit line
 - 3- the bank issuing it obliges its carrier to pay back the money within almost a month
 - 4- The bank issuing it enjoins on its carrier four payments: subscription fees, renewal fees, the loan interest, and postponement interests.
 - 5- In case of not paying back the money, the bank files a suit against the carrier of the card, his membership is abolished and the card is withdrawn from him.

The second section: credit cards that provide loans, it is also known as paying through installments card⁶²

It is the most widely spread form, and the latest, the most popular, particularly in industrial countries, civilized countries; they are generally called credit cards.

Indeed, it is similar to the monthly debit cards, as is mentioned, but this one is different in that paying back

⁶²*Al-Mugma* (the Assemblage) Magazine (7/ 380, 451- 452, 656-657).

money is not limited to one month for instance, but it is a renewed debt on installments, to enable its carrier from using it as long as he pays the due interests steadily every month. This type has the utmost interests to be paid by its carrier, so it is very profitable for the issuing bank. This card endorses the following aspects:

- 1- Its issuance does not necessitate an account for the client at the bank.
- 2- the bank lends the client—its carrier-- a sum of money that has a maximum limit, and is technically known as the credit line
- 3- Paying is done in installments, and is not limited to one month.
- 4- The bank issuing it imposes four payments on its carrier: subscription fees, renewal fees, the loan interest, and postponement interests.

Its verdict⁶³:

Before going into details in showing its verdict, it is urgent to clarify the following:

Firstly: before showing the details of the verdict, it is necessary to issue a general verdict based upon examining,

⁶³*Al-Mugma* (the Assemblage) Magazine (7/ 365, 392- 395, 408- 410, 659, 8/ 649, 652, 659).

legitimate or illegitimate, according to the general features of the card, and its terms, if any.

Secondly, every card type should have an individual verdict , according to its features and conditions of issuance in general.

Thirdly, it is noticed that some researchers decompose the contract into parts and phases, in order to legitimize it. However, It is a must to issue a verdict on credit cards with all their conditions, traits and stages which are closely related as the soul and body.

Fourthly, the jurisprudent must take into consideration the following:

- 1- The good loan is not available in commercial usurious banks. He who has insight must stop confusing things as not to be drawn to committing mistakes in issuing the verdict.
- 2- Commercial usurious banks have been established to enlarge their resources through usurious transactions under slogans as (interest, fines, and fees). Credit cards are issued by banks, as a tempting means to open new usurious resources that pour money to the bank.

3- It is not required from the jurisprudent's study of this tribulation to search for a justification to legitimize it and after the surrounding disputes about it. This is nearer to guilt and wrong not right. Instead, the task of the jurisprudent is to investigate the matter in accordance to *shari'a* (Islamic law).

Fifthly, the jurisprudent must put into his consideration that the religious fundamental permits transactions and provisions. It is one of the advantages of *shari'a* that facilitates matters for the sake of mankind at large.

Sixthly, any transaction or term does not transform its fundamental from legitimacy, unless it has an oppression or harm for both parties, or to one of them, through including a religious forbiddance, such as acquiring people's money through illegal means. Every transaction transposes this fundamental nature into forbidden, must return to one of three forbidding rules which are:

- 1- Forbidding usury, among its forms is the loan that has profit.
- 2- Forbidding *taghreer* (cheating) that can be found in these forms:

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- meeting the riders (sellers) [before entering the market]
 - *najash* (an increase in price suggested by someone who has no intention to buy the commodity)
 - selling the *mesrah* (a camel or cattle that has not been milked for days, so that its buyer thinks it provides abundant milk),
 - selling the commodity with blemishes
 - *tadlees* (unrevealing a blemish in the commodity).

3- Forbidding *gharar* (luring by offering a commodity with bright appearance, but unknown essence). This is through inability to deliver the commodity as in the cases of:

- the stray [animal drove away from the folk.]
- the fugitive [a slave who eloped from his master]
- the absence of the commodity during the selling contract, as selling the embryos of cattle in advance before coming to life. This kind of selling is forbidden as it spells a complete ignorance of the commodity, or ignorance of its gender, or amount. So, the

commodity is unknown or not present at the moment.

Among this type is the commercial insurance with its methods and forms.

The general verdict and it consists of a number of rules:

The first rule: every card with a complete financial coverage-- belonging to its carrier, and does not admit instant withdrawal, or automatic transfer except to his account and balance at the issuing bank-- it is permitted and legal.

This verdict applies on the first kind of cards (automated teller cards). This type of cards, with this description, is out of investigation, as there is no doubt in its legitimacy, as long as it does not acquire an additional provision or trait that transposes it from being legitimate into being illegitimate. It has been clarified, with warning that the bank invests the balance and utilizes from usurious interests.

The second rule:

A credit card, with its worldwide known condition-- containing terms and features that are definitely forbidden,

such as postponement fees, the percentage that the issuing bank debits from the trader's invoice, signed by the client, providing its carrier with some advantages such as discount as well as other services-- is forbidden and cannot be admitted, or religiously justified⁶⁴.

The credit card essence:

It is a promise in a compound sale contract, consisting of three parties, implying admission, and including currency trade with swift interests, instant interests that are added as soon as the exchange takes place, and other interests for postponement, that multiply with the passage of delay time. Hence, it a usurious contract, targeted to follow the financial policy of usurious banks—to provide loans with interests. This contract cannot be decomposed into two separate contracts, or adjustment by proxy, debt transfer, body guarantee, or fees. None of the terms of these types of contracts apply to the credit card contract.

The third rule:

⁶⁴ *Al-Mugma* (the Assemblage) Magazine (7/ 670- 671). Sheikh Mustafa al-Zarqa said: "no doubt that credit cards, with their world- wide- known condition cannot be accepted, and legitimized"

Financial payments in such a contract⁶⁵ are of eleven types, ten of them are directed to the bank issuing the card, while only one is targeted from this issuing bank to its proxy—the mediatory institution-- in circulating the card and making contracts with the clients.

These ten payments to the bank contain eight payments done by the carrier of the card which are: five fees:

- for issuance,
- renewal after date of expiry,
- renewal before date of expiry,
- substitution,
- expenditures of payment checks.

The sixth payment is the interest, for instance, on postponement of paying within a month, a sum which multiplies with prolonging delay of payment. The seventh is to realize another profit from offering extra services for the carrier of the card. The eighth payment is the difference in currency value in case of paying in the local currency which is not the endorsed currency. There are two payments from the trader to the bank which are taking a percentage from the purchase invoices, and subscription fees paid by the trader to the

⁶⁵ *Al-Mugma* (the Assemblage) Magazine (7/ 365- 368, 389- 394).

bank to be registered in the card customers' services guide.

We should put into consideration these total payments, and that these commercial banks are based on usurious loans, interest loans, and that these banks do not offer the good loan (Islamic loan with no interest). We should recognize the fact that it is impossible for these banks to scatter money on millions of people, while there are a huge number of employees in the various banking departments. Added to this, hundreds of automated teller machines, transfers are offered by the banks. Will the bank offers all these, only to give someone a credit card, without having a balance, allowing him to withdraw money from the bank ,just serve the client with no regard to the profit of the bank?

In fact, it is an absorption process of whatsoever money in the pocket of its carrier, a seductive means to debit one's money, and to burden him with future debts that destroy his savings for a number of following years. Thus, there are successive warnings against withdrawing money rashly, particularly in western countries. If all these are known, then the interests of postponement is forbidden, and that it belongs to *jahilia riba* (pre-Islam usury) which dictated

either paying instantly or delaying with applying usury. This opinion is agreed upon by the majority of religious scholars, without any disputes.

Even the interest of the percentage of commission debited from the trader's invoices by the bank issuing the card are in fact usurious swift interests in return for giving a loan to the carrier of the card. Yet, these interests are collected from the trader in a concealed usurious manner.

Consequently, the process returns to the base on which the banks are established, but in a smart way, which includes inversion, substitution, temptation, cunning, deceit, playing with the minds of people even the broke , dominating the markets, pushing people to the doors of banks burdened with debts, and successive payments, multiplication of the postponement fines . If the viewer realizes the truth of this card, as a promise with a loan with swift interest, and successive delay interests, then one should understand that it must not be justified, as some researchers do, as being a contract of proxy, guarantee, body guarantee or debt transfer. Indeed, it is a loan promise.

Whenever one takes a loan, the interest is debited from the trader as if bankers would tell traders: "You will

not be partners in selling to cards carriers unless you pay the loan interests". While the cards carriers seem to tell the traders: "I purchase from you, but I leave payment to be done by the bank, provided that you pay the loan interests to the bank". Now, it is definitely clear that every penny taken by the card carrier provides the bank with an instant interest. Hence, it is a loan with an interest, which is usury in itself. Then, the card carrier became subject to the bank, ready to be fined whenever he postponed payment, then to suffer multiplication of fines in case he delays payment, then to be drawn to the court of law, whether to pay or to go to debtors' prison.

Only then is it illustrated that the little fees (400 riyals) needed to issue the card, then to renew it, and so on, all make the card tempting, which in essence transfers the financial transactions to illicit ones, loan with interests, then accumulation of debts to the bank.

Also, it indicates *gharar* and ignorance because in case of not using it, this sum of money will be lost in vain. As a consequent, there is no point behind trying to justify these fees as being in exchange for administrative expenses.

Other advantages:

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- Insurance on the card carrier's life. All jurisprudent verdicts issued forbid this, as it is based on temptation, risk, and ignorance and gambling.
 - Prizes and gifts: the jurisprudent rule dictates that every loan that results in a profit is usury.
 - Utilities and incorporeal facilities: it is included in the above mentioned legal rule, as it is inclusive of material or incorporeal gains. Every loan has led to this is religiously forbidden.

The conclusion is that credit cards with all their kinds: Visa, American Express, Master card, or others are all considered usurious contracts in the guise of cards. It is a contract in which three or four parties agree upon cooperating in committing the sin of usury. Allah said:

(وَإِنْ يُرِيدُوا خِيَانَتَكَ فَقَدْ خَانُوا اللَّهَ مِنْ قَبْلُ) (الأنفال: ٧١).

"But if they have treacherous designs against thee, [O Messenger!], they have already been in treason against Allah[...]" (Sura: 8, Anfal, or the Spoils of War, verse: 71)

Here, they have betrayed Allah before by taking a loan with an interest in public without concealing it in the guise of credit cards. Then they hide their usury using credit

cards. Both of them violated Allah's holy commands. Allah has poured his wrath and curses on those who violated his holy orders through deceit, as the Jews did. Allah said:

(فَبِمَا نَقْضِهِمْ مِيثَاقَهُمْ لَعَنَّاهُمْ وَجَعَلْنَا قُلُوبَهُمْ قَاسِيَةً يُحَرِّفُونَ الْكَلِمَ عَنْ مَوَاضِعِهِ

وَنَسُوا حَظًّا مِمَّا ذُكِّرُوا بِهِ وَلَا تَزَالُ تَطَّلِعُ عَلَى خَائِنَةٍ مِنْهُمْ) (المائدة: ١٣).

"But because of their breach of their Covenant, We cursed them, and made their hearts grow hard: They change the words from their (right) places and forget a good part of the Message that was sent them, nor wilt thou cease to find them--barring a few--ever bent on (new) deceits:[...]."
(Sura: 5, al-Maida, or the Table Spread, verse: 13)

As a consequent, the system of the organizations of banking services does not object the bank joining it in issuing the credit cards, with what does not contradict its interior system. Then, there is an opportunity to Islamic banks to issue credit cards, agreed upon by the trustee and expert *shari'a* scholars who have an insight. They will be rewarded for correcting the system of financial transactions of the Muslims, and protecting them from falling in sin, by using this usurious cards.

Fatwa (advisory opinion) number (17611), in 27/ 1/ 1416 A.H.

All thanks are due to Allah only. May Allah pray for and bless the soul of Prophet Muhammad.

The Permanent Committee for Scientific Research and *Iftaa* has reviewed what is sent to the *mufti* (the one in charge of issuing religious advisory opinions) from Sheikh Ibrahim bin Muhammad Abu 'Abaat --the head of Instruction and Direction Apparatus in the National Guards—and what was transferred to the committee from the General Integration of Higher Scholars Corps in number (337) in 20/01/ 1416 A.H.

An inquirer asked the following question:

"It is circulated among people nowadays to deal with a visa card called Samba, issued from the Saudi American Bank. If it is golden, it is 485 riyals, but if silver it is 245 riyals. This sum is paid annually for the bank by the card carrier as an annual subscription for utilizing it.

The mechanism of its usage is that its carrier can withdraw a sum of money, as a loan, from the bank, then to pay back the same amount within fifty four days.

If he does not, the bank imposes interests estimated as 1.95 riyals for every 100 riyals in the loan. Also, the bank receives 3.5 riyals for every 100 withdrawn riyals, or debits 45 riyals as minimum charge for every withdraw process.

The carrier of this card can buy commodities from store shops that deal with the bank without paying money, and it is considered a loan from the bank. If he pays after the end of the 54 days, the bank imposes interests estimated as 1.95 riyals for every 100 riyals from the price of the purchased commodities.

What is the religious verdict in using this card and paying its annual subscription for the bank? May Allah bless your souls!"

After the committee's study of this inquiry, the answer is:

"If the condition of Samba Visa card is as mentioned, then it is a new issuance by the usurious to take the money of people illegally, pushing them to commit a sin, and violate their earnings and transactions. It is equal to *jahilia riba* (Pre-Islam usury), dictating whether to pay instantly, or to pay later in interests,

which is forbidden in *shari'a*. Therefore, issuing this card is illicit and we do not recommend using it. All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The Permanent Committee for Scientific Research
and *Iftaa***

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: 'Abd el-'Aziz Aal Al- Sheikh

Member: 'Abdullah bin Ghadian

President: 'Abd el- 'Aziz bin Baz

1.9 Upbringing inside the family

Among the most serious reasons of suffering of our Muslim brothers settling in atheist communities are the wife's disobedience of her husband, and the children's disobedience of their parents under the protection and shade of the libertine systems. "It is one of the sources of social corruption as the laws and customs of these countries give the wife the right to do without her husband, children, and family. Similarly, the children have the right to abandon the family and to grow up independently. Further, the son can call the police for his father if the father uses physical punishment –or even threatens to use it--upon his son's committing a mistake. As soon as the son demands his right, the policemen interfere and catch the guilty father and may imprison him for rectifying his son!

Upon the children reaching adulthood, they are completely free from any parental authority or duties ; they can determine where to stay, lodge, study, and work. In this way, many of the Muslim immigrants have lost their children who became ungrateful to their parents and some of them became apostate from religion.

On the other hand, the wife enjoys a great deal of freedom, which renders the husband constrained. Thus, he

is faced with one of two choices: whether to demand divorce and to suffer the lawful, and economic serious results, or to remain silent in front of his wife's wantonness, which the law permits as an expression of freedom that the husband has no right to deny. The problem lies when the husband or wife adjusts with this law, a matter that exposes the life of the Muslim family to a great danger.

The faithless state guarantees for women—single/married, working/not-- the same rights as men: food, clothing, lodging, and health care. The social guarantee right is for all the residents either naturalized or not. According to this system which facilitates life for people, the wife has the chance to separate from her husband for any trivial reason, as she does not need his money, or care as long as the state guarantees this. Thus, the marriage bond is liable to break up with the first misunderstanding. If the wife is not pious enough to take care of her husband, children, and family, she will destroy all these with the coming of the first problem, with no fear of any poverty, or social blame.

Only what remain are good manner, right upbringing, willing allegiance to Islam and the Islamic values, which are the only guide to the family. It must be

cultivated and originated within a peaceful familial environment. However, the father might succeed in this and might not⁶⁶.

One of the sad stories is mentioned by Doctor Salem al-Refa'ei as he said: "A German youth called me one day. He was unbeliever, and then he converted to Islam. He told me that his wife had a lover and brought him home, in front of her children. When that lover wanted to make love to her inside the house, the husband raged and fought with him. The policemen came, and the husband narrated to them what had happened, illustrating the cause of fight, and asked the policemen to dismiss the lover from the house. The policeman told him: "we cannot do anything for you. He is the guest of your wife and we cannot dismiss him". The policemen went out, the lover made love to the wife, while the husband remained bewildered, unable to do anything. He had no right to beat his wife as not to constitute an assault against her humanity in front of law. Also, he could not prevent any physical union between his wife and that man, as it was her personal freedom. He could not even beat the lover as he is the guest of the wife.

⁶⁶ *Feqh El Nawazil* (Jurisprudence of Tribulations) for the Muslim Minorities by Dr. Muhammad Yussri, (pp. 141– 142), with modification.

All he could do was to leave home and to divorce her, or else, to remain silent, and humiliated".

At last, thanks Allah for the gift of Islam and faith⁶⁷.

Saudi newspapers wrote about the Saudi young woman who went in a study mission, accompanied by her father. She gets married to a Canadian young man without informing her father. When he learned of the marriage, he denounced it and tried to punish her, so the police came, the father was tried and departed from Canada to Saudi Arabia. Thus, we complain to Allah to save our souls. The *hadith* scholar: Sheikh Ahmad bin Muhammad mentioned, "many women who went in missions to infidel societies during his lifetime have become apostate and got married to either American or European men, from the Jews or Christians".⁶⁸

As is illustrated before, what drew these plights to Muslims was their stay in libertine societies. These incidents are extracted as pieces of evidence by those who forbid staying in atheist communities, and naturalizing.

⁶⁷ *Ahkaam Ahwal Shakhssia l-l Muslemeen fi al-Gharb* (The Verdicts of the Personal Affairs of Muslims in the West), by Dr. Salem Al-Refaei, (p. 497)

⁶⁸ Acomment on Imam Ahmad's *Musnad* (v.: 6, p. 282), quoted from *Al-Ibtaath: History and Influences*, by Dr. 'Abd al-'Aziz al-Badaah, (p. 30).

Every case has its verdict, and every problem has its solution, as people's conditions vary as Allah said:

(لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا) (البقرة: ٢٨٦).

"On no soul doth Allah Place a burden greater than it can bear".(Sura: 2, Al-Baqarah, verse: 286)

The comprehensive solution for this problem, and the similar ones, is to move into a country that applies the Islamic *shari'a*, even in personal affairs at the least. If it is impossible temporarily, one should immigrate to protect his religion and his honor by going into a less dangerous place. Also, one must exert an effort to find a good wife, then to teach the children the Islamic codes of behavior, and to glorify Allah in their hearts, together with being on good terms with the pious families and Islamic centers, to search with them for a possible solution for every case. Hence, we resort to Allah and pray for him to release our suppression and end our misery. In this context, Allah said:

(أَمَّنْ يُجِيبُ الْمُضْطَرَّ إِذَا دَعَاهُ وَيَكْشِفُ السُّوءَ وَيَجْعَلُكُمْ خُلَفَاءَ الْأَرْضِ إِلَهَ مَعَ اللَّهِ قَلِيلًا مَا

تَذْكُرُونَ) (النمل: ٦٢).

"Or, Who listens to the [soul] distressed when it calls on Him, and Who relieves its suffering, and makes you [mankind] inheritors of the earth? [Can there be another] god besides Allah? Little it is that ye heed!" (Sura: 27, Naml, or the Ants, verse: 62).

Someone asked Sheikh Muhammad al-Munged—May Allah protect his soul—the following question:

"We, as Muslims living in the west, face many hardships to protect our children from loss and corruption in the western libertine societies. We need some practical steps to save our children. May Allah reward you the best reward!"

The reply: Praise is due to Allah, and we pray for his Prophet. To protect the structure of the Muslim family in an atheist society, a number of conditions and requirements should be provided either inside or outside home:

Inside home:

- 1- Children must pray regularly with their parents at mosques, if not, they must pray together at home.
- 2- They should recite and listen to Qur'an daily.
- 3- They must gather at meal times.

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- 4- They must communicate in Arabic as much as possible.
 - 5- They must observe the family and social rules dictated by Allah in Qur'an, particularly what is mentioned in "Al-Noor" *Sura*.
 - 6- Parents must not allow themselves or their children to watch immoral films.
 - 7- Children must sleep night at home and stay home for the longest time possible to protect them from the influence of the corrupt external environment, and parents must not permit them to stay night outside home.
 - 8- Avoiding sending the adult children to study in far universities, as not to be obliged to reside in the university hostels, or else we will lose them in mid of an infidel community.
 - 9- Parents must earn their living in a legal way, and avoid smoking cigarettes or marijuana and other drugs that are common in libertine societies.

Outside home:

- 1- Children must be sent to Islamic schools from childhood to adulthood (high school stage).

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- 2- They must go to the mosques as much as possible to pray on Fridays, and assembly prayers. They must attend scientific, missionary and preaching meetings.
 - 3- They should practice educational and sports activities with both children and youth in places under the supervision of Muslims.
 - 4- It is significant to establish educational camps to all the members of the family.
 - 5- Parents and children should visit the holy land to perform the rites of *'ummra* (minor pilgrimage) and *hajj* (pilgrimage).
 - 6- Parents must train the sons on reciting and memorizing Qur'an, sending some of them --if possible-- to any Arabic Islamic country, to be jurisprudent in religion, then returning to spread Islam, after being equipped by learning, religion, language and Qur'an.
 - 7- Training some sons to preach on Fridays and to lead Muslims in assembly prayers, to be guides for the Muslim communities.
 - 8- Training children to speak of Islam in an easy language understood by all people regardless of their ages and religions.

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- 9- Encouraging sons to get married early to preserve their lives and religion.
 - 10- They must get married to the Muslim young women from well-known good pious families.
 - 11- Not using number (911) to call the police to come home to settle a dispute. If there is a serious dispute, you must call a responsible in the Muslim community or wise men there to seek their help.
 - 12- Not attending balls as they contain dance, singing, music, libertine revels. Children must be prevented from watching disbelief feasts and from going with Christian students to the church on Sundays.

Finally, may Allah guide you to the best!⁶⁹

⁶⁹ The site of Sheikh Muhammad al-Munged: (Islam. Question and answer)

1.10 Clothing

Clothing is a great gift from Allah to his worshippers, to cover their genitals, and to protect them from war and cold, and other harms. *Shari'a* came with detailed verdicts, showing what parts of body should be concealed, the favorite clothing, the forbidden, the disapproved, and the legitimate in both quantity and quality⁷⁰.

These are some *fatawa* (religious advisory opinions) related to the clothing style of the Muslims, and what should be avoided as the very long trailed clothes, tight clothes, transparent clothes that embody the genitals, or clothes that imitate the style of the atheists or libertine, or women's style, or any other breach.

An inquirer asked the permanent committee for *Iftaa* in Saudi Arabia, asking: "what is the verdict of wearing a very long trailed clothes?"

The answer:

Wearing very long clothes that are drawn under the two heels are forbidden for men, whether he is wearing a

⁷⁰Sheikh Bakr Abu Zaid's message (Had al-Thawb and al-Azra, Tahreem Isbaal w-lebass al-shuhra)—The verdict of Garments and forbidding very long trailed garments, and clothing for fame. PP. 22-24,with modifications.

garment, shirt, light shorts, trousers, or a cloak or others as Prophet Muhammad (PBUH) said: "[the one who wears] an *izar* (cloth covering the lower half of the body) reaching under the two heels is in hell"⁷¹. In another *hadith*, the Prophet said: "Allah does not speak to three [categories of people] in the Day of Judgment, and does not even look at them or recommend them. They will suffer extreme torture. They are: *al-musabel* (who wears a trailed garment), *al-mannan* (who always reminds those whom he helped) and the one who sells his goods by false swearing"⁷², ⁷³.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and *Iftaa*

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razeq 'Aafifi

⁷¹Al-Bukhari's *Sahih* (sound Hadith), with number (5787).

⁷² Muslim's *Sahih*, with number (106).

⁷³Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (24/ 12), with number: (19600).

President: 'Abd el- 'Aziz bin Baz

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia asking: "It becomes popular in Muslim countries that men wear suits, clothing consisting of a jacket, trousers, or trousers and only a shirt or t-shirt in summer as it is too hot. Is this style of clothes considered an imitation of the non-Muslims' style? Or nor?

The answer: the original fundamental in clothing is permission, as clothes are related to customs. Allah said:

(قُلْ مَنْ حَرَّمَ زِينَةَ اللَّهِ الَّتِي أَخْرَجَ لِعِبَادِهِ وَالطَّيِّبَاتِ مِنَ الرِّزْقِ) (الأعراف: ٣٢).

"Say: Who hath forbidden the beautiful [gifts] of Allah, which He hath produced for His servants, and the things, clean and pure, [which He hath provided] for sustenance? [...]" (Sura: 7, al- Araf, or The Heights, verse: 32).

An exception from this permission is what is illicit or religiously disapproved as silky clothes for men that embody the genitals; because silk is transparent and can reveal the color of complexion. Also, tight clothes that define the genitals are forbidden; as they reveal the genitals, a matter which is forbidden for both men and

women. Further, the clothes that distinguish or are exclusive to the unbelievers are forbidden for both genders. Prophet Muhammad (PBUH) warned people against imitating the clothing style of the infidels. Similarly, it is forbidden for men to imitate the clothing style of women, and vice versa.

Trousers and shirts are not specific for infidels, but they are common among both the believers and the unbelievers in many countries and states. Some people disapprove wearing them as they are not accustomed to this style, as it is not popular in their community. Yet, other Muslims are accustomed to wearing it. It is better for those who live in a community that is not familiar with this style of clothing not to wear them in prayer, public gatherings or walk sides⁷⁴.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The Permanent Committee for Scientific Research
and *Iftaa***

Member: 'Abdullah bin Qa'ood

⁷⁴ Fatwa of the Permanent Committee for Scientific Research and *Iftaa* (religious advisory opinion), (24/ 38–39), with number: (1620).

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razeq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia asking:

"It becomes a tradition in the American universities that after graduation, students wear a suit that is called graduation suit. It is a cloak that resembles the Arabic one, and a particular head covering. It is said that it was the uniform of their monks in the past. Is it legal for the Muslim student participating in this ceremony to wear this uniform?"

The answer:

It is prohibited for the Muslim to wear this uniform if it is such. In this context, Prophet Muhammad said, "the one who imitates a community will belong to it"⁷⁵. This

⁷⁵ Imam Ahmad's *Musnad*, (2/ 92). Al-Zahabi said, in *Sair Alaam Al-Nublaa* (15/ 509), its isnaad is sound.

prohibition is definite if it is confirmed that it is a uniform of their monks⁷⁶.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and *Iftaa*

Vice president: 'Abd el-Razeq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

An inquirer asked Sheikh Ibn 'Uthaimyein saying: "What is the verdict of washing our clothes with the atheists' clothes in their countries?"

The answer:

The atheists' clothes are almost impure, as they do not wash the genitals after urination or excretion. Thus, if it is possible to wash the Muslims' clothes separately, it is fine, but if not, then it is suggested that the one who washes

⁷⁶ Fatwa of the Permanent Committee for Scientific Research and *Iftad* (religious advisory opinion), (24/ 98), with number: (34).

them must pour water on them many times to purify them either from the first or second time⁷⁷.

Then another inquirer asked: "what is the religious verdict in the clothes which carry illicit or dishonorable phrases written on them, as these clothes are widely spread nowadays?"

The answer:

Clothes which carry these phrases must not be worn, whether these writings are in Arabic or another language, whether they are for men or women, covering the whole body or a part of it, or even an organ. An example, to write a phrase that signifies the Judaism, or Christianity or others, or refers to a religious feast, drinking wine, obscenity...etc. It is forbidden to circulate, sell them, or buy these clothes. Paying money to get them is illicit. Prophet Muhammad (PBUH) said, "If Allah forbids something, he also forbids its price"⁷⁸. My advice to my

⁷⁷ *Magmou Fatawa w- Rasael* (The Entire Advisory Opinions and Messages) of Sheikh Ibn 'Uthaimyein, (15/ 444- 445).

⁷⁸ *Abi Dawood's Sunnan*, with number (3488), and *Al-Dar Qatani* (3/7), with number (20), his own expression, corrected by Al-Albani in his book *Ghait Al-Mram fi Takhreeg Ahadith al-Halal and Haram*, (p. 192), with number : (318).

Muslim brothers is to avoid what Allah forbids to gain success in this life and in the afterlife⁷⁹.

⁷⁹*Fatawa w- Rasael* (The Entire Advisory Opinions and Messages) of Sheikh Ibn 'Uthaimyein, (12/ 284-285).

1.11 Owning Dogs

Many religious texts forbid selling dogs, and owning them. The good deeds of the owner of a dog, are reduced two *qirats* (degrees)⁸⁰ everyday, except those who have hounds (dogs for hunting) and watch dogs, either to guard cattle or plants.

Al- Bukhari narrated in his *Sahih* (sound Hadith), on the authority of Abi Guhaifa who said: "prophet Muhammad (PBUH) prohibited [paying] price for dogs"⁸¹. Abi Dawood narrated on the authority of Ibn 'Abbas who said: "prophet Muhammad (PBUH) prohibited the price of dogs and said, 'if someone comes to ask for its price, fill his hand with dust' "⁸².

Al- Nawawi said, in *Sharh Muslim* (explanation of Muslim's *Sahih*), "prohibition of receiving a price for the dog is because it is a foul earning, which indicates forbidding selling it. It is wrong to sell a dog, and consequently its price is illicit. It has no value or

⁸⁰Al-Bukhari's *Sahih* (sound Hadith), with number (5482) and Muslim's *Sahih*, with number (1574).

⁸¹ Number : (2086).

⁸² *Abi Dawood's Sunnan*, with number (3482), revised and corrected by Al-Albani in *the Sahih of Abi Dawood's Sunnan*, (2/ 666), with number (2973).

compensation for any damage to it, whether it was trained or not, belonging to those categories that are permitted to be owned or not. All men of religion agree upon this"⁸³.

However, if someone is in need for a hound or a watch dog, and no one gives it to him except through selling, he can buy it. Here the seller is the guilty, as he sells what should not be sold.

Ibn Hazm said: "It is forbidden to sell any dog, whether a hound (a dog for hunting), or a cattle watching dog, or others. If one is forced and finds no one to provide a dog, he has to submit. It is legal for the purchaser, but illegal for the seller. The price must be extracted from the seller whenever possible. It is just like paying bribes to raise an oppression, to pay the capturer's ransom, and being hypocrite with the tyrant. There is no difference between them. "⁸⁴

Here are some *fatawa* by the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia concerning the impurity of dogs:

The fourth question of fatwa number (17558). The inquirer asked: "What is the religious verdict in the falling

⁸³ *Sharh* (Explanation) of *Muslim's Sahih*, (v. : 10, P: 477), summarized.

⁸⁴ Al-Mahali (9/9), the book of Al-Bioa, issue no. (1513).

of the dog's saliva on the human body, or clothes?" and what is the verdict in the clothes that are washed with these impure clothes in the same washer machine, with the same water?

The answer:

The dog's saliva is impure and whatever it touches must be washed either a pot or a garment, as Prophet Muhammad (PBUH) said: "to purify your pots if a dog licks in, is to wash them seven times, the first time is done with dust"⁸⁵. If clothes are thrown in pure water, and washed well, it will be purified from the dog's dirt, provided that they are washed seven times, the first time is by dust, or its substitute as soap or *ashnan* [a plant growing in sands, use in cleaning] ".

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The Permanent Committee for Scientific Research
and *Iftaa***

Member: Bakr Abu Zaid

⁸⁵ *Abi Dawood's Sunnan*, with number (3482), revised and corrected by Al-Albani in *the Sahih of Abi Dawood's Sunnan*, (2/ 666), with number (2973).

Member: Saleh al- Fawzan

Member: 'Abd el-'Aziz Aal Al- Sheikh

President: 'Abd el- 'Aziz bin Baz

Fatwa number (21487), the inquirer said:

"We live in the United Kingdom. There, non-Muslims own dogs. Sometimes, it is difficult to avoid dogs while we are going home or outside it, and particularly while we are very near to the mosque. It is hard to return home once more to wash and wear other clothes other than what the dog touches."

The reply: If your body or clothes is not stained by the dog's saliva, sweat, or blood, then your prayer is valid. Mere touch of the dog to the clothes does not stain the clothes, hence you are not required to wash them, or change.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and *Iftaa*

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Vice president: 'Abdullah bin Ghadian

President: 'Abd el- 'Aziz aal-el-Sheikh

The second question in fatwa number (20251). The inquirer asked: "It is known that the dog is dirty. What is exactly dirty in it? Is it its saliva, or something else? When should someone wash his hands seven times, starting with cleaning with dust?"

The answer: The entire dog is dirty and impure: its dung, sweat, and saliva. All what is contaminated by it must be washed with water until being purified. Whatever affected by the dog's saliva in particular must be washed seven times with water, starting with cleaning with dust, or any other cleaners such as soap and others.

Prophet Muhammad (PBUH) said: "to purify your pots if a dog licks in, is to wash them seven times, the first time is done with dust"^{86, 87}.

⁸⁶ *Abi Dawood's Sunnan*, with number (3482), revised and corrected by Al-Albani in *the Sahih of Abi Dawood's Sunnan*, (2/ 666), with number (2973).

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

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President: 'Abd el-'Aziz bin Baz

⁸⁷ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (4 from /196–197), the second collection.

1.12 The Verdicts of Foods

1.12.i Slaughters

(الْيَوْمَ أُحِلَّ لَكُمُ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ)

(المائدة: ٥).

"This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them". (Sura: 5, al-Maida, or the Table Spread, verse: 5)

This honorable verse indicates the legitimacy of the slaughters of the people of the Book who are the Jews and Christians, unless their slaughters employed an illicit means such as stifling, hitting on the head, or electrocution, or any other illegal means. If you do not know how the animal was slaughtered, then permission will be favored according to the implication of the previous verse. If we apply the general meaning of that holy verse, it is allowed to eat from all the foods of the Jews and Christians with all its types, in any case. However, if we apply this opinion, the one who eats from such slaughters is not guilty, but these slaughters

remain illegitimate, as their meat may contain many harms and diseases.

Thus, prohibiting eating this meat is more likely as was said by some antecedent scholars. Sheikh Ibn Taimyeh constituted his opinion after viewing and collecting what Allah said in these two verses:

▪ (وَمَا أَهْلٌ لِّغَيْرِ اللَّهِ بِهِ) (المائدة: ٣).

"Forbidden to you (for food) are:[...]and that on which hath been invoked the name of other than Allah;[...]"(Sura: 5, al- Maida, or the Table Spread, verse: 5), and:

▪ (وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ) (المائدة: ٥).

"[...] The food of the People of the Book is lawful unto you [...]" (Sura: 5, Al-Maida, or the Table Spread, verse: 5). Ibn Taimyeh said that the closer to what came in Qur'an and *Sunna* is the prohibiting opinion of Ahmad, although later Companions of the Prophet did not mention this narration at all. This because this verse:

(وَمَا أَهْلٌ لِّغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبْعُ إِلَّا مَا

ذَكَّيْتُمْ وَمَا ذِبحَ عَلَى النَّصَبِ) (المائدة: ٣).

" Forbidden to you (for food) are: [...]that on which hath been invoked the name of other than Allah; that which hath been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due form); that which is sacrificed on stone (alters);[...]"(Sura: 5, al- Maida, or the Table Spread, verse:3)

Allah's words --in this verse--are general, and do not specify a particular form of it. Other than the foods of Jews and Christians, it is conditioned to be slaughtered in a legitimate form. If one of the people of the book slaughters in a wrong illegitimate position, his slaughter is illegitimate. The target of the people of the Book is to be like Muslims, so that if the Muslim slaughters for other than Allah, or pronounces a name other than that of Allah, then his slaughter is illegitimate. If the Muslim disbelieves in this, the Christian or Jew will be as such. This is because what comes in the following verse is identical to the previous verse:

(وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حَلَّ لَكُمْ وَطَعَامُكُمْ حَلَّ لَهُمْ) (المائدة: ٥).

"[...]The food of the People of the Book is lawful unto you and yours is lawful unto them. [...]" (Sura: 5, al- Maida, or the Table Spread, verse: 5)

If the people of the Book consider something legitimate, while the Muslims do not, not all what they legitimize is legitimate for Muslims. In this context, there are two contradictory pieces of evidence: non-forbidder and forbiddler. Hence, the priority is for the forbiddler. We are absolutely sure that slaughtering to an entity other than Allah, or not pronouncing the name of Allah in slaughters, does not belong to the faith of Allah's prophets. It is a recent heresy. The implication behind permitting their slaughters for the Muslims is not provided here. At last, Allah is the all-knowing"⁸⁸.

Ibn Ragab said: "what is fundamentally forbidden as sex and animals' flesh, cannot be permitted unless with there is a contract (of marriage to legitimize sex), and due legitimate slaughter to legitimize animals' meat. If there is any further hesitation, one must return to the fundamental of the verdict to establish your opinion according to it. What is forbidden in fundamentals based on prohibition.

⁸⁸ Iqtedaa Al-Serat Al-Mustaqeem, (v.: 2, p.: 60)

Thus, Prophet Muhammad (PBUH) prohibited eating a hunted animal with an influence of a strange arrow, other than the hunter's, or caught by a dog other than his"⁸⁹.

The verdict behind this issue is explained in further details by the venerable Sheikh 'Abdullah, head of The Judiciary Higher Council in Saudi Arabia in a hand written *fatwa* (advisory opinion) , and presented by Sheikh Saleh Al-Fawzan , may Allah protect his soul, in his book, *Ahkam al-at'ema, and Ahkam al-Seid wa al-Zaba'eh (The Verdicts of Foods, Hunting, Slaughtering)*. This is the text of *fatwa*:

The inquirer asked:

"What is the religious verdict in the imported meat from abroad, whether canned or not, and that are widely spread in both villages and towns, bringing about plights as almost every family owns it. Is the fundamental verdict in it permission or banning? Please, explain it in details, may Allah reward you."

The answer:

"The fundamental verdict in sex and animals' flesh is banning. Making sex is forbidden unless there is a marriage contract, realizing all its terms and principles. Similarly,

⁸⁹*Jamea Al-U'lloom w-al-Hekam* (Collection of Learnings and Verdicts), pp. 88-89

eating animals' meat is not permitted unless it is slaughtered in a due form by the specialists. Allah forbids eating the dead flesh of animal, blood, swine meat, and what is slaughtered with mentioning a name other than that of Allah. He also forbids eating the meat of the animal that has been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; or that which has been (partly) eaten by a wild animal; unless what you slaughtered. This indicates that the original verdict concerning animals' meat is forbidding eating them except what is slaughtered by the Muslims, or people of the Book (Christians and Jews), through cutting the respiration passage, gullet (the passage of food and liquids), and the two veins (blood passages), as some scholars said.

The canned meat that is imported either from Islamic or Christian countries which slaughter in a legitimate way, is allowed. If this meat is imported from countries that are accustomed to kill the animal by strangling, beating the head, electrocution, and the like, then undoubtedly, it is illicit. Also, the slaughters of pagans, heathens, qadiani, communists and the like are forbidden because the slaughters that permit eating the resulting meat must be by only a Muslim, a Christian or a Jew that is an adult with an

intention and a will, while others' slaughters are not legitimate.

In case of ignorance with the manner of slaughter of this meat, the condition of slaughter in the exporting country, if they slaughter legally or illegally, the condition of the butchers, then this meat is absolutely illegitimate, as their slaughtering customs are unknown, favouring the forbidders. If a permission and a prohibition combine in the same situation, the priority is for prohibition, whether in slaughter, hunting, even marriage, as decided by prominent scholars as the Sheikh al- Islam: Ibn Taimeya, the scholar Ibn el- Qayem, Al-Hafez Ibn Ragab and other followers of Hanbala sect. Added to these, the opinions of Al-Hafez Ibn Haggar Al-'Assqlani, Imam al-Nawawi and many other scholars who support their argument by what is mentioned in the two *Sahih(s)* (two books tracing the sound *hadith(s)*, by Muslim and al-Bukhari) in addition to others. In these sources, there is a *hadith* narrated on the authority of 'Aadi Ibn Hatemwho said that the Prophet (PBUH) told him: "If you send your trained dog [to a hunt], pronouncing the name of Allah, then you can eat [from the

hunt]. But if you find a dog other than yours with it, do not eat"⁹⁰.

This *hadith* signifies that if another dog is found with the hound in a hunt, it is better not to eat as to avoid committing any forbidding. In this situation, there is a combination of a permitted condition which is sending the trained dog to the hunt, and a prohibited condition which is the participation of the other dog. In this case, the Prophet did not allow eating from this hunted animal. In another *hadith*, the Prophet said: "If you hit the animal with your dart and it fell in water, then do not eat it"⁹¹, an agreed upon *hadith*.

In Termezi's version, "If you realize that your dart has killed it, and you do not notice the influence of a wild animal on it, then you can eat "⁹². He said a good sound *hadith* on the authority of 'Aadi bin Hatem.

Ibn Haggar said about hunting: "the influence that might be seen on the animal that does not belong to the

⁹⁰Al-Bukhari's *Sahih* (sound Hadith), with number (5476), and Muslim's *Sahih*, with number (1929), and it has many utterances.

⁹¹Al-Bukhari's *Sahih* (sound Hadith), with number (5484), and Muslim's *Sahih*, with number (1929).

⁹²Number : (1468) and said: a good and sound hadith.

archer's dart is more probably, the influence of another archer's dart, or any other fatal reason. Then it is forbidden to eat it as long as there is doubt or hesitation. He has also explained what is implied from "if fell in water", as in this case you will be hesitant whether the animal was killed from the dart or from falling in water? If you are sure that the animal falls in water after being killed by the dart, then eating it is permitted⁹³.

Al- Nawawi points out, in his *Sharh Muslim* (Explanation of Muslim's *Sahih*), that "if one finds the hunt, drowning in water, it is forbidden to eat it, by common agreement of the scholars". Al- Raf'ei declared that the verdict in this case is that the hunting does not lead to the movement of the slaughtered, he should cut the throat for instance, in this case, it is slaughtered. It is supported by the Prophet's *hadith*: "You do not know if it is killed by water or your dart?"⁹⁴ If one is quite sure that it is killed by the dart, it is permitted. (This is the end of a summary from *Fat-h El-Barry*).

Al- Khetabi stated: "The Prophet warned against eating the hunted animal if found in water, because the hunt could be killed by being drowned in water, and not by the

⁹³*Fat-h El-Barry*, (v.: 9, p.: 611)

⁹⁴*Sharh (Explanation) of Muslim's Sahih*, (v.: 13, p.: 81)

hound that is considered the slaughtering tool. Equally forbidden to be eaten if there is an influence of a dart other than yours. The fundamental is to observe the conditions of permitting something. If there is a breach of any of these conditions, then the verdict returns to the fundamental prohibition"⁹⁵.

Sheikh Saleh al-Fawzan—member of Higher Scholar Corps in Saudi Arabia said: "After reviewing the previous two arguments in the verdict of such a type of meat, it is clear that it is more likely to prohibit eating it as this verdict is built on a strong , definite evidence, related to a number of aspects:

The first aspect: Allah forbids eating the meat of animals that are killed without legal slaughter in his verse:

(حُرِّمَتْ عَلَيْكُمْ الْمَيْتَةُ) إِلَى قَوْلِهِ: (إِلَّا مَا ذَكَّيْتُمْ) (المائدة: ٣).

"Forbidden to you (for food) are: Dead meat, blood, the flesh of swine, and that on which hath been invoked the name of other than Allah; that which hath been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due

⁹⁵Maalem Al-Sunnan, (vol.: 4, p.: 291).

form); [...]" (Sura: 5, al-Maida, or the Table Spread, verse: 3). Unless slaughtered legally, this meat is forbidden according to the fundamental verdict.

The second aspect: the religious texts provided by the Sheikh in his *fatwa* illustrate clearly that in case of co-existence of a permitting condition and a prohibiting condition, the priority is for prohibition. There are ambivalent opinions about this meat whether it is slaughtered in a legal way, so it is permitted, or not slaughtered in a legal way, so it is prohibited. Finally, the dominant verdict is to forbid it, as decided by the greatest religious scholars whose opinions are stated in this *fatwa*.

The third aspect: these huge amounts of chicken that immerse the worldwide markets cannot be slaughtered legally following all the religious terms, as they are slaughtered and packed automatically.

The fourth aspect: atheism and faithlessness in any religious verdicts are dominant among people in this age. Honesty and telling truth have decreased, so one cannot depend on what the exporters of this meat say, nor on the inscription on the package , to know if it is slaughtered according to the terms of the Islamic *shari'a* , particularly after some chicken were found with sound heads without

cutting their throats. Similarly, the clause, "slaughtered in accordance with *shari'a*" was found on the packages of fish which needs no slaughtering! This indicates that it is just a clause used to make false propaganda to circulate this meat and to extract the money of people in a deceitful way.

The fifth aspect: those who permitted eating this type of meat have no strong evidence except the general implication of the verse:

(وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حَلَلٌ لَّكُمْ)

"[...] The food of the People of the Book is lawful unto you and yours is lawful unto them. [...]". This generalization is particularized by many other texts as the verse:

(حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ وَلَحْمُ الْخَنَازِيرِ وَمَا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ
وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ) (المائدة: ٣).

"Forbidden to you (for food) are: Dead meat, blood, the flesh of swine, and that on which hath been invoked the name of other than Allah; that which hath been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due form); that which is sacrificed on stone (altars); [...]."

(Sura: 5, Maida, or the Table Spread, verse: 3). There are various texts that enjoin prohibition in case of co-existence of prohibition and permission. At last, Allah is the all-knowing⁹⁶.

1.12.ii Existence of forbidden Components in Eatables and Beverages

One of the problems that the Muslims confront in atheist communities is the usage of some forbidders or derivatives in eatables and drinks such as swine, alcohol, dead or forbidden animals, or animals that are not slaughtered in a legal religious way.

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia asking:

"Recently, there is a circulation of an opinion that allows the usage of manufactured goods which contain forbidders. Yet, the nature of this forbidding has changed under a particular process such as the use of swine grease after employing chemical treatments to transform it to grease that is different from swine grease. Then it is used in

⁹⁶ *At'ema wi-Ahkam al-Seid wa-al-Zaba'eh* (Foods and the Verdicts of Hunting and Slaughters), by Sheikh Saleh Al-Fawzan, (pp.: 162-166)

soap manufacture. How far is this opinion legal from the religious point of view?

The answer:

Eating the swine meat is absolutely forbidden. Equally, the swine's grease is included in this banning with consensus of all the Muslim scholars. Whatsoever treatments done to the swine's components, their use is forbidden⁹⁷.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and *Iftaa*

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice President: 'Abd el- Razeq A'afifi

President: 'Abd el-'Aziz bin Baz

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi

⁹⁷Fatwa of the Permanent Committee for Scientific Research and *Iftaa* (religious advisory opinion), (22/282), fatwa number: (7322).

Arabia asking about the religious opinion in using alcohol in eatables and beverages.

The reply: if something is mixed with alcohol, and by eating or drinking, it will cause intoxication, it is prohibited to be used either in little or much amount, whether in food, drink, perfume, or medicine. In this context, Allah said:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ (٩٠) إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنتَهُونَ (٩١) (المائدة).

"O ye who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination, -of Satan's handiwork: Eschew such (abomination), that ye may prosper. Satan's plan is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of Allah, and from prayer: Will ye not then abstain?" (Sura: 5, al-Maida, or the Table Spread, verses: 90-91).

Also, Prophet Muhammad (PBUH) said: "the component from which a great deal causes intoxication, so

any meager amounts of it are equally forbidden"⁹⁸. In another *hadith*, he said: "cure yourself, but avoid using forbidders. Allah provides a cure to very disease that he has infected you with"⁹⁹. Allah has said that wine is evil, and commanded mankind to avoid it. One must destroy it, as if it is left, it might be used. The Prophet ordered to spill it when Qur'an forbade it, thus it was spilled in Medina's markets. However, if a great deal of what is mixed with alcohol does not cause intoxication, then there is no objection to be used as it is not wine¹⁰⁰.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Vice President: 'Abd el- 'Aziz aal-el-Sheikh

⁹⁸ *Abi Dawood's Sunnan*, with number (3681), revised and corrected by Al-Albani in *the Sahih of Abi Dawood's Sunnan*, (vol.:2, p.:702), with number (3128).

⁹⁹ *Ibn Majah's Sunnan*, with number (3436), revised and corrected by Al-Albani in *the Sahih of Ibn Majah's Sunnan*, (vol.:2, p.:252), with number (772).

¹⁰⁰ Fatwa of the Permanent Committee for Scientific Research and Iftaa' (religious advisory opinion), (22/149– 150).

President: 'Abd el-'Aziz bin Baz

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia asking: "our company prepares foods containing the following components from the cows which are forbidden: gelatin, glycerol, lecithin (E number E 322). Do these components render the food forbidden?"

The answer: Eatables which contain forbidders such as the dead meat, illegitimate animals' meat, are forbidden to eat, as Allah said:

(حُرِّمَتْ عَلَيْكُمْ الْمَيْتَةُ) (المائدة: ٣).

"Forbidden to you (for food) are: Dead meat[...]" (Sura: 5, al- Maida, or the Table Spread, verse: 3). This includes both the meat of the body parts extracted from the dead¹⁰¹.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and *Iftaa*

¹⁰¹ Fatwa of the Permanent Committee for Scientific Research and *Iftaa*' (religious advisory opinion), (22/301-302), fatwa number: (17881).

Member: Saleh al- Fawzan

Member: 'Abd el-'Aziz aal-al- Sheikh

Vice president: 'Abdullah bin Ghadian

President: 'Abd el- 'Aziz bin Baz

The forbidden animals' meat includes all what have not been slaughtered in an illegitimate way. Also, every animal has fangs such as dogs, tigers, lions and others. Every bird with claws such as hawk, falcon, eagle and others as the Prophet warned against all animals with fangs, and all birds with claws¹⁰². For further details in this subject, read *Al-Dorar* (the Gems)¹⁰³.

An inquirer asked Sheikh Ibn 'Uthaimyein:

"The traveler to a western country suffers a problem concerning food when one is forced to stay in a hotel then to fast. He will feel embarrassed from the abundant swine meat and wine. Further, Swine's fats and grease are inserted in everything as bread, cake, biscuits, and even all types of foods, even fried eggs. This is because they are cheap and abundant. One cannot avoid this. What is your advice to

¹⁰² *Muslim's Sahih*, with number: (1934)

¹⁰³ By the same author of this book.

me, then? What is the verdict of fasting in such a condition?

The answer:

In this case, we advise you to keep away from hotels and eat in private restaurants free from such forbidders if this is available. If not, he can buy from another place some bread and dip it in milk, tea, or canned food, to keep away from what Allah forbids. Swine meat is forbidden by both religious texts and consensus of scholars. The believer who fears Allah and avoids eating illicit things knows how to behave. This condition mentioned by the inquirer urges one to decrease going to atheist societies as this is dangerous on one's faith, morals and tendencies.

Therefore, it is disapproved for a Muslim to travel to a disbelief society unless with three conditions:

- 1- To be very well acquainted with *shari'a* as to be able to confront suspicions raised by the disbelievers.
- 2- To be very pious to protect himself against following desires and sins.

-
- 3- To be forced to travel abroad, or need it badly, not to go on a picnic, or for entertainment¹⁰⁴.

1.12.iii Eating in the Unbelievers' Pots

The Muslim who lives in a disbelief community may be invited to a banquet in which there are foods served in the unbelievers' pots. Can he eat from them or not?

Sheikh Ibn 'Uthaimyein said: It is evident that the Prophet (PBUH) ate from the poisoned ewe that was offered to him as a gift in Khaibar¹⁰⁵, and that he and his Companions perform the ritual ablution from a water container of a polytheist woman¹⁰⁶. All these indicate that the person who deals with the disbelievers is pure. However, it is narrated that Abi Tha'labaa Al-Khushani asked the prophet (PBUH) about eating in the polytheists' pots, to which the prophet answered: "If you find pots other than theirs, do not eat in their pots, or else, wash them and eat in them"¹⁰⁷.

¹⁰⁴ *Al-Sharh Al-Mumtea* (The Amusing Explanation),by Sheikh Ibn 'Uthaimyein, (vol.: 20, pp.:82-83).

¹⁰⁵ Al-Bukhari's *Sahih* (sound Hadith), with number (5777).

¹⁰⁶ Al-Bukhari's *Sahih* (sound Hadith), with number (344), and Muslim's *Sahih*, with number (682).

¹⁰⁷ Al-Bukhari's *Sahih* (sound Hadith), with number (5488), and Muslim's *Sahih*, with number (1930).

This signifies that the priority is for rejecting the atheists' pots. But many scholars claimed that this *hadith* referred to particular persons who were well known for doing evils such as eating swine's meat and the like, so it is said that the prophet prohibited eating in their pots unless Muslims could not find other pots, other than theirs, they should wash them. It is a good interpretation, following the *shari'a* rules¹⁰⁸.

1.12.iv Eating in the Restaurants of unbelievers', libertine and corrupt communities :

A Muslim who settles in these societies may need to eat in such restaurants. Is it legitimate or not?

- 1- Fundamentally, these restaurants have apparent forbidders. There is no necessity to enter a place in which Allah is disobeyed through offering forbidden foods and beverages such as wine, pig's meat and others. In one *hadith*, the Prophet (PBUH) said: "whoever believes in Allah and in the afterlife should not stay in front of a dining table on which wine is served"¹⁰⁹.

¹⁰⁸ *Al-Sharh Al-Mumtea* (The Amusing Explanation),by Sheikh Ibn 'Uthaimyein, (vol.: 1, pp.:83-84).

¹⁰⁹ Imam Ahmad's *Musnad*, (vol. : 23, p.: 19), with number: (14651). Its editors said: it is a good *hadith*, for another one.

2- The Muslim ,fundamentally, should challenge the evil he confronts by his hand [physically], if he cannot, then by tongue [through debate], if he cannot, then by heart. To challenge it by heart necessitates leaving such a place in which Allah is disobeyed, not staying there. Allah said:

(وَقَدْ نَزَّلَ عَلَيْكُمْ فِي الْكِتَابِ أَنْ إِذَا سَمِعْتُمْ آيَاتِ اللَّهِ يُكْفَرُ بِهَا وَيُسْتَهْزَأُ بِهَا فَلَا تَقْعُدُوا مَعَهُمْ حَتَّى يَخُوضُوا فِي حَدِيثٍ غَيْرِهِ إِنَّكُمْ إِذَا مِثْلُهُمْ إِنَّ اللَّهَ جَامِعُ الْمُنَافِقِينَ وَالْكَافِرِينَ فِي جَهَنَّمَ جَمِيعًا) (النساء : ١٤٠).

"Already has He sent you Word in the Book, that when ye hear the signs of Allah held in defiance and ridicule, ye are not to sit with them unless they turn to a different theme: if ye did, ye would be like them". (Sura: 4, al-Nisaa, or The Women, verse: 140)

Al Qurtubi said that it indicates the necessity to avoid sinners if they practice an apparent vice, or else one would be satisfied with their deeds. Satisfaction with disbelief is disbelief in itself. Allah said:

(إِنَّكُمْ إِذَا مِثْلُهُمْ) (النساء : ١٤٠).

" [...]ye would be like them".(Sura: 4, al- Nisaa, or The Women, verse: 140). Everyone staying among libertine

persons without denying their vice, is an equal partner in their sin. Instead, he must disapprove their vice either by words or by actions. If he is unable to do this, he must leave out this company, or else the previous verse will apply on him¹¹⁰.

- 3- In these restaurants, there are usually wanton women who deal with men and might seduce them. The Prophet (PBUH), as is mentioned in the two *Sahih*(s), by Muslim and al-Bukhari, on the authority of Abi Sa'ed Al-Khudri who said: "The most serious sedition [that will confront] men [after my death] is women"¹¹¹. The believer must keep away from seduction positions. In the *hadith*, "the fortunate person is the one who is averted from temptation"¹¹².
- 4- In these restaurants, one can watch satellite channels which present wanton nearly naked women, music, and singing . Allah said:

(وَمِنَ النَّاسِ مَنْ يَشْتَرِي لَهْوَ الْحَدِيثِ لِيُضِلَّ عَنْ سَبِيلِ اللَّهِ بِغَيْرِ عِلْمٍ وَيَتَّخِذَهَا هُزُوًا أُولَٰئِكَ لَهُمْ عَذَابٌ مُّهِينٌ) (٦) (لقمان).

¹¹⁰ *Al-Jame l-Ahkam al-Qur'an* (The Comprehensive Verdicts of Qur'an), (vol.: 7, p.: 185).

¹¹¹ Number: (5096), and in *Muslim's Sahih*, with number: (2740).

¹¹² *Abi Dawood's Sunnan*, with number (4263), revised and corrected by Al-Albani in the *Sahih of Abi Dawood's Sunnan*, (vol.:3, p.:803), with number (3538).

"But there are, among men, those who purchase idle tales, without knowledge[or meaning], to mislead [men] from the Path of Allah and throw ridicule [on the Path]: for such there will be a Humiliating Penalty". (Sura: 31, Luqman (the Wise), verse: 6).

Many interpreters, such as Ibn 'Abbass, and Ibn Massoud argued that "idle tales" means singing. Ibn Massoud swore on this. Al- Bukhari, in his *Sahih* (sound *hadith*), narrated on the authority of Abi Malek Al-Asharei who said that Prophet Muhammad said: "Some of my community will legitimize committing adultery, wearing silky clothes, drinking wine, and listening to musical instruments"¹¹³. Hence, the prophet's saying , "will legitimize" indicates that they are fundamentally forbidden. Therefore, whoever needs eatables and beverages can buy from the atheists, but eat and drink in another place. It is safer to his religion and keeping away from sedition.

¹¹³ With number: (5590).

1.13 Constructing Masjids in Faithlessness Countries and other related matters

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia:

"Is it legal to build a masjid (mosque) or to turn an already established construction to a masjid in a territory or a town that is expected to be free from Muslims later on? In America, some Muslim students establish a masjid in a particular area. After their graduation, they return to their native countries, while the masjid remains deserted or semi-deserted.

The answer: Establishing a masjid or converting a construction to a masjid for the sake of Muslims residing that place is a positive action as it reveals Islam rites, and invites more people to enter Islam¹¹⁴.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

¹¹⁴Fatwa of the Permanent Committee for Scientific Research and *Iftaa*' (religious advisory opinion), (6/237), fatwa number: (11967).

The Permanent Committee for Scientific Research and *Iftaa*

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia : "A building was bought and turned into a masjid, but it was narrow, so the Muslims there left it, or even the town. Is it legitimate to sell it? If this is possible, in which channels should money be spent?

The answer: You can sell it and its price will be spent in establishing a vaster masjid, or even in repairing another one, even if in another town or village that needs this¹¹⁵.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and *Iftaa*

Vice president: 'Abd el-Razaq 'Aafifi

¹¹⁵ Fatwa of the Permanent Committee for Scientific Research and *Iftaa*' (religious advisory opinion), (6/301–238), fatwa number: (11967).

President: 'Abd el- 'Aziz bin Baz

An inquirer asked Sheikh 'Abd el- 'Aziz bin Baz: "Is it allowed for disbeliever women to enter masjids, while it is not known if she is menstruating or not?"

The answer: if she has a good reason to enter the masjid, then there is no problem. She can listen to something useful, drink water, to ask for someone and the like, as long as her entry does not constitute harm to the masjid. No one should ask her if she is menstruating or not¹¹⁶.

Also, another inquirer asked him: "Is it permitted to Christians or Jews or other disbelievers to enter masjids for a visit? Some Islamic countries arrange such visits to some of their guests."

The answer: there is no problem when the disbeliever enters a masjid if it is for a legal purpose as to listen to preach, drink water, and such matters. Prophet Muhammad (PBUH) allowed some atheist delegations in his masjid to watch the prayers, hear his reciting, and preaching, to call them to Allah. When Thmama bin Athal Al-Hanafi was

¹¹⁶*Fatawa wa Maqalaat Mutanawea* (The Collection of Various Fatawa and Articles) by Sheikh 'Abd el-'Aziz bin Baz, (vol.: 28, p. 130).

captured and brought to the Prophet, the Prophet tied him in the masjid. Then, Allah converted him to Islam¹¹⁷.

Fatwa number (20651): An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia :

"One of the Islamic charity societies in Germany rented a floor in a building and used it as a masjid to pray in. Muslims met difficulty in affording that rent, so one of the brothers, a member in the administrative board of that society, by proxy bought the place and registered it in his name. He addressed some of his acquaintances to offer charity to be able to buy the masjid, and they agree as it will be a permanent alms. However, they put the condition that the masjid should be registered by this brother's name, not the society. They justify this by saying that they trust him.

Further, this society is an arbitrary entity that has the right to own and its ownership is sound and safe. Its regulation, endorsed by the German authorities, dictates that in case of its dissolution, its properties will be transferred to another Islamic center in Germany. A

¹¹⁷ *Fatawa wa Maqalaat Mutanawea* (The Collection of Various Fatwa and Articles) by Sheikh 'Abd el-'Aziz bin Baz, (vol.:8, p. 356).

jurisprudent dispute ensued among the comers to masjid about the legitimacy of registering the ownership in this person's name. Some stated that it is illegitimate; because masjids are established for Allah's sake, so it is reasonable to register the ownership in the name of the society, provided that such a person will be responsible for administrating the affairs of masjid to meet the condition of the donors. Others maintained that registering the ownership of masjid in the name of that person is authorized, to realize the condition of the donors.

Is this condition, provided by the donors, legitimate from a religious point of view? Is it permitted for the above-mentioned person to apply that condition? Is it authorized to register the ownership of the floor in which the masjid is established in his name?

The answer:

If the matter is so, it is better that the masjid will be registered in the name of the society. This is easier in administrating the masjid, and safer. Registering it in the name of someone to be attributed to him is illegitimate. This will lead to the loss of its *nature of waqf* (endowment). That person, or his heirs later on, may claim

the ownership of the place, which will lead to dispute and harm¹¹⁸.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: 'Abdullah bin Ghadian

Vice President: 'Abd el- 'Aziz aal- el-Sheikh

President: 'Abd el-'Aziz bin Baz

¹¹⁸ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (5/287–289), from the second collection, fatwa number: (20651).

1.14 Expending the *Zakat* (alms) in calling for Allah

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia:

"You already know the necessity of calling for Islam, either for Muslims or non-Muslims. Those able Muslims are responsible for protecting the Islam of those who settle abroad. Some Muslim young men happen to study in America, and practically realize the status of Muslims there, particularly that of the students, and what vices and temptation they confront. Therefore, some of them unite and pledge to call for Allah in America; and do their best in the religious enlightenment of Muslim youth and students, either temporary or permanent settlers. Those students agree to establish a society called 'Muslim Students' Union in the United States and Canada'. My question is that: is it legitimate to give the alms to this union to be spent in this missionary work? I am waiting for your answer, may Allah reward you the best reward!

The answer: the Higher Scholars Corps in Saudi Arabia investigated this matter before and issued a verdict. Our

committee sees it is sufficient to mention the conclusion of this verdict as it contains the answer of your question:

"After examining what has been prepared by the permanent committee in this subject from the opinions of the antecedent men of religion in interpreting the verse of alms money:

(وَفِي سَبِيلِ اللَّهِ" [...] "in the cause of Allah;

, and after studying the evidence of every opinion of all those who interpreted this verse as referring to the invaders and their required arms in particular. Further, the committee has studied the evidence of those who expanded the meaning of the verse to include constructing masjids, arches, learning and teaching, issuing heralds and instructors and other righteous deeds. Most of The Higher Scholars Corps members agree with the opinion of the group of scholars and jurists who maintain that the meaning of the verse:

(وَفِي سَبِيلِ اللَّهِ)

"[...] in the cause of Allah; [...]" is that alms money is to be expended on invaders who volunteer in their invasion, and their required equipment. If there are no invaders, alms

money should be spent on the other routes of alms. It is not authorized to pay alms to be spent on public utilities such as constructing masjids, arches, and the like, unless there is no payable of the remaining eight kinds mentioned in Qur'an about the various channels of expending alms."¹¹⁹

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The Permanent Committee for Scientific Research
and *Iftaa***

Member: 'Abdullah bin Manee'

Member: 'Abdullah bin Ghadian

Vice President: 'Abd el- Razq 'Aafifi

President: Ibrahim aal- el-Sheikh

¹¹⁹ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (10/47), fatwa number: (1071).

1.15 Giving the Alms to those whose hearts have been recently reconciled to Islam

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia:

"Is it legitimate to pay alms to the '*mu'alaftu globehem*'(those whose hearts have been recently reconciled to Islam)? And who are they?"

The answer: It is legitimate to pay alms to those whose hearts have been recently reconciled to Islam according to the texts of Qur'an. They are the leaders who are obeyed by their communities; this is done to persuade them to convert to Islam, or for their steadfast faith if they are Muslims, or to fend off their evil, or to urge their counterparts to convert to Islam"¹²⁰.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and *Iftaa*

¹²⁰ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (10/72-28), fatwa number: (12087).

Vice President: 'Abd el- Razq 'Aafifi

President: 'Abd el-'Aziz bin Baz

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia asking: "Is it legitimate to give some of the monetary alms or the slaughters in Adha feast to the atheist neighbor with whom there is no kinsmen relationship?"

The answer: Allah has shown the channels in which alms are paid in Al- Tawba (repentance) Sura:, in the following verse in:

(تَمَّا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ
وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَأَبْنِ السَّبِيلِ) (التوبة: ٦٠).

"Alms are for the poor and the needy, and those employed to administer the[funds]; for those whose hearts have been [recently] reconciled [to Truth]; for those in bondage and in debt; in the cause of Allah; and for the wayfarer: [...]"(Sura: 9, al- Tauba (Repentance), verse: 60)

Prophet Muhammad (PBUH) sent Mua'az to Yemen and said to him:"tell them that Allah enjoined the wealthy

Muslims to give charity for the poor Muslims"¹²¹. It is illegitimate to pay alms to non-Muslims save only those whose hearts have been recently reconciled to Islam .On the other hand, there is no problem in giving shares from the slaughters to infidel neighbors, or faithless relatives, as it is a charity¹²².

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and *Iftaa*

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

¹²¹Agreed upon as a sound *hadith*.

¹²² Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (10/28), fatwa number: (3635).

1.16 *Zakat el-Fetter* (lesser feast alms)

Here are some *fatawa* about *El-Fetter* Alms that are of great importance for Muslims who settle in faithless western communities.

An inquirer asks Sheikh Ibn 'Uthaimyein: "If a man converted to Islam the last day in Ramadan, is he required to pay *El-Fetter* Alms?"

The answer: yes, he has to pay it, as he has become a Muslim. On the authority of Ibn 'Omar who narrated that Prophet Muhammad "enjoined the amount of *El-Fetter* Alms as one *sa'a* (a unit of measure around a wisp) of dates, or barley, on both males and females, the free and slave, the young and elderly of Muslims"¹²³, ¹²⁴.

Another question directed to the Sheikh in which the inquirer asked: "we study in a non-Muslim country, and there is no one who deserves alms or *el-Fetter* Alms. What shall we do? Can we pay it to the Islamic Center under construction?"

¹²³Al-Bukhari's *Sahih* (sound Hadith), with number (1503), and Muslim's *Sahih*, with number (984).

¹²⁴*Magmoua Fatawa wa Rasael* (The Entire Collection of Various Fatwa and Messages of) Sheikh Ibn 'Uthaimyein, (vol.: 18, p. 259).

The answer: the solution to this problem is to deputy someone to pay it for you in your native country or any other country which includes those who deserve it. It is not authorized to pay alms for the Islamic center under construction; because it is not one of the channels in which alms should be paid. The following verse:

(فِي سَبِيلِ اللَّهِ)

"in the cause of Allah" meant *jihad* (fighting) in Allah's path, as is interpreted by the majority of men of religion. It does not mean public utilities, as is stated by recent scholars. If this latter opinion is true, then there is no point behind particularization in Allah's words:

(إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ)

(وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ) (٦٠)

(التوبة).

"Alms are for the poor and the needy, and those employed to administer the [funds]; for those whose hearts have been [recently] reconciled [to Truth]; for those in bondage and in debt; in the cause of Allah; and for the wayfarer: [thus is it]

ordained by Allah, and Allah is full of knowledge and wisdom."(Sura: 9, al-Tauba (Repentance), verses: 60)¹²⁵

¹²⁵ *Magmoua Fatawa wa Rasael* (The Entire Collection of Various Fatwa and Messages of) Sheikh Ibn 'Uthaimyein, (vol.: 18, p. 317).

1.17 Friday Prayer

These are some *fatawa* related to Friday prayer answered by the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia:

1.17.i The required number for Friday Prayer

The inquirer asks: "I am one of the Saudi students who study in the United States of America. We confront many obstacles- such as Friday prayer. We have not prayed it before as we know that it is only authorized with minimum forty men. We are lesser than forty. We do not know whether we are guilty for leaving it or not?"

The answer:

Those who settle like you in a way that prevent *qasr* (shortening) of prayer in travel, must pray Fridays according to the religious scholars' opinions. Further, Friday Prayer does not necessitate forty men to be sound. Three men or more of those settlers are enough according to the sound opinions of the scholars. In this context, Allah said:

(يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَى ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ)

(الجمعة: ٩)

"O ye who believe! When the call is proclaimed to prayer on Friday [the Day of Assembly], hasten earnestly to the Remembrance of Allah, and leave off business [and traffic]: That is best for you if ye but knew!" (Sura: 62, Jumua, or the Assembly (Friday) Prayer, verse: 9)

While Prophet Muhammad (PBUH) said: "some communities will leave up Friday prayers, or Allah will seal their hearts, as they will be from the inadvertent".¹²⁶

Non- settlers who stay there in a way that prevent them from shortening their prayer must pray Friday just as settlers. For your previous quitting of Friday prayers due to your belief that it would not be sound as long as you were less than forty men, we ask Allah to forgive you because of your ignorance of the verdict!¹²⁷

¹²⁶ Narrated by Muslim, with number: (865)

¹²⁷ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (8/211–212), fatwa number: (1978).

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

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Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

1.17.ii Friday Prayer of Women

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia: "What is the religious verdict in women's going for Friday prayer? When should they pray it: before, after or during the men's prayer?"

The answer:

A woman is not required to pray Friday , but if she does this behind Imam, her prayer is sound. If she prays at home, she should pray the noon which consists of four prostrations, after the noon time, that is after starting of

vanishing of sun. She is not enjoined to pray Friday for what has been mentioned¹²⁸.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

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1.17.iii Translating Fridays Sermons

**An inquirer asked Sheikh 'Abd el- 'Aziz bin Baz about
Translating Friday's sermons, the answer is:**

"It is from 'Abd el- 'Aziz bin 'Abdullah bin Baz to the honorable brother (...). May Allah save your soul! We ask Allah to pour peace, mercy and blessings upon you, and then: I have received your valuable message, dated in 26/8/1383 A.H. May Allah convert your soul. I fully understood

¹²⁸ Fatwa of the Permanent Committee for Scientific Research and *Iftaa*' (religious advisory opinion), (8/212), fatwa number: (4147).

its content that some men of culture in Katan kiddy town, located in the south of Ceylon Island, have written to you to inform you with the following:

The inhabitants of this town are approximately estimated as 200,000 persons. They dispute among themselves about the legitimacy of translating Fridays sermons to their native tongue. I also understand that your majesty wants to illustrate the right thing in this matter in accordance with the laws of *shari'a*, and to realize the utmost benefit to the listeners of the sermons.

In an answer to your question, in realizing your demand, in a participation in reaching compromise among the Muslims, in settling disputes among disputers, and in an attempt to spread the Islamic teachings, and Prophet Muhammad's instructions, using the Qur'an language, beside other living languages—for all these, I mention the answer on your question, according to my knowledge with *shari'a*:

Praise is due to Allah. May Allah bless and pray for the souls of Prophet Muhammad, his offspring, companions, and followers. Men of religion, may Allah mercy their souls, disagree and disputed in the legitimacy of translating Friday sermons and the two feasts sermons

into non-Arabic languages. Some of them prohibited this to preserve the Arabic language and to follow the path of Prophet Muhammad and his companions in addressing the orations in the foreign countries in Arabic, so as to encourage people to learn the Arabic language and to keep it.

However, other men of religion legitimize translating Friday's sermons to the native tongue if most of the attendants do not understand Arabic. This is according to the implication behind the sermon, which is to make people comprehend Allah's *shari'a*, his commands, his forbidden vices and sins, to direct people toward good manners and attributes, and warning them against following other than this.

No doubt that observing meanings and implications is prior to observing phrases and symbols, particularly if the addressees are not interested in Arabic language, are not moved by the orator's oration communicated in Arabic. They do not compete to learn it, or even care about it. Hence, the target is not achieved, and the preservation of the Arabic language is not realized. Contemplating this, it is revealed that opinions legitimatizing translating sermons to the native language of the addressees to facilitate their

understanding of the sermon are the approved opinions that should be followed, particularly if lack of translation leads to dispute.

There is no doubt that translation in this case will be a tool that enhances achieving the target, and removing the harm. However, if some of the addressees know Arabic, the orator should address the oration with the two languages: firstly in Arabic, then in the other language. In this case, he will achieve a double purpose, will remove the harm, and will end the disputes.

There is much evidence from *shari'a* that support this opinion. Among these pieces of evidence is what has been mentioned that implies that the significance of the sermon is to benefit the addressees, to remind them with Allah, to call them to Allah, to warn them against sins and vices—all these cannot be realized except by their language. The evidence is that Allah has sent various messengers; everyone spoke the language of his community, to understand the commands of Allah in their own languages. Allah said:

(وَمَا أَرْسَلْنَا مِنْ رَّسُولٍ إِلَّا بِلِسَانِ قَوْمِهِ لِيُذَكِّرَهُمْ) (إبراهيم: ٤).

"We sent not a messenger except [to teach] in the language of his [own] people, in order to make [things] clear to them".(Sura: 14, Ibrahim, or Abraham, verse: 4). In another verse, Allah said:

كِتَابٌ أَنْزَلْنَاهُ إِلَيْكَ لِتُخْرِجَ النَّاسَ مِنَ الظُّلُمَاتِ إِلَى النُّورِ بِإِذْنِ رَبِّهِمْ إِلَى صِرَاطٍ الْعَزِيزِ

الْحَمِيدُ (١) (إبراهيم).

" A Book which We have revealed unto thee, in order that thou mightiest lead mankind out of the depths of darkness into light - by the leave of their Lord - to the Way of [Him] the Exalted in power, worthy of all praise!" (Sura: 14, Ibrahim or Abraham, verse: 1)

How come those people will move from darkness to enlightenment, without even comprehending the meaning of the sermon, nor what Allah orders? Therefore, there must be a translation that clarifies the meaning, and illustrates man's duty towards Allah, if those people cannot learn the Arabic language.

Prophet Muhammad (PBUH) ordered Zaid bin Thabet to learn the Jewish language to be able to write to them, to establish the evidence on them, to read their writings if received, and to explain to the Prophet their

content. Also, when the Prophet's Companions invaded Persia and Rome, they did not fight them until they called them to Islam through translators. When they conquered these lands, they called people to Allah using the Arabic language and ordered people to learn it. The one who did not know Arabic, was taught in his tongue in order to understand. This establishes the evidence, and dismisses any justification. No doubt that this method is a must, particularly towards the end of life of mankind on earth, in the age of estrangement of Islam, every person's sticking to his own language, then the need to translation is necessary and the herald's mission will not be accomplished without it.

May Allah support all Muslims wherever they are to have more knowledge in *feqh* (jurisprudence), and to stick to *shari'a*! May Allah convert the rulers, grant victory to Islam and let down the enemies of Islam. He is the Most-generous¹²⁹.

¹²⁹*Fatawa wa Maqalaat Mutanawea*(The Collection of Various Fatwas and Articles) by Sheikh 'Abd el-'Aziz bin Baz, (vol.: 12, p. 371- 375).

1.17.iv Praying Friday before Noon

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia : "Is it authorized to pray Friday one hour before noon—as we must go work in France—but if we do not pray it before starting work, we will not be able to . Does necessity legitimize our praying earlier? Please inform us. May Allah reward you the best reward.

The answer:

Defining the starting time of Friday prayer causes disputes among scholars. Most of the jurists maintained that its starting time is the beginning of noon, which is midday or start of disappearance of the sun. According to their opinion, praying Friday is not allowed before noon either with much or few time. This is according to Salama bin el-Akwa' narration: "We gathered with the Prophet (PBUH) if the sun starts to vanish [at noon time], then we return following the shade"¹³⁰

Anass said that "Prophet Muhammad (PBUH) prayed Friday when the sun started to incline toward the

¹³⁰ Al-Bukhari's *Sahih* (sound Hadith), with number (4168), and Muslim's *Sahih*, with number (860).

west"¹³¹. A group of scholars said it is not legitimate to pray Friday before 5:00 or 6:00 a.m. Imam Ahmad bin Hanbal and others maintained that the starting time of Friday prayer is the same as that of the feast prayer. The noon or the beginning of the vanishing of the sun is the starting time of seeking to pray Friday. Their evidence that Friday prayer can be established before noon is what Gabber said: "Prophet Muhammad (PBUH) had been praying Friday, and then we went to our camels to give them rest till midday (the starting of vanishing of the sun)"¹³². In the same context, Salama Ibn Al-Akwa' said: "After we prayed Friday with the Prophet, we went out , while the walls have no shade"¹³³.

According to these *hadith(s)*, it is illustrated that the prophet prayed Friday after the noon in most of times, and sometimes before noon, and at other times close to the noon time. Consequently, it is prior to pray Friday after the noon to follow the majority of the Prophet's deeds. To settle this dispute, which indicates that the matter depends on diligence in investigation and open mindedness , we can

¹³¹Al-Bukhari's *Sahih* (sound Hadith), with number (904),

¹³²Number: (858)

¹³³Al-Bukhari's *Sahih* (sound Hadith), with number (4168), and Muslim's *Sahih*, with number (860).

say that whoever prays before the noon, or close to it, his prayer is sound, Allah willing, particularly when there is an excuse as that of the inquirer¹³⁴.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

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1.17.v Praying Friday twice in one masjid

An inquirer asks:

"In the immigrants' masjid in Bonn – in United Germany—the increase of the number of prayers led to the prayers' prostrations on one another's back due to the narrow space inside masjid. Thus, the municipality of the town threatened to close the masjid for breaching the technical conditions, maintaining that we must confine the

¹³⁴Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (8/216– 217), fatwa number: (4944).

number of prayers to 100 prayers only. Hence, we are forced to perform two Friday prayers in the same masjid with two *imams*, two sermons, in two various times. Please inform us if there is any forbidding to what we have done. Thank you very much.

The answer:

The fundamental stated by Muslim jurisprudents is non-multiplication of Friday prayer in the same town, unless there is a necessity such as when a masjid is jammed with prayers, or when it is very far destination, ...etc.

The condition under investigation is a necessity that permits performing another Friday prayer in another place or masjid. If this is not available, then you can set Friday prayer twice within the same masjid until there is another affordable place. At last, Allah knows better.

1.18 The Muslims' Acceptance of Unbelievers' Donations to Establish Charity Projects

"Is it legitimate for Muslims in disbelief communities or others to accept donations from non-Muslim individuals, groups, or institutions?"

The answer: This is legitimate, provided that the Muslim does not abandon his religion, or show humiliation to get this.

Ibn Mufleh al-Hanbali pointed out, in *Al-Re'aya* (The Care): "It is authorized to set every masjid, furnish it, and lighten it with the disbeliever's money, even if he builds it by himself. It is also legitimate for the unbeliever to take care of masjids, to offer *waqf* (gifts) to it, and to dedicate it some of his fortune in his will" ¹³⁵. It is the opinion of the religious scholars of the four sects. Prophet Muhammad accepted gifts sent to him by the disbelievers as proved in the two *Sahih* (s). Al-Bukhari in his *Sahih* (sound Hadith) provided a chapter entitled, "Accepting the infidels' gifts", and included many *hadith*(s) in it.

¹³⁵ (11/ 478)

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia asking:

"We are the group of Muslims affiliated to Masjid 'Omar in Lee town in France ; the sheriff of the town donated a piece of land to us and built us a masjid by the municipality's money in 1975. Since that time, we have been praying in that masjid, but nowadays some Muslim brethren maintain that prayer in this masjid is illegitimate; as it was established with Christian finance. Thus, they give up praying in this masjid and set a private prayer place. Please direct us by your *fatwa*(religious opinion) about the legitimacy of praying in this masjid. May Allah reward you the best reward.

The answer:

There is no problem to pray in that masjid; as it was built by the state concerned authority, entitled to care about the subjects' needs. Thus, there is no reason to avoid praying in it, and the justification mentioned above is invalid¹³⁶.

¹³⁶ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (5/255), fatwa number: (20112).

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and *Iftaa*

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Member: Saleh al- Fawzan

Member: 'Abdullah bin Ghadian

Vice President: 'Abd el- 'Aziz aal- el-Sheikh

President: 'Abd el-'Aziz bin Baz

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia:

"Kinamu town is 25 kilometer far from Nairobi. Unfortunately, there are no masjids or schools in it. Although we cannot afford it, yet we have the will to build a masjid and a school. Is it lawful to spend the money raised from the non-Muslims in constructing them? Please, inform us by evidence from Qur'an and *Sunna* (the Prophet's preaching), and the opinions of antecedent scholars. May Allah bless your souls, and reward you the best reward.

The answer:

It is legitimate for the Muslims to enable non-Muslims to pay for the Islamic projects; as masjids, and schools, provided that it will not result in a harm greater than the acquired benefit for the Muslims ¹³⁷.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

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¹³⁷ Fatwa of the Permanent Committee for Scientific Research and *Iftaa* (religious advisory opinion), (5/256), fatwa number: (21334).

1.19 Residence in a disbeliever, libertine, corrupt communities

The one who travels to such corrupt countries temporarily need a fit lodging. The problem lies in staying in hotels as they include a number of apparent and hidden vices such as:

- 1- These hotels serve forbidden foods and drinks to their guests. They offer swine meat and wine, which are forbidden according to all Muslim scholars.
- 2- In these hotels, there are always wanton women who interact with men and might seduce them. The Prophet (PBUH), as is mentioned in the two *Sahih*(s) on the authority of Abi Sa'ed Al-Khudri who said: "The worst temptation men will confront—after the end of my lifetime—is women"¹³⁸. The believer must keep away from seduction positions. In the *hadith*, "the fortunate person is the one who is protected from temptation"¹³⁹. One must be precautious.
- 3- In these hotels, people watch satellite channels which present nearly naked women, music, and

¹³⁸Al-Bukhari's *Sahih* (sound Hadith), with number (5096), and Muslim's *Sahih*, with number (2740).

¹³⁹Documented before

singing . Prophet Muhammad said: "Some of my community will legitimize committing adultery, wearing silky clothes, drinking wine, and listening to musical instruments "¹⁴⁰.

- 4- Some of these hotels have dancing halls for both sexes to dance with the accompaniment of music. Women in these conditions are semi-naked. It is among the most serious vices, evils and obscenity. May Allah save our souls!
- 5- The guests' familiarity with vices in these hotels enfeebls the jealousy in the heart of the Muslim, as it is said: 'the more there is touch, the lesser there is sensitivity'. The one who is obliged to travel to these countries must search for a private lodging as flats, houses... etc. It is said as a proverb: 'Don't be sorry, for some evils are easier than others'.

¹⁴⁰Al-Bukhari's *Sahih* (sound Hadith), with number (5590),

1.20 Sham Marriage

Sham marriage has many various forms. All Muslim scholars agree on the following points:

- 1- It is forbidden for a Muslim woman to marry a disbeliever, either Christian, Jew, or others. Allah said:

(لَا تُنْكِحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا) (البقرة: ٢٢١).

"[...] Nor marry [your girls] to unbelievers until they believe:[...]" (Sura::2, al-Baqarah , verse: 221).

وقوله تعالى: (لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ) (المتحنة: ١٠).

"[...] They are not lawful [wives] for the Unbelievers, nor are the [Unbelievers] lawful [husbands] for them. [...]"(Sura: 60, Mumtahana, or the Woman to be Examined, verse: 10)

- 2- It is forbidden for a Muslim man to marry a disbeliever woman except the chaste one, either Christian or Jew only.

-
- 3- It is forbidden for a Muslim man to marry a chaste Christian or Jew if this marriage will result in committing sins or quitting the rules of *shari'a* such as leaving the leadership of the family for woman or to leave her to choose the religion of the future children and the like.
 - 4- It is forbidden for the husband and wife to agree during their wedding ceremony on a time in which their marriage will be invalid.
 - 5- Scholars disagree concerning the verdict of marriage with the intention of future divorce. It is safer for the Muslim to keep away from what is not necessary.
 - 6- Concerning sham marriage, the decision of *Shari'a* Jurisprudents' Assemblage, in America, and The European Council is as:

"We agree on this subject as came in the decisions of the Assemblage in its second session in Denmark: sham marriage is that in which the man and woman do not have the intention of establishing the true nature of marriage as Allah commands. They do not abide by the terms of true marriage, and they do not avoid its violation. They agree either explicitly or implicitly not to have sexual intercourse. It is a mere administrative procedure to

obtain some advantages, or avoid some disadvantages. It is similar to *tahlil* (legitimatizing) marriage, which does not intend true marriage, but to legitimize the return of a woman to her ex-husband after three times of divorce.

In this context, sham marriage is forbidden, according to the Islamic *shari'a*, as it has not the intention of true marriage, it keeps away from the legal targets, and it includes terms that violate the basic meaning of marriage. Hence, it is forbidden. Its verdict in the court of law depends on how far one can prove that it is sham. If the two parties confess that it is a fake contract, or the judge makes sure of this, due to some circumstances and evidence, he arbitrates it as being invalid. If the judge cannot prove this, the verdict will be that it is a sound marriage in case the bases of marriage are there, from the judicial point of view.

However, if there is a bad need to obtain some advantages that cannot be obtained unless with this marriage, the solution is to adopt true marriage, with all its terms, and without any violation, in accordance to the terms of *shari'a*. Invalidity time

should not be determined. Besides, any other term of true marriage should not be breached¹⁴¹.

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia: "What is the verdict of marrying an American Muslim woman with the intention of getting the stay endorsement, then divorcing her?"

The answer:

Temporary marriage is considered wanton marriage for mere pleasure; it is invalid according to religious texts and common agreement of the community of *Sunna* and *Jamma*(followers of the preaching of the Prophet and his Companions). In the Two *Sahih*(s),on the authority of Ali Ibn Abi Talib who said that Prophet Muhammad (PBUH) warned against marriage for pleasure, and against eating the meat of local asses during the time of Khaibar invasion¹⁴². In another narration, the prophet warned against having pleasure with women in the day of Khaibar invasion. In Muslim's *Sahih* (sound Hadith), it is mentioned that Prophet Muhammad said: "I permitted you before to

¹⁴¹Resolutions and Recommendations of the Assemblage conference held in Denmark, (pp.: 67-68)

¹⁴²Al-Bukhari's *Sahih* (sound Hadith), with number (4216), and Muslim's *Sahih*, with number (1407).

have pleasure with women, but then Allah forbids it till Doomsday. The one who owns women must release them, and does not restore what he has offered them"¹⁴³.

Sexual intercourse in temporary marriage is considered an adultery, whose verdicts are applicable on those who committed it, while being aware of its invalidity. Legal marriage has a contract between a man and a woman with the intention of continuation of marital life in case the wife is pious and good, and he desires her, or else he leaves her. Allah said:

(فَأَمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ) (البقرة: ٢٢٩).

"[...] the parties of marriage should either hold Together on equitable terms, or separate with kindness [...]"(Sura:2, al-Baqarah,verse: 229).¹⁴⁴

The decision of *Shari'a* Jurisprudents' Assemblage in America is justified by saying that sham marriage has much harm and disadvantages as:

- frivolity with marriage target and ridicule of the verses of Qur'an.

¹⁴³Muslim's *Sahih*, with number (1406).

¹⁴⁴Fatwa of the Permanent Committee for Scientific Research and Iftaa' (religious advisory opinion), (18/446-447), fatwa number: (19504).

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- It is a corrupt type of marriage; which lack the required conditions of sound marriage.
 - Sometimes it contains corrupt terms that contradict the target of true marriage.
 - Statement of time span in this marriage renders it a marriage of pleasure.
 - Stating the intention of a future divorce renders it a marriage with the intention of divorce, which is invalid marriage according to some jurisprudents, although it is sound for some others. Even if it is sound, the married person in this way might be guilty with cheating and deceit, or spreading a bad reputation for Islam and Muslims.
 - It is similar to *tahlil* (legitimatizing) marriage as it is marriage of deceit not desire.

It is included under counterfeiting and swindling to avoid laws, which is a distortion to the reputation of Islam and Muslims. It may result in obtaining illegal money if this marriage brings about financial advantages.

For all these reasons, the Assemblée has decided to prohibit sham marriage, yet it provides details for its

validity or invalidity, and directs people towards the legal substitute¹⁴⁵.

¹⁴⁵ For further details, see: Dr. Muhammad Yussri's dissertation, entitled, *The Muslim Minorities in Western Countries*, (2/ 983- 1000).

1.21 Prayers Times

1.21.i Lasting of night or day for twenty four hours or more according to the variation of the season of the year, and if some signs of time are missed during the year.

Scholars are in dispute about this subject. The closest opinion in that issue is that of Al-Shafe'ya, and it is said by Sheikh Abi Hamed Al-Isfrayni when he was asked about how people who live in Bulgaria should pray. He was told that the sun sets only for as a short time as that between the dusk and eve , then the sun rises again. He answered that they should fast and pray according to the time of the nearest country to them¹⁴⁶. Those scholars employ as evidence the *hadith* about the anti-Christ: " estimate it [the day time]"¹⁴⁷.

Sheikh Zakariya Al-Ansari clarifies the matter, saying: those who have no eve as they live in areas in which the sun twilight does not set, should estimate the time in which there is no twilight in the closest country¹⁴⁸.

¹⁴⁶*Hashyat al-Beggermi ala al-Khatib*, (2/ 24).

¹⁴⁷Muslim's *Sahih*, with number (2937).

¹⁴⁸*Asnaa al-Mataleb fi Sharh Rawd al-Taleb*, by Zakarya al-Anssari, (1/ 117).

This opinion is approved by a number of jurisprudent assemblages among them:

1- Higher Scholars' Corps in Saudi Arabia:

The resolution of session number (61) in 12/4/1398 A.H. concerning this matter is as follows:

"[...] Secondly: The one who settles in a country on which the sun never sets in summer, and never rises in winter, or in countries in which day lasts for six months, and its night lasts for six months, for instance , must pray the five prayers within every twenty four hours. He must estimate the prayers times, according to the nearest country in which the times of prayers are distinguished [...]."

They proved this verdict by the pieces of evidence taken from *hadith(s)* concerned with enjoining the five prayers, together with the anti-Christ's *hadith*: "[...] the day for which he stays is a normal day in which Muslims will pray five prayers only. Instead, the Prophet enjoined five regular prayers every twenty four hours, and ordered people to e distribute prayers according to their time spans in the normal day in their country. Muslims in the country under question must define the times of their prayers depending in this on the nearest

country to them, which distinguishes day and night, and defines the times of the five prayers according to the legitimate signs every twenty four hours. "¹⁴⁹

2- The jurisprudent Assemblage affiliated to the Islamic World League in Makkah in its fifth session in 4/2/1982 A.D. - 10/4/1402A.H., the following resolution is reached:

"concerning the times of prayers in countries in which the sun appears for six months, and disappears for six months, and after studying what the jurisprudents said either in the past or at present, the Assemblage decided the following:

Firstly: these countries in which the day or night lasts for twenty four hours or more according to the various seasons of the year, the times of prayers and others should be estimated according to the nearest territory which has a distinct day and night within twenty four hours"¹⁵⁰.

¹⁴⁹Decision of the Higher scholars, no. (61), in 12/ 4/ 1398 A.H.

¹⁵⁰Decision of the Islamic Feqhi Assemblage, affiliated to the Islamic World League, in Makkah, in the 5th session of the Assemblage. Decision no. 3, (04/02/ 1982) A.D.

In the ninth session of the jurisprudent Assemblage from 12-19/7/1406 A.H., the resolution is to divide the high degrees areas in the latitude lines into three areas:

The first: what is located between the two latitude lines 45 degrees and 48 degrees north and south, an area in which the apparent signs of times are distinct within the twenty four hours whatsoever the day or night lasts long or short.

The second: the area located between the two latitude lines 48 degree and 66 degree north and south, in which there is lack of some astronomical signs of times in a number of days in the year. In this area, there is no disappearance of twilight by which the time of eve prayer starts , and it extends the time of sunset till it is merged with dawn.

The third: the area located above the latitude line 66degree north and south till the two poles, and in which there is a lack of apparent signs of times in long periods of the year either at day or night.

The resolution reached is to relatively estimate times of prayers in the first two areas according to the nearest place in which there is a distinction of the eve time and dawn time, the like in the third area for all prayers times .

1.21.ii In case of the extreme shortage of night or day with the existence of legal astronomical signs for all times and their distinction, there are a number of opinions. The most likely opinion; the inhabitants of that territory are ought to pray all prayers in their legally estimated times, and combining prayers is not authorized unless there is a lawful excuse. It is the opinion agreed upon by most men of religion either the predecessors or the successors. This opinion is approved by Higher Scholars Corps in Saudi Arabia, The jurisprudent Assemblage affiliated to the Islamic World League, and the Permanent Committee for Scientific Research and *Iftaa*.

Fatwa number (2769):

Praise is due to Allah. Peace and prayers are due to Prophet Muhammad. The Permanent Committee for Scientific Research and *Iftaa* has reviewed what has been presented to the general president from the inquirer (the general secretary of the Muslims Students' Union in

Holland) whose message has been sent to the committee from the general secretariat of the Higher Scholars Corps, and the question is:

"If you please, inform us with the required fatwa that is necessary to define the times of sunset, eve and morning prayers, and to define the starting day of Ramadan, and similarly El Fetter Feast. The sunrise and sunset movement in the north of Europe that is close to the northern pole differs from that in the Islamic Eastern countries. The reason is the time of decline of red and white twilights. It is noticed that white twilight in summer extends about the whole night, so it is difficult to determine the time of eve and sunrise.

The answer: The Higher Scholars Corps in Saudi Arabia issued a decision in a statement to determine the times of prayers, the start and end of morning every day in Ramadan in countries similar to yours. This is the content of the statement:

"After examination, study and discussion, the council decided the following:

First; the one who settles in countries in which night is distinct from day with sunrise and sunset, but the day is

very long in summer and short in winter, must establish the five prayers in its legally known times. This is according to what Allah said:

(أَقِمِ الصَّلَاةَ لِذُلُوكِ الشَّمْسِ إِلَى غَسَقِ اللَّيْلِ وَقُرْآنَ الْفَجْرِ إِنَّ قُرْآنَ الْفَجْرِ كَانَ مَشْهُودًا) (٧٨) (الإسراء).

"Establish regular prayers - at the sun's decline till the darkness of the night, and the morning prayer and reading: for the prayer and reading [Qur'an] in the morning carry their testimony" (Sura: 17, Al-Israa, or the Night Journey, verse: 78). In another verse, Allah said:

(إِنَّ الصَّلَاةَ كَانَتْ عَلَى الْمُؤْمِنِينَ كِتَابًا مَوْقُوتًا) (١٠٣) (النساء).

"[...] setup Regular Prayers: For such prayers are enjoined on believers at stated times." (Sura: 4, al- Nisaa, or The Women, verse: 103)

It is confirmed on the authority of Baridah that Prophet Muhammad is asked by a man about the prayers times. The Prophet answered him 'pray with us these two days'. In the midday, when the sun starts to disappear, the

prophet ordered Bilal to call to prayer, then ordered him to establish the noon prayer. When the sun is high in the sky, white and pure, the Prophet ordered Bilal to call for the afternoon prayer, and to pray. When the sun sets, he ordered him to pray the sunset prayer. When the twilight vanishes, he ordered Bilal to pray the eve. Then, he ordered him to establish the dawn prayer at dawn time. In the second day, the Prophet ordered Bilal to delay praying the noon, [for it is too hot, till the weather cools a little], so he did it well. He prayed the afternoon prayer when the sun was in its extreme height further than the previous day, and prayed the sunset before the decline of twilight, and prayed the eve after the end of one third of night, then prayed the dawn after the appearance of the first yellow morning light. Then the Prophet asked about the inquirer, who came at once. The Prophet told him: 'the times of your prayers are between what you have seen'¹⁵¹.

On the authority of 'Abdullah bin 'Amr bin el-'Aass who said that the Prophet (PBUH) said: "the time of noon prayer is when the sun starts to vanish and man's shade is the same length as him, as long as it is not yet afternoon time. The time of afternoon prayer is whenever the sun is

¹⁵¹ Imam Ahmad's *Musnad* (vol.: 3, p.: 351), and Muslim's *Sahih* (no. 613), his own expression, and Al-Termezi (no. 152), and Al-Nessaei (vol.: 1, p.: 207)

not yellow. Sundown prayer time is whenever the twilight does not decline. The time of eve prayer extends to the heart of midnight. The time of Morning Prayer is from dawn, as long as the sun has not risen. If it rises, do not pray, as the sun rises between the two horns of a devil"¹⁵².

This is in addition to other *hadith*(s) that determine the stated times of five prayers by words and by actions, and do not distinguish between the length and shortness of day and night as long as the times of prayers are distinguished by the signs that the Prophet has clarified.

This is for determining the times of prayers, while for fasting Ramadan month, those who will fast must quit eating and drinking and other things that may obliterate fasting from dawn to sunset in their countries as long as the day is distinct from the night and both of them constitute twenty four hours. It is legal to eat, drink, to have sexual intercourse with one's wife during night only, even if night is short, as Islamic *shari'a* is the same for all people in all countries. Allah said:

(وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتُمُوا الصَّيَّامَ إِلَى اللَّيْلِ) (البقرة: ١٨٧).

¹⁵² Documented by Muslim in his *Sahih*, (no.: 612)

"[...] eat and drink, until the white thread of dawn appear to you distinct from its black thread; then complete your fast Till the night appears;[...] (Sura:2, al-Baqrah , verse: 187).

The one who is unable to complete fasting a whole day because of its extreme length, realizing through symptoms, or experiment, or advice of a professional doctor, or his own surmise that fasting leads to his demise or to fatal illness, will worsen his physical condition, or will delay recovery, this person is permitted not to fast, and he can fast later on in compensation of these days. Allah said:

(فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ)

(البقرة: ١٨٥).

"[...]So every one of you who is present [at his home] during that month [Ramadhan]should spend it in fasting, but if anyone is ill, or on a journey, the prescribed period[Should be made up] by days later. [...]" (Sura:2, al-Baqrah , verse: 185). In another verse, Allah said:

وقال الله تعالى: (وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ) (الحج: ٧٨).

" [...] He has imposed no difficulties on you in religion; [...]" (Sura: 22, Hajj, or The Pilgrimage, verse: 78)

Secondly; the one who lives in countries on which the sun does not set in summer, and does not rise in winter, or in countries in which a day lasts for six months and its night lasts for six months, for instance, must establish the five prayers every twenty four hours, estimating their times according to the nearest country in which there is distinct stated times for the five prayers. It is evident in the *hadith* concerned with *israa and m'iraj* (the night journey from Makkah to Jerusalem and the journey from earth to the sky) that Allah has charged the Muslim community to pray fifty prayers every day and night. Then, the Prophet kept asking Allah to reduce them till Allah said: " O, Muhammad! they are five prayers every day and night, every prayer equals ten, so they make fifty prayers[...]." ¹⁵³

It is also evident by the *hadith* narrated by Talha bin 'Ubaidullah who said: "a man came to Prophet Muhammad (PBUH) from Nagd. He was outrageous. His voice was echoing, but we did not understand what he said. He came nearer to Prophet Muhammad and asked him about Islam. The prophet answered him, 'five prayers in the day and

¹⁵³Al-Bukhari's *Sahih* (sound Hadith), with number (349), and Muslim's *Sahih*, with number (162).

night'. The man asked if more prayers are required. The prophet answered: 'if you volunteered.' "¹⁵⁴.

A third piece of evidence is the *hadith* narrated on the authority of Anass bin Malek who said : "we are prohibited to ask the Prophet (PBUH) about something, so we were interested if a wise man came from the desert community to ask him while we were listening. Once a man came from the desert community and told the Prophet: 'Muhammad, your messenger came telling us that you claim that Allah has sent you'. The Prophet answered, 'true'. The man said: 'Swear by Allah that He sent you with this.' The Prophet confirmed this to him." "¹⁵⁵

It is assured that Prophet Muhammad told his Companions about the anti-Christ, and they asked him 'how long will he stay on earth?' The Prophet answered: 'He will stay forty days: a day like a year, and a day like a month, and a day like a week, and the remaining days as yours'. They asked him about prayers in the day which is similar to the year, 'Will Muslims pray only the prayers of one day?' The prophet answered: 'No, you have to estimate for

¹⁵⁴Muslim's *Sahih*, with number (11).

¹⁵⁵Muslim's *Sahih*, with number (12).

it¹⁵⁶. Thus, he did not consider the day which is similar to a year adequate for five prayers, but he enjoined five prayers every twenty four hours, and ordered them to distribute prayers according to its appropriate times, taking into consideration time spans among prayers in the normal day in their country.

Muslims who settle in the country under consideration are ought to determine the times of their prayers according to the nearest country in which day and night are distinct, and the five prayers are recognized by the legitimate signs every twenty four hours. Also, they must fast Ramadan and estimate its starting day, and ending, and the stated times of starting fasting or eating everyday all over the month, and the dawn and sunset times in the nearest country to them in which there is a distinct night and day in twenty four hours. This is in accordance to what has been mentioned in the Prophet's *hadith* of the anti-Christ, instructing his companions how to state the times of prayers in it as there is no difference in this context between fasting and prayer¹⁵⁷.

¹⁵⁶Muslim's *Sahih*, with number (2937).

¹⁵⁷Fatwa of the Permanent Committee for Scientific Research and *Iftad* (religious advisory opinion), (6/132), fatwa number: (2769).

1.22 Fasting Times

1.22.i Observing the crescent in the coming and end of Ramadan

An inquirer directed a question to the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia: "We are the Muslim students in the United States. We confront a problem every year at the start of Ramadan. This problem results in dividing the Muslims into three groups:

- 1- Those who fast after they see the crescent in the territory in which they reside
- 2- Those who start fasting according to Saudi Arabia
- 3- Those who fast when there is a declaration from the Muslims Students' Union in America and Canada which observe the crescent in various places in America . Upon seeing it in one of these places, it circulates to all other centers to enable all Muslims in America to start fasting in the same day despite the vast distances between the various towns.

The question is: 'which group should we follow?' Please direct us with your advice. May Allah reward you the best reward!

The answer: the council of Higher Scholars Corps in Saudi Arabia has investigated this matter before and issued a verdict which contains:

Firstly, the variation of the appearance/ disappearance of the crescent is one of the fundamental issues. Scholars did not dispute about this, instead they dispute about considering these various appearances or not.

Secondly, the issue of putting into consideration the various appearances of crescent, and not regarding it as a mere theoretical issue is subject to diligent investigation. It is a fact that there is debate on it by men of religion. It is an approved debate in which the one who reaches a sound verdict will be rewarded twice, one for his investigation, and the other for his realizing the right verdict. The one who does not reach the right verdict has only one reward for his investigation.

Scholars disagree in this matter: some of them view that we must put the difference of the appearance of crescent into consideration, and others disagree with this view. Every group of them has some pieces of evidence from Qur'an and *Sunna*, sometimes both of them employ the same text as evidence as in the case of the verse:

(يَسْأَلُونَكَ عَنِ الْأَهِلَّةِ قُلْ هِيَ مَوَاقِيتُ لِلنَّاسِ وَالْحَجِّ) (البقرة: ١٨٩).

"They ask thee concerning the New Moons. Say: They are but signs to mark fixed periods of time in [the affairs of] men, and for Pilgrimage." (Sura: 2, al-Baqarah , verse: 189)

They also employed as evidence the Prophet's *hadith*: "fast upon seeing the crescent, and break fasting upon seeing it"¹⁵⁸. These various interpretations are due to the various understanding of the same text, and the manner in which everyone employs the text as evidence.

According to some considerations that the Corps has viewed and estimated, as the difference in this matter has no fatal consequences as there are fourteen centuries have passed since the rise of Islam which have not included an era of unification of the Muslim community in regard of observing the crescent, thus, the members of Higher Scholars' Council suggest that the situation lasts as it has been, and it is favorable not to raise it again. Also, they see that every Islamic country has the right of choice between

¹⁵⁸Al-Bukhari's *Sahih* (sound Hadith), with number (1909), and Muslim's *Sahih*, with number (1081).

these two referred opinions, as every opinion has its evidence and proofs.

Thirdly, the Corps Council studied the matter of ascertaining the crescent by calculations, Qur'an and *Sunna*, and reviewed the opinions of men of religion, so they agree on not giving any regard to astronomical calculations in proving the emergence of crescent in the religious matters. This is according to the Prophet's *hadith* : "fast upon seeing the crescent, and break fasting upon seeing it"¹⁵⁹. In another *hadith*, the Prophet said: "do not fast until you observe the crescent, and do not break your fasting until you see it"¹⁶⁰. This is besides other pieces of evidence giving the same meaning.

The Permanent Committee for Scientific Research and *Iftaa* holds the opinion that the Muslim Students' Union in countries which have non- Islamic governments should act as a substitute for the government in the matter of confirming the sight of the crescent to those Muslims who settle there.

¹⁵⁹ Documented before

¹⁶⁰ Al-Bukhari's *Sahih* (sound Hadith), with number (1906), and Muslim's *Sahih*, with number (1080).

According to what is mentioned in the second paragraph in the resolution of the Corps Council, the Muslim Students' Union has the right of choice between either regarding the different sights, or not, then to generalize the verdict on all the Muslims of that community, and those Muslims must abide by the decision of the union. This is to unify Muslims in starting fasting, and to settle any dispute or confusion. Everyone who lives there must observe the crescent, if one trustee or more has seen it; they can fast and inform the union to generalize it. This is in the beginning of Ramadan, but in its end, there must be two witnesses of Shawal crescent or else completing the thirtieth day of Ramadan; as Prophet Muhammad (PBUH) said: "fast upon seeing the crescent, and break fasting upon seeing it. If you are muddled, then complete the thirtieth day of fasting Ramadan"¹⁶¹, ¹⁶².

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and *Iftaa*

¹⁶¹Documented before

¹⁶²Fatwa of the Permanent Committee for Scientific Research and *Iftaa* (religious advisory opinion), (10/109-112), fatwa number: (1657).

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia has been asked: "Is it legal for Muslims who settle in non-Islamic countries to form a committee to be in charge of observing the crescent of Ramadan, Shawal and Zi el-Hegga?"

The answer: Muslims who settle in non-Islamic countries are authorized to form a committee to be responsible for observing the crescent of Ramadan, Shawal and Zi el-Hegga¹⁶³.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa

Member: 'Abdullah bin Qa'ood

¹⁶³Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (10/112), fatwa number: (2149).

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

1.22.ii Fasting 'Arafa day: is it the day of people's gathering on 'Arafa, during *haji* or is it the ninth day of Zi el-Hegga according to each country?

The answer: this matter has two opinions:

The first opinion: that 'Arafa day is it the day of people's gathering on 'Arafa Mountain and that other Muslims must follow them in stating that day. Those who approved that opinion are the Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia and the Egyptian *Iftaa* Committee and others. Their evidence is the words of the Prophet; "your *Adha* day is the day you slaughter animals as sacrifices to Allah", and " 'Arafa day is it the day of your gathering on 'Arafa"¹⁶⁴. This is in addition to other pieces of evidence.

The second opinion: 'Arafa is the ninth day of Zi el-Hegga, whether this day corresponds to the pilgrims' gathering on 'Arafa or not. Every country has its point of

¹⁶⁴ Al-Baihaqi in *Al-Sunnan Al-Kubra* (vol.: 5, p.:176), and Al-Shafei in *Al-Um* (vol.:1, p.: 264), corrected by Al-Albani in *Sahih Al-Gamea*, (no.: 4224)

view. Those who maintain this view are Sheikh Muhammad bin Saleh Al-'Uthaimyein, Sheikh 'Abdullah bin Gubrain and others. They proved this by saying that this issue is subcategorized under the popular dispute of the variation in observing the crescent across countries in Ramadan and Shawal. So, we ought to build on it. The major issue has the same evidence as the secondary one. There is no difference in the various appearances of crescents for all months. If it is legitimate to disagree in fasting and breaking fasting, then why it is not legitimate to disagree in Zi el-Hegga and other months. Thus, those who maintained that there are different appearances of the crescent did not mention any definite opinion in this matter.

Sheikh Muhammad bin Saleh Al-'Uthaimyein said in an answer about this matter: "it is built on a disagreement between men of religion. The right thing is to vary according to different appearances. For instance, if the crescent is seen in Makkah, and it was the ninth day, and was seen in another country before Makkah, so it was the tenth day, they are not allowed to fast this day, as it is a feast day, and vice versa. If in the other country, it is the eighth day, while in Makkah, it is the ninth, those people must fast their own ninth day of Zi el-Hegga which

corresponds to the tenth in Makkah ". This is in addition to other pieces of evidence.¹⁶⁵

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia has been asked:

"Is it legal for Muslims here to fast two days for 'Arafa Day because we listen to radio and realize that tomorrow will be 'Arafa day which corresponds to the eight of Zi El-Hegga in our country?"

The answer:

'Arafa is the day on which people gather on 'Arafa Mountain. Its fasting is allowed to non-pilgrims. If you want to fast it, or to add to it the day before, or even to fast the initial nine days of Zi El Hegga, it is approved, as they are honorable days in which fasting is encouraged. This is proved by the Prophet's saying: "there are no deeds more approved to Allah than these ten days in the start of Zi El-Hegga". His addressee asked him if *jihad* for Allah's cause is more approved than fasting them. The Prophet answered them, 'no, unless there is a man who goes out with himself and his fortune then he does not return'¹⁶⁶, ¹⁶⁷.

¹⁶⁵ An online paper by Dr. Ahmad Al-Khalil, on "Multaqā Ahl al-hadīth" site.

¹⁶⁶ Al-Bukhari's *Sahih* (sound Hadith), with number (969).

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The Permanent Committee for Scientific Research and
*Iftaa***

Member: 'Abdullah bin Ghadian

President: 'Abd el- 'Aziz bin Baz

**1.22.iii Defining the time of *imsac* (giving up eating) in
Ramadan in case of cloudy weather**

Sheikh 'Abd el- 'Aziz bin Baz was asked:

"In London in Britain, the Islamic centers vary in stating the time of giving up eating in Ramadan either to be one hour and half before sunrise, or two hours before it. Please, tell us what to do in regard to this difference among the Islamic centers. Further, fog and mist in London and other British towns obliterate the distinction of the white thread and the black thread, then what shall we do?"

The answer:

¹⁶⁷ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (10/112), fatwa number: (2149).

People must act according to their surmise. It is enough to determine the dawn, in every place by itself. If they did not recognize the dawn because of the fogs, and un-clarity of weather they must surmise it. But if the weather is clear, they can observe the dawn, or they can follow the clock time. Countries differ, but we look at the case of clear weather, because it is the closer to truth, to measure the span between sun rise and dawn, as to be able to estimate it correctly. If one has no insight, he must act with caution and to follow those who adopt two hours. It is to be precautious according to the saying: "Let what raises your doubt to what does not"¹⁶⁸. Thanks to Allah, there is ability to distinguish the sun and dawn in case of clear weather, to be applied in case of cloudy weather according to the clock time¹⁶⁹.

1.22.iv Various *fatawa* about fasting

Sheikh Ibn 'Uthaimyein is asked the following question:

"some planes take off during the call to sundown prayer, so we have breakfast while we are still on land. After taking off and flying high, we see the disc of the sun clearly. The

¹⁶⁸ Al-Nessaei's *Sunnan*, (no.: 5711), corrected by Sheikh Al-Albani in *The Sahih of Al-Nessaei's Sunnan* (vol.: 3, p.: 1153), (no.: 5269)

¹⁶⁹ *Various Fatwa and Articles* by Sheikh 'Abd el- 'Aziz bin Baz , (vol.: 28, pp. 128-129)

question is what shall we do in this condition: shall we have breakfast, or continue fasting?

The answer: Complete your breakfast and do not quit it as you have eaten according to the legal evidence:

(ثُمَّ أَتَمُّوا الصِّيَامَ إِلَى اللَّيْلِ) (البقرة: ١٨٧).

"[...] then complete your fast Till the night appears; [...]"
"(Sura:2, al-Baqarah , verse: 187).

Also, Prophet Muhammad said: "If the sun sets from here, and night comes from here, the fasting person is no longer fasting"¹⁷⁰.

Sheikh Ibn 'Uthaimyein is asked another question: "In Ramadan month, we travel and fast during our travel. Night might come while we are on flight, shall we have breakfast upon the disappearance of the sun disc in front of us? Or have breakfast according to the time of the country we are flying above?"

The answer: you can have breakfast when you witness the sunset, as Prophet Muhammad said: "If the sun sets from

¹⁷⁰Al-Bukhari's *Sahih* (sound Hadith), with number (1941), and Muslim's *Sahih*, with number (1101), his own expression.

here, and night comes from here, the fasting person is no longer fasting"¹⁷¹.

Sheikh Ibn 'Uthaimyein is asked the following question:

"If there is fog while we are fasting, how can we determine the time of having breakfast in the plane?"

The answer: If you surmise that the sun is setting, you can have breakfast. Prophet Muhammad (PBUH) and his Companions ended their fasting one day and ate in Medina in a foggy day, then the sun rose after they had eaten, but the Prophet did not ask them to compensate that day later on"¹⁷².

Sheikh Ibn 'Uthaimyein is asked one more question:

"once I was in Saudi Arabia, they saw the crescent of the feast. I was travelling that night to Pakistan around 2:00 a.m. I learned that in Pakistan they did not see the crescent, thus they would fast. Would I fast with them?"

The answer: You had to fast with them because in the starting time of fasting, you were in a fasting community, even if your fasting lasted for more than month. A Muslim must apply the increase not the decrease. For instance, if you were fasting in your country till around the sunset, then

¹⁷¹ Documented before

¹⁷² Al-Bukhari's *Sahih* (sound Hadith), with number (1959).

the plane took off to America and you saw the sun for a long time that extended to a day, you cannot eat till the sun sets. Similarly, if you fast for thirty days, then you travel to a country and find that Shawal month has not started yet, then you should fast with them, as the Prophet said: "fasting is the day you fast, al-Fetter is the day you break your fasting, Adha is the day you slaughter cattle as sacrifices for Allah"¹⁷³, ¹⁷⁴, ¹⁷⁵.

¹⁷³ *Al-Termezi's Sunnan*, (number: 697), corrected by Al-Albani as in *Irwaa Al-Ghalil* (vol.: 4, pp.: 11-14), no. : 905

¹⁷⁴ *The Entire Fatwa and Messages of Sheikh Ibn 'Uthaimyein* (vol.: 15, pp.: 437-439).

¹⁷⁵ Documented before

1.23 A Muslim's fear of revealing his Islam

If a Muslim fears from the consequences of revealing his religious rites, and feels impatient and cannot bear harms, in this case he can practice his religious rites secretly. The fundamental in this case is what Allah said:

(لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا) (البقرة: ٢٨٦).

"On no soul doth Allah Place a burden greater than it can bear [...]." (Sura: 2, al-Baqarah , verse: 286)

In this context, Prophet Muhammad said: "If I enjoin you to do something, do whatsoever you can of it"¹⁷⁶. However, it is illegitimate to choose to pray in a bathroom, even if the one who prays ought to sit or sleep, or to combine the two prayers of noon and afternoon, or sundown and eve, as Prophet Muhammad (PBUH) said: "All earth is a masjid except the tombs and bathrooms"¹⁷⁷. If a Muslim manages to reveal his religion, to confront his enemies ,to be patient, and does not fear sedition in his religion, it is better. Allah said to his Prophet (PBUH):

(فَاصْدَعْ بِمَا تُؤْمَرُ وَأَعْرِضْ عَنِ الْمُشْرِكِينَ) (٩٤) (الحجر).

¹⁷⁶ Al-Bukhari's *Sahih* (sound Hadith), with number (7288).

¹⁷⁷ *Al-Termezi's Sunnan*, (number: 317), corrected by Al-Albani in *Ahkaam Al-Ganaez* (p.: 270), and said its isnad sunnan is sound for the two sheikhs.

"Therefore, expound openly what thou art commanded, and turn away from those who join false gods with Allah."
(Sura: 15. Al-Hijr, or The Rocky Tract, verse: 94)

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia has been asked: "Thanks to Allah and due to his conversion, some Japanese lasses declare their conversion to Islam. Then, a conflict starts between them and the atheist Japanese society, which prefers staying on atheism or even converting to corrupted Christianity rather than handling Islam. This is because Christianity lacks any obligations; a person may drink wine, eat swine meat, have illicit relationships, but still he is considered a faithful Christian who believes in the Father, the Son, and the Holy Ghost. May Allah save our souls and protect us! Yet, if the person converts to Islam, he will be distinguished from others, isolated from their community, leaving their gatherings. Consequently, the society dismisses him and looks upon him as being irrational. The society may further get rid of this person by seclusion and unemployment. If he/she is a Japanese like them, how come he/she commits such a horrible deed-- to convert to Islam, to quit their parties, wine, and swine and to pray to Allah in whom they disbelieve.

The problem is more complicated with young women, as they are helpless; their income is usually linked to either work, or the atheist family. One of the numerous problems that confront the Muslim young women is the problem of performing the religious duties as wearing hijab. Often, work prevents a young woman to wear hijab, and to pray there as well. This makes her pray all prayers at one time later on for fear of being dismissed of work, her resource of earning living, so she lives secluded from her family completely.

Another problem to another Muslim young woman is that she cannot fast Ramadan, as she hides her Islam from her family, particularly her extremist Christian mother who accepts atheism to her daughter, but does not accept Islam. This Muslim sister is 18 years old. She is a university student, so her family pays for her study costs. She lives under the same roof with them, participating with them in the same food and drink, and all matters of life. This might include many prohibitions. She cannot for instance fast Ramadan, or else this will seem strange for her family and will realize her conversion to Islam. Hence, they might prevent her by all possible means by not completing her studies and starting a life, as this work will be her only resource in the future.

A third problem is that a Japanese man declared his Islam thanks to Allah, but his wife and children are still disbelievers. He does not know what to do with them. Hence, we ask you:

- 1- How should the Muslim sister act in the above-mentioned condition here in Japan?
- 2- What should the Japanese brother do with his wife?
Is it legal to continue his life with her as a husband and wife in case she continues her faithlessness?
Similarly, what should he do towards his children?
- 3- Is it legitimate for a woman to pray outside home, in public places while she is sitting as not to reveal her body parts? May Allah reward you the best reward.

The answer:

Firstly; the one who converts to Islam and hides this for fear of being exposed to harm, must do his best to expose the advantages of Islam to those whom he fears, without showing his conversion. He/she must pray to Allah to convert such a person, perhaps he too converts and this stops the expected harms. If not, and the country does not allow revealing Islam rites, the Muslim must immigrate to an Islamic country if he/she can.

: (وَمَنْ يَهَاجِرْ فِي سَبِيلِ اللَّهِ يَجِدْ فِي الْأَرْضِ مُرَاحًا كَثِيرًا وَسَعَةً) (النساء: ١٠٠).

"He who forsakes his home in the cause of Allah, finds in the earth many a refuge, wide and spacious: [...]" (Sura: 4, al- Nisaa, or The Women, verse: 100). This means, to move to another place to leave what is detestable, to turn from atheism to conversion, from distress to hope, from poverty to richness. But if he/she is helpless and cannot immigrate, of if she is a woman, then Allah has excused him/ her . Allah said:

: (إِنَّ الَّذِينَ تَوَفَّاهُمُ الْمَلَائِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُوا فِيمَ كُنْتُمْ قَالُوا كُنَّا مُسْتَضْعَفِينَ فِي الْأَرْضِ قَالُوا أَلَمْ تَكُنْ أَرْضُ اللَّهِ وَاسِعَةً فَتُهَاجِرُوا فِيهَا فَأُولَئِكَ مَأْوَاهُمْ جَهَنَّمُ وَسَاءَتْ مَصِيرًا (٩٧) إِلَّا الْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ لَا يَسْتَطِيعُونَ حِيلَةً وَلَا يَهْتَدُونَ سَبِيلًا (٩٨) فَأُولَئِكَ عَسَى اللَّهُ أَنْ يَعْفُو عَنْهُمْ وَكَانَ اللَّهُ عَفُوًّا غَفُورًا (٩٩)) (النساء).

"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! -98. Except those who are [really] weak and oppressed - men, women, and children- who have no means in their power, nor [a guide-post] to their way.99. For these, there is hope that Allah will forgive: For Allah doth blot out[sins] and forgive again and again.(Sura: 4, al- Nisaa, or The Women, verses: 97-99). In other words, they are helpless and cannot afford it, and cannot determine a destination even if they depart.

Secondly; when a woman is helpless, she can communicate with the Islamic centers in her country, if any, to seek some help in solving her problem, or else, she has to be patient, to call Allah to facilitate matters to her. She is rewarded for this, provided that she abides by the duties and verdicts of Islam as much as she can, as Allah said:

(فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ) (التغابن : ١٦).

"So fear Allah as much as ye can; [...]." (Sura: 64, Tagabun, or Mutual Loss and Gain, verse: 16). Prophet Muhammad said: "If I enjoined you to do something, do whatsoever you can of it"¹⁷⁸.

¹⁷⁸ Documented before

Thirdly; If a husband converts to Islam, but his wife remains either a Christian or a Jew, he is permitted to continue his life with her, because the fundamental in Islam is that it is authorized for man to marry a chaste Christian or a Jew as Allah said:

(الْيَوْمَ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ)
(المائدة: ٥).

"This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book, revealed before your time, [...]." (Sura: 5, The Table Spread, verse: 5). Yet if the wife is not from the people of the Book, it is illegitimate for the husband to continue his marital life with her, as Allah said:

(وَلَا تُمْسِكُوا بِعَصَمِ الْكُوفَرِ) (المتحنة: ١٠).

"[...] But hold not to the guardianship of unbelieving women [...]." (Sura: 60, Mumtahana, or the Woman to be Examined, verse: 10)

However, if a wife converts to Islam, while her husband remains an atheist, marriage between them is invalid. Allah said:

: (يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ ۚ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ)

(المتحنة : ١٠)

"O ye who believe! When there come to you believing women refugees, examine [and test] them: Allah knows best as to their Faith: if ye ascertain that they are Believers, then send them not back to the Unbelievers. They are not lawful [wives] for the Unbelievers, nor are the [Unbelievers] lawful [husbands] for Them [...]." (Sura: 60, Mumtahana, or the Woman to be Examined, verse: 10).

If the wife is forced to continue her life with a faithless husband, she must be patient till Allah rescues her. Many Muslim women in the start of Islam confronted the same situation. Among them was Zainab, the Prophet's

daughter, as she remained after her conversion to Islam with her husband Abi el-'Ass bin Al-Rabe', before his conversion, and at that time the Prophet was unable to separate them, till she left her husband and went to accompany the Prophet. At last, the Prophet permitted her to return to her husband after his conversion to Islam.

Fourthly; children must affiliate to the better religion of their parents. If one of the parents converts to Islam, children are authorized to follow Islam.

Fifthly; a woman must keep away from foreign or stranger men, and does not show her ornament. She must be careful to stay at home, and should not go out of home unless there is an urgent need, and she must be reserved, and modest. If it is time for prayer, while she is outside home, she must keep away from men and pray. What is mentioned in the above question does not legitimize her sitting in prayer as standing, if there is an ability, is one of the bases of prayer and she can do it¹⁷⁹.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

¹⁷⁹ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (2/51-57), fatwa number: (17336).

**The Permanent Committee for Scientific Research and
*Iftaa***

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: 'Abdullah bin Ghadian

Member: 'Abd el- 'Aziz aal el-Sheikh

President: 'Abd el- 'Aziz bin Baz

1.24 Prayer in masjid containing tombs

Numerous religious texts forbid Praying in masjids containing tombs.

The Permanent Committee for Scientific Research and *Iftaa* has been asked:

"Is it legitimate to establish masjids upon the holy shrines, and to pray in such masjids although there are other masjids in the same town which do not contain tombs?"

The answer:

It is not legitimate to establish masjids upon the holy shrines, and to pray in such masjids. In this context, Prophet Muhammad (PBUH) said: "Allah cursed the Jews and Christians as they turned their prophets' graves into places of worship"¹⁸⁰, and said "those communities who preceded you turned their prophets' graves into places of worship, so do not turn graves into masjids; as I warn you against this"¹⁸¹.

Muslim narrated in his *Sahih* (Sound Hadith Book), on the authority of Gabber bin 'Abdullah who said:

¹⁸⁰ Muslim's *Sahih*, number: 530

¹⁸¹ Muslim's *Sahih*, number: 532

"Prophet Muhammad warned against setting gypsum, sitting down , or building on tombs"¹⁸². If the Muslims cannot establish a masjid that does not contain tombs in the quarter in which they live, they have to seek to establish a new masjid in accordance to *Sunna* to pray in¹⁸³.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The Permanent Committee for Scientific Research and
*Iftaa***

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

¹⁸² Number: 970

¹⁸³ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (1/404), fatwa number: (970).

1.25 Prayers behind heretical *Imam*

The community of *Sunna and Jamma* permit prayer behind every righteous and heretical imam to achieve intimacy and unity, to settle any dispute, and to avoid separation. If his heresy is polytheist, prayer behind him is illegitimate.

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia has been asked: "Is it legitimate to pray behind heretical imam?"

The Answer:

The one, who finds non-heretical *imam*, should pray behind him and not behind the heretical. If one does not find except the heretical *imam*, he should advise him to quit his heresy. If the latter refused to give it up, and his heresy was atheist as calling for the help of the dead, to call them instead of Allah, or to slaughter to them, Muslims should not pray behind him. In this case, this imam is a disbeliever and his prayer is invalid. He should not be employed as an imam. If his heresy is not a disbelief one as uttering the

intention to pray, his prayer is valid, and so the prayer of those behind him¹⁸⁴.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The Permanent Committee for Scientific Research and
*Iftaa***

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

¹⁸⁴Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (7/364–365).

1.26 Burying the Muslims in the disbeliefs' graves

These are some religious advisory opinions concerning burying the Muslims in the disbeliefs' countries.

The Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia has been asked: "Is it legitimate to bury the dead in a separate tomb that is located within the wall of the Christians' or Jews' tombs? Is there any *hadith* by the Prophet concerning this?

The answer: A Muslim should not be buried within the walls of the disbelievers' graves, even if in a separate tomb, as all what are enclosed inside the walls are part of it¹⁸⁵.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and *Iftaa*

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

¹⁸⁵ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (8/451), fatwa number: (8909).

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

Transporting the Muslim's dead body from an atheist country

The Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia has been asked:"Some Muslims in Britain transport the dead bodies of Muslims to their native countries. Is it legitimate?"

The answer: Yes, it is legitimate to transport the dead bodies to tombs in Islamic countries. They can take private tombs in which Muslims only can be buried, but if they manage, they can move from atheist countries to Islamic countries, except those Islamic scholars who are sure of themselves and their religion, and who remain diligent in spreading Islam, in hope they may convert some people, they are allowed to stay. They may be obliged to stay to establish evidence and reveal the right¹⁸⁶.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

¹⁸⁶ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (8/451–452), fatwa number: (2922).

The Permanent Committee for Scientific Research and *Iftaa*

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

Burying the Muslim in the non-Muslims' tombs (the second question in fatwa number 1841)

The Permanent Committee for Scientific Research and *Iftaa* in Saudi Arabia has been asked:"Is it legitimate to bury the dead Muslims in the tombs of non-Muslims? The Muslims settle in countries very far from their tombs, it will take more than one week travel to bury the body of the Muslim in his own tombs, and according to *Sunna*, it is better to accelerate the burial of the dead."

The answer:

It is illegitimate to bury the dead Muslims in the tombs of non-Muslims because the Muslim community since the time of the Prophet (PBUH) and the Righteous Caliphs has separated the Muslims' tombs from the disbelievers' graves, and has not buried a Muslim with a

disbeliever. This a practical consensus on burying the Muslims in individual tombs. Al-Nessa'ei narrated on the authority of Basher bin Me'bed Al-Sdoosy who said: I was walking with Prophet Muhammad (PBUH), then he passed through the Muslims' tombs and said: "they are preceded by great evils", then he passed through the atheists' tombs and said: "they are preceded by great goodness"¹⁸⁷.

This indicates the necessity of separating the tombs of Muslims from the non-Muslims. Every Muslim should not settle in a non-Islamic country. He should move to an Islamic country to protect his religion from seditions, to be able to practice his religious rites, to cooperate with his Muslim brothers on righteousness, and to increase the number of Muslims. If there is a herald who settles abroad to spread Islam, and he has the capacity to influence others, not to be influenced by them, he can stay in a non-Islamic country. Similarly, if some people are forced to live there, they must cooperate to take private tombs to bury their dead in them¹⁸⁸.

¹⁸⁷*Al-Nessaei's Sunnan*, number: 2048, Imam Ahmad's *Musnad* (vol.: 34, p.: 382), number: 20787. Its editors said: a sound isnaad (source).

¹⁸⁸Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (8/452-454), fatwa number: (1841).

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The Permanent Committee for Scientific Research and
*Iftaa***

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

(The fifth question from *fatwa* number 3081)

**The Permanent Committee for Scientific Research
and *Iftaa* in Saudi Arabia has been asked:**

"The Islamic Society has bought a number of tombs within the Christians' tombs. Is it legitimate to bury the non-Muslims, or those who deviated from Islam as Al-Qadyaneen or others in the tombs specified for *Sunni*?

The answer:

It is not legitimate to bury a Muslim in Christians' tombs, as he will be disturbed by their torture. The Muslims' tombs should be in a separate place from those of the Christians. Al-Qadyaneen should not be buried in the

tombs specified for the Muslims because they are not Muslims, they are atheists.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The Permanent Committee for Scientific Research and
*Iftaa***

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

President: 'Abd el- 'Aziz bin Baz

(The third question from fatwa number 5377)

**The Permanent Committee for Scientific Research
and *Iftaa* in Saudi Arabia has been asked:**

"What is the verdict in the case of a Muslim who perished in France, and his body could not be transported to his Arab country, while there are no tombs specified for the Muslims in the country in which he died? Is it legitimate to bury him in the Christians' tombs? Further, there is no specific place for washing the bodies of the dead Muslims except the room specified for the Christian bodies, is it legitimate to wash the bodies of Muslims in it, if this cannot be done at his own house?

The answer:

If a Muslim dies in a place where there is no tomb for the Muslims, he should not be buried in the infidels' tombs. Search for an appropriate place in the desert and bury him in it, and then the place must be leveled again with the ground as not to be exposed to excavating. If it is possible to move his body to a country with a tomb for Muslims at moderate cost, it will be better. Washing the body of the dead Muslim in the same place specified for the atheists, if there is no other available place without cost, is authorized¹⁸⁹.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The Permanent Committee for Scientific Research and
*Iftaa***

Member: 'Abdullah bin Qa'ood

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

¹⁸⁹ Fatwa of the Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion), (8/454-455), fatwa number: (5377).

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia has been asked: "the American law dictates that every person will be buried in a box upon his death, what is the verdict of this?

The answer:

If it is possible to bury the dead Muslim without coffin or a box according to *Sunna*, it will be better, as there is no narration about the Prophet or his Companions that they buried anyone in a box. Burying the dead in a box is similar to the disbelievers and luxurious people. Death is an example to man. However, if it is not possible to bury him except in this way, then there is no problem. Allah said in this context:

(وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ) (الحج: ٧٨) .

"[...] He has imposed no difficulties on you in religion; [...]" (Sura: 22, Hajj, or The Pilgrimage, verse: 78). In another verse, Allah said:

(لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا) (البقرة: ٢٨٦) .

"On no soul doth Allah Place a burden greater than it can bear."(Sura:2, al-Baqarah, verse: 286)¹⁹⁰.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The Permanent Committee for Scientific Research and
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Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razaq 'Aafifi

President: 'Abd el- 'Aziz bin Baz

¹⁹⁰ Fatwa of the Permanent Committee for Scientific Research and *Iftaa* (religious advisory opinion), (8/431–432), question number: 4.

The Second Fundamental

Arbitration

In this second chapter or fundamental, the following issues are discussed:

2.1 Filing Suits

2.2 Seeking Compromise

2.2.1 Seeking Compromise without the statement of the judgment

2.2.2 Fulfilling Rights:

2.2.2.i Divorce sentenced by the atheist judge in atheist countries

2.2.2.ii The Islamic centers as substitutes of legal judges

2.2.2.iii Pieces of advice for the Muslim minorities

2.3 Where can a Muslim receive *fatawa*? And which fatwa should he follow?

2.1 Filing Suits

It means to sue one another, to provide documents and to seek a judgment. Muslims agree with consensus that it is not legitimate to file a suit, unless to those who arbitrate in accordance with the Islamic *shari'a* which has invalidated all other laws. It is not authorized to sue someone under the shade of another law, whether the judge is Muslim or atheist. Allah said:

(فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحْكُمُوا فِيكَ شِجْرَ بَيْنِهِمْ) (النساء : ٦٥)

"But no, by the Lord, they can have no [real] Faith, until they make thee judge in all disputes between them, [...]."
(Sura: 4, al-Nessa or the Women, verse: 65)

(وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكِّمُوهُ إِلَى اللَّهِ ذَلِكُمُ اللَّهُ رَبِّي عَلَيْهِ تَوَكَّلْتُ وَإِلَيْهِ أُنِيبُ

(١٠) (الشورى)

"Whatever it be wherein ye differ, the decision thereof is with Allah: such is Allah my Lord: In Him I trust, and to Him I turn." (Sura: 42, Shura, or Consultation, verse: 10)

I was told an interesting story in relation to this context. I tell it in brief: a monotheist man learnt that there is a dome built on his father's tomb, so he destroyed it.

Some ignorant people, who have been glorifying these domes, sued him. Both parties went to seek the arbitration of a Christian judge, as there was not a Muslim judge in an atheist country. The man told them that this dome belonged to his father who is closer to him than them. He also told them both parties belong to the same *shari'a* which is Islam which prohibits constructing on tombs, and commands people to destroy these constructions. At last, he won the case.

There are two exceptions:

The first: Necessity Case

Sheikh 'Abd el-'Aziz bin Baz was asked about this subject. He told the inquirer: "with reference to your inquiry, registered in the Administration of Scientific Research and *Iftaa* with number (2151) in 6/6/1407 A.H., in which you ask about the verdict of seeking arbitration of those who judge according to positive laws. All courts of law in such a country employ such laws. Thus, a Muslim settling there cannot take his right unless he seeks the judgment of these courts of law. Is he considered a disbeliever in this condition?"

If the Muslim is forced to do so, he does not become a disbeliever. Yet, a Muslim should not seek arbitration of these courts of law unless there is a necessity; if one cannot obtain one's right by any other means except this. Also, he should not take anything that Islamic law has forbidden it"¹⁹¹.

Sheikh Ibn 'Uthaimyein was asked:

"Is it legitimate to sue one another in front of those who employ positive laws, if we have the right? Or shall we leave our rights to be lost?"

The answer:

Ibn el-Qaim mentioned in his first book, *Al- Turuk Al-Hukmeya* (the Judicial Ways), that some jurisprudents said that Muslims should not seek the judgment of those who employ positive laws. He also said that the people's conditions could not be reformed through this; particularly there are a lot of countries who judge according to laws other than that of Allah. You can seek their arbitration, but if the judge issued a verdict that contradicts Allah's laws, you have to repel it. Yet, it is not recommended that the rights of people are left to be lost; perhaps there are a lot of

¹⁹¹ Various fatawa and articles by Sheikh Abd el-Aziz bin Baz (23/ 214)

properties with many heirs, it is not legitimate to lose them because of a judge. Instead, we can demand his arbitration. If his verdict is right, it will be accepted to any person, or else it will not¹⁹².

The Permanent Committee was asked:

"What is the verdict in the arbitration of the American judiciary in the disputes among Muslims in matters of divorce, trade and others?"

The answer:

It is forbidden that a Muslim seeks arbitration through secular courts of law unless there is a necessity; if there are no courts of law that employ Islamic *shari'a*. If the judge arbitrates with more than one's right, the Muslim is forbidden to take it¹⁹³. Resorting to secular laws has many governing restraints and conditions such as:

1. Impossibility of obtaining the right except with this manner
2. Demanding the right only and taking it upon the judgment with no more

¹⁹² *Al-Sharh al-Mumte* (The amusing explanation), (4/ 244)

¹⁹³ Fatawa of the Permanent Committee (23/ 502) , question 13, number: (19504)

-
3. Loathing the arbitration that does not apply Islamic laws
 4. This possibility or license is manipulated only in necessity in general , implying both need and necessity.

The evidence for the first condition is that if the person is able to obtain his right or fend off oppression through the Islamic judiciary system , then there is no necessity to seek arbitration of secular laws, or else it will be illegal as there is no necessity as is mentioned.

The evidence for the second condition is that demanding more than your legal right is an oppression, which is forbidden according to Qur'an and *Sunna* and common agreement of the Islamic scholars. Among the evidence of Qur'an is:

(أَنْ لَعَنَهُ اللَّهُ عَلَى الظَّالِمِينَ) (٤٤) (الأعراف).

"[...] The curse of Allah is on the wrong- doers;" (Sura: 7, Araf, verse: 44). Among the evidence of *Sunna* is the holy *hadith* by Allah: "I have forbidden injustice on myself, and among you, so do not be unjust to one another"¹⁹⁴. A

¹⁹⁴ Al-Bukhari's *Sahih* (Sound Hadith), number (2458), and Muslim's *Sahih*, number (2577)

Muslim, in case of resorting to the legitimate means –the Islamic law—should not obtain money belonging to others even if the Muslim judge decides it, as Prophet Muhammad (PBUH) said: "I am a human being. The opponents may come to me, and some of them are more eloquent than others, so I think that the eloquent person is honest, and then I judge for his side. The one who, upon my verdict, takes the right of another Muslim in fact takes a piece of hell, so he either takes it or leaves it"¹⁹⁵. Consequently, the verdict of the illegitimate judge should not allow the Muslim to be unfair with others.

Other piece of evidence for this condition is the jurisprudential rule: 'necessity is estimated according to its measure'. Because necessity permits the adoption of a forbidden means to obtain right and fend off oppression, but it does not permit injustice with others to obtain one's rights.

The piece of evidence of the third condition is what Allah said:

¹⁹⁵ Al-Bukhari's *Sahih* (Sound Hadith), number (6967), and Muslim's *Sahih*, number (1713)

(مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أَكْرَهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَكِنْ مَنْ شَرَحَ بِالْكُفْرِ

صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ) (١٠٦) (النحل)

"Anyone who, after accepting faith in Allah, utters Unbelief,- except under compulsion, his heart remaining firm in Faith - but such as open their breast to Unbelief, on them is Wrath from Allah, and theirs will be a dreadful Penalty." (Sura: 16, Al-Nahl, verse: 106)

Another piece of evidence is *hadith* by Prophet Muhammad (PBUH): "[...] loathe vice by your heart, and this is the feeblest faith"¹⁹⁶. Another *hadith* is: "There will be princes, and you will realize [their wrong deeds] and denounce [them], the one who perceives [the wrong deeds, without participating] is not guilty. Also, the one who denounces them is safe. Nevertheless, the one who contents and follows, [will be tortured by Allah]. They said: 'should we fight them?' The Prophet answered , 'No, as long as they pray, [you cannot fight them]' "¹⁹⁷.

¹⁹⁶Muslim's *Sahih*, number (49)

¹⁹⁷Muslim's *Sahih*, number (1854)

The piece of evidence of the fourth condition is what Allah said:

(فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ) (١٧٣) (البقرة).

"[...] But if one is forced by necessity, without willful disobedience, nor transgressing due limits,- then is he guiltless. For Allah is Oft-forgiving Most Merciful." (Sura:2, al-Baqarah, verse: 173). In another verse, Allah said:

(فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ رَبَّكَ غَفُورٌ رَحِيمٌ) (١٤٥) (الأنعام).

"[...] But[even so], if a person is forced by necessity, without willful disobedience, nor transgressing due limits,- thy Lord is Oft-forgiving, Most Merciful." (Sura: 6, Anam, or Cattle, verse: 145)

(فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ) (١١٥) (النحل)

"[...] But if one is forced by necessity, without willful disobedience, nor transgressing due limits,- then Allah is Oft-Forgiving, Most Merciful." (Sura: 16, Al-Nahl or the Bees, verse: 115). Here, it is useful to maintain the jurisprudential rule which dictates "necessities legitimize forbidders".

It is also evident the story of the Prophet's Companions' resort to the faithless *Njashi* one day twice because they were wanted by *Quraish* (an Arabian tribe) infidels, so they went to defend their rights and to obliterate the false claims of *Quraish*.

Among the decisions of the Islamic *Feqhi* (Jurisprudent) Assemblage, which is affiliated to the Islamic World League, concerning the novel written by Salman Rushdie:

"the third decision: the council declares that there must be filing a suit against this person and the publishing house which published this novel. This will be conducted in the concerned courts of laws in Britain. The Islamic Conference Organization representing the Islamic countries is entitled to file the suit. It will authorize in this suit the most professional, practitioner lawyers in the criminal suits in front of the British courts of law"¹⁹⁸. It is clear from the decision the permission of resorting to the arbitration of the British courts of law in this incident¹⁹⁹.

¹⁹⁸ Decisions of the Feqhi Assemblage, affiliated to the Islamic World League, appendix (page 252)

¹⁹⁹ *Feqh al-Nawazil* (Jurisprudence of tribulations) for the Muslim minorities, by Dr. Muhammad Yussri Ibrahim (pp. 1054- 1056)

2.2.1 Seeking compromise without the Statement of Judgment

Abu Dawood in his *Sunan* narrated on the authority of Hani bin Yazid who said that when he came to Prophet Muhammad with his community , the prophet heard them calling Hani bin Yazid with the nick name Abi al-Hakam, meaning the father of judgment. Then, the prophet called him and said to him: Allah is the judge, and he has the authority of judgment, why then your community calls you by that name?' Hani bin Yazid answered: 'if my community disputed on something, they seek my arbitration, which is approved by both parties'. The Prophet approved this and asked: 'who are your sons?' He answered: 'My sons are Shuraih, Abdullah and Muslim'. The Prophet asked: 'who is the eldest son?' He answered: 'Shuraih'. The Prophet said, 'Then you are Abi Shuraih'²⁰⁰.

²⁰⁰ Abi Dawood's *Sunnan* , number (4955), revised by Al-Albani in *Sahih of Abi Dawood's Sunnan* , (3/ 936), number (4145)

2.2.2 Fulfilling Rights

An example of this: restoring stolen belongings, repelling aggression and fending off oppression...etc.

Some said, it is legitimate out of necessity; as there is an impossibility of filing a suit in Islamic courts of law. Imam Ahmad in his *Musnad*, narrated on the authority of Abd el-Rahman bin 'Oaf who said that Prophet Muhammad (PBUH) said: "I witnessed with my uncles the ally of *al-Mutaibeen* (those who have good scent). I do not wish to underestimate it even if I was given red-brownish camels"²⁰¹.

Ibn al-Atheer said: "Bano Hesham community gathered with Bano Zuhra community and Taim in the house of Ibn Gud'an in *jalilia* (pre-Islam). They put perfume in a pot and immersed their hands in, and allied to support one another, and to take the right of the oppressed from his oppressor. Therefore, they were called *al-Mutaibeen*"²⁰².

This ally has the sufficient elements of judgment and arbitration; as they settle disputes between the oppressors

²⁰¹Imam Ahmad's *Musnad* (1/ 190-193). Al-Albani mentioned in his *Series*, with number (1900) that its documentation is not bad.

²⁰²*Al-Nehaya (the end) in Strange Hadith(s)*, (3/149)

and the oppressed. They belong to the elite of the atheists at that time. However, Prophet Muhammad approved them and did not wish to underestimate them , even if he was offered reddish-brown camels, for it was established according to a good meaning which did not contradict *Shari'a* (Islamic law), which is to support the oppressed against the oppressor.

Fulfilling the rights includes some aspects:

2.2.2.i Divorce sentenced by the disbeliever judge in disbelief countries:

It is one of the most serious problems that confront some Muslims who settle in disbelief countries, as it results in injustice and oppression for some people, as these verdicts are based on positive laws which contradict Islamic *shari'a* (law). The reason of this plight is living in such countries as is mentioned before. Another reason is not thinking in such matters or contemplating in their consequences before facing them. Among the possible solutions of this problem:

1. A Muslim should avoid marriage to Christians and Jews, although this is legal in the Islamic *shari'a*, but it results in drawing the husband unwillingly to

arbitrate in the disbelief courts of law. If a legitimate deed leads to what is illegitimate, or becomes a means to an illegitimate action, it loses its legitimacy. This is what worried 'Omar bin el-Khtaab, Prince of the Believers, when he learned that Huzaifa bin al-Yamaan got married to a Jewish woman while he was in Al-Mada'en. Thus, 'Omar wrote to him once again: " I ask you not to put down my message until you release this woman". Huzaifa wrote back to him: "Do you claim that it is illegitimate?" 'Omar answered: "I do not claim this, but I am afraid you are used to marrying the prostitutes"²⁰³. Ibn Garir al-Tabari said: "'Omar's denial is for fear that Huzaifa will be taken as an example, so people abandon Muslim women, ...etc."²⁰⁴.

In the *hadith*, "neither to harm, nor to be harmed"²⁰⁵, one must repel harm to protect himself and others. If the Muslims in a given country constitute a minority as the Muslim communities in Europe and America, Asia and Africa, then it is logical to prevent the Muslim men from

²⁰³ *Ibn Katheer's Interpretation* (2/ 297), and said its documentation is sound.

²⁰⁴ *Ibn Garir's Interpretation* (2/ 1811)

²⁰⁵ Imam Ahmad's *Musnad* (5/55), with number (2865), its editors said that its documentation is good.

marrying non-Muslim women, or else the Muslim young women –a large number of them—will not find Muslim men to propose to them. Then, the Muslim woman might be exposed to one of three circumstances:

- To get married to a non-Muslim man, that is forbidden in Islam.
 - To be libertine and to fall in vice, which is one of the deadly sins.
 - To live deprived of marital life and motherhood²⁰⁶.
2. The husband and wife can agree that they will not sue each other unless to an Islamic court in case of dispute ensues between them. This must be documented in the marriage contract.
3. Many men of religion issued *fatawa* to consider the Islamic centers, or their counterparts, in the atheist countries, a substitute for the legal judge. Thus, the husband and wife must write the contracts of marriage, divorce, invalidity of marriage and *khul'* (divorce in which the wife gives back any fortune or

²⁰⁶ *Feqh al-Nawazil (Jurisprudence of tribulations) for the Muslim Minorities*, by Dr. Muhammad Yussri Ibrahim (2/965), with modification.

gifts she was offered by her husband) in these centers, as will be illustrated in the following aspect.

2.2.2.ii Considering the Islamic centers substitutes of the legal judge

It is one of the general issues that must be put into consideration as it solves many problems to our Muslim brothers who live in foreign countries. If there is not an Islamic center, the Muslim community must choose a leader to them from scholars or men of intellect to lead them in prayers, give sermons on Fridays and in feasts, holds marriage contracts, and settle disputes. As it is well-known, Abu Bakr was chosen as a caliph for Muslims after the death of Prophet Muhammad. He was selected as an *imam* during the Prophet's illness with a command of the Prophet as he said: "Order Abu Bakr to pray with people as an imam"²⁰⁷.

As a sign of the significance of the Prophet's command with leadership, if three men travel together, they must select a leader, then what about settlement which is more eventful than travel! Abu Dawood narrated in his *Sunan*, on the authority of Abi Huraira who said that

²⁰⁷ Al-Bukhari's *Sahih* (Sound Hadith), number (664), and Muslim's *Sahih*, number (418)

Prophet Muhammad (PBUH) said: "If three persons travel together, they should select a prince [leader] among them"²⁰⁸.

In *Sahih al-Bukhari*, it is mentioned that in Hunain invasion, the Prophet (PBUH) said: "We do not know who permitted it and who did not, turn back till we are informed with this matter from your proxies"²⁰⁹. Then these people returned and spoke to their proxies, and told the Prophet that they tolerated it.

In *Sahih al-Bukhari*, it is mentioned that a woman asked Abu Bakr: 'what about our maintaining such good deeds commanded by Allah after *jahilia* (Pre-Islam)?' He said: 'to remain as what you are as long as your *imams* are adhering to them.' She said: 'What is meant by *imams*?' He answered: 'Weren't there in your community elite and heads that commanded you and were obeyed?' She answered: 'yes, there were.' He said: 'They are those people.'²¹⁰

An inquirer asked the permanent committee for Scientific Research and *Iftaa*:

²⁰⁸ Abi Dawood's *Sunnan*, number (2608), Sheikh Al-Albani in *Sahih of Abi Dawood's Sunnan*, (2/ 494), said a good hadith, with number (2272)

²⁰⁹ Al-Bukhari's *Sahih* (Sound Hadith), number (3131- 3132)

²¹⁰ Al-Bukhari's *Sahih* (Sound Hadith), number (3834)

"If a Christian or a Jew young woman wanted to marry a Muslim, and her father expecting that she might convert to Islam after her marriage, refused to be her curator in marriage. Further, he refused the marriage altogether. She has not converted yet, who is going to be her curator in this condition? Please inform me with the approved solution!

The answer:

The Christian or Jew woman must marry with a permission of her father, if her father is not there, or does not accept this marriage, then she can be married with the proxy of the nearest kin. If she has no kinsmen, or they objected, then the Muslim Judge can be her proxy. If this is not available, then the head of the Islamic center in her territory can supervise the marriage and approve it. The fundamental in the proxy of marriage is to the father, then to the nearest kin, and so on. If they are not found, for any reason, or they objected, the right of guardianship is transferred to the ruler or any proxy. Allah said:

(وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ) (التوبة : ٧١).

"The Believers, men and women, are protectors one of another: they enjoin what is just, and forbid what is evil: [...]" (Sura: 9, al-Tawba or the Repentance, verse: 71).

It is said that when Prophet Muhammad (PBUH) wanted to marry Um Habiba, daughter of Abi Sufian, she was a Muslim, but her father was not. The Prophet sent Amr Ibn Umaiah al-Damry by proxy to marry her from her cousin Khalid bin Sa'ed bin al-'Ass who was a Muslim. If the nearest kin of a woman refused to get her marry to a good person whom she admits, then the farer relative can be her proxy in this marriage. If there are no relatives, or they reject, then the ruler can be her proxy. This is according to Prophet Muhammad's *hadith*: "The ruler is the guardian of whoever has no guardian"²¹¹, ²¹², ²¹³.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and *Iftaa*

Member: Abdullah bin Ghadian

²¹¹ A part from hadith mentioned in Abi Dawood's *Sunnan*, number (2083), revised by Sheikh Al-Albani in *Irwa' al-Ghalil*, (6/ 243), with number (1840)

²¹² The fatawa of the Permanent Committee (18/ 162), with number 11242.

²¹³ For further details: the useful dissertation of Dr. Muhammad Yussri, entitled: *The Muslim Minorities in the Western Countries* (2/1067- 1086)

Vice president: Abd el-Razeq A'fifi

President: Abd el- Aziz bin Baz

An inquirer asked the permanent committee for Scientific Research and *Iftaa*:

"A French man came to declare his Islam, accompanied by a Muslim woman who said that she brought him to masjid to convert to Islam then to marry him. However, she does not pray and does not wear hijab. She is a foreigner who lives away from her family. The man has assured us that he wants to convert to Islam willingly. What shall we do with them? If they have been already married for one or two years and have children, while the man was not a Muslim, but he comes now to declare his Islam. Is his conversion accepted? If leaving the woman for two successive menstruation periods will be applicable in this case? How to set their marriage right and the woman has no protector here in France? What is the verdict of the children who are ill-gotten, and undoubtedly they are the product of adulterous relationship?"

The answer:

"First: You must inform him that you are very pleased with his Islam, which is the greatest gift from Allah. Indeed, it deserves congratulation.

Second: You have to clarify for him the five pillars of Islam, the fundamentals of faith, the meaning of the two testimonies, and the meaning of believing in the Day of Judgment and fate. You should illustrate that what the Christians claim about Jesus Christ is wrong. In fact, Jesus Christ is a worshipper of God as other apostles, not a son of God as the Christians claim. You have to point out that Muhammad (PBUH) is the last prophet and that his message is general to jinn, humankind, Arabs and non-Arabs. The same matters should be clarified to the woman, and she should be asked to announce her Islam once again; because abandoning prayers is disbelief.

Third: If the woman has no protector, the head of the Islamic Center there will be responsible for the marriage contract; as he represents the ruler in such cases, as Prophet Muhammad said: "The ruler is the guardian of whoever has no guardian"²¹⁴. The head of the center has the authority in his position, as there are no Muslim judges in such a community.

²¹⁴ A part from hadith mentioned in Abi Dawood's *Sunnan*, number (2083), revised by Sheikh Al-Albani in *Irwaa al-Ghalil*, (6/ 243), with number (1840)

Fourth: There is no need for waiting for one or two successive menstruations if his previous sexual relationship with her took place under the name of matrimony, and their children are affiliated to this marriage as in the case of the children resulting from *shobha* marriage, or corrupt matrimony²¹⁵.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and Iftaa

Member: 'Abdullah bin Qa'ood

Vice president: 'Abd el-Razeq A'fifi

President: 'Abd el- 'Aziz bin Baz

2.2.2.iii These are some important pieces of advice for the Muslim minorities in foreign countries, given by Dr. Muhammad Yussri, may Allah bless his soul!

First: the Muslim man and woman must marry according to the Islamic legitimate verdicts as much as they can; because if the marriage contract is performed according to the European positive laws, it will be

²¹⁵ The fatawa of the Permanent Committee (3/386- 387), with number 5377.

considered legitimate as it is a contract, in case it is carried out according to legitimate principles. Yet, after this, the husband and wife are subject to these laws in all that concerns the consequences of marriage, such as: divorce, inheritance, and it is illegitimate that willingly the Muslim seeks the arbitration of laws other than those of Allah. Accordingly, it is a must for the Muslim to perform his marriage in his Islamic country as long as it is possible, and the laws of his country are based on the principles of *shari'a*, even if they contain some breaches.

Second: European Muslims, either native Europeans who converted to Islam, or those Muslims who are naturalized have no other choice except civil marriage according to the laws of their European country. Then a legal contract must be held before or after the civil contract. Unfortunately, this legal contract has no force in front of the European judiciary in regard to the consequences of marriage. Yet, it provides the husband and wife with more security and certitude concerning the legitimacy of marital life.

If they are not obliged to do this; because they settle there, and have the nationality of an Islamic country, they may be guilty to marry with a civil contract according to

the European law. In this case, we confront the third incident.

Third: when Muslim husband and wife marry according to non-Islamic positive laws, they must agree upon subjecting this marriage with its consequences to the principles of *shari'a* as much as possible. It should be a formal agreement if the laws permit this. It is not enough to be a handwritten agreement in this case. When a dispute occurs between them, they must select a man of religion, or a Muslim who can arbitrate between them. This person must attempt to reach a compromise between them at first, if he cannot, then he should verdict divorce according to the religious principles. Then this verdict should be carried out according to the judiciary procedures of the European laws. It is the only way to carry out the legal verdict if the two parties wanted it.

Finally, Allah allowed the wife to send an arbiter from her kinsmen, and the husband to send an arbiter from his kinsmen, or not from kinsmen as it is said by the Islam Sheikh, Ibn Taimyah and others. If the two arbiters agree on divorce, then the husband and wife must act according to their arbitration as was said by a group of Malekiya jurisprudents , together with Imam Malek, it is one of two

sayings of Imam Ahmad, approved by Ibn Taimyah, and before them the sayings of the Prophet's companions, may Allah be pleased with them all²¹⁶. If the two arbiters verdict divorce, then it is definite, and the woman is allowed to marry another man after the end of her *e'dda* (a period of about three months after divorce)²¹⁷. Allah is all-knowing after all²¹⁸.

²¹⁶ *Al-Qurtubi's Interpretation* (5/ 174- 179), *the Entire Fatawa*, by Ibn Taimyah (32/ 25-26), *Al-Sunna Interpretation*, by Hussein bin Massoud al-Boughi, edited by: Shoaib al-Arnaot, Muhammad Zaheer al-Shaweesh, the Islamic Office, Damascus, 12, 1403 A.H./ 1983 A.D. (9/190- 191).

²¹⁷ From *The Verdicts of Personal Affairs for the Muslim Minorities*, by Dr. Khalid Abd el-Qader, in the conference of Muslim Minorities , Malesia, 2009 A.D.

²¹⁸ *Feqh al-Nawazil (Jurisprudence of tribulations) for the Muslim Minorities*, by Dr. Muhammad Yussri Ibrahim (2/1085- 1086).

2.3 Where can a Muslim receive *fatawa*? And which fatwa should he follow?

A common Muslim must know about his religion from scholars, and to ask men of religion whenever he has confusion. He must take *fatwa* (religious advisory opinion) from trusted, honest men or specialists. In all these matters, he must inquire about the commands of Allah and Prophet Muhammad. If he realizes the right thing from the words of Allah and those of the prophet, he should not neglect what was said 'we worship Allah as a result of his Qur'an and his apostle's *hadith*'. If there is no clear verdict in a given subject in Qur'an or *hadith*, and the issue is subject to diligent investigation, then the Muslim must follow those trustees either religiously or academically.

If men of religion disagree in a matter, the Muslim must follow what he surmised to be almost right, and what he trusts, as Prophet Muhammad said: "ask yourself, even if the mufti directed you to something"²¹⁹. He also said:

²¹⁹ *Al-Bukhari in History* (1/ 144-145) from *Wabsa Hadith*, revised by Sheikh Albani Sahih in *al-Game al-Sagheer* (*The Small Collection of Sound Hadith*), (1/ 224), with number 948.

"righteousness is good morals, vice is what goes on in your heart, and you hate to be revealed to people"²²⁰.

It is illicit that a Muslim follows the licenses of scholars, or what is easier in every sect. The one who follows the licenses gathers all evils, and finds *fatawa* which tempt him to do many forbidden matters.

A Muslim should not follow a particular *imam* out of the four imams or others in what they said. In case a plight befalls a Muslim, he should seek the fatwa of someone who employs Allah's and the prophet's *shari'a*, as Allah said:

(فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ) (٤٣) (النحل)

"And before thee also the messengers We sent were but men, to whom We granted inspiration: if ye realize this not, ask of those who possess the Message." (Sura: 16, al-Nahl or the Bees, verse: 43)²²¹.

²²⁰ Muslim's *Sahih* (Sound Hadith), number (2553)

²²¹ An article by Sheikh Abd el-Rahman bin Abd al-Khaleq, entitled "What is the personal stand in front of the scholars' disputes?"

The Third Fundamental

Allegiance and Disavowal

'Allegiance and disavowal' are great Islamic fundamentals. Sticking to them is considered a holding of the strong tie of faith, either in an Islamic country or in an atheist country. However, the issue and problems of 'allegiance and disavowal' are more common in the atheist countries, so that there is more need to know about them. They are based on two significant fundamentals:

First: Sincerity in worship due to Allah, as it is mentioned in Qur'an:

(قُلْ إِنِّي هَدَانِي رَبِّي إِلَى صِرَاطٍ مُسْتَقِيمٍ دِينًا قِيمًا مِلَّةَ إِبْرَاهِيمَ حَنِيفًا وَمَا كَانَ مِنْ

الْمُشْرِكِينَ (١٦١) قُلْ إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ (١٦٢) لَا

شَرِيكَ لَهُ وَبِذَلِكَ أُمِرْتُ وَأَنَا أَوَّلُ الْمُسْلِمِينَ (١٦٣)) (الأنعام)

"Say: "Verily, my Lord hath guided me to a way that is straight, - a religion of right,- the path [trod] by Abraham the true in Faith, and he [certainly]joined not gods with Allah.161. Say: "Truly, my prayer and my service of sacrifice, my life and my death, are [all] for Allah, the Cherisher of the Worlds:162. No partner hath He: this am I commanded, and I am the first of Muslims.163" (Sura: 6, Anam, verses: 161-163)

Second: Disavowal of atheism and atheists, showing enmity towards them, Allah said:

(قَدْ كَانَتْ لَكُمْ أُسْوَةٌ حَسَنَةٌ فِي إِبْرَاهِيمَ وَالَّذِينَ مَعَهُ إِذْ قَالُوا لِقَوْمِهِمْ إِنَّا بُرَاءُ مِنْكُمْ وَمِمَّا تَعْبُدُونَ مِنْ دُونِ اللَّهِ كَفَرْنَا بِكُمْ وَبَدَا بَيْنَنَا وَبَيْنَكُمْ الْعَدَاوَةُ وَالْبَغْضَاءُ أَبَدًا حَتَّى تُؤْمِنُوا بِاللَّهِ وَحْدَهُ) (الممتحنة : ٤).

"There is for you an excellent example [to follow] in Abraham and those with him, when they said to their people: "We are clear of you and of whatever ye worship besides Allah: we have rejected you, and there has arisen, between us and you, enmity and hatred for ever,- unless ye believe in Allah and Him alone"[...]."(Sura: 60, Mumtahana, verse: 4)

The one who does not realize these two fundamentals does not deserve to be a follower to the sect of Abraham (PBUH). Allah said:

(يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا عَدُوِّي وَعَدُوَّكُمْ أَوْلِيَاءَ تُلْقُونَ إِلَيْهِم بِالْمُودَةِ وَقَدْ كَفَرُوا بِمَا جَاءَكُمْ مِنَ الْحَقِّ يُخْرِجُونَ الرَّسُولَ وَإِيَّاكُمْ أَنْ تُؤْمِنُوا بِاللَّهِ رَبِّكُمْ إِنْ كُنْتُمْ خَرَجْتُمْ جِهَادًا فِي سَبِيلِي وَابْتِغَاءَ مَرْضَاتِي تُسِرُّونَ إِلَيْهِم بِالْمُودَةِ وَأَنَا أَعْلَمُ بِمَا أَخْفَيْتُمْ وَمَا أَعْلَنْتُمْ وَمَنْ يَفْعَلْهُ مِنْكُمْ فَقَدْ ضَلَّ سَوَاءَ السَّبِيلِ) (١) (الممتحنة).

"O ye who believe! Take not my enemies and yours as friends [or protectors],- offering them [your] love, even though they have rejected the Truth that has come to you, and have [on the contrary] driven out the Prophet and yourselves [from your homes], [simply] because ye believe in Allah your Lord! If ye have come out to strive in My Way and to seek My Good Pleasure, [take them not as friends], holding secret converse of love [and friendship] with them: for I know full well all that ye conceal and all that ye reveal. And any of you that does this has strayed from the Straight Path." (Sura: 60, Mumtahana, verse: 1). It is illicit for the believer to support the disbelievers even if they are his close relatives. Allah said:

(لَا تَجِدُ قَوْمًا يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ يُوَادُّونَ مَنْ حَادَّ اللَّهَ وَرَسُولَهُ وَلَوْ كَانُوا آبَاءَهُمْ

أَوْ أَبْنَاءَهُمْ أَوْ إِخْوَانَهُمْ أَوْ عَشِيرَتَهُمْ) (المجادلة: ٢٢).

"Thou wilt not find any people who believe in Allah and the Last Day, loving those who resist Allah and His Messenger, even though they were their fathers or their sons, or their brothers, or their kindred. [...]." (Sura: 58, Mujadila, verse: 22). Some people nowadays praise the Christians and maintain that their dealings are better than those of the Muslims. This is illegitimate to prefer an

atheist to a Muslim either in dealings or in other issues; because Allah cursed the hypocrites who said to the disbelievers:

(هُؤُلَاءِ أَهْدَىٰ مِنَ الَّذِينَ آمَنُوا سَبِيلًا) (٥١) (النساء).

"[...] [They] say to the Unbelievers that they are better guided in the [right] way than the believers!" (Sura: 4, Al-Nessa or the Women, verse: 51). If there are some Muslims who are dishonest in their dealings, this should not be generalized on all Muslims.

In this third chapter or fundamental, the following subjects are investigated:

3.1 Marriage to the Unbeliever Women

3.2 Some Verdicts concerning the Children of that Marriage

3.3 Enrolling of Muslim children in Christian schools in Foreign Countries.

3.4 Work or Study at the atheists'

3.5 Work in Military Jobs

3.6 Leasing Houses and Shops to the disbelievers

3.7 Greeting the non-Muslims and shaking hands with them

3.8 The Verdict of Shaking hands with the Foreign Woman
and Seclusion with her.

3.9 Consoling the atheist and attending his Funeral

3.10 The Verdict of attending the disbelievers' Feasts and
Congratulating them in these Occasions

3.11 Offering Gifts for the disbelievers

3.12 The verdict of accepting their gifts in religious
occasions and others

3.13 Accepting the disbeliever's invitation to food

3.14 Visiting the disbeliever patients and uttering prayer
for their recovery

3.15 Entering the disbelievers' churches:

3.15.i Entering churches and praying there

3.15.ii Praying in a church if there is no masjid

3.15.iii Purchasing churches to be masjids

3.16 Elections in disbeliever countries:

3.16.i Participation of the Muslims in elections
with the non-

Muslims

3.16.ii Voting in these elections

3.17 Trade:

3.17.i Abiding by systems

3.17.ii Buying and selling religiously
forbidden goods

3.18 Residence with a disbeliever family

3.19 If the wife converted to Islam and her husband is a
disbeliever

3.20 The Muslim man and woman's treatment to their
disbeliever family

3.21 Islamic Parties and Groups, and which of them
should a Muslim follow?

3.1 Marriage to Unbeliever Women

The majority of men of religion said that it is legitimate for the Muslim to marry a woman from the people of the Book (a Christian or Jewish woman). However, some of them disagree, taking as a proof what is narrated by al-Bukhari in his *Sahih*, about Ibn'Omar. If someone had asked him about the marriage of a Muslim to a Christian or Jewish woman, he would say: "Allah has forbidden the marriage of polytheist women to Muslim men. I know no more polytheism than that of a woman who says that her god is Jesus Christ, while he is a worshiper of Allah"²²². They also prove their view by what Allah said:

وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَنَّ (البقرة: ٢٢١).

"Do not marry unbelieving women [idolaters], until they believe: [...]" (Sura:2, al-Baqara, verse: 221). The implication is that Allah forbids the marriage from the disbeliever women. Women of the Book are disbelievers, so their marriage to Muslim men is forbidden. Allah said:

وَلَا تَنْكِحُوا بَعْضَ الْكَافِرِ (المتحنة: ١٠).

²²²With number (5285)

"[...]But hold not to the guardianship of unbelieving women:[...]"

(Sura: 60, Mumtahana, verse: 10). This verse represents a warning against the continuity of marriage between the disbeliever woman and the Muslim man. Consequently, it is prior to warn against marrying her from the start. The Christian or Jewish woman is considered a disbeliever.

Some said that a woman belonging to people of the book must believe in monotheism and denounce polytheism, but she follows Moses (PBUH) if she is Jewish or Jesus if she is a Christian. In case she violates the principles of Islam, by believing in polytheism, so her marriage is forbidden, as she is a disbeliever. Those scholars intend to combine the implications of two verses: the first;

(الْيَوْمَ أَجَلٌ لَّكُمْ لَطِيبَاتٌ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَّكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ

وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ) (المائدة:

٥).

"This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you in

marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book, revealed before your time, [...]". (Sura: 5, al-Maeda or the Table Spread, verse: 5). The second verse is:

(وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ) (البقرة: ٢٢١).

"Do not marry polytheist women [idolaters], until they believe: [...]"

(Sura:2, al-Baqarah , verse: 221). They maintain that if she is a polytheist, even if she is a Christian or a Jew, her marriage to a Muslim man is illicit. However, if she is not a polytheist, but not Muslim, her marriage to a Muslim man is legitimate. According to this verse:

(وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ) (المائدة: ٥)

"[...] (Lawful unto you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the Book, revealed before your time, [...]". (Sura: 5, al-Maeda or the Table Spread, verse: 5).

If a woman is not a Muslim, but not a polytheist, then her marriage to a Muslim man is legal.

Many predecessors and successors believe that if the Christian woman believes in the trinity, so her marriage to

a Muslim is forbidden. Similarly, if a Jew woman believes that 'Uzair is the son of Allah; her marriage to the Muslim is illicit. Sheikh Ibn 'Uthaimyein said: "Most of religious scholars interpret the verse saying:

(وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ) (المائدة: ٥)

"[...]chaste women among the People of the Book, [...]"(Sura: 5, al-Maeda or the Table Spread, verse: 5), a general interpretation that everyone who belongs to the Christian or Jewish faiths is a follower to them. They also say that it is particularized in what Allah said:

(وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ) (البقرة: ٢٢١).

"[...] Do not marry polytheist women [idolaters], until they believe: [...]"(Sura:2, al-Baqarah or the Cow, verse: 221). The Cow's verse precedes the Table's verse. This explanation is faulty, because particularization does not differentiate between what precedes and what follows. Yet, the clear evidence is that Allah mentioned, in al-Maeda Sura, the legitimacy of marrying Christian and Jew women, and told about their polytheism too. Allah said:

(لَقَدْ كَفَرَ الَّذِينَ قَالُوا إِنَّ اللَّهَ ثَالِثُ ثَلَاثَةٍ) (المائدة: ٧٣).

"They do blaspheme who say: Allah is one of three in a Trinity: [...]"

(Sura: 5, al-Maeda or the Table Spread, verse: 73). In another verse, Allah said:

(لَقَدْ كَفَرَ الَّذِينَ قَالُوا إِنَّ اللَّهَ هُوَ الْمَسِيحُ ابْنُ مَرْيَمَ) (المائدة: ١٧).

"In blasphemy indeed are those that say that Allah is Christ the son of Mary [...]." (Sura: 5, al-Maeda or the Table Spread, verse: 17). In a different verse, Allah said:

(وَقَالَتِ الْيَهُودُ عُزَيْرٌ ابْنُ اللَّهِ وَقَالَتِ النَّصَارَى الْمَسِيحُ ابْنُ اللَّهِ ذَلِكَ قَوْلُهُمْ يَأْفُواهِمْ يُضَاهِيُونَ قَوْلَ الَّذِينَ كَفَرُوا مِنْ قَبْلُ قَاتَلَهُمُ اللَّهُ أَنَّى يُؤْفَكُونَ) (التوبة: ٣٠).

"The Jews call 'Uzair a son of Allah, and the Christians call Christ the son of Allah. That is a saying from their mouth; [in this] they but imitate what the unbelievers of old used to say. Allah's curse be on them: how they are deluded away from the Truth!" (Sura: 9, al-Tawba or the Repentance, verse: 30)²²³.

Ibn Katheer said that "some Companions of the Prophet married Christian women, and saw no problem in that, depending on the meaning of the verse:

²²³ *Al- Sharh al-Mumte* (The Amusing Explanation), by Sheikh Ibn U'thaimyein (12/ 147- 148)

(وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ) (المائدة: ٥)

"[...] chaste women among the People of the Book, [...]"(Sura: 5, al-Maeda, verse: 5). They consider this verse a particularization of the verse in the Cow Sura:

(وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ) (البقرة: ٢٢١).

"Do not marry polytheist women [idolaters], until they believe: [...]"(Sura:2, al-Baqarah, verse: 221). If it is said the Christians and Jews women are included in general, or else there is no contradiction between the two verses; because the mention of the people of the Book (Christians and Jews) is inseparable from that of polytheists in Qur'an. For instance, Allah said:

(لَمْ يَكُنِ الَّذِينَ كَفَرُوا مِنْ أَهْلِ الْكِتَابِ وَالْمُشْرِكِينَ مُتَفَكِّينَ حَتَّى تَأْتِيَهُمُ الْبَيِّنَةُ) (١) (البينة).

"Those who reject [Truth], among the People of the Book and among the Polytheists, were not going to depart [from their ways] until there should come to them Clear Evidence," (Sura: 98, Baiyina, verse: 1). In another verse, Allah said:

(وَقُلْ لِلَّذِينَ أُوتُوا الْكِتَابَ وَالْأُمِّيِّينَ أَسْلَمْتُمْ فَإِنْ أَسْلَمُوا فَقَدِ اهْتَدَوْا) (آل عمران:

"[...] And say to the People of the Book and to those who are unlearned: "Do ye [also] submit yourselves?" If they do[convert to Islam], they are in right guidance, [...]" (Sura: 3, aal-i-imran or the family of Imran, verse: 20)²²⁴. "The conclusion according to the majority of scholars is that the marriages and slaughters of the people of the Book even if they believe in trinity are legitimate"²²⁵. It is conditioned with what is mentioned in the honorable verse:

(وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ) (المائدة : ٥)

"[...] chaste women among the People of the Book [...]"(Sura: 5, al-Maeda or the Table Spread, verse: 5). Men of religion have disputed on the interpretation of this verse. Some say it indicates the chaste free women, not slaves, while others believe it means the chaste women.

Ibn Katheer said: "the best interpretation is that of the majority of scholars which is to be precautionous that she is a Christian/Jew, and not chaste. Thus, she is totally corrupt, and here her husband obtains what is said in the Arabic proverb: 'deficient commodity and incomplete weight'. It seems that the verse means by chaste, those women who do

²²⁴ *Ibn Katheer's Interpretation* (5/ 83-84)

²²⁵ *Al- Sharh al-Mumte* (The Amusing Explanation), by Sheikh Ibn U'thaimyein (12/ 148)

not fall in adultery, as Allah said in the other honorable verse:

(مُحْصَنَاتٍ غَيْرِ مُسَافِحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ) (النساء: ٢٥).

"[...]They should be chaste, not lustful, nor taking paramours: [...]"(Sura: 4, Al-Nessa or the Women, verse: 25)²²⁶.

The one who learns the rights of the husband and wife in the western law, will feel ashamed of it. Rather, he will realize that it is not up to comparison not only with the law of Islam which is a divine law but also with the human systems since the stony ages. All these prehistoric ages loathe turning the husband into a pimp, who can see a stranger having a sexual intercourse with his wife, and the husband has to bless it, or to see someone impregnating her, while the husband has to pay the expenditures of the childbirth. In fact, the westerns have evacuated marriage of its true meaning, and rendered it a meaningless illustration, a lifeless picture, or else tell me: what is the distinction between the wife and the foreign woman for a man?

²²⁶IbnKatheer's Interpretation (5/ 82)

In the western law, the wife is not obliged to offer a cup of coffee to her husband, exactly like the foreign woman who is not forced to do this. Also, the husband has no right to have a sexual intercourse with his wife unless she admits it, just like the case of the foreign woman. The husband cannot force his opinion on his wife, just like the case of a foreign woman. Further, he has no right to restrain his wife's going outside home, as if she is a foreign woman. He is not allowed to prevent her from having a sexual intercourse with other men, as if she is a stranger to him. He cannot prevent the paramour of his wife from coming home, as if she is a stranger woman. The wife has the right to claim that her son's father is her lover, not husband, so the son's parentage is attached to the lover, not the husband. Hence, where are the rights of the husband?

It is because of the western feminist theory which calls for equality between man and woman, and the liberal theories calling for respecting the absolute personal freedom. In addition, western laws aim at corrupting the Muslim families settling there. According to these laws, the husband can no longer debate with his wife even in the minutest subjects, as she has the authority to divorce him, to take half of his fortune, and more than half of his salary,

together with the custody of children, and humiliating him in the courts of law.

On the other hand, whatever the father paid to his children, he is responsible for them, and ensuring a good standard of living to them, but the problem is that the father will not be able to see his children except one hour per week, unlike the mother. The problem is worse if the divorced husband is a Muslim, while the divorced wife is a Christian or a Jew, as in this case, she brings the children up as disbelief manner and accustomed to the disbelievers' tradition. Thus, the miserable husband suffers all these and pay all these to bring up disbeliever children who detest their father and consider him an enemy, while he is deprived of seeing them, of bringing them up, of accompanying them or enjoying their affection. It is a plight that none knows it save only the one who experiences it.

Unfortunately, it is the condition of many Muslims in Europe who married Christians or Jews to obtain stay, naturalization, work, or marrying a blond pretty woman. After they taste the bitterness of divorce, and lose their money and religion of their children as a price of that marriage.

Some Muslims were involved in these marriages, then they realized the serious consequences of divorce as loss of money, and children, so they have chosen to be patient for the ill-manner of the western wife, and become humiliated servants to their wives, and cannot complain to anyone.

I have met in Germany many inflicted Arab Muslims whose conditions are heartbreaking. I saw a father who knew that his daughter had a German boyfriend, and he could not interfere. Another father saw his daughter wearing a chain with a cross, and he did not have the courage to speak to her. A third father learned that his daughter got married to an atheist, and he could do nothing but to bless the marriage. Another case was for a man whose wife had a sweetheart, and he ought to be generous with him.

It is a fact, my brothers; the westerners have taken from the immigrant Muslims more than they gave them, although it seems at first sight that the westerners have given to the immigrant Muslims too much. Equally, it is a fact that those who have apostate and become libertine from the children of immigrant Muslims are more than the westerners who have converted to Islam. Their influence on

us is greater than our influence on them. Although our religion is greater than theirs, but we have religion without honesty, while they have honesty without religion.

One of the sad stories concerning this took place last month, in Berlin. A Muslim shopkeeper committed suicide because of his divorce, as the court of law has forced him to pay more than his monthly income to his divorcee and children, and sentenced that he should sell his shop, to give his divorcee her share. That is, to divide his fortune with her, the man did not bear this, so he committed suicide.

Another case is that of my friend who got married to a Christian woman, and he was not devoted in religion, just like her. Then, Allah granted him the acquaintance of some devoted Muslims, so he started to go regularly to the masjid, and he became a herald. He had from this wife five children –all were under seven. He brought them to the masjid, and taught them about Islam. Hatred crawled to his wife's heart and her hatred of Islam had grown. Her reaction was to come closer to the church, to defend it, and became outrageous for any religious debate at home, till she asked for divorce. The court of law granted her divorce, and the woman had acquainted the magistrate that her husband had turned into an extremist—as she claimed—

and wanted his children to be Muslims and to take them to masjids. Therefore, the magistrate granted her the custody of the children, and did not allow the father to see them except once a week.

The mother of the children was very keen later on to implant disbelief in the hearts of the children, so she took them to the church, after she was abandoning it, and started to cook the swine meat and to urge them to detest Islam. During his visits, the father taught his children prayer to get used to it, so the mother complained to the magistrate who warned the father to deprive him of visiting his children in case he talked to them about Islam or prayer, or even prayed in front of them.

It is just one example of numerous cases of what is happening to Muslims in western countries, as there is a war against Islam and Muslims, and an assault against the Muslims to keep them away from their religion.

A few days ago, a Muslim brother called me, and informed me that his Arab Muslim friend died, leaving a German widow. His friends and kinsmen wanted to bury him in the Muslims' graveyards, but his widow refused. She insisted that he would be buried in the Christians'

graveyards, although some brothers appeal for her, but she persisted At the end he was buried in a christian graveyard.

In the German law, the wife is the decision maker in this matter, while the husband's family and acquaintances have no right to interfere in such a matter.

My advice is not to venture to marry a Christian or a Jew, unless there is a hope that she will convert to Islam or if there is a strong surmise of her submission, based on her good manners, and love of righteousness. It is because the marriage contract which is held in western countries subjects this marriage to western laws. These laws have many shameful aspects for the Muslims, who should not approve them, such as the lack of authority inside the home, freedom of the wife in having sexual intercourse with strangers and accompanying the paramour to home, together with other disgraceful matters.

When Islam has permitted marriage to a Christian or a Jew, it was based on subjecting them to the verdicts and principles of Islam. The man should have the leadership at home, as he must not leave his wife to run the house, directing it toward libertinism, or bringing up children on atheism and its customs. *Shari'a* (Islamic law) has enjoined man to be the leader at home. There is no fear of this

atheist wife, but with breaching the verdicts of Islam, and lack of patriarchal authority, the matter is different.

A Muslim must think of the expected problems of that marriage, and must agree with the woman from the start to avoid these problems. For instance, he should agree with her that he is leader of the family, and that children must be brought up according to the Islamic *shari'a* and in case of divorce, the children's custody must go to him. If she agrees, he can document this agreement in the Islamic center, and accomplish this marriage, but if she disagrees, he must quit her, or else he wastes himself, his children's rights, as well as the trust of Allah, and he will be punished in the Day of Judgment²²⁷.

²²⁷*The Verdicts of the Personal Affairs of Muslims in Western Countries*, by Dr. Salem al-Refai, (pp. 416- 418, 606- 608), with modifications

3.2 Some Verdicts concerning the Children of that Marriage

One of the problems that confront some Muslims in disbelief countries is to determine whether the child follows the religion of his father or mother if the husband or wife converts to Islam. Another problem is the marriage of Muslim men to some Christian women without contracts; and begetting children. This is in addition to other issues.

These are some *fatawa* (religious advisory opinions) by the permanent committee for *Iftaa* in Saudi Arabia concerning the problem of children:

The ninth question of the fatwa number (2387), the inquirer asks:

"It is said that the baby follows his father in parentage, and his mother in liberty or slavery, but I read in a book entitled, *Edat al-Baheth fi Ahkam al-Tawaruth* (Tools of the Researcher in the Verdicts of Inheritance), written by Sheikh 'Abd el-'Aziz bin Nasser al-Rashid, that the baby follows the better parent in religion and allegiance. This indicates that if the child dies before the age of puberty, he follows his father if he is Muslim, so the father must pray for him if the mother is not a Muslim. On

the other hand, if his mother is a Muslim, people must pray for him, even if his father is not a Muslim, as I understand from the book. If the matter is so, what are the evidence of these three cases from the Qur'an and *Sunna*?"

The answer:

What is mentioned concerning the child's parentage and affiliation to which parent has clear earthly evidence in inheritance or lack of it, funeral prayer on the dead child before reaching adulthood, washing his dead body and burying him in the Muslims' graveyards, or not. There is no contradiction between the first statement and that of Sheikh 'Abd el-'Aziz bin Nasser al-Rashid in his book, *Edat el-Baheth* (The Tools of the Researcher) which states: "the child follows his mother in liberty or slavery, the better parent in religion and allegiance, and his father in parentage".

What you have understood is correct that the child must follow the Muslim parent, either the father or the mother, funeral prayer is due to him, in addition to burial in the Muslims' graveyards, even if the other parent is an atheist. It is as if they both were Muslims to support the domination of Islam, because the child is born a Muslim by the very nature; as Allah said:

(فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَتَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا) (الروم: ٣٠)

"So set thou thy face steadily and truly to the Faith: [establish] Allah's handiwork according to the pattern on which He has made mankind:[...]" (Sura: 30, Rum, or The Roman Empire, verse: 30).

Prophet Muhammad (PBUH) said: "every infant is born *on fitra* (with a natural disposition)"²²⁸. His following of the father in parentage, and his mother in liberty or slavery, is proved by the common agreement of scholars a generation after the other, and for what Allah said:

(ادْعُوهُمْ لِآبَائِهِمْ) (الأحزاب: ٥)

"Call them by [the names of] their fathers: [...]" (Sura: 33, Ahzab, or The Confederates, verse: 5)²²⁹

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The permanent committee for scientific research and
*Iftaa***

²²⁸ Narrated from hadith of AbiHuraire, in Al-Bukhari's *Sahih*, with number (1358), and in Muslim's *Sahih*, with number (2658)

²²⁹ Fatawa of The permanent committee for scientific research and *Iftaa*, (20/ 341–343), with number 2387

Member: Abdullah bin Qa'ood

Member: Abdullah bin Ghadian

Vice president: Abd el-Razeq' Afifi

President: Abd el- Aziz bin Baz

Fatwa number (10663), the inquirer asks:

"A man has married a French woman without legal contract, and then she begot children from him. Later he repented and wanted to renew his marriage to the same woman with a legal contract. Are his previous children illegitimate? Are they allowed to stay with him in this condition? Is it appropriate to inform them that they are product of adultery? Please inform me. May Allah reward you the best reward!

The answer:

The children born before the legal contract are children of nature. If you want to inform them with this truth, there is no problem. Their stay at home, and showing affection towards them is a good thing, after the repentance of both parents. If you want to marry, it is legitimate after

fulfilling the provisions of marriage and ensuring there are no barriers. The children are not guilty in what happened²³⁰.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and *Iftaa*

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razeq' Afifi

President: 'Abd el- 'Aziz bin Baz

The third question from the fatwa number (18147), the inquirer asks:

"It is popular in some countries that the Muslim woman after marriage is called by the name of her husband instead of her father. For instance, if a woman called Zainab is married to a man called Zaid, is it legitimate to write it Zainab Zaid? Or this is just the influence of the western civilization which must be avoided?

The answer: It is illegitimate to assign to someone other parentage other than the real father. Allah said:

²³⁰Fatawa of The permanent committee for scientific research and *Iftaa*, (20/ 394–395), with number 10663

(ادْعُوهُمْ لِآبَائِهِمْ) (الأحزاب: ٥)

"Call them by [the names of] their fathers: [...]." (Sura: 33, Ahzab, or The Confederates, verse: 5). There is strong threatening against the one who is called by a name other than his/her father. Therefore, it is illegitimate to call the second name of a wife by that of her husband instead of her father. It is the custom of both the atheists and those who imitated them from the Muslims²³¹.

May Allah bless your soul! We ask Allah to bless our Prophet Muhammad, and pray for his soul and the souls of his offspring and companions.

The permanent committee for scientific research and Iftaa

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: Abdullah bin Ghadian

Vice president: Abd el-Aziz aal el- Sheik

President: Abd el Aziz bin Baz

²³¹Fataws of The permanent committee for scientific research and Iftaa, (20/ 378), with number 18147

The eleventh question from fatwa number (2292). The inquirer asks:

"The British government prevented completely the entry of foreigners to Britain, except those who have either a young son or daughter. Thus, some foreign Muslims falsely proclaim some children to themselves. A Muslim may claim that his brother is his father, or the uncle claims his nephew to be his son. By doing this, they change parentage to be able to enter the country. What is the religious verdict in this intrigue?

The answer:

If the matter is as you mentioned, it is illegitimate for a Muslim to falsely claim his parentage to a child. It is a case of telling lies and cheating. Allah has commanded us to call the children with their fathers' names as in:

(ادْعُوهُمْ لِأَبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فَإِخْوَانُكُمْ فِي الدِّينِ
وَمَوَالِيكُمْ وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ وَكَانَ اللَّهُ
غَفُورًا رَحِيمًا) (٥) (الأحزاب)

"Call them by [the names of] their fathers: that is more just in the sight of Allah. But if ye know not their father's

[names, call them] your Brothers in faith, or your friends. But there is no blame on you if ye make a mistake therein: [what counts is] the intention of your hearts: and Allah is Oft-Returning, Most Merciful."(Sura: 33, Ahzab, verse: 5).

This person cannot claim this to be justification of telling lies. There is no need here to use puns and play with words. The earth is vast. Those who live in disbelievers' countries should depart .Those who are outside those countries must not go there unless there is a necessity or an Islamic benefit such as the call for Allah to spread Islam; to preserve his religion, to keep away from seditions. Allah provides many releases to the pious person that are beyond his expectations²³².

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The permanent committee for scientific research and
*Iftaa***

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razeq' Afifi

²³² Fatwas of The permanent committee for scientific research and Iftaa, (20/ 379–380)

President: 'Abd el- 'Aziz bin Baz

Fatwa number (21328). The inquirer said:

"We are a husband and a wife who live in Taiwan, and we are childless. We are forty years old, and we want to adopt an abandoned infant, and a three-year-old girl. They do not belong to the same family. We have discussed this subject with our *imam* in Taipei, so he directed us to send for the *mufti* (the one responsible for issuing religious advisory opinions) in Saudi Arabia to get the sound opinion in this subject. Please inform us, and tell us how to deal with them till they reach puberty? May Allah guide all Muslims to the right path!

The answer:

It is illegitimate for you to adopt that homeless boy, the mentioned girl, or any other children as long as they are not yours. Allah forbids adoption in Islam, and invalidates it as people in *jahiliyah* (pre-Islam), and the early phase in Islam used to it, as when Prophet Muhammad adopted Zaid bin Haritha. Allah said:

(وَمَا جَعَلَ أَزْوَاجَكُمْ اللَّائِي تُظَاهِرُونَ مِنْهُنَّ أُمَّهَاتِكُمْ وَمَا جَعَلَ أَدْعِيَاءَكُمْ أَبْنَاءَكُمْ

ذَلِكَ قَوْلُكُمْ بِأَفْوَاحِكُمْ وَاللَّهُ يَقُولُ الْحَقَّ وَهُوَ يَهْدِي السَّبِيلَ) (٤) (الأحزاب)

"Allah has not made your wives whom ye divorce by Zihar your mothers: nor has He made your adopted sons your sons. Such is [only] your [manner of] speech by your mouths. But Allah tells [you] the Truth, and He shows the [right] Way."(Sura: 33, Ahzab, or The Confederates, verse: 4). Prophet Muhammad forbade any Muslim to falsely assign his name to another person or to falsely claim his belonging by lineage to a person or a tribe .It is evident by the *hadith* narrated by Abu Zar (May Allah be pleased with him) who said that he heard the Prophet (PBUH) saying: "if somebody claims to be the son of any other than his real father knowingly, he but disbelieves in Allah. Similarly, if one claims to belong to some folk to whom he does not belong, let such a person take his place in hell"²³³. In another narration, the Prophet said: "verily, one of the worst lies is to claim falsely to be the son of someone other than one's real father[...]"²³⁴.

Everyone must be called by his father's name. If one's true father is unknown, and he has allegiance to someone, he can adopt the name of such a person to be his second name. If he has no allegiance, he can be called by

²³³ *Al-Bukhari's Sahih* (Sound Hadith), with number (3508), and *Muslim's Sahih*, with number (61).

²³⁴ *Al-Bukhari's Sahih* (Sound Hadith), with number (3509)

the names of the brethren in Islam. For instance to call him: 'my brother', or to call her: 'my sister', as Allah said:

(ادْعُوهُمْ لِأَبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فَإِخْوَانُكُمْ فِي الدِّينِ وَمَوَالِيكُمْ وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ) (الأحزاب:

٥).

"Call them by [the names of] their fathers: that is more just in the sight of Allah. But if ye know not their father's [names, call them] your Brothers in faith, or your friends. But there is no blame on you if ye make a mistake therein: [what counts is] the intention of your hearts: [...]"(Sura: 33, Ahzab, or The Confederates, verse: 5).

What is legitimate for you is charity toward and custody of those children if they have no family or kinsmen to bring them up. Allah will reward you for this. If they remain with you till they reach adulthood, and your wife does not rear them, so they are treated as being foreigners to both of you. The husband will not be allowed to stay with the young woman in seclusion or to gaze at her. The wife will not be allowed to stay alone with the young man, or to exchange gazes. She must wear hijab in front of the

young man. Also, it is not permitted for her to travel with the young man without a *mehrem* (a male companion from her family). The same will be between the boy and the girl if they reach puberty, if there is no common rearing between them, she is foreign to him. He will not be allowed to stay in seclusion with her, and she must wear hijab in front of him, and he is not allowed to travel with her without the accompaniment of *mehrem* (a male companion of her family). Also, it is not permitted that you act as her proxy in her marriage contract. In case she has no legal guardian, nor kinsmen, then she has to resort to the ruler or his deputy as the magistrate²³⁵.

May Allah bless your soul! We ask Allah to bless our Prophet Muhammad, his offspring and companions.

**The permanent committee for scientific research and
*Iftaa***

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: Abdullah bin Ghadian

President: Abd el Aziz bin Baz

²³⁵ Fatawa of The permanent committee for scientific research and *Iftaa*, (20/ 391– 394)

3.3 Enrolling of Muslims children in Christian schools in foreign countries

One of the greatest problems from which the Muslims suffer in the western countries is the lack of Islamic schools to enroll their children in. Thus, some of them are obliged to enroll his children in the Christian schools, resulting in many perils. For instance, at the age of six, the state forces the parents to bring their children to school, as education there is obligatory for ten years. At school, the pupil is educated in a way that is completely unrelated to either religion or to good morals. At the age of seven, the pupil starts to receive lessons about sex, as the student learns what is meant by sex, and how to practise it, without any warnings against falling in illicit sexual relationships; in contrast, there is an inciting to adopt absolute sexual relations.

Further, the child is not safe from being exposed to the atheist ideology which he listens to at school from his teachers. The teacher draws the attention of the child to one's human rights, as the right of objecting to one's parents, and denying any authority entitled to beat the child

to teach him courtesy. The child also learns that he has freedom in the choice of religion, paramour, style of life, without any interference of the parents. If the parents object to this, they lose their right in bringing up their child. Hence, the child reaches puberty while being disobedient to Allah, parents, and not abiding by virtue.

Consequently, if the Muslim who settles in the western countries has children and they reach the age of joining the school, he must return to the Islamic countries; because if he protects himself and his wife from seditions, he will not be able to protect his children from falling as victims of seditions. He must guarantee for his children the good environment that supports them to hold fast to their faith and helps them to believe in Allah, and to adopt the good manners of Prophet Muhammad. It is forbidden that the father pushes his children into the furnace of disbelief and disobedience, then if they become disbelievers, the father claims that his children are similar to Noah's son whose father called him to monotheism, but he was not convinced. Calling your child to faith and courtesy will not be enough if you do not keep him away from the positions of sedition, and corruption spots. You must guide your child to the straightforward path. The one who claims that he can bring up his children in Europe the sound Islamic

upbringing; must contemplate reality . The fact is that the libertine Muslim children are far greater in number than the courteous ones. This is not for the vicious parents , but for the devoted ones.

If wantonness among the children of the devoted families is far greater than modesty, then a Muslim must be precautionous and must lift his children up from this environment, as the domination is for the majority, not the rare minority²³⁶.

Therefore one of the solutions for the Islamic communities in disbeliever countries is to establish Islamic schools, with Muslim teachers to bring the children up in an Islamic manner, to choose syllabuses that are free of the breaches of *shari'a*. In these schools, the children should learn the sound belief, Islamic morals, and good behaviors. There must be a separation between boys and girls. This experiment has been already applied in some western countries and it has an enormous influence in educating the Muslim children the foundations of their religion. The father also must be keen to accompany his children to

²³⁶*The Verdicts of the Personal Affairs of Muslims in Western Countries* , by Dr. Salem al-Refai, (pp. 79- 81), with modifications

masjids and Islamic centers to listen to lectures, lessons, speeches, to enhance their sense of righteousness.

An inquirer asks the permanent committee for *Iftaa* in Saudi Arabia:

"What is the verdict of the father who takes his son or daughter and enrolls the child in French or English schools that contradict the religious teachings, although he claims he is Muslim, and that he plans for them a better future?"

The answer:

The father has to bring up his children in an Islamic way; it is part of his honesty. He is responsible for them in the Day of Judgment. It is illegitimate to enroll them in atheist schools. This may result in their seditions, and corrupting their faith and morals. The future is in the hands of Allah. Allah said:

(وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا) (٤) (الطلاق).

"[...] and for those who fear Allah, He will make their path easy." (Sura: 65, Talaq, or Divorce, verse: 4)²³⁷.

²³⁷Fatwas of The permanent committee for scientific research and Iftaa, (12/ 141), with number 4172.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and *Iftaa*

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razeq' Afifi

President: 'Abd el- Aziz bin Baz

3.4 Work or Study at the disbelievers'

Ibn Bataal mentioned in his explanation of al-Bukhari's book, "can the Muslim hire himself for a polytheist enemy land?" He mentioned the *hadith* of Khebab who said: "I was a blacksmith in the Pre-Islamic period, and 'Asi bin Wa'il owed me some money, so I went to him to demand it. He said (to me), "I will not pay you unless you disbelieve Muhammad." I said, "I will not disbelieve until you die and then you get resurrected." He said, " should I die and be resurrected. I answered him: Yes"²³⁸.

Al-Muhalb said: " Muslim scholars detest the Muslim's hiring by an atheist either he is enemy or not. This is because this implies humiliation for Muslims, unless there is an urgent need to do this, and provided that this work does not result in harm for Muslims. Further, this work should not be in forbidden things such as squeezing wine, attending pigs, manufacturing weapons, or any similar illegitimate matter. A Muslim should not humiliate himself by serving an atheist unless there is a necessity. If there is a necessity, then this work is legitimate. Don't you

²³⁸With number (2275).

notice that Khebab worked for-'Asi bin Wa'il, and he was a disbeliever, and it was legitimate?"²³⁹

Al-Muhalb said: "Scholars despise this unless there is a necessity with two conditions: the first condition is that this work is legal for a Muslim. The second condition is not to help the atheist to harm the Muslims. Ibn al-Munir said that all Muslim sects agree that all craftsmen in their stores are permitted to work for *ahl al-zimma* (those under the protection of Muslims: the Christians and Jews). This is not considered a lowliness, unless the Muslim serves the atheist at home, or to be servile. In other words, the Muslim's being subservient to the atheist."²⁴⁰

Ibn Kudamah said: "If the Muslim is hired by the atheist in a certain work such as sewing a garment, for instance, it is legitimate with no dispute, as Ali was hired by a Jew to fill his bucket in exchange for one date. He informed Prophet Muhammad with this matter, and the latter did not denounce it, as in the case of the Ansari man who worked for a Jew. There is no problem, because it is an exchange contract which does not contain humiliation for the Muslim. If the Muslim works for the atheist for a

²³⁹ *Fat-h El-Barry* (6/403)

²⁴⁰ *Fat-h El-Barry* (4/452)

definite time period without serving him, it is legitimate"²⁴¹.

The conclusion is that hiring the Muslim by the atheist is of three kinds:

First; hiring someone to do a particular task is legitimate.

Second; hiring the Muslim for serving the atheist is fundamentally prohibited; because it includes the Muslim's lack of freedom in serving the employer during the period of hiring. It entails submission and subjection for the Muslim at the hand of the atheist. It is illegitimate, as in the case of selling the Muslim slave to the atheist. Allah said:

وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا (النساء) (١٤١).

"[...]And never will Allah grant to the unbelievers a way [to triumphs]

over the believers." (Sura: 4, al-Nessa or the Women, verse: 141)

Third; the Muslim's hiring himself for the atheist in a particular work other than service. This is legitimate, as in the case of Khebab with al-'Asi bin Wa'il while he was an atheist, as he worked a blacksmith as is mentioned before.

²⁴¹Al-Mughny (6/ 39)

All these are if the hiring for work does not include glorification for the religion and rites of Christians and Jews. If the hiring is for work including this, then it is illegitimate"²⁴². Or if this work includes violation of religious rules, as working in hotels, or a restaurant serving forbidden foods and drinks such as swine meat and wine, presenting bad satellite channels for the guests, facilitating interaction between men and women, to be prevented from prayers, or others.

An inquirer asks the permanent committee for *Iftaa* in Saudi Arabia:

"What is the verdict of working in disbelief countries, as in Europe and America? Does the verdict change if the Muslim works at Islamic institutions, in such countries?

The answer:

The Muslim must depart from the disbelief country to an Islamic country to preserve his religion, to solidify the number of the Muslims, to cooperate with them to establish the rites of Islam. Allah willing, he will find many ways to

²⁴² *Ahkaam Ahl el-Zemma* (The Rules of Dealing with Christians and Jews), by Ibn al-Qaim (1/199), with modifications.

earn a living among Muslims, together with securing his religion, if he is pious. Allah said:

(وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا (٢) وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ إِنَّ اللَّهَ بَالِغُ أَمْرِهِ قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا (٣)) (الطلاق).

"[...] And for those who fear Allah, He [ever] prepares a way out,

3. And He provides for him from [sources] he never could imagine. And if any one puts his trust in Allah, sufficient is [Allah] for him. For Allah will surely accomplish his purpose: verily, for all things has Allah appointed a due proportion." (Sura: 65, Talaq, or Divorce, verse: 2-3)²⁴³.

Thus, the work of a Muslim in disbelief countries if he has the ability to immigrate to an Islamic country is illegitimate, whether his work is for a disbeliever or a Muslim person. Further, his work for the disbeliever is more prohibited, as it signifies more danger and submission. But if the immigrant is a scholar who has missionary activities to spread Islam, and wishes to influence the disbelievers, and to establish the evidence on

²⁴³Fatwa of The permanent committee for scientific research and *Iftaa*, (12/ 141), with number 4172.

them, and he fears no sedition on his religion, or himself, he has the right to settle among them to call for Allah and to spread Islam. The helpless one who is unable to immigrate to an Islamic country is justified in his settlement among the atheists. His Muslim brothers are ought to help him to immigrate to a country in which he secures his religion²⁴⁴.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and *Iftaa*

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razeq' Afifi

President: 'Abd el- 'Aziz bin Baz

An inquirer asks the permanent committee for *Iftaa* in Saudi Arabia:

"I live in France. I am married and have children. My problem is that the job opportunities are almost rare. It is

²⁴⁴ Fatwa of The permanent committee for scientific research and *Iftaa*, (14/ 475–476), with number 3859.

not an excuse to save me from Allah's wrath. The plight is that I live in a non-Muslim environment. My wife prays and fasts after great and long efforts. I do not think if I face her with truth, she will be convinced and satisfied with Allah's destiny. It will lead definitely to divorce. The French laws grant the custody of children to the mother. I fear they quit their father's religion. The question is: shall I leave work in the shop which sells swine meat and others even if this leads to divorce, or shall I go on in my work? Please inform me. May Allah bless our souls!

The answer:

If the matter is as you mentioned, it is illegitimate to continue in your work, because it is cooperation on vices which Allah has warned against. Allah said:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ

الْعِقَابِ (٢) (المائدة).

"[...] Help ye one another in righteousness and piety, but help ye not one another in sin and rancor: Fear Allah: For Allah is strict in punishment." (Sura: 5, al-Maeda or the Table Spread, verse: 2). We advise you to search for another work, as Allah said:

(وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا (٢) وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ) (الطلاق : ٢ - ٣).

"[...] And for those who fear Allah, He [ever] prepares a way out,

3. And He provides for him from [sources] he never could imagine. [...]" (Sura: 65, Talaq, or Divorce, verse: 2-3)²⁴⁵.

The one who quits doing something forbidden to please Allah, Allah will compensate him with what is better²⁴⁶.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and *Iftaa*

Member: Bakr Abu Zaid

Member: Abd al-Aziz aal al-Sheikh

Member: Saleh al- Fawzan

Member: Abdullah bin Ghadian

President: Abd el Aziz bin Baz

²⁴⁵Fatwa of The permanent committee for scientific research and *Iftaa*, (12/ 141), with number 4172.

²⁴⁶Fatawa of The permanent committee for scientific research and *Iftaa*, (14/ 436-437), with number 17687.

An inquirer asks the permanent committee for *Iftaa* in Saudi Arabia:

"What is the verdict of the person who works for a non-Muslim person. Is the money that he receives is legal or illegal?

The answer:

If the Muslim hires himself for the atheist, there is no problem, if the work is legal, as building walls, selling legal goods, etc. Ali hired himself for a Jew in exchange for dates to pull water from the well. Ibn 'Abass said that: "Ali hired himself to a Jew to fill his bucket with water [from a well] in exchange for a date every time"²⁴⁷, ²⁴⁸.

May Allah bless your soul! We ask Allah to bless the souls of Prophet Muhammad, his offspring and companions.

The permanent committee for scientific research and *Iftaa*

Member: Bakr Abu Zaid

Member: 'Abd al-'Aziz aali-Sheikh

²⁴⁷ *Ibn Magah's Sunnan*, with number (2446), Al-Albani said weak in the same book (p. 193), with number (535)

²⁴⁸ Fatawa of The permanent committee for scientific research and *Iftaa*, (14/ 485– 487), with number 15921.

Member: Saleh al- Fawzan

Member: 'Abdullah bin Ghadian

President: 'Abd el 'Aziz bin Baz

Sheikh Abd al-'Aziz bin Baz was asked the following question:

"Some Muslim students in America cannot pray in time whether with the assembly of prayers or individually, because of the time of lectures here in the American universities. Also, some brothers cannot pray Fridays for a long time that may extend to the whole semester. What is the verdict in this? May Allah reward you the best reward!

The answer:

The Muslim ought to pray in time. It is illegitimate to delay prayer for some lessons or lectures, unless there is a traveler who can combine prayers together, or a sick person who has great difficulty to pray every prayer individually in time. You are not entitled to the verdict of travelers, because you settle there for a long time. Every Muslim everywhere must observe Allah, to pray in time with the assembly of prayers, and must not be careless in this, or in combining prayers with no legal excuse. He has to pray Fridays with the Muslim assembly if he is found in a place

in which Friday prayer is set. It is illegitimate to have leniency in this matter²⁴⁹.

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

"Is it legitimate in religion to work in a shop under the supervision of a disbeliever who does not allow me to pray in time, and does not permit for me to pray Fridays?

The answer:

If the condition is as you have mentioned, it is illegitimate to work in this place as its owner prevent you from prayers in time²⁵⁰. Among the possible solutions is to search for work owned by tolerant people, who do not object praying Fridays or assembly prayers. This is available in some countries. They consider this religious freedom. Some of them respect the Muslim who takes a break from work to pray either Fridays or the assembly prayer. It will be appropriate that the Muslim writes a term in the contract with the firm or the company that he has the

²⁴⁹ Various Fatawa and Articles by Sheikh Abd el-Aziz bin Baz (10/ 376- 377), with modifications

²⁵⁰ Fatawa of The permanent committee for scientific research and *Iftaa*, (14/ 478), with number 4047.

right to pray Fridays or to pray the assembly prayer. Allah said:

(وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا) (٢) (الطلاق)

"[...] And for those who fear Allah, He [ever] prepares a way out." (Sura: 65, Talaq, or Divorce, verse: 2)²⁵¹.

²⁵¹Fatawa of The permanent committee for scientific research and *Iftaa*, (12/ 141), with number 4172.

3.5 Working in Military Jobs

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

"Is it legitimate in religion for the Muslim to work in the army factories of the disbelievers, or participate in what strengthen the army in number and equipment, as a scientific researcher in computer, for instance, or to join their army?"

The answer:

It is not legitimate for a Muslim to work in the army factories of the disbelievers, or to participate in what strengthen their army or to join their army, because this is a support for them. Allah said:

(لَا يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ) (آل عمران: ٢٨).

"Let not the believers Take for friends or helpers Unbelievers rather than believers: [...]." (Sura: 2, aal-i-imraan, or the Family of Imran, verse: 28). In another sura, Allah said:

(يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَى أَوْلِيَاءَ) (المائدة: ٥١).

"O ye who believe! Take not the Jews and the Christians for your friends and protectors: [...]." (Sura: 5, al-Maeda or the Table Spread, verse: 51).

There are many verses that communicate the same meaning. The one who works this type of work might be considered their absolute supporter, to be one of them, without sensing that, so the following verses apply to him:

(وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَإِنَّهُ مِنْهُمْ) (المائدة: ٥١).

"O ye who believe! Take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them. [...]." (Sura: 5, al-Maeda or the Table Spread, verse: 51). Allah also said:

(وَمَنْ يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ إِلَّا أَنْ تَتَّقُوا مِنْهُمْ تُقَاةً) (آل عمران: ٢٨).

"Let not the believers Take for friends or helpers Unbelievers rather than believers: if any do that, in nothing will there be help from Allah: except by way of precaution, that ye may Guard yourselves from them. [...]" (Sura: 3, Al-i-Imran, or The Family of Imran, verse: 28). It is also doubted that the one who joins the army participates in wars against Islamic countries and causes bloodshed of

Muslims. The one, who is forced to this, is not permitted to murder the Muslims, as coercion is not an excuse to murder a Muslim. The earth is spacious; he can immigrate to an Islamic country²⁵².

²⁵²Fatwas of The permanent committee for scientific research and Iftaa, (1/ the second group, 459–460), with number 19479.

3.6 Leasing Houses and Shops to the disbelievers or libertines

Lease contract is legitimate according to the texts of Qur'an, *sunna* (teachings of Prophet Muhammad), and the common agreement of the Muslim *umma* (community). In Qur'an, it is mentioned in the story of the two women whom Moses had helped by providing them with water:

(يَا أَبَتِ اسْتَأْجِرْهُ إِنَّ خَيْرَ مَنِ اسْتَأْجَرْتَ الْقَوِيُّ الْأَمِينُ) (٢٦) (القصص).

"Said one of the [damsels]: "O my [dear] father! engage him on wages: truly the best of men for thee to employ is the [man] who is strong and trusty"(Sura: 28,Qasas, or Narration, verse: 26). In *sunna*, it was proved that Prophet Muhammad (PBUH) hired 'Abdullah bin Uraiqt to guide him to the way from Makkah to Medina²⁵³.

The common agreement of the Muslim community is known. The legitimacy of leasing houses is one of the advantages of *shari'a*, because a person may need to reside in a house and does not have enough money to own this house. Hence, he has nothing else to do except hiring. Also, the owner of the house may be unwilling to sell his house, but wants to make use out of it, and not to desert it. Thus,

²⁵³ Al-Bukhari's *Sahih*, number (3905-3906)

he has nothing to do except leasing it. Consequently, there is a mutual benefit for the lessor and the lessee, with no injustice nor *riba* (usury). However, leasing has some conditions²⁵⁴.

If the lessor knows or surmises that the lessee will use this house or shop in disobeying Allah as to sell wine in it, or to play music and songs in it to the people, or to gamble, or any other similar thing; in this case its lease is forbidden.

Sheikh of Islam, IbnTaimyah said: "every garment the one thinks its wearing will help in committing vices, its selling and tailoring are illegitimate. Therefore, selling bread and meat is disapproved for the one who is known that he will drink wine with them. Similarly, it is illegitimate to sell basils to someone who will use them to help on wine and obscenity. Hence, in fundamental every legitimate action which is employed to support committing a vice turns illegitimate²⁵⁵. Al-Bukhari, in *al-Adab al-Mufrad*, narrated that 'Aaishah "knew that in her house, the residents had a dice. She sent for them: 'if you would not

²⁵⁴ *Al- Sharh al-Mumte* (The Amusing Explanation), by Sheikh IbnU'thaimyein (10/ 5-6), summarised

²⁵⁵ *Sharh El-U'mda*, by IbnTaimyah, Sheikh of Islam (4/ 386)

throw it away, I would throw you out of my house"²⁵⁶. She denounced having a dice.

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

"Is it legitimate in religion for the Muslims to lease houses to people of the Book (Christians or Jews) and wanton Muslims? Some men of religion forbid this as the Christian or Jew will practice libertinism in this house, will worship the cross, will eat swine meat, and drink wine. Consequently, when the resident drinks wine, listens to music, and songs, some will say if we lease to him our houses and we surmise he will commit vices, then this lease is a sin; because it supports vice. Please guide us to the right opinion and thank you very much.

The answer:

The fundamental is the legitimacy of leasing houses to the Christians or Jews who are trusted by the Muslims. Yet, if it is known or surmised by the lessor that this shop will be manipulated in forbidden things such as selling wine, gambling, then it is forbidden. In this case, it is cooperation in vices, whether the lessee is a disbeliever or a

²⁵⁶ *Sahih of al-Adab al-Mufrad* (p. 489), number (961/ 1274), Sheikh Albani said, it has good isnad (source), and mauquf (said by one of the Prophet's Companions)

disobedient, and whether the lease is of a house, a shop or something else. Allah said:

(وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ

الْعِقَابِ) (٢) (المائدة).

"[...]Help ye one another in righteousness and piety, but help ye not one another in sin and rancor: Fear Allah: For Allah is strict in punishment." (Sura: 5, al-Maeda or the Table Spread, verse: 51)²⁵⁷.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and *Iftaa*

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razeq' Afifi

President: 'Abd el- 'Aziz bin Baz

²⁵⁷ Fatawa of The permanent committee for scientific research and *Iftaa*, (14/ 486–487), with number 8063.

3.7 Greeting the non-Muslims and shaking hands with them

"It is illegitimate to greet the disbeliever by wishing peace, because peace is safety from any evils. If you tell someone 'Peace be upon you', this means you ask Allah to save him from physical as well as spiritual harms. Physical safety contains the safety of the body, honor, money, while spiritual safety is that of religion"²⁵⁸.

This is a call or a prayer for him. We, Muslims, are prohibited to pray to the polytheist and or to ask Allah's forgiveness for him. Muslim narrated in his *Sahih*, on the authority of Abi Huraira who said that Prophet Muhammad said: "Do not start with the peace greeting to Christians or Jews. If you meet one of them on the road, force him to walk in the narrowest passage"²⁵⁹.

The majority of religious scholars agree upon prohibiting starting with peace greeting to the disbelievers. Al-Nawawi said in *al-Azkaar*, "Our companions are in

²⁵⁸ *Al-Qawl al-Mufeed Sharh Ketab al-Tawheed* (The Useful Speech in explaining the book of Monotheism), (2/ 327), by Sheikh Ibn Uthaimyein

²⁵⁹ Number (2167)

dispute about *ahl al-Zimma* (those who are protected by Muslims, meaning Christians and Jews). The majority of scholars argue that it is illegitimate to start greeting them.

Some men of religion permit starting the greeting in the absolute. Some say it is legitimate if there is a need. However these opinions have comments upon from the text the *hadith* of Prophet Muhammad (PBUH). Al- Nawawi said: "some of our companions said it is detestable to start with peace greeting upon the people of the Book, but it is not forbidden. This is a weak opinion because prohibition is for forbidding, because the right thing is to forbid starting greeting them"²⁶⁰.

It is legitimate to answer the greeting started by the disbeliever, as Allah said:

(وَإِذَا حَيَّيْتُمْ بِتَحِيَّةٍ فَحَيُّوا بِأَحْسَنَ مِنْهَا أَوْ رُدُّوهَا) (النساء : ٨٦).

"When a [courteous] greeting is offered you, meet it with a greeting still more courteous, or [at least] of equal courtesy. [...]." (Sura: 4, al-Nessa or the Women, verse: 86). This is if the greeting is clear and direct, but if there is any play with words with the intention of mockery, or envy, you should answer, 'same to you'. Al-Bukhari in his *Sahih* narrated on

²⁶⁰ Al-Azkaar (1/ 323)

the authority of Ibn 'Omar who said that Prophet Muhammad said: "If one of the Jews greet you, he would say '*samualaikum*' which means death upon you, thus you should reply, 'same to you' "²⁶¹.

Yet, if there is a group of people which combine both Muslims and atheists, it is legitimate to greet them, as in this case, the intended by greeting will be the Muslims. In *Sahih al-Bukhari*, on the authority of Usama bin Zaid who said: "Prophet Muhammad had passed on a crowd of people who are mixture of Muslims, polytheists, pagans and Jews, and he greeted them"²⁶². Ibn Haggar said: "this *hadith* indicates the legitimacy of greeting the Muslims if they are accompanied by disbelievers. Then greeting is intended to the Muslims"²⁶³.

If it is illegitimate to start greeting the disbeliever with peace, is it legitimate to start greeting him with something else such as good morning, you are welcome, and others. Indeed, it is legitimate to start greeting them with a greeting other than peace. It is the opinion adopted by IbnTaimyah. Prohibition is in greeting which wishes peace, mercy and blessings. It is invalid for the non-Muslim. Also you should not take the initiation to shake

²⁶¹ Number (5902)

²⁶² Number (4566)

²⁶³ *Fat-h El-Barry* (8/232)

hands with the disbeliever, unless he spread his hand, then you should shake hands with him. Prohibition is in the initiation of shaking hands with them.

Imam Ahmad was asked about shaking hands with *zimmi* (a Christian or Jew), he said, 'I do not approve it'²⁶⁴.

²⁶⁴ *Al-Mustadrak* on the Complete Fatawa

3.8 The verdict of shaking hands with the foreign woman and seclusion with her.

Majority of religious scholars forbid shaking hands with foreign (strange) young women without a barrier such as hand cover even if one guarantees there is no arousing of sexual desire. Among their evidence is:

The Prophet's rejection to shake hands with women upon their coming to pledge an allegiance to him. Al-Bukhari narrated in his *Sahih*, that 'Aaishah, the wife of the Prophet said: "When believing women came to the Prophet as emigrants, he used to test them in accordance with the order of Allah. 'O you who believe! When believing women come to you as emigrants, examine them [. . .]' (60, 10). Thus, if anyone of those believing women accepted the above mentioned conditions, she accepted the conditions of faith. When they agreed on those conditions and confessed that with their tongues, Allah's Apostle would say to them, "Go, I have accepted your oath of allegiance (for Islam). By Allah, the hand of Allah's Apostle never touched the hand of any woman, but he only used to take their pledge of allegiance orally. By Allah, Allah's Apostle did not take the pledge of allegiance of the women except in accordance with what Allah had ordered

him. When he accepted their pledge of allegiance, he would say to them, "I have accepted your oath of allegiance."²⁶⁵ Al-Hafez bin Haggag explained this *hadith* as that the Prophet did not shake hands with women as he did with men in that context²⁶⁶.

Imam al-Nawawi elaborated that what is meant by that *hadith* is that women's pledging allegiance is verbally without shaking hands. On the other hands, it illustrates that men's pledging allegiance is verbally in addition to shaking hands. It also shows that speaking with a foreign (strange) woman is legitimate, and that her sound is not illicit. It further points out that man should not touch the body of a foreign woman unless there is a necessity as in medication or *fasd* or phlebotomizing (to cut the skin to release corrupt blood)"²⁶⁷.

Al-Tabarany narrated in *al-Mu'gam al-Kabir* (The Extensive Dictionary), on the authority of M'eqal bin Yassar who said: Prophet Muhammad (PBUH) said: "It is better to pierce in the head of a man an iron needle than to

²⁶⁵ *Al-Bukhari's Sahih* (Sound Hadith), with number (2713), and *Muslim's Sahih*, with number (1866).

²⁶⁶ *Fat-h El-Barry* (8/636)

²⁶⁷ *Muslim's Interpretation* (16/ 206)

touch a foreign woman who is forbidden for him"²⁶⁸. Sheikh Nasser el-Dein al-Albany points out that this *hadith* threatens with extreme tone the man who touches a strange woman. Thus, it provides an evidence of prohibiting shaking hands with women; as it necessitates touch undoubtedly. It is a plight that affects many Muslims nowadays, even the scholars. If they denounce this by their hearts, the problem might be easier, but they legitimize it by various means and interpretations. We knew that one of the high scholars in Al-Azhar—in Egypt—was seen shaking hands with women. Thus, we complain to Allah from the estrangement of Islam²⁶⁹.

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

"Is it legitimate in religion for the Muslims to shake hands with women? Is shaking hands legitimate if the woman puts a hand cover?

The answer:

It is illegitimate for a woman to shake hands with men, even if there is a hand cover. The custom to this does

²⁶⁸ *Al-Tabrani's Large Dictionary* (20/ 210), number 786, edited by Imam al-Albani in *Ghait al-Maram*, number 196

²⁶⁹ *The Correct Series* (1/ 448), number 226.

not legitimize what is forbidden by *shari'a* (the laws of Islam)²⁷⁰.

In the second question:

"What is the religious verdict in shaking hands with a foreign woman? Does the word 'foreign' refer to both Muslims and non-Muslims?

The answer:

It is illegitimate for the Muslim to touch woman other than his mother, sister, wife or daughter, granddaughter, either through shaking hands or something else, whether she is a Muslim or not²⁷¹.

"Many Muslims in foreign countries feel embarrassed if a woman spreads her hand to shake hands with one of them, or the Muslim woman feels shy if the man offers to shake hands with her. Perhaps, some people claim the urge to shake hands with the female teacher, or student with him at school, or university, or to shake hands with his female colleague at work, meetings, commercial

²⁷⁰ Fatawa of The permanent committee for scientific research and *Iftaa*, (17/ 30–31), number: 2494

²⁷¹ Fatawa of The permanent committee for scientific research and *Iftaa*, (17/ 32), number 2759

gatherings, and others. Indeed, there is neither necessity nor need behind shaking hands with the other gender. If there is a benefit from shaking hands with the foreign woman, the *shari'a* (Islamic law) has forbidden it through forbidding shaking hands with foreign women"²⁷²

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

" A young woman spread her hand to a youth to shake hands with him in front of people. Is it legitimate in religion for him to shake hands with her as not to embarrass her, or shall he refuse?

The answer:

It is illegitimate for the Muslim to shake hand with a foreign woman. Following the directions of Prophet Muhammad (PBUH) either in this issue or in others is prior to thinking of not embarrassing the woman who wanted to shake hands. You have to explain to her politely why you refused to shake hands, and to clarify to her the verdict of *shari'a* in this"²⁷³.

²⁷² *Al-Mubtaeth's Feqhi Guide* by Sheikh Fahd bin Salem, (p. 220)

²⁷³ Fatawa of The permanent committee for scientific research and *Iftaa*, (17/ 35), number: 5527

Seclusion with the foreign woman is forbidden. Al-Bukhari and Muslim narrated on the authority of Ibn 'Abass who said that the Prophet said: "No man is permitted to stay in seclusion with woman unless there is a *mehrem* [man of her family, as father, brother, husband...etc.]. Similarly, a woman is not allowed to travel unless with a *mehrem*."²⁷⁴

Al-Termezi in his *Sunnan* narrated on the authority of Ibn'Omar who said that the Prophet said: "As soon as a man stays in seclusion with a foreign woman, the devil attends with them to be the third party"²⁷⁵.

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

"Does seclusion between a man and a woman mean to go together in a deserted house, away from people? Or does it mean to be together even in front of people?

The answer:

The illegitimate seclusion does not mean that the man takes the foreign woman to an abandoned house away

²⁷⁴ *Al-Bukhari's Sahih* (Sound Hadith), with number (1862), and *Muslim's Sahih*, with number (1341), his own expression.

²⁷⁵ *Al-Termezi's Sunnan*, number (2165), and said this *hadith* is good, sound and strange.

from people, it also includes their meeting alone in a place to speak together even in front of people who do not hear their exchange, whether this is outdoor, in a car, a roof of a house, or any similar place. This is because seclusion is the initiator of adultery and a pretext to it. All that is included in this meaning , even by taking a promise is considered sensual seclusion away from the people²⁷⁶.

3.9 Condolence the disbeliever and attending his funeral

Religious scholars dispute in this matter. Some of them prohibited this, while some refused to state an opinion, and others said that it depends on the benefit and the wishing that the disbeliever converts to Islam. It is the right opinion, however it has to be clear that in the funeral, there should not be any praying for the dead with Allah's forgiveness and mercy, or entering heaven and salvation from hell. Instead, one should say, 'May Allah remedy your plight', or 'May Allah compensate you', or any similar utterance.

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

" Is it legitimate for the Muslim to console the disbeliever if one of his parents is a kin to the Muslim, for fear of exposing the Muslim to harm if he does not, or to take this as a reason to keep away from Islam?

The answer:

"If the intention from condolence the disbeliever is to make Islam favorable to them, it is legitimate. It is one of the targets of *shari'a* (law of Islam). Similarly, it is legitimate if this will fend off their evil, either on one's self or on the Muslims in general, because the general benefits excuse the partial harms"²⁷⁷.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and *Iftaa*

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razeq' Afifi

President: 'Abd el- 'Aziz bin Baz

Sheikh Ibn 'Uthaimyein said: " condolence the disbeliever if dies, is for his relative or friend. However, scholars are in dispute in this matter. Some of them said that consoling the disbelievers is forbidden, while others said it is legitimate. Some made distinction and said if there

²⁷⁷Fatawa of The permanent committee for scientific research and *Iftaa*, (9/132), number: 1988

is a benefit as wishing their conversion to Islam, to repel their evil that will be obstructed only by consoling them, then it is legitimate, or else it is illegitimate.

The more likely opinion: if it is understood from condolence them enhancing, and honoring them, then it is illegitimate, or else the benefit is considered"²⁷⁸. Attending the funeral of the disbeliever is illegitimate because it implies glorification and support to the disbeliever.

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

"Is it legitimate for the Muslims to attend the funerals of the unbelievers which become a political tradition or an agreed upon custom?

The answer:

If there are unbelievers, they can bury their dead relatives or friends, Muslims should not bury the unbeliever's dead body, or even to share the unbelievers in the burial services, or to compliment them in their funerals according to the political traditions. It is not known about the Prophet that he did this, neither did the Righteous

²⁷⁸ *MagmouFatawa (The comprehensive advisory Opinions) of Sheikh IbnU'thaimyein, (2/ 304)*

Caliphs. Instead, Allah warned his messenger, Muhammad, to stand at the grave of 'Abdullah bin Abi Salool, for he is an atheist. Allah said:

وَلَا تُصَلِّ عَلَى أَحَدٍ مِنْهُمْ مَاتَ أَبَدًا وَلَا تَقُمْ عَلَى قَبْرِهِ إِنَّهُمْ كَفَرُوا بِاللَّهِ وَرَسُولِهِ وَمَاتُوا

وَهُمْ فَاسِقُونَ (٨٤) (التوبة).

"Nor do thou ever pray for any of them that dies, nor stand at his grave; for they rejected Allah and His Messenger, and died in a state of perverse rebellion." (Sura: 9, al-Tawba or the Repentance, verse: 84)

But if there is not any infidel to bury the disbeliever, the Muslims can do this as did Prophet Muhammad with those who were killed in Badr invasion, and with his uncle Abi Taleb upon his death, as he told Ali: "go and bury him"²⁷⁹.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!²⁸⁰

Sheikh of Islam, Ibn Taimyah, was asked about some Muslims who are neighbors to the Christians. Is it legitimate for the Muslim to visit the sick Christian or to

²⁷⁹ *Ab iDawood's Sunnan*, number (3214), revised and corrected by Al-Albani in *the Sound Series* (1/ 302), number: 161

²⁸⁰ Fatawa of The permanent committee for scientific research and *Iftaa*, (9/11), number: 2612

attend his funeral upon his death? Is the one who made this from the Muslims guilty?

The answer: First of all, praise is due to Allah. A Muslim should not attend the funeral of the atheist, but to visit him during his sickness is legitimate. It might have a benefit to get him used to Islam. If he died a disbelief state, then he would definitely go to hell. Therefore, no prayer is due to him, and Allah is the all-knowing²⁸¹.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

²⁸¹ *Magmou Fatawa* (The comprehensive advisory Opinions) of Sheikh of Islam: Ibn Taimyah, (24/ 265)

3.10 The Verdict of attending the disbelievers' feasts and congratulating them in these occasions

Scholars have agreed upon forbidding celebration with the religious feasts of the disbelievers, and sharing them their joy, as there are many warnings against this. The evidence for this is what follows:

1- What Allah said:

وَالَّذِينَ لَا يَشْهَدُونَ الزُّورَ وَإِذَا مَرُّوا بِاللَّغْوِ مَرُّوا كِرَامًا (٧٢) (الفرقان).

"Those who witness no falsehood, and, if they pass by futility, they pass by it with honourable [avoidance];" (Sura: 25, Furqan, or The Criterion, verse: 72). Abu al-'Aalia, Tawus, Muhammad bin Sireen, al-Dahaak and others said "they are feasts of the infidels"²⁸².

2- Because sharing them implies an affection toward them and Allah said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَىٰ أَوْلِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ

(المائدة: ٥١).

²⁸²Ibn Katheer's Interpretation (6/ 130)

"O ye who believe! Take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. [...]" (Sura:5, Maida, or the Table Spread, verse: 51). In another verse, Allah said:

(يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا عَدُوِّي وَعَدُوَّكُمْ أَوْلِيَاءَ تُلْقُونَ إِلَيْهِم بِالْمُودَّةِ وَقَدْ كَفَرُوا بِمَا جَاءَكُمْ مِنَ الْحَقِّ)

(الممتحنة : ١).

"O ye who believe! Take not my enemies and yours as friends [or protectors],- offering them [your] love, even though they have rejected the Truth that has come to you, [...]" (Sura: 60, Mumtahana, or the Woman to be Examined, verse:1)

3- Feasts are the slogans and emblems of religions and sects. It is documented in both *Sahih al-Bukhari* and *Sahih Muslim* that once Abu Bakr entered and found 'Aaishah with two neighboring girls were singing the songs of Bu'ath (a story about the war between the two tribes of the Ansar, i.e. Khazraj and Aus, before Islam.) Abu Bakr scolded her and said in a protesting tone, "Instrument of Satan in the presence of Allah's Apostle?" Allah's Apostle turned his face towards him and said, "Leave them. Every

community has a feast and this is our feast"²⁸³. The feast is a clear emblem, an ideological religious issue that distinguishes the Muslim from others, it is not just customs.

Ibn al-Qaim said: it is illegitimate for Muslims to attend the feasts of disbelievers, by common agreement of religious scholars, as well as the jurists of the four sects. Al-Baihaqy narrated with a sound *isnad* (source), on the authority of 'Omar bin al-Khatib who said: "do not enter the churches on the disbelievers' feasts, as Allah's curses fall upon them"²⁸⁴, ²⁸⁵. It is forbidden to congratulate them in their religious feasts as this is considered a support and an admission of their perversity, as if you are congratulating them for their prostration for the cross, and prayer in the church.

Ibn al-Qaim said: "congratulation for disbelief rites is forbidden by all religious scholars, as when a Muslim congratulates a disbeliever by saying, 'Happy feast for you', and others. This is forbidden,

²⁸³ *Al-Bukhari's Sahih* (Sound Hadith), with number (952), and *Muslim's Sahih*, with number (892).

²⁸⁴ *Al-Sunnan al-Kubra* (the Complete rules taken from Prophet Muhammad's Biography), (9/ 392), number 18861, in *Musnad al-Farouq*, Ibn Katheer said it is a correctly documented hadith (494/2).

²⁸⁵ The Verdicts of Christians and Jews (1/ 723- 724)

as it is considered a congratulation for his prostration for the cross , which is more guilty and detestable than congratulating with drinking wine, murdering a self, adultery and these similar things. Many people whose religious faith is weak fall in this sin, without realizing the extent of its ugliness. The one who congratulates a worshipper for a vice or heresy or disbelief is liable to Allah's wrath and curses. Religious scholars who are pious avoid congratulating the tyrants in the states, or congratulating the ignorant with the positions of judges, teachers and *Iftaa* to avoid Allah's wrath, and their deterioration in the sight of Allah."²⁸⁶

²⁸⁶ *The Verdicts of Christians and Jews (1/ 144)*

3.11 Offering Gifts for the disbelievers

It is legitimate to offer gifts to non-Muslims to get them used to Islam and feel affection towards Muslim. The general *hadith*(s) about offering gifts indicate this. Al-Bukhari in his *Sahih* narrated on the authority of 'Aaishah who said: "Prophet Muhammad accepted gifts, and offered a similar valuable one or even a better one"²⁸⁷. Al-Bukhari and Muslim narrated in their two *Sahih*(s) that : "Prophet Muhammad was offered garments as gifts. He gave one to 'Omar. 'Omar said to him 'you offered it to me, although you objected the garment of 'Utared?' The Prophet replied, 'I do not offer it to you to wear', hence 'Omar gave it to an polytheist brother in Makkah"²⁸⁸.

However, it is forbidden to offer the disbeliever a gift on the occasion of his religious feast, as dictated by men of religion as this implies compliance, content and support to his perversity. Al-Hagawi said: "It is forbidden to attend the feasts of Christians and Jews, selling to them

²⁸⁷ Number (2585)

²⁸⁸ *Al-Bukhari's Sahih* (Sound Hadith), with number (886), and *Muslim's Sahih*, with number (2068).

on that day, or offering them gifts for their feasts"²⁸⁹.
Sheikh of Islam, IbnTaimyah pointed out: "the Muslim's
selling to them what help to establish their feast such as
food, clothes, basils, and others, or offering them these
things—all are considered enhancement to their forbidden
feast. It is based on the fundamental that it is illegitimate to
sell grapes or juice for the disbelievers to turn it to wine.
Equally, it is illegitimate to sell weapons for them to fight
the Muslims with"²⁹⁰.

²⁸⁹*Kashaf al-Qena* (the Unmasking), (3/ 131)

²⁹⁰*Iqtdaa al-Serat al-Mustaqeem* (Following the Straitforward Path), by Sheikh of
Islam : Ibn Taimyah (p. 229)

3.12 The Verdict of accepting their gifts in religious occasions and others

It is legitimate to accept the gift of the disbeliever, whether he is a Christian, a Jew, or others, as to reconcile his heart to Islam. Prophet Muhammad accepted the gifts of some infidels, as the gifts of Al-Muqawqs, and king of Aila and others."²⁹¹ Al-Bukhari in his *Sahih* narrated on the authority of Abi Hamid Al-Saedi who said: We accompanied the Prophet in the Ghazwa of Tabuk and the king of Aila presented a white mule and a cloak as a gift to the Prophet. And the Prophet wrote to him a peace treaty allowing him to keep authority over his country."²⁹²

Al-Bukhari and Muslim in their *Sahih(s)* narrated on the authority of Anass that Ukaidar Dawma El-Gandal offered the Prophet a garment²⁹³. Al-Bukhari in his *Sahih* narrated that a Jew woman offered the Prophet an intoxicated ewe²⁹⁴. Hesham Ibn 'Orwa narrated on the authority of his father that 'Aaishah said: "the Prophet

²⁹¹ *Al-Mubtaeth's Feqhi Guide* by Sheikh Fahd bin Salem, (p. 262)

²⁹² The Section of "Accepting the Gifts of the Unbelievers", Section (28)

²⁹³ Number (2616), and Muslim's *Sahih*, number (2469)

²⁹⁴ Number (2617)

accepted gifts and offered the senders a similar or better gift". This is general in all gifts²⁹⁵.

It is legitimate to accept the gifts they offer on their feast, unless they contain forbidders such as slaughters not offered to Allah, wine , and others. They should be offered a similar gift or a better one.

It is evident that some Companions of the Prophet did this. Ibn Abi Shiba narrated that a woman asked 'Aaishah: "we have magian relatives wet nurses and in their feast , they offered us gifts"²⁹⁶. 'Aaishah answered her, "Don't eat from the slaughters of that feast, but eat from their trees[fruits]"²⁹⁷. Ibn Abi Shiba narrated on the authority of Abi Barza: that he had magian residents. They offered him gifts in Nayroz feast , so Abi Barza told his family: 'You can eat fruits, but return other gifts"²⁹⁸.

Sheikh of Islam, IbnTaimyah said: "after mentioning incidents about the Prophet's Companions, all these indicate that there is no influence of the feast in rejecting or accepting their gifts. Yet, its verdict is the same either in

²⁹⁵ Cited before

²⁹⁶ *Iqtdaa al-Serat al-Mustaqeem* (Following the Straitforward Path), edited by Dr. Nasser el-Aql

²⁹⁷ Ibn Abi Shiba (8/87), number (4423). See : The Verdicts of Christians and Jews (1/ 253)

²⁹⁸ Ibn Abi Shiba (8/88), number (4424).

the feast or not. This does not support them to establish their disbelief rites²⁹⁹.

²⁹⁹*Iqtdaa al-Serat al-Mustaqeem* (Following the Straitforward Path), by Sheikh of Islam : Ibn Taimyah (2/52)

3.13 Accepting the disbeliever's invitation to food

It is legitimate to accept the invitation for food in the disbeliever's home, or in other place. Prophet Muhammad accepted the invitation of the Jew woman and ate from the ewe she offered. However, you must observe the following:

1. The invitation is not considered a celebration of one of their feasts, as not to consider attending an admission of this perversity.
2. The food is legal.
3. The invitation does not include vices such as drinking wine, interaction with women, music and songs, and others.

An inquirer asks the Permanent Committee:

"Calling for Islam necessitates being on good terms with the disbelievers at the beginning to remove the estrangement, and to pave for the mission. If a disbeliever invites me to legal eatables and drinks such as cheese, fish, tea, shall I have it? If there is the probability that the pots were used before in eating swine meat, drinking wine, although they are washed with water and soap, shall I eat in them?

The answer: Relationships among people are of various kinds. If it is a friendly, affectionate relation , and fraternity from the Muslim to the disbeliever, then it is forbidden. It can be atheism. Allah said:

(لَا تَجِدُ قَوْمًا يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ يُوَادُّونَ مَنْ حَادَّ اللَّهَ وَرَسُولَهُ وَلَوْ كَانُوا آبَاءَهُمْ
أَوْ أَبْنَاءَهُمْ أَوْ إِخْوَانَهُمْ أَوْ عَشِيرَتَهُمْ أُولَئِكَ كَتَبَ فِي قُلُوبِهِمُ الْإِيمَانَ وَأَيَّدَهُمْ بِرُوحٍ مِنْهُ
وَيُدْخِلُهُمْ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا رَضِيَ اللَّهُ عَنْهُمْ وَرَضُوا عَنْهُ
أُولَئِكَ حِزْبُ اللَّهِ أَلَا إِنَّ حِزْبَ اللَّهِ هُمُ الْمُفْلِحُونَ) (٢٢) (المجادلة).

"Thou wilt not find any people who believe in Allah and the Last Day, loving those who resist Allah and His Messenger, even though they were their fathers or their sons, or their brothers, or their kindred. For such He has written Faith in their hearts, and strengthened them with a spirit from Himself. And He will admit them to Gardens beneath which Rivers flow, to dwell therein [for ever]. Allah will be well pleased with them, and they with Him. They are the Party of Allah. Truly it is the Party of Allah that will achieve Felicity." (Sura: 58, Mujadila, verse: 22)

There are other verses and *hadith*(s) that convey the same meaning. If it is a sale and purchase relation, or accepting invitation to legal food and drink, it is legitimate,

even if there are offered in pots that were used before in drinking wines, or having swine meat as long as these pots are washed carefully, and completely purified. If this is motivated by the enhancement of spreading the call to Islam, it is approved to accept the invitation and to communicate with them. May Allah reward you for this!³⁰⁰

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and
Iftaa

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razeq 'Afifi

President: 'Abd el- 'Aziz bin Baz

³⁰⁰ Fatawa of The permanent committee for scientific research and *Iftaa*, (12/ 253– 254), number 4214

3.14 Visiting the atheist patients and uttering prayers to them

Religious scholars are in dispute about this and their arguments can be divided into three opinions.

The first: rejecting the visit, equating it with initiation of peace greeting.

The second: legitimacy, as it is considered righteousness that Allah permitted.

The third: intermediate opinion: it is legitimate if it is meant to call for Islam. The more likely opinion is the legitimacy of visiting the patient in the absolute. It is the opinion adopted by Ibn Taimyah, the Sheikh of Islam, as he was asked of Muslims who were neighbors of Christians, whether it was legitimate for the Muslim to visit the Christian in his illness, he said, 'visiting him has no problem, as this may be useful in reconciling his heart to Islam'³⁰¹.

Al-Ashram said: 'I heard Abu Abdullah was asked about a man who has a Christian relative, if he can visit him?' He said: 'Yes'. It is said to him 'Christian?' He said, 'I

³⁰¹ The Largest Fatawa (3/5)

wish you would not be bothered by the visit"³⁰². Among the evidence of legitimacy of visiting the atheists during their illness is the Prophet's visit of the Jewish lad. Al-Bukhari in his *Sahih* narrated on the authority of Anass who said: "there was a Jewish lad who served the Prophet. Once, he fell ill, so the Prophet visited him, and sat down by his head side. He said to the boy, 'convert to Islam'. The lad looked at his father, who said to him, 'obey Aba al-Qasem (the Prophet)', so the lad converted. The Prophet went out saying, 'Praise be to Allah Who has saved him through me from Hell'³⁰³.

Another evidence is when the Prophet visited his uncle Abi Taleb in his deathbed. Al-Bukhari and Muslim narrated on the authority of Sa'eid bin al-Museeb, and his father who said: "while Abi Taleb was on his deathbed, the Prophet came to his visit and found there Aba Gahl bin Hesham, and Abdullah bin Abi Omayya bin al-Mughera. Then, the Prophet said to him, 'My Uncle, say 'there is no god except Allah', 'an utterance that will give me an excuse to defend you in front of Allah. Aba Gahl bin Hesham, and Abdullah bin Abi Omayya said to him: 'Aba Taleb, will you give up the faith of Abd al-Muteleb?' They maintained

³⁰²The Verdicts of Christians and Jews, by Ibn al-Qaim (3/205)

³⁰³*Al-Bukhari's Sahih* (Sound Hadith), with number (1356)

speaking to him, till he said, 'the faith of Abd al-Muteleb'"³⁰⁴.

On the other hand, uttering prayers, asking Allah to grant the patient recovery is legitimate, according to the well-known *hadith* that is mentioned by both al Bukhari and Muslim in their two *Sahih(s)*, on the authority of Abi Saeed who said:" a group of al-Ansar from the Prophet's Companions travelled till they reached an Arab quarter. The Companions asked the Arabs to host them, but the Arabs refused. Then the head of the quarter was bitten, his community tried to do everything possible to cure him, but it was in vain. Some of them said: 'If we go to the travelers, may be one of them has a cure', so they followed them and told them of what happened. They asked the Companions if they could help. One of the Companions said, 'Yes, I can utter prayers, but we asked you to host us and you refused. I swear by Allah, I will not utter prayers for him till you pay for it. The people promised to give the companions from a folk of sheep. The man started to mutter words and read:

(الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ) (٢) (الفاتحة).

³⁰⁴ *Al-Bukhari's Sahih* (Sound Hadith), with number (3884), and *Muslim's Sahih*, with number (24).

"Praise be to Allah" (Sura: 1, Fatiha, or the Opening Chapter, verse:2).

He went on uttering prayers and reciting Qur'an till the patient recovered as if he was released from bondage, and said 'pay them as you promised'. Some said: 'divide'. The one who uttered the prayer said: 'do not divide until we inform the Prophet to judge between us'. They went to the Prophet and told him. He replied, 'who told you it is uttering of prayers that recovered the man? You are right. Divide and throw a dart for me with you'³⁰⁵.

³⁰⁵ *Al-Bukhari's Sahih* (Sound Hadith), with number (5749), and *Muslim's Sahih*, with number (2201), summarized.

3.15The disbelievers' churches

3.15.i Entering churches and praying there

A large number of religious scholars see it is legitimate to enter the churches and temples of the disbelievers' with no problem. It is according to the Malekia sect. It is a saying at the shafeia sect, and sound at Hannabla sect. Al-Muradawi said: 'a Muslim can enter a Jewish temple and a church and to pray in them, with no heavy heart as it is sound in the sect'.³⁰⁶ It is said by Shafeia, and narrated by the Hannabela sect that it is legitimate to enter the church and temple unless there are images and statues.

Among the evidence of legitimacy are:

- 1- 'Omar's contract with the Christians, known as the 'Omarian conditions in which: "we, Christians, do not reject any Muslim to enter the church either by day or night, and to open the doors for the passersby

³⁰⁶ *Al-Ansaaf* (1/496)

and travelers, and to host the Muslim guests for three days and feed them"³⁰⁷.

Ibn al-Qaim said the popularity of these terms remove the need to document them, as *imams* approved them and mentioned in their books, and manipulate them as evidence. These 'Omarian terms are still found in their books. Caliphs observed them later on³⁰⁸.

- 2- What is proved about the visit of the Prophet's wives to a church in Ethiopia. Some of them mentioned a church they saw in Ethiopia, called Maria. When Um Salama and Um Habiba went to Ethiopia, they mentioned its beauty and pictures, so the Prophet raised his head and said: "those people used to set up a worship place up on the grave of a pious man from their community, and portrayed these pictures for him. Those are the most wicked people for Allah in the Doomsday"³⁰⁹.

The conditions in which the visit to the church or the temple is illegitimate:

³⁰⁷ *The Verdicts of Christians and jews*, by Ibn al-Qaim (2/452- 454)

³⁰⁸ *The Verdicts of Christians and jews*, by Ibn al-Qaim (2/454)

³⁰⁹ *Al-Bukhari's Sahih* (Sound Hadith), with number (3873),

- 1- When there is a feast or a religious occasion for them, then attendance will be a participation in the disbelievers' feasts, a matter that *shari'a* has prohibited. 'Omar said: "Do not enter their churches in their feasts, as Allah's curses fall upon them"³¹⁰.
- 2- In case the visitor feels afraid of religious sedition and doubt.
- 3- If attendance implies an approval of their polytheist speech or actions in their prayers, worship, or others. Loathing it by heart will not be true, unless it is accompanied by quitting the vice and its doers, and the ability to do this. Allah said:

(وَقَدْ نَزَّلَ عَلَيْكُمْ فِي الْكِتَابِ أَنْ إِذَا سَمِعْتُمْ آيَاتِ اللَّهِ يُكْفَرُ بِهَا وَيُسْتَهْزَأُ بِهَا فَلَا تَقْعُدُوا مَعَهُمْ حَتَّى يَخُوضُوا فِي حَدِيثٍ غَيْرِهِ إِنَّكُمْ إِذَا مِثْلُهُمْ إِنَّ اللَّهَ جَامِعُ الْمُنَافِقِينَ وَالْكَافِرِينَ فِي جَهَنَّمَ جَمِيعًا) (النساء: ١٤٠).

"Already has He sent you Word in the Book, that when ye hear the signs of Allah held in defiance and ridicule, ye are not to sit with them unless they turn to a different theme: if ye did, ye would be like them. For Allah will collect the hypocrites and those who defy faith - all in Hell:" (Sura: 4, al-Nessa or the Women, verse: 140).

³¹⁰Cited before

Al-Qurtubi said: "It is an indicator of the necessity of avoiding the sinners if they reveal vices, because the one who does not avoid them, will be contended by their deeds. The satisfaction with disbelief is an act of disbelief. Allah said: "You would be like them"

(إِنَّكُمْ إِذَا مِثْلَهُمْ)

Everyone who stays in the middle of a group of sinners, without denouncing their sins, will be equal to them in their guilt. He should denounce their deed if they employ vice in their speech or actions. If one cannot denounce this, he has to leave them as not to be one of those on whom the verse applies³¹¹.

An inquirer asks the permanent committee for Scientific Research and Iftaa in Saudi Arabia: " There are many vast churches here. Is it legitimate for the Muslims to enter them to see what happens inside?

The answer:

It is legitimate for religious scholars to enter churches to call the Christians for Islam. However, entering

³¹¹ *The Comprehensive Verdicts of Qur'an*, (5/ 417)

there just for having a look is illegitimate. It is useless, and the Muslim must avoid being influenced by them, particularly if he is ignorant of his religion and will not be able to answer their doubts³¹².

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and *Iftaa*

Member: Bakr Abu Zaid

Member: 'Abd al-'Aziz aal- al-Sheikh

Member: Saleh al- Fawzan

Member: 'Abdullah bin Ghadian

President: 'Abd el Aziz bin Baz

3.15.ii Praying in a church if there is no masjid

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

³¹²Fatawa of The permanent committee for scientific research and *Iftaa*, (12/ 257), number: 17971

" In the United States, Muslims do not find suitable places to pray Fridays, except some cheaply hired or free churches. Some students debate on the legitimacy of prayers in churches, depending on what Ibn 'Omar narrated about prohibition of praying in churches or the Jewish temples, tombs, slaughter halls in which there are slaughters for other than Allah. According to this opinion, some Muslims do not attend Friday prayer. Please, inform us with the sound verdict in this case, to be able to settle disputes between Muslims in this community, and may Allah reward you!

The answer:

If you can pray in a place other than the church, then it is illegitimate to pray in churches and the like. This is because it is the worship place of polytheists, who worship other than Allah. It has many statues, images, or else if there is a necessity, it is legitimate. 'Omar said: "we do not enter your churches for they have statues and images ". Ibn 'Abas used to pray in the temple except the one which had statues and images³¹³, ³¹⁴.

³¹³Cited by Al-Bukhari in his *Sahih*, the book of prayers, section of prayers in the temple. See also *Fat-h El-Barry* (1/532)

³¹⁴ Fatawa of The permanent committee for scientific research and *Iftaa*, (6/ 271–272), number: 9118

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and *Iftaa*

Member: Abdullah bin Ghadian

Vice president: Abd el-Razeq' Afifi

President: Abd el- Aziz bin Baz

3.15.iii Purchasing churches to be masjids

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

"There are a group of Muslims in Anta town , in Georgia , in the United States of America. This group want to establish a masjid to pray in the five regular prayers and Friday prayer. There is a church for sale. Are those persons allowed to purchase this church, and to turn it into a masjid after removing the crosses there, and the hanged and carved pictures?

The answer: Yes, it is legitimate to purchase this church, and to turn it into a masjid. You must remove the crosses there, and the hanged and carved pictures and all the signs related to churches. We do not know any forbidding to this³¹⁵.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The permanent committee for scientific research and *Iftaa*

Member: 'Abdullah bin Qa'ood

Vice president: 'Abd el-Razeq' Afifi

President: 'Abd el- 'Aziz bin Baz

³¹⁵Fatawa of The permanent committee for scientific research and *Iftaa*, (6/ 271), number: 2393

3.16 Elections in disbeliever countries:

3.16.i Participation of the Muslim in elections with the non-Muslims

It is one of the distresses of this age. Scholars are in dispute about it; some legitimize it if it results in a benefit, while others absolutely prohibit it. This is because these disbeliever countries do not rule in accordance with the laws of Allah. There is an issued *fatwa* from the Islamic *Feqhi* (Jurisprudence) Assemblage in its tenth session, held in the headquarter of the Islamic World League in Makkah in the period, (22-27 Shawal), which corresponds to (3-8 November, 2007 A.D)

This is an extract from this fatwa: "After investigating the presented researches, discussing them, the council decides the following:

- 1- The participation of a Muslim with the non- Muslims in elections in the non-Islamic countries is one of the religious political issues, in which the verdict is reached according to the relative percentage of benefits and harms. Fatwa in this matter differs in accordance with the age, the place, and the condition.

2- It is legitimate for the Muslim who is naturalized in a non-Muslim country to participate in the elections of people's representatives and others. This is because his participation is almost beneficial as in presenting an authentic image of Islam, defending the issues of the Muslims in this country, to obtain some religious and worldly advantages for the Muslim minority, to enhance the Muslims' role in effective tasks, to cooperate with fair people to realize cooperation based on justice. This is according to the following terms:

First: the Muslim participating in the elections must hold the intention of doing this to obtain advantages for the Muslims, and to fend off harms away from them.

Second: the Muslims participating surmise that their participation will result in positive effects to the Muslims in these countries, as to enhance their position, to deliver their demands to the concerned authorities, to preserve their religious and worldly interests.

Third: the Muslim's participation in these elections does not result in missing one's religion.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!³¹⁶

3.16.ii Voting in the unbelievers' elections

The verdict in this issue differs according to the age, the place and the conditions. There is no general verdict for all current and expected cases. In some cases, it is disapproved to vote, as when voting will bring no impact on the Muslims, when the Muslims have no influence, so their voting or not is the same, or if the cases of the candidates are similar or equal in their evil or point of view in regard to the Muslims. According to these variations, the *fatwa* varies.

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

"Is it legitimate to vote in elections or to stand as a candidate in elections in our country which rules according to laws other than Allah's *shari'a*?

The answer:

³¹⁶Site of the Islamic Feqh Assemblage, affiliated to the Islamic World League, in 8/11/ 2007 A.D.

It is illegitimate for the Muslim to present himself as a candidate in a government that applies laws other than those of Allah, and does not work in accordance with the Islamic *shari'a*. It is illegitimate to vote for those who work in such a government, unless the candidates are Muslims who want to turn the regime to rule according to the Islamic *shari'a* , and those Muslim candidates take elections a means to reach an end which is to overcome the current regime. However, the successful candidate must not work in positions that contradict the Islamic *shari'a*³¹⁷.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The permanent committee for scientific research and
*Iftaa***

Member: 'Abdullah bin Qa'ood

Member: 'Abdullah bin Ghadian

Vice president: 'Abd el-Razeq' Afifi

President: 'Abd el- Aziz bin Baz

³¹⁷Fatawa of The permanent committee for scientific research and *Iftaa*, (23/406–407), number: 4029

The religious advantage might require voting as to decrease evil and harm. For instance, if the candidates are not Muslims, but one of them has less enmity towards Muslims than the other candidates, and if the votes of the Muslims in this poll will be influential, then there is no problem. Any way, it is one of the issues subject to diligent investigation which is based on the rule of measuring the relative percentage of benefits and harms. Religious scholars should evaluate this matter as they are aware with the terms of this fundamental. Those religious scholars must review the case with all its details of the condition of the Muslim community in that country, its laws , the candidates conditions, and the significance of voting.

It is wrong to suggest that voting in atheist countries is a support for disbelief, but it is done for the sake of Muslims, not out of affection towards atheism and atheists. Muslims in the past were pleased with the Romans' victory over the Persians. Similarly, the Muslims in Ethiopia became cheerful about the victory of al-Najashi over his rival, as is known in *Sira* (the biography of Prophet Muhammad). The one who wants to refrain from this is

free. This answer is applicable in the case of electing individuals in effective positions³¹⁸.

³¹⁸³¹⁸ Fatwa (opinion) of Sheikh Muhammad al-Munged on the site of *Islam online*, May, 2004 A.D., with modifications

3.17 Trade

3.17.i Abiding by systems

3.17.ii Buying and selling forbidden goods religiously

Jurisprudents agree that the selling contract is not affected by the difference religions of the parties in order to be a sound contract . If the terms of the contract are complete, there is no difference whether the seller is a Muslim, and the purchaser is a Muslim, or the seller is a Muslim, while the purchaser is an disbeliever, or vice versa³¹⁹. The pieces of evidence for this are many:

1- Allah said:

(وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا) (البقرة: ٢٧٥).

" [...] Allah hath permitted trade and forbidden usury".(Sura:2, al-Baqarah or the Cow, verse: 275). The evidence is that this verse authorized selling and illegitimatized usury in general as there is no distinction between Muslims trading with Muslims , or with the disbelievers.

³¹⁹The Verdicts of Communicating with the non-Muslims in Transactions and Personal Affairs, (p. 103, 125)

2- Al- Bukhari and Muslim in their two *Sahih(s)* narrated what 'Aaishah said: "Prophet Muhammad (PBUH) bought food from a Jew , but did not have money to pay at once, so he pawned his armor at that Jew"³²⁰. Al-Nawawai mentioned in his explanation of this *hadith*: "the Muslims agreed upon the legitimacy of dealing with *ahl el-Zimma* (those under the protection of Muslims, referring to Christians and Jews) and other disbelievers, if there is no religious forbidders. However, it is illegitimate that the Muslim sells the enemies weapons or warfare machinery"³²¹.

3- Al-Bukhari narrated on the authority of Abd el-Rahman bin Abi Bakr who said: "we were with the Prophet, then a polytheist tall man, with frizzy hair came with a flock of sheep which he attended. The Prophet told him : 'would you come to sell them, or to offer them as a gift?' The man answered, 'No, not a gift. It is for sale '. The Prophet bought an ewe from him"³²². This *hadith* has a clear indication that

³²⁰ *Al-Bukhari's Sahih* (Sound Hadith), with number (2096), and *Muslim's Sahih*, with number (1603).

³²¹ *An-Nawawi's Interpretation of Muslim's Sahih* (volume: 11, p. 40)

³²² *Al-Bukhari's Sahih* (Sound Hadith), with number (2216)

it is legitimate to buy and sell to the non-Muslims, and to document their ownership of what they have"³²³. The Prophet practiced buying and selling with them.

The problem here is if the trade of the Muslim is subject to the laws of that country , and these laws contradict *shari'a*. i.e. to force the Muslim to open the shop in the time of prayer, and not to stop working at that time, to employ women in the establishment, or to sell illegitimate eatables and drinks, or others.

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia: "Is it legitimate to be trade partner to the disbelievers?"

The answer:

It is legitimate to share them in legal trade in case you guarantee they will not cheat, or use *riba* (usury), gambling, *gharar* (selling the unknown), and the like. It is better and prior not to share them in trade, as to avoid doubt, suspicions, charges and danger³²⁴.

³²³ *Umdet el-Qari* (volume:12/ p. 27)

³²⁴ Fatawa of The permanent committee for scientific research and *Iftaa*, (2/97), number: 5855

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The permanent committee for scientific research and
*Iftaa***

Member: Abdullah bin Qa'ood

Member: Abdullah bin Ghadian

Vice president: Abd el-Razeq' Afifi

President: Abd el- Aziz bin Baz

3.18 Residence with a disbeliever family

Some Muslim students --who travel abroad to receive education--reside with a disbeliever family in order to learn the language, to decrease the financial costs or for any other reason. Lodging with the disbeliever family has many illegitimate things:

- 1- The lodging of the Muslim with the disbeliever in one house, eating and drinking together is dangerous as it will result in growing an affection and attachment to the disbeliever. This contradicts the rule of disavowal from polytheism and polytheist. Allah said:

(لَا تَجِدُ قَوْمًا يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ يُوَادُّونَ مَنْ حَادَّ اللَّهَ وَرَسُولَهُ وَلَوْ

كَانُوا آبَاءَهُمْ أَوْ أَبْنَاءَهُمْ أَوْ إِخْوَانَهُمْ أَوْ عَشِيرَتَهُمْ) (المجادلة : ٢٢).

"Thou wilt not find any people who believe in Allah and the Last Day, loving those who resist Allah and His Messenger, even though they were their fathers or their sons, or their brothers, or their kindred. [...]."(Sura: 58, Mujadila, or The Woman who Pleads, verse: 22)

Abu Dawood in his *Sunan* narrated on the authority of Samurah who said that the Prophet said: " Anyone who associates with a polytheist and lives with him is just like him." ³²⁵ Al-Nessa'ei narrated on the authority of Garir bin Abdullah who said: "I swore the allegiance oath to the Prophet to pray the regular prayers, to give *zakat* (alms), to offer advice for every Muslim, and to keep away from the polytheist". This *hadith* is mentioned in both *Sahih Al-Bukhari*, and *Sahih Muslim* without the last part, "and to keep away from the polytheist"³²⁶.

2- Inability to avoid interaction with their women, which is a forbidden matter. Those women do not feel shy to move in front of men with night dresses, or semi-naked clothes. It is a well-known fact. You cannot find a disbeliever woman covering her head. So, watching them in this case is forbidden according to all Muslim scholars.

3- The matter is not confined to fear of temptation of women, but there are far more dangerous things, such as the sedition of religious suspicions, doubt, comparisons, and questions to which the Muslim has

³²⁵Number (2787), revised and modified by Sheikh al-Albani in *Sahih of al-Jami al-Sagheer*, with number (6186)

³²⁶ *Al-Nessai's Sunnan*, with number (4175), and *Ahmad's Musnad*, with number (19238). The editors said, it is a sound hadith.

no answer due to his little learning, so the result is his doubt in his religion and creed.

- 4- Lodging with them, eating and living with them will result in being infatuated by them, and being affected by their open and free customs and traditions, and they are compared to cattle, as Allah attributed them. Allah said:

(وَالَّذِينَ كَفَرُوا يَتَمَتَّعُونَ وَيَأْكُلُونَ كَمَا تَأْكُلُ الْأَنْعَامُ وَالنَّارُ مَثْوًى لَهُمْ) (١٢) (محمد).

"[...] Verily Allah will admit those who believe and do righteous deeds, to Gardens beneath which rivers flow; while those who reject Allah will enjoy [this world] and eat as cattle eat; and the Fire will be their abode." (Sura: 47, Muhammad (the Prophet), verse: 12). In another verse, Allah said:

(يَعْلَمُونَ ظَاهِرًا مِّنَ الْحَيَاةِ الدُّنْيَا وَهُمْ عَنِ الْآخِرَةِ هُمْ غَافِلُونَ) (٧) (الروم).

"They know but the outer [things] in the life of this world: but of the End of things they are heedless." (Sura: 30, Rum, or The Roman Empire, verse: 7)

- 5- Lots of vices seen by the Muslim residing with the family such as adornment , wantonness, drinking wines, interaction with women, and perhaps practicing their religious rites. Hence, the Muslim

must denounce these vices or leave that place. Allah said:

(وَقَدْ نَزَّلَ عَلَيْكُمْ فِي الْكِتَابِ أَنْ إِذَا سَمِعْتُمْ آيَاتِ اللَّهِ يُكْفَرُ بِهَا وَيُسْتَهْزَأُ بِهَا فَلَا تَقْعُدُوا مَعَهُمْ حَتَّى يَخُوضُوا فِي حَدِيثٍ غَيْرِهِ إِنَّكُمْ إِذَا مِثْلَهُمْ) (النساء: ١٤٠).

"Already has He sent you Word in the Book, that when ye hear the signs of Allah held in defiance and ridicule, ye are not to sit with them unless they turn to a different theme: if ye did, ye would be like them. [...]"(Sura: 4, al-Nessa or the Women, verse: 140). Al-Qurtubi said: "this indicates the necessity of keeping away from the sinners if they show their vices. The one who does not avoid them will be contended with their deeds, the satisfaction with disbelief is an act of disbelief ". Allah said:

(إِنَّكُمْ إِذَا مِثْلَهُمْ) (النساء: ١٤٠)

"[...] ye would be like them [...]"(Sura: 4, al-Nessa or the Women, verse: 140). Everyone stays with wanton company, and does not denounce it if they speak or act in a libertine way, and he cannot denounce it, he has to leave them as not to be one of the intended by this verse"³²⁷.

³²⁷ *Al-Jamei to Ahkaam al-Qur'an* (The Comprehensive Qur'an Verdicts), (volume: 7, p. 185)

3.19 If the wife converted to Islam and her husband is still a disbeliever

Matrimonies held between the disbelievers are sound, accepted by *shari'a*, and endorsed if they converted to Islam, provided that the woman is legitimate for that man. No matter how the contract is performed, and with no concern to the terms and bases of that marriage. It is suffice that it is considered marriage, not adultery, by the atheists. Religious scholars have no dispute on this. Ibn Abd el-Bar said: "religious scholars agree that in case the husband and wife convert to Islam together, they maintain their marriage, unless there is a common rearing between them, or lineage that necessitates prohibition of marriage. The original contract is exempted; because the majority of the Prophet's Companions were disbelievers and converted to Islam, while they were already married. They endorsed their earlier marriages, and the terms of Islamic marriage are not considered in their original marriage. This is a common agreement of scholar and endorsement of the Prophet".³²⁸

³²⁸ *Al-Tamheed* by Ibn Abd el-Bar, (volume: 12, p. 23)

From the evidence of Qur'an that endorse the marriage of the disbelievers is what is said in Abi Lahab:

(وَامْرَأَتُهُ حَمَّالَةَ الْحَطَبِ) (٤) (المسد)

"His wife shall carry the [crackling] wood - As fuel!"
(Sura: 111, Lahab, or (the Father of) Flame, verse: 4).
Adding of the woman to him in language and in custom necessitates that she is his wife. Qur'an admitted this marriage although it took place in disbelief.

"The majority of the Prophet's Companions, May Allah be pleased with them all, were born to pre-Islam marriages during polytheism, and they maintain their parentage, with no doubt from the Muslim community. A large number of people converted to Islam in the lifetime of Prophet Muhammad (PBUH), but he did not command anyone to renew his marriage contract with his wife. If the marriages of the disbelievers are invalid, the Prophet would rather order them to renew them. Also, the Prophet maintained the fathers' names of his Companions and called them by their first names and second names. It is a well-known necessity in Islam.

The Prophet threw stones at two Jews who committed the act of adultery. If their marriages were

invalid, he would not throw stones at them, because the invalid marriage does not immune the husband"³²⁹.

Hence, if the husband and wife convert to Islam together, they are allowed to maintain their marriage. In case one of them converts, but the other does not, there are further details that should be considered. If the husband converts, and his wife is either a Christian or a Jew, their marriage is endorsed, because it is permitted. If the husband converts to Islam, but his wife is a polytheist, pagan, disbeliever, but not a Christian or a Jew, their marriage is not endorsed; because it is not permitted in Islam.

If the wife converts to Islam, her marriage is not endorsed because it is not permitted to the Muslim woman to maintain a disbeliever husband, either a Christian, a Jew, or other. Religious scholars disputed about the case in which one converts to Islam, and his/her marriage is not endorsed, then the other partner converts to Islam later on. Do they need to renew their marriage contract? Or should they maintain the first contract? The more likely opinion was said by Ibn al-Qaim: "we do not know anyone who renews his marriage because of his Islam. What happened

³²⁹*The Verdicts of Christians and jews*, by Ibn al-Qaim (volume: 1/p. 218), with modifications

was one of two things: either to separate from each other, and marry another persons, or to remain together even if the conversion of the other partner comes later. Thus, whether to speed the separation , or to observe *eddah* (a period of about three months after divorce). We do not know if the Prophet employs one of these two choices with the multitudes of married people that converted to Islam in his life time, and the short or long time span between the conversion of one of them and the other partner"³³⁰.

³³⁰*Zad al-Meaad*, (volume:5, p. 137)

3.20 The Muslim man or woman's treatment towards their disbeliever Families

The Muslim man and woman must treat their families with gentleness, leniency and kindness, particularly their parents. Allah said:

(وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَى وَهْنٍ وَفِصَالُهُ فِي عَامَيْنِ أَنْ اشْكُرْ لِي وَلِوَالِدَيْكَ إِلَيَّ الْمَصِيرُ (١٤) وَإِنْ جَاهَدَاكَ عَلَى أَنْ تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا وَصَاحِبُهَا فِي الدُّنْيَا مَعْرُوفًا وَاتَّبِعْ سَبِيلَ مَنْ أَنَابَ إِلَيَّ ثُمَّ إِلَيَّ مَرْجِعُكُمْ فَأُنَبِّئُكُمْ بِمَا كُنتُمْ تَعْمَلُونَ (١٥)) (لقمان).

"And We have enjoined on man [to be good] to his parents: in travail upon travail did his mother bear him, and in years twain was his weaning: [hear the command], "Show gratitude to Me and to thy parents: to Me is [thy final] Goal.15. "But if they strive to make thee join in worship with Me things of which thou hast no knowledge, obey them not; yet bear them company in this life with justice [and consideration], and follow the way of those who turn

to me [in love]: in the end the return of you all is to Me, and I will tell you the truth[and meaning] of all that ye did."(Sura: 31, Luqman (the Wise), verse: 14-15).

Also, for what is mentioned in the two *Sahih(s)* about the *hadith* of Asmaa, the daughter of Abi Bakr who said: "My mother came to me while she was a polytheist in the reign of Quraish (a tribe). Then I asked the Prophet (PBUH), saying 'My mother came to me willingly, should I communicate with her?' He answered: 'Yes, you should communicate with your mother.' "³³¹. The son or daughter must treat the parents well by words, actions, money, service, performing all they need, obedience in everything except what brings about Allah's wrath. Perhaps Allah, through this good treatment, make them convert to Islam.

³³¹ *Al-Bukhari's Sahih* (Sound Hadith), with number (2620), and *Muslim's Sahih*, with number (1003).

3.21 Islamic Parties and Groups, and what a Muslim should follow:

The Muslim who settles in western countries or others may confront some Islamic groups or parties that supervise the Islamic centers there. Many Muslims ask: 'which group should I follow? Which group is closer to the foundations of *ahl al-sunna wa al-Gamaa* (the community of devoted Muslims who follow *Sunna* and religious scholars)?

An inquirer asks the permanent committee for Scientific Research and *Iftaa* in Saudi Arabia:

"According to the words of Allah:

(وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ) (المائدة : ٢).

"[...]Help ye one another in righteousness and piety, but help ye not one another in sin and rancor: [...]."(Sura: 5, Maida, or the Table Spread, verse: 2). It is said that a Muslim must cooperate with all the Islamic groups, even if they vary in their methodology and the way of calling to Allah. For example, al-Tableegh (informing) Group calls

for Islam in a way that differs from the Muslim Brethren, or Liberation Party, or Jihad Group, or Salafiah (Predecessor religious scholars). What is the controlling criterion of this cooperation? Is it confined to participate in conferences and seminars? What about calling the non-Muslims to Islam? Many fresh Muslims might feel muddled, as every Group of those will direct the fresh Muslim to its centers, scholars. How can we avoid this confusion?

The answer:

Muslims must cooperate with the group that adopts the methodology of Qur'an and *Sunna*, as well as the antecedent religious scholars in their call to monotheism, devotion of worship, warning against polytheism, heresy, sins, advising the groups that do not abide by this. If the group returns to the right path, then you can cooperate with it, but if it persists on not observing the rules, you must avoid it. You must abide by the Qur'an and *Sunna*, and to cooperate with the group that abides by them, in everything that includes goodness, righteousness, piety, in seminars, conferences, lessons, lectures, and everything useful to Muslims and Islam³³².

³³² Fatawa of The permanent committee for scientific research and *Iftaa*, (2/41-42), number: 18870

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

**The permanent committee for scientific research and
*Iftaa***

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Member: Saleh al- Fawzan

Member: Abdullah bin Ghadian

Vice President: Abd al-Aziz aal al-Sheikh

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Appendix One

Introduction

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

Praise is due to Allah, the almighty. May prayers and peace be upon our Prophet, Muhammad, all his offspring and Companions! I bear witness that there is no god, but Allah, alone, with no partner, and that Prophet Muhammad is the worshipper, and messenger of Allah.

This is the first appendix of the book, *Muslims in Estrangement Countries*, which discusses a number of issues related to the verdicts of *Feqh* (Islamic jurisprudence), and are essentially needed by Muslims living in non-Islamic countries. The first edition of the book contains fifty issues. In this appendix, further thirty issues are added³³³, attached to *fatwa* (religious advisory opinions) of the most celebrated and trusted men of religion. I was keen to include the *fatwa* that are related to general verdicts, as there might be individual differences from one case to another. Therefore, everyone who feels disturbed must consult men of religion as soon as possible, in order to get *fatwa* suitable to the circumstances and time of occurrence.

In conclusion to this introduction, I wish to give a piece of advice to Muslims living in estrangement in non-Islamic countries. The Permanent Committee for Scientific Research and Iftaa' (religious advisory opinion) in Saudi Arabia was asked to provide a piece of advice for those one who live in estrangement. The committee recommends Muslims in non-Islamic countries to be pious under in all conditions, to observe Allah's commands, and to avoid Allah's prohibitions, in order to be blessed by Allah, and to realize the desired targets. In this manner, Allah will protect you, provided that you pray the five prayers in time at mosques. Further, the committee advises the inquirer to befriend pious people, and to avoid the company of evil individuals and suspected places. This is in order to preserve your religion. Also, you are recommended to call people to worship Allah by actions and words. A Muslim must

³³³ I hope our Muslims brothers who live in non-Islamic countries send us any further issues that require elaboration, in order to be added in additional appendices.

be a good example to others. The committee advises you to recite Quran a lot, with meditation, comprehension and application³³⁴.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: 'Abd el-'Aziz aal el- Sheik

Vice president: Abd el-Razik A'fifi

President: 'Abd el-'Aziz bin Abdullah bin Baz

³³⁴ Fatawa of the permanent committee (37-38/11) no. 16293.

The first Issue

Unity of Religions

One of the recently raised issues is the call for unity of religions which meant be (Islam, Judaism, and Christianity). The Permanent Committee for Scientific Research and *Iftaa* (religious advisory opinion) in Saudi Arabia issued *fatwa* (an advisory opinion), indicating that the call for unity of religion is considered one form of disbelief, and a quitting of Islam altogether. This is the text of *fatwa*:

Praise is due to Allah, the almighty. May prayers and peace be upon our Prophet, Muhammad, all his offspring and Companions! Praise is due to Allah, the almighty. May prayers and peace be upon our Prophet, Muhammad, all his offspring and Companions till the Day of Judgment!

The Permanent Committee for Scientific Research and *Iftaa'* (religious advisory opinion) in Saudi Arabia has overviewed the inquiries it received, the opinions and articles broadcasted and published in mass media concerning the call to the unification of all organized religions : the Islam, Judaism, and Christianity. This entails the call to build a mosque, a church and a Jewish temple in one spot, inside universities compasses, the airports, and public parks. Further, there is a call to publish the Quran and the Bible in one book, in addition to other matters. There are many conferences, seminars held to support this call, in addition to civil societies in orient and occident. After contemplating and studying this issue, the committee decided the following:

Firstly :

Among the fundamentals of believing in Islam, that received common agreement of men of religion is that there is no other righteous religion or belief except Islam, the last of religions, which supersedes all previous religions and sects. There is no accepted religion to worship Allah except Islam. Allah Almighty said in the Holy Quran, “ If anyone desires a religion other than Islam [submission to Allah], never will it be accepted of him; and in the Hereafter He will be in the ranks of those who

have lost [All spiritual good].”(verse 85. SURA 3. Al-i-Imran, or The Family of Imran). Further, Prophet Muhammad introduced only Islam.

Secondly :

One of the Islamic fundamentals is the belief that the Holy Quran is the last sacred book, superseding previous sacred books such as the Old Testament and the New Testament. It is the only book to be used to worship Allah. Allah almighty has said, “verse 48: We sent down to you the Book in truth, confirming the hands of the Book, and dominated it. So judge between them according to what Allah revealed , and do not follow their desires, away of Allah’s willing”(SURA 5. Maida, or the Table Spread).

Thirdly :

A Muslim must believe that the Old Testament and New Testament are superseded by the Holy Quran, as they underwent some changes, additions, omission and substitutions, as is mentioned in the Holy Quran as in “ verse 14. But because of their breach of their Covenant, We cursed them, and made their hearts grow hard: They change the words from their (right) places and forget a good part of the Message that was sent them, nor wilt thou cease to find them--barring a few--ever bent on (new) deceits: But forgive them, and overlook (their misdeeds): For Allah loveth those who are kind.”(SURA 5. Maida, or the Table Spread). In another sura, Allah almighty said, “verse 79. Then woe to those who write the Book with their own hands, and then say: "This is from Allah," to traffic with it for miserable price!- Woe to them for what their hands do write, and for the gain they make thereby.”(SURA 2. Baqara, or the Heifer). In a third sura, Allah said, “verse 78. There is among them a section who distort the Book with their tongues: [As they read] you would think it is a part of the Book, but it is no part of the Book; and they say, "That is from Allah," but it is not from Allah: It is they who tell a lie against Allah, and [well] they know it!”(SURA 3. Al-i-Imran, or The Family of ImranSURA 3. Al-i-Imran, or The Family of Imran).

Therefore, the authentic parts in both the Old Testament and the New Testament are superseded by Islam and Quran, meanwhile there are modifications and changes in the other parts. It was proved that Prophet Muhammad (Peace be upon him) became angry upon seeing Omar bin al-Khatib holding a document containing part of the Old Testament. Prophet Muhammad said, “Are you in doubt? I have a clear mission. If my brother Moses was still alive, he would follow me”.³³⁵

Fourthly:

One of the fundamental beliefs in Islam is the certainty that Prophet Muhammad (Peace be upon him) is the last prophet and messenger from Allah. Allah almighty said, “verse 40. Muhammad is not the father of any of your men, but [he is] the Messenger of Allah, and the last of the Prophets: and Allah has full knowledge of all things.”(SURA 33. Ahzab, or The Confederates). Hence, there is no other Prophet left to be followed other than Prophet Muhammad. This is enhanced in the Holy Quran in “81. Behold! Allah took the covenant of the prophets, saying: "I give you a Book and Wisdom; then comes to you a messenger, confirming what is with you; do ye believe in him and render him help." Allah said: "Do ye agree, and take this my Covenant as binding on you?" They said: "We agree." He said: "Then bear witness, and I am with you among the witnesses.” (SURA 3. Al-i-Imran, or The Family of Imran).

Furthermore, if Prophet Jesus, the Christ (*peace be upon him*) comes down before the Doomsday, he will follow Prophet Muhammad, governing by Islamic *shari'a* (religious laws). Allah almighty has said, “157. "Those who follow the messenger, the unlettered Prophet, whom they find mentioned in their own [scriptures],- in the law and the Gospel;-”(SURA 7. Araf, or The Heights).

Also, one of the fundamentals of Islam is that Prophet Muhammad’s message is for humanity at large. Allah almighty said, “28. We have not sent thee but as a universal [Messenger] to men, giving them glad tidings, and warning them [against sin], but most men understand not.”(SURA 34. Saba, or the City of Saba). In another sura in the Holy Quran, Allah said, “158. Say: "O men! I am sent unto you all, as the Messenger of Allah”(SURA 7. Araf, or The Heights). There are other verses confirming the same meaning.

³³⁵ Approved by Imam Ahmad (349/23) no. 15156, modified by Sheikh Albany in Irwaa al-Ghalil (6/34-36), no. 1589.

Fifthly:

one of the fundamentals of Islam is the belief that non-Muslims are disbelievers, either Christians, Jews, or others, considering them enemies of Allah, Prophet Muhammad and the believers. Those people will be damned in hell. Allah almighty said, “1. Those who reject [Truth], among the People of the Book and among the Polytheists, were not going to depart [from their ways] until there should come to them Clear Evidence,-”(SURA 98. Baiyina, or The Clear Evidence). Further, it is said, “6. Those who reject [Truth], among the People of the Book and among the Polytheists, will be in Hell-Fire, to dwell therein [for aye]. They are the worst of creatures.” (SURA 98. Baiyina, or The Clear Evidence). This is in addition to many other verses that confirm the same meaning. In Sahih Muslim, it was said that Prophet Muhammad (Peace be upon him) said “I swear by Allah who owns my soul, if anyone hears of my message, either a Christian or Jew, then dies without following me, he will be damned in hell”³³⁶. Thus, the one who does not consider the Christians and Jews as disbelievers is a non-believer, in accordance to sharia’ rule, “the one who does not admit the disbelief of the non-believers is a disbeliever”.

Sixthly:

with consideration to these fundamental beliefs and religious facts, the call to unify religions and to remove differences among them , to melt them in one melting pot is a cunning and evil call, intended to confuse what is right and what is wrong, and demolishing Islam, and its pillars, dragging Muslims to turning back from believing in Islam. This is assured in the words of Allah almighty, “217. They ask thee concerning fighting in the Prohibited Month. Say: " Nor will they cease fighting you until they turn you back from your faith if they can.”(SURA 2. Baqara, or the Heifer). In another sura, Allah almighty said, “89. They but wish that ye should reject Faith, as they do, and thus be on the same footing [as they]”(SURA 4. Nisaa, or The Woman).

Seventhly:

one of the effects of this cunning call is to remove differences between Islam and disbelief, right and wrong, goodness and evil, and to eliminate the barrier between Muslims and disbelievers. Then, there will be no allegiance, no fighting for the sake

³³⁶ Shahih Muslim, no. 153.

of Allah in order to achieve victory for God's religion and commands. Allah almighty said, "29. Fight those who believe not in Allah nor the Last Day, nor hold that forbidden which has been forbidden by Allah and His Messenger, nor acknowledge the religion of Truth, [even if they are] of the People of the Book, until they pay the Jizya with willing submission, and feel themselves subdued."(SURA 9. Tauba (Repentance) or Baraat (Immunity)) , and "36. So wrong not yourselves therein, and fight the Pagans all together as they fight you all together. But know that Allah is with those who restrain themselves." ."(SURA 9. Tauba (Repentance) or Baraat (Immunity)).

Eighthly:

If a Muslim calls for the unity of organized religions, this case is considered turning back from Islam, as it clashes with the fundamentals of the belief in Islam, accepting disbelief, abolishing the credibility of the Holy Quran in superseding previous sacred books. Further, it is against the idea that Islam has come to supersede any previous organized religion. Therefore, this idea is unaccepted from the religious point of view, definitely forbidden according to all the evidences of shari'a in Islam, including evidence from the Holy Quran , sunna, with common acquiescence of Islamic scholars.

Ninthly:

according to the above mentioned:

- 1- It is forbidden for the Muslim who believes in Allah, Islam, and the message of Prophet Muhammad to call for this cunning idea, or to encourage people to believe in it, and to respond to it, to attend conferences and seminars about it, and to belong to its meetings.
- 2- It is forbidden for the Muslim to publish the Old Testament and New Testament individually. Also, it is forbidden to publish them with the Holy Quran under one cover in one book. It is a heresy as it combines the right (the Holy Quran) and the modified right (the Old Testament and New Testament).
- 3- It is forbidden for the Muslim to accept the call for establishing a mosque, a church, and a temple in one spot, as it is considered an admission of a religion

to worship Allah, other than Islam. It is a concrete call that there are three religions for people and that they are free to choose among them, as they seem equal, and that Islam is not a substitute to the previous religions. No doubt, admitting this or the belief in it or showing contentedness about it is a disbelief and heresy, because it bears clear contradiction for the Holy Quran and *sunna*, and the common opinions of the Islamic men of religions. Further, it is an admission that the modifications made by the Christians and Jews are legal, Allah forbade. Further, it is not accepted to call the churches “the houses of Allah”, and to consider its people as faithful worshippers accepted by Allah, because it is a worship through a religion other than Islam. Allah almighty said, “85. If anyone desires a religion other than Islam [submission to Allah], never

will it be accepted of him; and in the Hereafter He will be in the ranks of those who have lost [All spiritual good].”(SURA 3. Al-i-Imran, or The Family of Imran). On the other hand, these are houses of blasphemy. Sheikh ibn Taymia, may Allah bless his soul, said, “churches and the like are not the houses of Allah. Instead, mosques only are the houses of Allah. Churches are places in which there is blasphemy even if there is mention of Allah. Houses take their value from their occupants and the occupants of churches are nonbelievers, and their worship is blasphemy”.³³⁷

Tenthly:

It must be acknowledged that calling Jews and Christians for Islam is a must, according to clear texts from the Holy Quran and *sunna*. This can be carried out through showing evidence and through polite debate, provided that the Muslim does not quit any of the laws of Islamic sharia in order to persuade them to embrace Islam. Allah almighty said, “64. Say: "O People of the Book! come to common terms as between us and you: That we worship none but Allah; that we associate no partners with him; that we erect not, from among ourselves, Lords and patrons other than Allah." If then they turn back, say ye: "Bear witness that we [at least] are Muslims [bowing to Allah's Will]. ”(SURA 3. Al-i-Imran, or The Family of Imran) . However, the debate with them in order to achieve all their desires and aims , and criticizing Islam and its faith

³³⁷ The Complete Fatawa (22/162)

is forbidden by Allah, Prophet Muhammad, and the believers. Allah said, “Be ware they might tempt you to deviate from the laws of Allah”(SURA 5. Maida, or the Table Spread).

The committee illustrates this issue for people and recommends the Muslims in general, and the men of religion in particular to be pious and observe Allah’s laws, and to protect Islam and the Islamic beliefs from heresy and blasphemers . Further, the committee warns them against this evil call (for the unity of religions). May Allah forbid that a Muslim can be a reason for introducing blasphemy and heresy into the Muslims community and spreading these ideas among them. We pray Allah almighty by all his glorious names to protect us from temptations , and to grant us true faithfulness, in order to protect Islam, till we attain the satisfaction of Allah.

The best conclusion is to pray and wish peace for the soul of Prophet Muhammad bin Abdullah, the prophet who embodied Allah 's granted mercy, and blessings. The Permanent Committee for Scientific Research and Iftaa' (religious advisory opinion) in Saudi Arabia. Praise is due to Allah. May Allah bless the souls of Prophet Muhammad, and his companions.

The Second Issue

Inheriting the disbeliever

If a disbeliever dies, does the Muslim have the right to inherit him and vice versa? Al-Bukhari and Muslim narrated in their collection of Sahih (credited hadiths), about Usama bin Zaid that Prophet Muhammad (Peace be upon him) said, “**the Muslim does not inherit the disbeliever, and the disbeliever does not inherit the Muslim**”³³⁸

The Permanent Committee for Scientific Research and Iftaa' (religious advisory opinion) in Saudi Arabia has received an inquiry, in which the inquirer maintains: “this is a message of a number of Dutch women , who embraced Islam lately thanks to Allah. This message includes many questions and inquiries about the issue of inheritance , as our parents are non-Muslims. The Muslim does not inherit the disbeliever. We are asked to illustrate how should we share our parents their wealth after their deaths. This wealth is embodied in a number of forms:

Firstly:

Houses, as money will be collected after the houses are sold after the death of parents only. Therefore, we cannot take part of this money while they are still alive. Is it legal for parents to offer their children gift contracts during their lives, by paying them annual sums, as these sums are payable only after the death of parents and selling the houses? Is it legal that the parents make ownership contracts by which the children are the owners of the houses during the lives of the parents? Then after the death of parents , every child receives his/her share after selling the house?

If there is a disbeliever mother who has two daughters. One is Muslim, the other is a disbeliever. Is it legal that the mother leaves in her will that the disbeliever daughter will offer as a gift half of her inheritance to her Muslim sister? It is said, “no will for the inherited”, then if we cannot inherit, is it permitted to have a will with one third of the money?

³³⁸ Fatawa the permanent committee)552-550/16) no. 17130.

Secondly:

If there are jewelry and other precious things. Is it permitted to the disbeliever parents to distribute them during their life time as a gift, to be utilized by the parents during their lives, and after their death the children restore them as it was agreed on as a gift?

Thirdly:

Are we permitted to take valueless things, and things with simple value such as the clothes, glasses, furniture after their death to utilize them? or to give them to some Muslims or disbeliever s or to get rid of them or throw them in the garbage?

If the mother dies and the father is still alive, is it permitted for the daughter to accept her father's offer by taking her mother's clothes?

The Answer:

“The Muslim does not inherit the disbeliever, and the disbeliever does not inherit the Muslim”, as was said by Prophet Muhammad, and narrated by Usama. However, the acceptance of children to take some gifts from their parents is allowed. Further, it is permitted to make purchase and selling contracts among them, according to the legal rules and sharia. Yet, the children are not allowed to inherit the disbeliever parents. If the disbeliever parents refuse to provide gifts for their Muslim children and prefer to give their disbeliever children all their money, the Muslim children do not have the right to demand their share of this wealth, because it is an inheritance, and it is acknowledged that the Muslim does not inherit the disbeliever.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³³⁹

Member: Bakr Abu Zaid

³³⁹ Fatawa the permanent committee (552-550/16) no. 17130.

Member: Saleh al- Fawzan

Member: 'Abd el-'Aziz aal el- Sheik

Member: Abdullah bin Ghadian

President: 'Abd el-'Aziz bin Abdullah bin Baz

In addition, The Permanent Committee for Scientific Research and Iftaa' (religious advisory opinion) in Saudi Arabia has received an inquiry, in which the inquirer maintains: “ if someone declares his Islam, but his family members are non-Muslims. Then, his parents died, leaving him and his siblings a legacy. It is obvious that he has no right to inherit, but if his siblings give him what they consider his share , can he accept it as a gift? If then, should he inform them that this is a gift? Or it is unnecessary as his intention is sufficient?

The Answer:

A Muslim is allowed to accept the gift , embodied in his father's and siblings' fortune, whether alive or dead, provided that he is not tempted to their religious beliefs. Also the providers of the gift should be wise enough in worldly matters, knowing that this individual has no right to inherit.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa'³⁴⁰

Member: 'Abdullah bin Qaood

Member: Abdullah bin Ghadian

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah. We ask Allah to pray for and bless the souls of Prophet Muhammad, his offspring and Companions .

³⁴⁰ Fatawa the permanent committee (549/16) no. 7301.

The Third Issue

If the disbeliever embraces Islam in Ramadan, what is the verdict?

Sheikh Ibn Uthaimen, may Allah bless his soul, said that the disbeliever is not committed to fast during the period of disbelief. The evidence is in the words of Allah almighty in “The only reasons why their contributions are not accepted are: that they reject Allah and His Messenger; that they come to prayer without being earnest; and that they offer contributions unwillingly.”(verse 54. Sura alTuba (Repentance). If expenses are not accepted from them due to their disbelief, the private worshipping practices are the same. Fasting previous days are not required if the one embraces Islam , and the evidence is clear in the words of Allah: “38. Say to the Unbelievers, if [now] they desist [from Unbelief], their past would be forgiven them; but if they persist, the punishment of those before them is already [a matter of warning for them].”(SURA 8. Anfal, or the Spoils of War).

It is affirmed from Prophet Muhammad (Peace be upon him) that he never informed anyone who embraced Islam lately of being committed to perform previous worshipping practices. Yet he is punished in the hereafter for quitting them if he does not embrace Islam, and for quitting all the religious practices , because if the Muslim who obeys Allah and observes his commands might be punished for them, the one who is arrogantly dismissing them is more liable to be punished. If the disbeliever is tortured for Allah’s blesses that he has enjoyed, such as foods, beverages, clothes, then practicing illicit affairs and quitting religious obligations are prior to be punished. The evidence is what Allah almighty has mentioned about people of the right who say to the criminals :”What brought you in hell?” . The criminals replied, “we did not pray to Allah. We did not feed the miserable people. We committed wrong with the wrongdoers. We did not believe in the Doomsday”.

Hence, there are four reasons mentioned for being tortured in hell , one of them is quitting their religious obligations. The answer is that they mentioned the four important reasons of entering hell.

The first reason is the prayer.

The second is the alms.

The third is mocking the words of Allah.

The fourth is the disbelief in the Doomsday.³⁴¹

Also, he was asked, may Allah bless his soul, “if a disbeliever embraced Islam at the end of the day, is he obliged to fast and compensate this day? Or to fast without compensation? Or he is not committed to fast or compensate?

The answer:

There is dispute in this issue among religious scholars. The moderate opinion is that he must fast without being committed to compensate previous days. He must fast because he is now committed to. He is not required to compensate because he was not committed before. He is as the boy who reaches adulthood during the day. He is committed to fast but not committed to compensate according to the most appropriate opinion in this issue.³⁴²

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

³⁴¹ Interesting Interpretation of zaad al-mustaqe (323-322/6)

³⁴² The Complete Fatwa and Messages of Sheikh Ibn Uthaimeen (97- 96/19)

The Fourth Issue

Birth Control

The Corporation of Senior Scholars in Saudi Arabia issued a decree number 42, dated 13-4-1396 H. to clarify the legal verdict in contraception, birth restraintment and its control. This is the text of the decree:

Based on the fact that the Islamic *shari'a* encourages births and reproduction, considering it a great gift from Allah on his worshippers, the legal texts from the Holy Quran and Prophet Muhammad's *sunna* confirm this, as came in the paper presented by the Permanent Committee for Scientific Research and Iftaa to the Corporation of Senior Scholars.

Because the call for birth restraintment or contraception contradicts with the human instinct created by Allah, and with the Islamic sharia accepted by Allah, as the group of those who call to birth restraintment intend to scheme against the Muslim community in general, and the Arab Muslim community in particular, in order to be able to colonize these nations and peoples, applying this call is an act of pre-Islamic ignorance, suspicion in God's divine planning and wisdom, and weakening of the Islamic structure which is based on the unity among its human resources.

Therefore, the council decides that birth restraintment is absolutely not allowed. Further, contraception is forbidden if it is done for fear of poverty, because Allah is the strong provider who provides for every creature on earth. However, if contraception is urgent for a particular reason, for instance the woman can deliver the infant only through a cesarean operation, or to postpone it for a given period, for a certain benefit for the husband and wife, then there is no problem to postpone pregnancy or resort to contraception. This is in accordance to the sound hadith (approved and accredited sayings of prophet Muhammad), and what his companions have narrated about the possibility of isolation between the husband and wife . Further, some senior men of religion permitted taking a medicine to get rid of the

fetus before the passage of forty days. Also, contraception might be a necessity if there is a bad need for it.³⁴³

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

³⁴³ Papers of the Corporation of Senior Islamic Scholars (530-529/2).

The Fifth Issue

Imitating the disbelievers

There are clear evidences from the Holy Quran and Prophet Muhammad's sunna about forbidding imitating the disbelievers. Allah almighty said, "Then We put thee on the (right) Way of Religion: so follow thou that (Way), Then We have made you follow a course in the affair, therefore follow it, and do not follow those who do not understand. They will not save you from Allah. Tyrants and wrong doers are friends and supporters to one other, but Allah is the supporter of the righteous men"(verses 18-19. SURA 45. Jathiya, or Bowing the Knee).

Allah almighty informed us that he blessed the children of Israel with earthly and religious blessings, and that they disputed among themselves after they got the knowledge . Then Allah sent Prophet Muhammad with sharia , commanding people to follow him, warning Prophet Muhammad against following the desires of those who have no knowledge, or those who contradict sharia. What is meant by their desires is their pretense of conversion which is a landmark of their vain religion . Therefore, the disbelievers feel joy when the Muslims adhere to them in some matters, and they are ready to spend their money to achieve this. Suppose the deed is not following their desires, non-adherence of them is better than adhering to their desires. It is better to attain Allah's satisfaction by quitting their desires. ³⁴⁴

In this context, Allah almighty said, "verse 149. From whencesoever Thou startest forth, turn Thy face in the direction of the sacred Mosque; that is indeed the truth from the Lord. And Allah is not unmindful of what ye do. 150. So from whencesoever Thou startest forth, turn Thy face in the direction of the sacred Mosque; and wheresoever ye are, Turn your face thither: that there be no ground of dispute against you among the people, except those of them that are bent on wickedness; so fear them not, but fear Me; and that I may complete My favours on you, and ye May [consent to] be guided;"(SURA 2. Baqara, or the Heifer).

More than one of the ancestors said, the meaning of that, to prevent the Jews not to hold an evidence against you in accepting the Qibla (direction during prayer), then they claim that the Muslims agreed upon our Qibla which may lead them to

³⁴⁴ Summary of Iqtidaa al-serat al-mustaqeem (Following the Right Path) by Sheikh al-Islam, Ibn Taymia(22/1), edited by Dr. Nasser al-Aql, with modifications.

follow our faith (Jewish religion) . Thus, Allah has ended this dispute by assigning another Qibla, other than theirs. This illustrates the divine wisdom behind the change of Qibla. It is better to have a distinct Qibla, as not to achieve the goals of the disbelievers. It is a known principle. If the disbeliever is followed in any matter, he would take it as an evidence as the Jews did in the issue of Qibla³⁴⁵

Abu Dawood narrated in his *Sunnan* , about Ibn Omar, may Allah bless their souls, that Prophet Muhammad (peace be upon him) said: **“the one who imitates a community belongs to them”**³⁴⁶

Sheikh al-Islam, Ibn Taymia said , “at least, imitating the non-believers is forbidden, as it entails the disbelief of this imitator , as Allah has said, “51. O you who have believed, do not take the Jews and the Christians as allies. They are [in fact] allies of one another. And whoever is an ally to them among you – then indeed, he is [one] of them. Indeed, Allah guides not the wrongdoing people.” (SURA 5. Maida, or the Table Spread). Absolute imitation of them entails disbelief, thus it is a necessity to forbid this. It also entails that the imitator become a member of the community he is imitating regarding the part he imitated whether it is disbelief, or a sin, or a symbol of disbelief.³⁴⁷

In the *Sahihayn* , from the hadith of Abi Saed al-Khudri, that Prophet Muhammad (peace be upon him) said, “you will follow the path of your ancestors, even if they entered a burrow, you will. They replied, “O, Messenger of Allah, do you mean the Jews and Christians?” Prophet Muhammad exclaimed , “who else!”³⁴⁸ Al-Bukhary narrated in his Sahih of hadith abu Hurayra that Prophet Muhammad (peace be upon him) said, **“ Doomsday will not come till it affects my Muslim community as it did in the previous centuries, span by span, and meter by meter”**. The companions asked, **“as the Persians and the Romans?”** Prophet Muhammad replied, **“who are the previous ancestors other than these”**³⁴⁹.

³⁴⁵ Summary of *Iqtidaa al-serat al-mustaqeem* (Following the Right Path) by Sheikh al-Islam, Ibn Taymia(23/1), edited by Dr. Nasser al-Aql, with modifications.

³⁴⁶ Number 4031, and Sheikh al-Islam, Ibn Taymia said it is a good isnad (accredited). Further, it was revised by al-Hafez Ibn Hagar, as in *Fat-h al- Barry* (98/6).

³⁴⁷ Summary of *Iqtidaa al-serat al-mustaqeem* (Following the Right Path) by Sheikh al-Islam, Ibn Taymia(pages 88-89), edited by Dr. Nasser al-Aql, with modifications.

³⁴⁸ *Sahih al-Bukhary*, with number 7320, and *Sahih Muslim* , with number 2669.

³⁴⁹ *Sahih al Bukhary* , with number 7319.

“The similarity between some of the sects of the Jews and the Christians , and Persia and Rome , was despised by Allah and Prophet Muhammad. It should not be maintained, “if the Quran and sunna have provided evidence for the occurrence of this, then what is the use of forbidding it? Because the Holy Quran and Sunna also maintain that still in the Muslim community a group of people who are keen to adhere to the right path, by which Prophet Muhammad had been missioned, till the Day of Judgment, and that they do not agree on heresy. In forbidding this, there is clear support of this group in order to assure its faith and multiply its number. May Allah make us belong to it.”³⁵⁰

Common agreement emerges in a number of incidents. The Prince of believers, Omar bin al-Khatab, may Allah bless his soul, and the Prophet’s companions and *imams* and men of *feqh* who came later have assigned particular conditions on the Christians and others to respect the Muslims , to stand up for them during meetings if the Muslims desired sitting, and not to imitate them in their clothes style, or turban , or shoes ...etc.³⁵¹

Abi al-Hafez , the father of Sheikh al-Asfahany narrated in the conditions of Ahl el-Zimma (The Christians and Jews), with its *isnaad* (accreditation) that Omar, may Allah bless his soul, wrote “do not write for the Christians and Jews , lest there grows an intimacy among you, you have to submit them, but do not oppress them”³⁵² In the same context, Abdullah bin Amr bin Al-aas, may Allah bless their souls, said “the one who establishes a building in the non- Muslim societies, sharing their festivals , imitating them through his lifetime till his death , will accompany them on the Day of Judgment”³⁵³

³⁵⁰ Summary of *Iqtidaa al-serat al-mustaqeem* (Following the Right Path) by Sheikh al-Islam, Ibn Taymia (page 49), edited by Dr. Nasser al-Aql, with modifications.

³⁵¹ Mentioned in Summary of *Iqtidaa al-serat al-mustaqeem* (Following the Right Path) by Sheikh al-Islam, Ibn Taymia (365-363/1), edited by Dr. Nasser al-Aql, with modifications. Narrated by Harb, or al-Karmany, with good *isnaad*. The editor said that al-Baihaqi introduced it with difference in the text, with *isnaad* in *al Sunnan al Kubra*, the book of taxes, chapter of al-imam, writing the book of the reconciliation on taxes paid by the nonbelievers (202/9). Look at the verdicts of the Jews and Christians by Ibn al-Qaym (pages 453- 452). Ibn Taymia said also (365/1) that these conditions are popular in *feqh* books , agreed upon among scholars, imams, and their followers from the muslim community.

³⁵² From Summary of *Iqtidaa al-serat al-mustaqeem* (Following the Right Path) by Sheikh al-Islam, Ibn Taymia (367/1), and look at the Verdicts of Ahl el Zimma by In al Qaym (pages 455-452)

³⁵³ *Sunnan al-Bayhaqi al-Kubra* (234/9). Sheikh al-Islam, Ibn Taymia , and narrated with good *isnad* about Abi Usama, about Awn, about Abi al-Mughera, about Abdullah bin Amr said, “the one who

“Imitating the appearance will lead to imitating the core or the essence, because imitation results in intimacy and affection, and allegiance . Latent affection results in apparent imitation. This is proved by sense and experience. If two men belong to the same country, then they meet in estrangement , this will bring about intimacy and affection to a great extent , although they might not be acquaintance in their country, or not friends, because being citizens to the same native country is different from estrangement. If the similarity in worldly matters bring about affection and allegiance , then what about the similarity in religious matters? Its allegiance and support is greater and stronger. Affection and allegiance to the Christians and Jews contradict Islamic faith, according to the words of Allah, “51. O believers, do not take the Jews and Christians as supporters. They are supporters to each other.”(SURA 5. Maida, or the Table Spread)³⁵⁴.

Further, external resemblance is an evidence of internal similarity. Allah almighty said, “118. Say those without knowledge: "Why speaketh not Allah unto us? or why cometh not unto us a Sign?" So said the people before them words of similar import. Their hearts are alike. We have indeed made clear the Signs unto any people who hold firmly to Faith [in their hearts].”(SURA 2. Baqara, or the Heifer).

Circumstances confirm this. The one who keeps the company of men of religion and righteous men will be affected by them, and will take them as examples, and vice versa. The one who accompanies the villains and dissolute will be affected by them and will imitate them unconsciously. Sheikh al-Islam, Ibn Taymia maintained that the Jews and Christians who lived among the Muslims were less-disbelievers than others. Also, we have seen the Muslims who used to accompany the Jews and Christians are less faithful than those who are completely alleged to Islam³⁵⁵. Imitating the non-believers is forbidden even if it was unintentional. For example, if a Muslim shaved his beard , without having the intent to imitate the non-believers, this is an act of resemblance, as Prophet Muhammad (peace be upon him)

establishes a building in the non muslim societies, sharing their festivals , imitating them through his lifetime till his death , will accompany them on the Day of Judgment “(200/1).

³⁵⁴ Summary of Iqtidaa al-serat al-mustaqeem (Following the Right Path) by Sheikh al-Islam, Ibn Taymia(page 220-221), edited by Dr. Nasser al-Aql, with modifications.

³⁵⁵ Summary of Iqtidaa al-serat al-mustaqeem (Following the Right Path) by Sheikh al-Islam, Ibn Taymia(page 220), edited by Dr. Nasser al-Aql, with modifications.

said, “distinguish yourselves from the disbelievers. Make your moustaches less thick, and your beard more thick”³⁵⁶.

Further , imitation occurs , even if it is not done by the person, as in the case of grey hair. Prophet Muhammad (peace be upon him) said, “the Jews and Christians do not color their white hair, then you have to distinguish yourselves from them”.³⁵⁷ Having grey hair is a divine order, not human action. However, maintaining grey hair is forbidden, then what about the one who willingly chooses to follow the non-believers and dissolute, not the righteous people!

When Abu Bakr al-Sedeeq bore his father, Abi Kuhafa, on the Day of Mecca conquer , bringing him before Prophet Muhammed (peace be upon him) , and saw his head as white as thughama (a tree with white fruits) . He said “change this grey color with something”³⁵⁸ In another narration , it is said, “avoid blackness”³⁵⁹. Therefore, the Muslim must change this grey color of hair by henna (herbs used for hair color), and darker colors, but not the black, as is mentioned in the hadith, in order to be distinct from the Jews and Christians.

The Verdicts of imitation

Imitating the non-believers might be considered a form of disbelief. Allah almighty said, “51. O believers, do not take the Jews and Christians as supporters. They are supporters to each other.”(SURA 5. Maida, or the Table Spread). Al-Shanqity said, “this verse illustrated that the Muslim who follows the Jews and Christians becomes one of them”³⁶⁰ [the Jews and Christians] . He illustrated elsewhere , “this is in case the companionship and support are not out of fear or self- protection , as in this condition the Muslim is justified. Allah almighty said, “28. Let not the believers Take for friends or helpers Unbelievers rather than believers: if any do that, in nothing will there be help from Allah: except by way of precaution, that ye may Guard yourselves from them. But Allah cautions you [To remember] Himself; for the final goal is to Allah.”(SURA 3. Al-i-Imran, or The Family of Imran). This verse is inclusive to other verses , indicating the forbidding of befriending , taking as allies and supporting the

³⁵⁶ Sahih Muslim, no. 259

³⁵⁷ Sahih al-Bukhary, no. 3462, and Sahih Muslim, no.2103.

³⁵⁸ Sahih Muslim, no. 2101

³⁵⁹ Sahih Muslim, no. 2101

³⁶⁰ Adwaa al-Bayan (the light of Right) by Al-Shanqity, (132/2).

non-believers, explaining that it can be the case only whenever there is fear or caution, in order to avoid their evil, provided that the inner self is not affected by them. It is said in a line of poetry: “What comes by force/ is not like what comes by choice”. It is now understood that the one who befriends the non-believers on purpose , according to his free will, is as disbeliever as them”³⁶¹ .

Resemblance might reach the level of heresy. Everyone who introduces a worship that is not mentioned in *sharia* is similar to the Jews and Christians. Sheikh Abd al-Aziz bin Baz, may Allah bless his soul, maintained, “the Prophet’s companions and righteous ancestors warned against heresy, because it is an addition to the religion, and a law that is not provided by Allah, and imitation of the enemies of Allah, the Jews and Christians, in their additions to their religion, and introducing heresy, against the divine order. Then this will make the Islamic religion seem deficient, and incomplete , which is a horrible matter. This contradicts the words of Allah, “verse 3. Today, I have perfected your religion for you, and completed My favour upon you, and have granted Islam as a religion for you – a commitment to live in peace, (SURA 5. Maida, or the Table Spread)”³⁶² . An example of this is to celebrate with Prophet Muhammad’s birth day. It is exactly similar to what the Christians do. Some imitations are capital sins, as congratulating the Christians and Jews for their feasts, as this is a sign of support to them and admission of their dissolution and disbelief.

Ibin al-Qaym, may Allah bless his soul, said “congratulations with disbelief rituals is forbidden according to the common agreement of senior scholars, as congratulating them with their feasts and fasting, such as saying ‘happy feast’ . If the one who says this is saved from disbelief, he has committed a forbidden act, as if he is congratulating the Christians for prostrating for the cross. This is more despised by Allah than to congratulate the Christians for drinking wine, murder, adultery...etc. Many people fall in this sin without being conscious of the ugliness of this sin. Pious scholars avoided congratulating the oppressors in the states, or congratulating the

³⁶¹ Adwaa al-Bayan (the light of Right) by Al-Shanqity, (133/2).

³⁶² A message of sheikh, entitled, Warning against Heresey, page 11.

ignorant for the positions of judges, teaching, iftaa, to avoid the wrath of Allah and the fall of their value.³⁶³

In imitation, the individual might commit a sin, if not capital sin. Al-Tremezi narrated in his *Sunnan* about Amr bin Shuayb about his father about his grandfather that Prophet Muhammad Peace be upon him said **“the one who imitates another community does not belong to us. Do not imitate the Jews or the Christians . The greeting of Jews is through waving the fingers, and the Christians is through the hands palms”**³⁶⁴ . There is no definite forbidding of some imitations, but quitting them is better. The evidence for this comes from the pious ancestors who despised using the Persian bow. Some of them despised drinking in a cup with legs. Some of them despised silence during having food as not to be similar to the Persians. This is in addition to many other examples.

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “it is common in many Islamic countries to wear a suit, which consists of a jacket and trousers , or shirt with long sleeves or short sleeves in summer. Is this style of clothes is included in imitating the non-Muslims?”

The Answer

The fundamental in the kinds of clothes is permission, because it is subjected to customs . Allah almighty said, “verse 32. Say: Who has forbidden the beautiful [gifts] of Allah, which He has produced for His servants, and the things, clean and pure, [which He has provided] for sustenance? Say: They are, in the life of this world, for those who believe, [and] purely for them on the Day of Judgment. Thus do We explain the signs in detail for those who understand.”(SURA 7. Araf, or The Heights). An exception of this is what legally proved to be forbidden or despised such as the silk for men, and what reveals the genitals, because it is transparent, behind which the color of skin appears, or what is narrow, because all these come under the verdict of uncovering the genitals which is forbidden. Also, the clothes style of the disbelievers are not permitted to be worn

³⁶³ The Verdicts of Ahl al-Zimma (144/1).

³⁶⁴ No. 2848, revised by sheikh Al-Albany, may Allah bless his soul, in *Sunnan al-Tremzi* , no. 2168.

either for men nor for women, as Prophet Muhammad (peace be upon him) warned against imitating the non-believers. Further, it is not permitted that men wear women's clothes, or women wear men's clothes. Prophet Muhammad (peace be upon him) warned men against imitating women, and women against imitating men. Trousers are not exclusive to the non-believers, but it is a common clothes style in some countries, either the Islamic or non-Islamic nations. Some communities disapprove wearing trousers because of their unfamiliarity to the customs of those people. Yet, this might be familiar for the customs of other Muslim communities. It is better for the Muslim who is staying in a country whose people are not used to wearing trousers not to wear them in prayers, public gatherings, or the roads”³⁶⁵.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁶⁶

Member: 'Abdullah bin Qaood

Member: Abdullah bin Ghadian

Member: Abd el-Razq Afifi

President: 'Abd el-'Aziz bin Abdullah bin Baz

Among the forms of imitating the non-believers is what is narrated by al-Bukhary and Muslim about the words of Aisha, and Ibn Abaas, may Allah bless their souls, saying, “ When the last moment of the life of Allah's messenger came he started putting his 'Khamisa' on his face and when he felt hot and short of breath he took it off his face and said, **May Allah curse the Jews and Christians for they built the places of worship at the graves of their Prophets. The Prophet was warning (Muslims) of what those had done**”.³⁶⁷

In the *Sahihayn* (al-Bukhari and Muslim), narrated by Aisha, may Allah bless her soul, that Um Habiba and Um Salama mentioned about a church they had seen in Ethiopia in which there were pictures. They told the Prophet (ﷺ) about it, on which he said, **"If any religious man dies amongst those people, they would build a place of**

³⁶⁵ Fatawa of the permanent committee (39-38/24) no. 1620.

³⁶⁶ Fatawa the permanent committee (549/16) no. 7301.

³⁶⁷ Sahih al-Bukhari no. 435, and Sahih Muslim no. 531.

worship at his grave and make these pictures in it. They will be the worst creatures in the sight of Allah on the Day of Resurrection."³⁶⁸ Sheikh al-Islam, Ibn Taymia, may Allah bless his soul, "this is a warning and cursing the one who imitates people of the Book in the manner of building mosques on the graves of pious people . It is an evidence of the necessity of being cautious of their deeds. It is not secure that all their actions are the like. It is acknowledged how those people are inflicted, as building on the graves, and taking the graves as mosques without buildings. Both are forbidden and cursed"³⁶⁹.

Among the forms of imitating the non-believers is what is common among the Muslim youth of imitating the clothes style and external appearance of the non-believers such as wearing chains, hair extension, hair- cut, watching their daily life style through series and films, admiring them, speaking their language, while there was no urgent need for this.

In his *Sahih*, Muslim narrated about 'Abdullah b. 'Amr b. al-As reported: "Allah's Messenger (ﷺ) saw me wearing two clothes dyed in saffron. Whereupon he said: **These are the clothes (usually worn by) the non-believers, so do not wear them**"³⁷⁰. Forbidding wearing them is because their style belongs to the disbelievers, whether they intend enjoying their appearances in life, or they are accustomed to this . This is according to the hadith: Narrated `Abdur-Rahman bin Abi Laila: "We were sitting in the company of Hudhaifa who asked for water and a Magian brought him water. But when he placed the cup in his hand, he threw it at him and said, Had I not forbidden him to do so more than once or twice? He wanted to say, I would not have done so, adding, but I heard the Prophet saying, **Do not wear silk or Dibaja, and do not drink in silver or golden vessels, and do not eat in plates of such metals, for such things are for the unbelievers in this worldly life and for us in the Hereafter.**"³⁷¹ Therefore, scholars consider wearing silk clothes, using golden and silver vessels as imitating the disbelievers.³⁷²

³⁶⁸ Sahih al-Bukhari no. 427, and Sahih Muslim no. 528.

³⁶⁹ Summary of Iqtidaa al-serat al-mustaqeem (Following the Right Path) by Sheikh al-Islam, Ibn Taymia(pages 106-107), edited by Dr. Nasser al-Aql, with modifications.

³⁷⁰ Sahih Muslim no. 2077.

³⁷¹ Sahih al-Bukhari no. 5426, and Sahih Muslim no.2067.

³⁷² Iqtidaa al-serat al-mustaqeem (Following the Right Path) by Sheikh al-Islam, Ibn Taymia(page 120), edited by Dr. Nasser al-Aql, with modifications.

Among these is the Muslims imitating the non-believers in holding feasts as the Prophet's Birth Day, and celebration of Israa and Miraag (the Prophet's ascending to the sky). Further, imitation of the non-believers is found in national feasts, New Year Eve, Christmas, Valentine, in which youth wear red clothes and offer flowers to one others. Also, the use of European months and date according to the birth of Christ is despised. They intend that the Muslims quit the Hijry date in order to depend on Christian date. This can be found also in breeding dogs when there is no need for. Definitely, this is forbidden, unless it is a hunting hound, cattle, plough animals, according to the religious texts. Further, they buy these dogs at high prices in order to imitate the disbelievers.

Moreover, the imitation of non-believers, Jews and Christians, and worshippers of fire occurs through shaving the beards. Nafi` narrated: Ibn `Umar said, The Prophet said, **'Do the opposite of what the pagans do. Keep the beards and cut the moustaches short.'** Whenever Ibn `Umar performed the Hajj or `Umra, he used to hold his beard with his hand and cut whatever moustaches. Ibn `Umar used to cut his moustache so short that the whiteness of his skin (above the upper lip) was visible, and he used to cut (the hair) between his moustaches and his beard³⁷³. Muslim reported in his *Sahih* that Abu Huraira reported: The Messenger of Allah (may peace be upon him) said: **“Trim closely the moustache, and grow beard, and thus act against Magians (the fire-worshippers).”**³⁷⁴

What confirms the necessity of not imitating the non-believers is what Muslim reported in his *Sahih*, narrated by 'Ibn Umar May Allah be pleased with him, that prophet Muhammad (PBUH) said, **“None of you should eat or drink using the left hand, as the devil eats and drinks using the left hand”**³⁷⁵

Prophet Muhammad accounted for this warning because the devil did that. Thus, contradicting the devil is intentional and required, and has many examples³⁷⁶. The examples are many. What I have mentioned is just a small part. The one who wishes to have further information can read the book of Sheikh al-Islam, Ibn Taymia's

³⁷³ Sahih al-Bukhari no. 5892, and Sahih Muslim no.259.

³⁷⁴ No. 260.

³⁷⁵ No. 2020.

³⁷⁶ Summary of Iqtidaa al-serat al-mustaqeem (Following the Right Path) by Sheikh al-Islam, Ibn Taymia(147), edited by Dr. Nasser al-Aql, with modifications.

Iqtidaa al-serat al-mustaqeem (Following the Right Path) *to oppose the people of Hell*. It is a very valuable and useful book.³⁷⁷

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

³⁷⁷ These words are taken from the author 's book, Encyclopedia of Selected Gems (374-361/8).

The Sixth Issue

Going on Missions/ Traveling abroad and its danger

A decree was issued by the Corporation of Senior Scholars in Saudi Arabia, no. 88, on 11-11-1401 A.H., as follows:

“the council of the Corporation of Senior Scholars in Saudi Arabia, in its eighteenth session, held in the city of Taef , from 29-10-1401 A.H. to Wednesday 11-11- 1401 A.H., has reviewed some of the destructive targets against the Muslim community at large, such as calling for obscenity in ethics, and ruin of faith for this nation (Saudi Arabia), because of its great position among the Muslim peoples, for holding to the sheer Islamic faith, applying its noble manners. Also, the people of this country are the central pillar of Islam , thus if they turn corrupt, it is easier to spread corruption among other peoples following them. The council has reviewed the methods that the enemies of Islam used in order to corrupt the Muslim youth, and listened to many incidents, and resumed review what was suggested before in the field of preserving the unity of the nation, and its youth from disintegration and dissolution.

The most serious reasons for the corruption of youth are to facilitate the path of vices, being entrapped by the enemies of Islam, dismissing the Islamic faith, and ethics, disobedience of the Islamic way of life, enmity with authorities, regarding them with contempt, freeing themselves from the protection of the principles of the Islamic faith, ignoring science that is used in competing the intellectual and ethical currents, lurking to harm the Muslims in order to turn them to enemies of their nation, religion, and leaders in their countries. It is mentioned also before the council many painful occurrences and disturbing cases which result from the transformation of the energetic youth from the atmosphere of conservatism and virtue to another atmosphere full of vices and obscenity, targeted against the Muslim youth in particular, pushing them to seek fulfilling sexual desires, fall victims to seduction, suspect their religion, exaggerate the political errors in their nations, If the Muslim youth are well educated or well-informed with the religious knowledge that are sufficient not to let them fall victims of all these, the enemies are keen to focus on the mistakes committed by governments which keep away from the verdicts of Islam, or

to create non-existent errors. In this manners, they exploit the religious enthusiasm of those youth to direct them towards extremism . Thus, the Muslim youth quit the beneficial deeds in order to commit deeds that disintegrate the nation, breaking its unity, attempting coup.

Because the leaders are the guards of the nations, and that they bear the responsibility of directing people towards the right path, and to mend what seems dangerous on the national security. Because youth are the core of the nation and the men of the future, guards of the integrity of nation, thus it is urgent to eliminate the reasons that might lead to their dissolution, and to work for their benefit. Many youth who leave the country in order to study abroad, suffer from cultural shock, spread vices, various forms of temptation, such as sex, wine, religious doubt. Many students return after being influenced with what they have seen and heard, and practiced, everyone according to his individual case, and estimation. Many of them return with contempt of their native country, being fond of the libertinism of western countries. In addition, the west has advancement in the various sorts of modern sciences, and lack of ethics and principles, virtue, and conservatism. The westerns are pleasure seekers with no constraints. Thus, the Muslim student who encounters them will bring to his country evil, corruption, destruction, demolishing of ethics and principles as if he is a missionary of evil.

As all the phases of education are now accessible in the nation, needing only few contemporary specializations, and as the leader has to direct his subjects to their benefits, and to warn them against the evils , and as women who travel abroad see the nakedness and dissolution of western women, and their illicit affairs, even if these women are married, there is encounter with men during study either public or private. Young unmarried women will witness that the relationship between male and female students is normal, not despised, and they might exchange visits, leading to affairs that extract the wrath of Allah and his prophet. The travel of a woman without *mehrem* (male relative) is a sin, even for the hajj in Mecca, then what about travelling abroad and mingling with men publically or individually and the consequent vices!

Therefore, the council of the corporation of the senior scholars provides a piece of advice for the sake of Allah and Prophet Muhammad, seeing that the rulers must apply the measures that protect this nation from disintegration such as the following:

- 1- Forbidding the missions of young women with no exception. The one who is doing postgraduate studies, and will benefit the nation by her specialization , then the nation is obliged to provide the necessary means for this inside Saudi Arabia, particularly that Allah has granted the nation the financial capabilities which can facilitate many hard circumstances. The travel of young women for studies has more harms than benefits . Avoiding harm is better than bringing about benefits. Any man ought not to permit his daughter, or ward to travel abroad for studies, either in the neighboring countries or the western countries, even at his own cost, for the benefit of all. This is confirmed in the meaning of hadith Narrated An-Nu`man bin Bashir: The Prophet said, **“The example of the person abiding by Allah's order and restrictions in comparison to those who violate them is like the example of those persons who drew lots for their seats in a boat. Some of them got seats in the upper part, and the others in the lower. When the latter needed water, they had to go up to bring water (and that troubled the others), so they said, 'Let us make a hole in our share of the ship (and get water) saving those who are above us from troubling them. So, if the people in the upper part left the others do what they had suggested, all the people of the ship would be destroyed, but if they prevented them, both parties would be safe”**.³⁷⁸
- 2- Not sending any student to study abroad, either civil or military student at the expenses of the nation, or at his private expenses till the end of university stage , and after marriage, and serving the country for a definite period, till he becomes strong enough in both body and faith, to be informed with the creed of the ancestors, and the destructive and dissolute sects, or else he will be diverted from religion and the path of Allah.
- 3- Not permitting anyone to be sent to study theoretical specializations such as administration, economics, languages etc. The one who sends his children to

³⁷⁸ Sahih al-Bukhari, no. 2493.

study abroad must be punished , and their certificates must not be recognized inside the kingdom.

- 4- There must be complete investigations about every candidate to be missioned abroad for a particular specialization , to estimate the extent of his obligation to his religion, his ethical standard, his national allegiance, and to take a course to study the conditions of the country he is going to.
- 5- To let travel exclusive on specializations that cannot be got inside the kingdom such as some industries, and atoms. Whenever these sciences are introduced inside the kingdom, the missions should stop.
- 6- Not allowing any state or commercial institutions to send candidates to take training courses, or studies to get certificates except through the concerned authorities in education, provided that the candidate should enjoy good reputation and wisdom.
- 7- Everyone who does not fulfill the previous conditions must be brought back to complete his studies inside the kingdom, at his own expenses, or his family, or the government, or one of the institutions.
- 8- Every institution should have the right of censoring the contradiction of the previous conditions, having informants in the embassies and educational attaché to report every case that contradicts the conditions. Ministry of Higher Education, and all other ministries, and corporations must report any violation to the concerned authority . This is for the benefit of our nation in both life and religion and the maintenance of faith, and ethics.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The President of the session: 'Abd el-'Aziz bin Saleh

Members: 'Abdullah bin Qaood, Abdullah bin Ghadian, Abd el-Razq Afifi, 'Abd el-'Aziz bin Abdullah bin Baz, Abdullah Khyaat, Abdullah bin Muhammad bin Hamid,

Soliman bin Aibeid, Muhammad bin Ali al-Harkaan, Rashed bin Khanayn,
Muhammad bin Gubeir, Ibrahim bin Muhammad aal el Sheikh, Saleh bin Ghusoon,
Abd el-Megeed Hassan, Abdullah bin Maneei, Saleh bin lehedan.

All praise is due to Allah. And peace be upon Prophet Muhammad, his
offspring and companions!

The Seventh Issue

The custody of Muslim child by the non-Muslim

It is not legal for the Muslim child, whether male or female, to remain in the custody or to be adopted or raised by a disbeliever family for fear there will be a religious seduction. The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “my brother has married a French woman in the past in France. Then he divorced her. After his return to Algeria, he had two sons who live with her in France. There is no information of their destiny and condition till now. I have their address, but I cannot write for them in French. What is your advice for me?”

The Answer:

We advise you and their father to search for them, to write for their mother in French, seeking the help of a translator, as long as you know their address. You have to tempt them and their mother with money, and nice talk in order to attract them and encourage them to be raised according to the Islamic tradition, because leaving them to their Christian mother who lives in non-Islamic society will affect them to follow the religion of their mother and the manner of the corrupt society in which they live. You are more worthy of their custody than their mother as she is a Christian. Allah almighty said, “ verse 2. Cooperate on piety and righteousness not on vices” ”(SURA 5. Maida, or the Table Spread). Allah also said “verse 141. Allah will not empower the non-believers over the believers”(surah An Nisa (The women)).

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁷⁹

³⁷⁹ Fatawa the permanent committee (549/16) no. 7301.

Member: Bakr Abu Zeid

Member: Saleh al-Fawzan

Member: Abdullah bin Ghadian

Member: Abd el-Aziz al-Sheikh

President: 'Abd el-'Aziz bin Abdullah bin Baz

All praise is due to Allah. And peace be upon Prophet Muhammad, his
offspring and companions!

The Eighth Issue

Swearing with the Bible

It is forbidden to swear with other than Allah, whether the Old Testament (Torah), the New Testament (the Bible), Kaaba, or the like, as Prophet Muhammad (peace be upon him said, “Whoever has to take an oath should swear by Allah or remain silent. (i.e. He should not swear by other than Allah.)”³⁸⁰.

Fatwa has been issued by the Islamic Feqh (jurisdiction) Academy which is following the Islamic World Bond in its fifth session, held in 14-4-1402 A. H. It reads as follows:

“The council of the academy has read the question about the verdict of a Muslim who touches a Bible or Torah (Old Testament), or both during swearing in front of jury in non-Islamic countries whose judicial system requires this.

The council has reviewed the opinions of men of feqh about what is permitted, and what is not permitted in swearing in general, and before the jury. The council reaches the following conclusion:

- 1- It is not allowed to swear with any entity other than Allah, as Prophet Muhammad (peace be upon him) said, “Whoever has to take an oath should swear by Allah or remain silent. (i.e. He should not swear by other than Allah.)”³⁸¹
- 2- Touching the Holy Quran or Bible or Torah by the one who swears is not a necessity of the validity of swearing, but it is a kind of intensification of the oath in order to fear and avoid telling lies.

³⁸⁰ Sahih al-Bukhari no. 2679, and Sahih Muslim no. 1646.

³⁸¹ Sahih al-Bukhari no. 2679, and Sahih Muslim no. 1646.

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- 3- It is forbidden for the Muslim to put his hand on the Bible or Torah because the current copies are not authentic as was revealed to Moses and Jesus. Further, the sharia of Muhammad has eliminated previous ones.
 - 4- If judicial system in one country is based on non-Islamic procedures , which requires from the one who swears to touch the Bible or Torah or both during swearing, the Muslim should ask the court of law to be allowed to touch the Holy Quran. If the court of law refuses, in this case this person is forced against his will, then he is not guilty to touch the Bible or Torah, provided that he has no intent to glorify them.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Ninth Issue

Testifying for the Jews and Christians and other disbelievers

If a Christian asks a Muslim to testify for him, is it legally permitted or not?

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “If two of the Jews and Christians asks a Muslim to testify in something related to them, is there a legal inhibition in this? I did not answer in order to raise the question to your majesty. It is noteworthy that the clubs which prepare wedding non-Islamic parties offer wine and many other forbidden matters, but this is the case here in Brazil.

The Answer:

Testifying of the Muslim on the contracts of the non-believers needs more details: if these contracts are illegal, such as usury , incest, or any illicit matter, it is forbidden for the Muslim to testify on them. If the contracts are legal such as marriage contracts and the like, then there is no inhibition for the Muslim to testify. It is not legal for the Muslim to attend the clubs that prepare these wedding non-Islamic parties through offering wine and the like, unless he is able to remove these illicit things.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁸²

Member: Bakr Abu Zeid

Member: Saleh al-Fawzan

Member: Abdullah bin Ghadian

Member: Abd el-Aziz al-Sheikh

Vice President: Abd el-Razek Afifi.

President: 'Abd el-'Aziz bin Abdullah bin Baz

³⁸² Fatawa of the Permanent committee (166/ 18), no. 16010.

All praise is due to Allah. And peace be upon Prophet Muhammad, his
offspring and companions!

The tenth Issue

If the Christian converts to Islam, is he forced to adopt a different name?

Sheikh 'Abd el-'Aziz bin Abdullah bin Baz, may Allah bless his soul, was asked the following question: “Is it a must for the one who converts to Islam to change his name, if it was: George, Joseph, and the like?”

The Answer:

It is not obligatory to change his name, unless it indicates worship to other than Allah, but improving the name, for instance from western to Islamic, is allowed. It is a good thing. The answer is no. If the name was “Abd al-Masih”(the worshipper of the Christ) and the like, then changing the name is a necessity, because it indicates worship to another entity other than Allah. This is the opinion of all the religious scholars, as was said by Muhammad Ibn Hazm, may Allah bless his soul.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The eleventh Issue

The Verdict of calling the non-Muslims as brothers

Sheikh Ibn Uthaymeen was asked about the verdict of depicting the disbeliever as a brother? He answered: "It is forbidden for the Muslim to call the disbeliever by the word brother, whether he is a Christian, a Jew, a Magian, or an atheist. There is no brotherhood between the Muslims and the disbelievers. Brotherhood should be based on faith, as Allah said, "10. The Believers are but a single Brotherhood: So make peace and reconciliation between your two [contending] brothers; and fear Allah, that ye may receive Mercy."(SURA 49. Hujurat, or the Inner Apartments). The relationship of kinship is eliminated by the difference in religion, then how come there will be brotherhood with different religions and lack of kinship! Allah said of Noah and his son: "45. And Noah called upon his Lord, and said: "O my Lord! surely my son is of my family! and Thy promise is true, and Thou art the justest of Judges!" 46. He said: "O Noah! He is not of thy family: For his conduct is unrighteous. So ask not of Me that of which thou hast no knowledge! I give thee counsel, lest thou act like the ignorant!""(SURA 11. Hud, or The Prophet Hud) . Then there is no brotherhood between the believer and the non-believers. Further, the believer should not adopt the disbeliever as a friend, as Allah said, "1. O ye who believe! Take not my enemies and yours as friends [or protectors],- offering them [your] love, even though they have rejected the Truth that has come to you, and have [on the contrary] driven out the Prophet and yourselves [from your homes], [simply] because ye believe in Allah your Lord! If ye have come out to strive in My Way and to seek My Good Pleasure, [take them not as friends], holding secret converse of love [and friendship] with them ."(SURA 60. Mumtahana, or the Woman to be Examined).

Who are the enemies of Allah? They are the disbelievers. Allah said, "98. Whoever is an enemy to Allah and His angels and messengers, to Gabriel and Michael,- Lo! Allah is an enemy to those who reject Faith."(SURA 2. Baqara, or the Heifer). In another sura, Allah said, "51. O ye who believe! take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them. Verily Allah guideth not a people unjust." (SURA 5. Maida, or the Table Spread).

All praise is due to Allah. And peace be upon Prophet Muhammad, his
offspring and companions!

The Twelfth Issue

The verdict of standing for one hour mourning for the Muslim and the non-Muslim

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “Is it legal to stand for a moment in silence to honour the souls of martyrs? It is a custom at stand for a while in silence to mourn or to honour the souls of the martyrs at the beginning of parties.

The Answer:

What some people do to mourn martyrs or celebrities in honour to their souls , or lowering the flags, is a heresy which was not existent during the lifetime of Prophet Muhammad and his companions, or the righteous ancestors. Further, it does not conform to the ethics of monotheism , glorifying Allah, and faith . Instead, some ignorant Muslims follow this tradition which was introduced by the disbelievers and imitated them blindly in their customs, hypocrisy for their presidents either alive or dead. Prophet Muhammad warned us against imitating them. In Islam, one can pray for the souls of the dead , to pay alms to bless their souls, to mention their good attributes and avoid mentioning their defects. This is in addition to many other means that Islam has illustrated , but not including mourning by standing silent for moments. This is rejected by Islam.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁸³

Member: Abdullah bin Ghadian

Member: Abdullah bin Qaood

Vice President: Abd el-Razek Afifi.

President: 'Abd el-'Aziz bin Abdullah bin Baz

³⁸³ Fatawa of the Permanent committee (77-78/9), no. 1674.

All praise is due to Allah. And peace be upon Prophet Muhammad, his
offspring and companions!

The Thirteenth Issue

Is the Nasrani called Christian?

Sheikh Ibn Uthaymeen , may Allah bless his soul, was asked : “It is usual for some Muslims to repeat the word ‘Christianity’, and they do not distinguish the difference between a ‘Christian’ and ‘nasrani’ . The Muslims say this is a Christian instead of this is ‘nasrani’. We hope that you illustrate the meaning of the term Christianity, and is it correct to use it to refer to the nasarraa today?

The answer:

I see that we must call them nasarraa as they were called by Allah. In the books of the past scholars, it was always mentioned ‘the Jews and Nasarra’. Yet, when the Nasarraa became stronger after the weakness of Muslims , they called themselves Christians in order to legitimize their religion even if by name. I am sure that Jesus Christ, the messenger of Allah is innocent of their guilt, and that he will say on the Day of Judgment, if Allah asks him “And [beware the Day] when Allah will say, "O Jesus, Son of Mary, did you say to the people, 'Take me and my mother as deities besides Allah ?'" He will say, "Exalted are You! It was not for me to say that to which I have no right. If I had said it, You would have known it. You know what is within myself, and I do not know what is within Yourself. Indeed, it is You who is Knower of the unseen. 117 . I said not to them except what You commanded me - to worship Allah, my Lord and your Lord. And I was a witness over them as long as I was among them; but when You took me up, You were the Observer over them, and You are, over all things, Witness.” (SURA 5. Maida, or the Table Spread).

If Jesus Christ was asked of his message, he will answer Allah that he told them: “6. And remember, Jesus, the son of Mary, said: "O Children of Israel! I am the messenger of Allah [sent] to you, confirming the Law [which came] before me, and giving Glad Tidings of a Messenger to come after me, whose name shall be Ahmad." But when he came to them with Clear Signs, they said, "this is evident sorcery!"”(SURA 61. Saff, or Battle Array). Jesus, the son of Mary, admitted the messages before him, and after him, commanding his community to testify that there

is no True except Allah, and that Muhammad is the messenger of Allah. Yet, his community members were nonbelievers of this prophecy and monotheism. They said, “verse 73. Allah is one of three in a Trinity” (SURA 5. Maida, or the Table Spread). Further, they said, “30. Jesus is the son of God” (Sura al-Tauba (Repentance), and “God is Jesus, the son of Mary”, (SURA 5. Maida, or the Table Spread). May Allah protect us.

I finally say that Jesus Christ is innocent of their guilt and of their religion nowadays. Jesus Christ, in his message, asks them to believe in Muhammad, the prophet, to be faithful worshippers of Allah. Allah said, “73. Say: "O People of the Book! come to common terms as between us and you: That we worship none but Allah; that we associate no partners with him; that we erect not, from among ourselves, Lords and patrons other than Allah." If then they turn back, say ye: "Bear witness that we (at least) are Muslims (bowing to Allah's Will).” (SURA 3. Al-i-Imran, or The Family of Imran)³⁸⁴.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

³⁸⁴ Meetings of the Open Day (43/ question no. 8).

The Fourteenth Issue

Breast feeding a Muslim child by a disbeliever woman

Is it legal to bring a disbeliever woman to breastfeed a Muslim child? On the other hand, is it legal for a Muslim woman to breastfeed a disbeliever child? What are the consequences of this?

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “Is it legal for the Muslim woman to breastfeed a Christian child? And is it legal for a Christian woman to breastfeed a Muslim child? What is the verdict of this child in Islam if it was already breastfed? I hope I receive an answer.

The Answer:

Firstly, it is allowed for a Muslim woman to breastfeed a Christian child. Also, it is permitted that a Christian woman breastfeeds a Muslim child, because the fundamental in this is permission. There is no evidence about prohibiting it. It is considered one of the forms of charity. Allah has commanded charity in everything. Prophet Muhammad (peace be upon him) said, “**there is a reward for serving any animate.**”³⁸⁵

Secondly, if they are breastfed, the verdict in Islam on both of them does not change with this breastfeeding. The one who was Muslim before breastfeeding remains as such, and the one who was Christian before breastfeeding remains as such.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁸⁶

³⁸⁵ Sahih Al-Bukhari no. 2363, Sahih muslim no. 2244.

³⁸⁶ Fatawa of the Permanent committee (61-62/21), no. 4668.

Member: Abdullah bin Ghadian

Member: Abdullah bin Qaood

Vice President: Abd el-Razek Afifi.

President: 'Abd el-'Aziz bin Abdullah bin Baz

The Fifteenth Issue

A Muslim participation in farewell parties of a non-Muslim

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “we work in a company that includes officials of various religious faiths: Muslims, Christians, Hindus. Some non-Muslim officials suggest raising money from various officials to hold a farewell party before the departure of one of the foreign officials. The party involves offering a meal, with a gift to the guest of the party. Is the participation of the Muslim with money and effort in this type of parties affect their Islamic creed? I hope you answer me and my Islamic colleagues in order to be enlightened. May Allah reward you the best .

The answer:

The contribution of the Muslim to raise money to hold a party for the non –Muslim entails honoring and supporting them, which is not permitted to the Muslim to do, or participate in. You should call the non-Muslims to Islam, to clarify its advantages, in order to attract them. May Allah convert their souls to Islam.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁸⁷

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: 'Abd el-'Aziz aal el- Sheik

Member: Abdullah bin Ghaydan

Vice president: Abd el-Razik A'fifi

President: 'Abd el-'Aziz bin Abdullah bin Baz

³⁸⁷ Fatawa the Permanent Committee (441-442/1), no. 16439.

The Sixteenth Issue

Forbidden dealings with the disbelievers

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: "I'd like to inquire about a common phenomenon in this country, which causes much controversy among people, as some claim it is legal for the Muslims, while others claim it is not. (It is the stolen cell phone). In this country, there are a great number of Arab students. Of course, every one of them calls his family abroad. International calls are very expensive. This leads many to resort to places that offer cheaper calls. The real reason is that these phones are connected with phones of the native citizens, or the government.

Many justify that the government is non-Muslim, enemy to Islam and Muslims, it is our duty to destroy their economy, and permit these calls, provided that they are connected with the phones of the government. I hope you issue a fatwa (advisory opinion). We pray Allah to bless you and support you to do the best for the Muslims.

The Answer:

It is forbidden for you to spoil the property of the government even if they were disbelievers, because they offer you security and trusted you to enter their country, and you promised them to maintain its safety. Once you reached their country, you are committed, and the Muslim is obliged to fulfill his commitment, as not to be unfaithful, and cheater. Allah said, "34. fulfil [every] engagement, for [every] engagement will be enquired into [on the Day of Reckoning]." (SURA 17. Bani Israil, or the Children of Israel). In another surah, Allah said, "1. O ye who believe! Fulfill (all) obligations." (SURA 5. Maida, or the Table Spread). In hadith of Prophet Muhammad, he said, ""The signs of a hypocrite are three .': Whenever he speaks, he tells a lie. .') Whenever he promises, he always breaks it (his promise).(3. If you trust him, he proves to be dishonest. (If you keep something as a trust with him, he will not

return it.)", agreed upon from the hadith of Abi Hurayra, Zad Muslim, "even if he fasts and prays and claims his Islam"³⁸⁸

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁸⁹

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: 'Abd el-'Aziz aal el- Sheik

Member: Abdullah bin Ghaydan

Vice president: Abd el-Razik A'fifi

President: 'Abd el-'Aziz bin Abdullah bin Baz

³⁸⁸ Ahmad 2/357, 397, 536, Bukhari 1/14, 3/162-163, 189, 7/95.

³⁸⁹ Fatawa the Permanent Committee (23-446- 447), no. 17362.

The Seventeenth Issue

Prayers in the halls prepared for shameless fun

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “I’d like to inquire if the prayer is permitted in a hall which is specified for semi-naked dance, and wine and bet parties, despite the existence of a mosque in the town?”

The Answer:

It is clear in answering the first question that sunna in eid prayer is to be performed in desert if this is possible, or else it should be performed in the mosques. Thus, it is not permitted to perform it in a hall, meanwhile there is one mosque or more. The hall is neither desert nor a mosque. The hall is established with the purpose of seeking pleasures, drinking wine, things which bring about Allah’s wrath. It was not established for piety. It was established to oppose Allah through committing sins. Then it is similar to the harmful mosque which Allah has warned his prophet to pray in: “108. Never stand thou forth therein. There is a mosque whose foundation was laid from the first day on piety; it is more worthy of the standing forth [for prayer] therein. In it are men who love to be purified; and Allah loveth those who make themselves pure. “(SURA 9. Tauba (Repentance) or Baraat (Immunity)).

Prayers in such a hall eliminates the earnest and sacredness of the prayers, as the one who prays does not sense that he is in a worship place. Renting this hall for prayer instead of the mosque entails support for the evil and corrupt people.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁹⁰

Member: 'Abdullah bin Qaood

Member: Abdullah bin Ghaydan

³⁹⁰ Fatawa the Permanent Committee (8/ 96-97), no. 2835.

Vice president: Abd el-Razik A'fifi

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

The Eighteenth Issue

Seeking livelihood and earning money by forbidden methods

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “I am living now in a European country. Most of people here work in distributing newspapers, which include some advertisements of wines and prostitutions. Some people work in the offices of spreading the advertisements on supermarkets. Most of these ads are about wine . Other sector of people works in restaurants, and serves some foods such as the forbidden types of meat and beverages. All of them claim: “this is our livelihood”, suspecting its forbidden money, but maintaining that there are no available jobs in their native countries, which might lead some to dissolution, theft. What is the religious verdict of this?

The Answer:

It is illegal to distribute the newspapers containing ads about wines and prostitution. Similarly, it is forbidden to work at restaurants which serve wines and pork. Also, it is forbidden to work in stores which sell wines and forbidden things. A Muslim must seek his livelihood by legal means. Allah said, “2. And for those who fear Allah, He [ever] prepares a way out, 3. And He provides for him from [sources] he never could imagine. And if any one puts his trust in Allah, sufficient is [Allah] for him. For Allah will surely accomplish his purpose: verily, for all things has Allah appointed a due proportion. “(SURA 65. Talaq, or Divorce). In another surah, Allah said, “2. Lawful unto you (for food) are all four-footed animals with the exceptions named: But animals of the chase are forbidden while ye are in the Sacred Precincts or in pilgrim garb: For Allah doth command according to His Will and Plan. “(SURA 5. Maida, or the Table Spread).

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁹¹

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: 'Abd el-'Aziz aal el- Sheik

Member: Abdullah bin Ghaydan

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “ I work at a restaurant. Some non-Muslim foreigners come to the restaurant, and we double the price of food for them. Is this legal?”

The Answer:

The nonbeliever should be treated in sales and purchase as the Muslims with honesty. Thus it is forbidden to multiply the cost for the non-believers. This does not mean to maintain love and intimacy with him. Instead, he must be despised for Allah’s sake. This is part of faith.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁹²

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Vice President: 'Abd el-'Aziz aal el- Sheik

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

³⁹¹ Fatawa the Permanent Committee (14/ 425-427), no. 16457.

³⁹² Fatawa the Permanent Committee (1/ 457), no. 20175.

The nineteenth Issue

Warning of crosses in table-spreads and others

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “what is your opinion in the cross? And what if it was drawn on carpets of prayers, and in some mosques whose carpets also contain the two swords and the palm tree, besides the crosses, What is the verdict of prayers on these carpets containing crosses?

The Answer:

Making the cross is forbidden , whether concrete cross or illustrated, or engraved on a wall or carpets or the like. It is not allowed to spread it at mosques, or homes, or classrooms . It should not be maintained. You should get rid of it, or eliminate it in a manner that remove its shape, such as breaking it, or erasing it, or defacing it... etc. But it is not allowed to sell it or pray on it.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁹³

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: Abdullah bin Ghaydan

Vice President: 'Abd el-'Aziz aal el- Sheik

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

³⁹³ Fatawa the Permanent Committee (3/ 438), no. 7266.

The twentieth Issue

Publicity of the wedding contract at churches

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “Is it permitted for the believer to proclaim his marriage to one of the people of the book (a Christian) at the church? Through a priest? This is after the completion of marriage in the Islamic way in the English marriages offices.

Answer:

It is not permitted for the believer to proclaim his marriage from a Muslim or a Christian at a church and at the hand of a priest, even if this follows the marriage measures, because this is an imitation of the rituals of marriages of the Christians, feelings, worship, respect of their scholars and worshippers. Prophet Muhammad said in hadith, “the one who imitates a community is considered one of their members”.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁹⁴

Member: 'Abdullah bin Manee

Member: Abdullah bin Ghaydan

Vice president: Abd el-Razik A'fifi

President: 'Abd el-'Aziz bin Abdullah bin Baz

³⁹⁴ Fatawa the Permanent Committee (18/ 118-119), no. 1113.

The Twentieth first Issue

Enabling the non-believer of the translated Holy Quran

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “Is it permitted for the believer to deliver the translation of the Holy Quran to the non-Muslim, as whenever I argue with them, they demand a copy to read Quran. What are the best means that might help us in calling those people to Islam?”

The Answer:

There is no problem when you offer the non-believer who might convert to Islam the translation of the interpretation of the Holy Quran, because it is forbidden to give them the Holy Quran. The translation is considered an interpretation of the meanings of Quran. It is one of the means that support the Muslims to call the disbelievers to Islam, in order to explain the advantages of Islam to them, stressing that they are demanded to convert to Islam, and that Allah does not accept any other religion but Islam. This should be performed through wisdom, preaching, good argument, offering good example, sound presentation of Islam through the deeds and sayings of the missionaries.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁹⁵

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: Abdullah bin Ghaydan

Member: 'Abd el-'Aziz aal el- Sheik

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

³⁹⁵ Fatawa the Permanent Committee (11/ 27-28), no. 16579.

The twenty second Issue

The verdict of the non-believer's nursing of the Muslim women

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: "Most of the nurses in the British hospitals are non-Muslim males. They nurse the Muslim women patients during pregnancy. Is there any problem in this?"

The Answer:

Yes, there is a problem. It is forbidden , because it means the foreign , non-Muslim men see the genitals of the Muslim women during birth delivery. There is no necessity in this, because you can seek the help of female nurses instead. It is not permitted for the Muslim woman to expose herself to this condition. She must seek follow up and delivery in a private clinic or private hospital that does not contradict the Islamic tradition in order to preserve her dignity and religion.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁹⁶

Member: Abdullah bin Qaood

Member: Abdullah bin Ghaydan

Vice President: 'Abd el-Razeq Afifi

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

³⁹⁶ Fatawa Related to Medicine and the Verdicts of Patients , under supervision of Sheikh Saleh al-Fawzan (1/ 245), no. 2922.

Further, The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “ I live in a country free of women surgeons, either Muslims or non-Muslims, There is a great problem and we need a way out, in accordance to the obedience of the commands of Allah. My wife is pregnant. Most women resort to a male surgeon at child birth. They summon a female surgeon but this female surgeon summons another male surgeon when there is a problem in delivery through the natural way. Is it permitted in this case, that the muslim patient is uncovered before the male surgeon? Noting that sometimes the case is dangerous if the surgeon does not perform a cesarean operation . Please what is your recommendation?

The Answer:

In this case, it is permitted to enable a male surgeon to treat her as long as there is a necessity.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa³⁹⁷

Member: Abdullah bin Qaood

Vice President: 'Abd el-Razeq Afifi

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

³⁹⁷ Fatawa the Permanent Committee (24/ 420), no. 6810.

The Twenty third Issue

Communicating with the Disbeliever Relative

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “I have been married for 10 years. My current wife was a Christian, but she converted to Islam before the marriage. After marriage, she begets four sons. On holidays, she always asks to see her father, and siblings. At the beginning, I allowed her to this, but she also wants to see some relatives of whom I’m afraid that my sons see their non-Islamic means and traditions which contradict their upbringing. Is banning her from visiting her relatives right or wrong? Noting that she goes to her parents, and her mother has converted to Islam. Some of her relatives want to visit my home. Shall I permit them or not?

The Answer:

Your wife’s visits of her non-muslim relatives and parents are permitted, but if you are afraid of religious seduction , you can prevent this to save your wife and sons.³⁹⁸
Praise is due to Allah.

³⁹⁸ Fatawa the Permanent Committee (25/385-386), no. 18109.

The Twenty Fourth Issue

Warning against staying with the Christians and Jews and listening to them

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “Some of the Muslim youth started communicating with the Christian missionary clubs and corporations which in turn send them lessons or sermons about the Bible, videos of missionary lectures, and dissolute magazines that became common in the Islamic nations as Algeria. I have attached an exact copy of their messages for us. Is it legal to communicate with such missionary corporations? What is the verdict of the reader of the Bible? Is it legal to participate in the tempting competitions organized by these corporations?”

The Answer:

The Bible existing today is not the authentic copy, as it contains many changes or modifications, telling lies, addition, omission, mentioning of improper speech about Allah. Allah has illustrated this in his Holy Quran: “78. There is among them a section who distort the Book with their tongues: [As they read] you would think it is a part of the Book, but it is no part of the Book; and they say, "That is from Allah," but it is not from Allah: It is they who tell a lie against Allah, and [well] they know it!”(SURA 3. Al-i-Imran, or The Family of Imran). In another surah, Allah said, “79. Then woe to those who write the Book with their own hands, and then say: "This is from Allah," to traffic with it for miserable price!- Woe to them for what their hands do write, and for the gain they make thereby.”(SURA 2. Baqara, or the Heifer).

A Muslim ought not to read the books of the Jews and the Christians. Prophet Muhammad disapproved Omar’s deed upon seeing with him the Torah (Old Testament), saying” “Are you in doubt? I swear by Allah, I have a clear mission. If my brother Moses was still alive, he would follow me”³⁹⁹ “. In the narration of Abdullah bin Thabet, Omar said: “I am contended with Allah as my Lord, Islam as my religion, and Muhammad as my prophet”.

³⁹⁹ Approved by Imam Ahmad (349/23) no. 15156, modified by Sheikh Albany in Erwaa al-Ghalil (34-36/6), no. 1589.

Accordingly, it is not permitted to exchange messages with the missionary Christian centers, or attending their sermons, or hearing their video tapes , or participating in their competitions even if they are tempting , because this means cooperation on evil and wrong doing. It is permitted to have a look on the books of the Jews and the Christians for the one who has the ability to refute or illustrate the wrong in them, to eliminate any suspicion.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa⁴⁰⁰

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: 'Abd el-'Aziz aal el- Sheik

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “Is listening to the Christian broadcast forbidden, although the listener is a Muslim and a believer in Allah and his messenger. None can affect this person ‘s faith, whatever the evidence he provides. It is only out of curiosity and knowledge of their beliefs.

The Answer:

It is not permitted to listen to the Christian broadcast which calls for conversion to Christianity for fear of seduction . It is only permitted for men of religion who can answer back their claims and warn the Muslims of their evils.

⁴⁰⁰ Fatawa the Permanent Committee (1/the second group/ 443- 444), no. 17474.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa⁴⁰¹

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: Abdullah bin Ghaydan

Member: 'Abd el-'Aziz aal el- Sheik

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

⁴⁰¹ Fatawa the Permanent Committee (1/the second group/ 443- 444), no. 17474.

The Twenty Fifth Issue

Is it proper to say that the Jewish or the Christian who is acquainted with Islam that his soul will be damned in hell?

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “ Is it right to say that the Jew or Christian who lived among the Muslims , and who was fully acquainted with Islam , Allah, Prophet Muhammad , upon death, that he/she will go to hell because he kept his religion without converting to Islam? Or shall we consider him as the Muslim sinner who died and who will be left to Allah’s will ? could you please inform us!

The Answer:

According to the sunna sect, it is not permitted to issue a verdict upon anyone whether his soul will go to hell or paradise, save only those whom Prophet Muhammad informed them. Yet, we pray Allah for pious people, and worry for those who are not. However, Allah only knows the destiny of every soul. It must be acknowledged that Christians and Jews are disbelievers. Every disbeliever who remains on disbelief till death will go to hell. In contrast, everyone who has faith in Allah and his messenger Muhammad will go to paradise after death. Allah almighty said, “72. Allah has promised to Believers, men and women, gardens under which rivers flow, to dwell therein, and beautiful mansions in gardens of everlasting bliss.

But the greatest bliss is the good pleasure of Allah: that is the supreme felicity.”(SURA 9. Tauba (Repentance) or Baraat (Immunity)). Allah said about the non-believers, “verse 37. Their wish will be to get out of the Fire, but never will they get out therefrom: their penalty will be one that endures.” (SURA 5. Maida, or the Table Spread).

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

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President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

Further, the Committee was asked, “the person whom the call to Islam does not reach him, or does not hear of Islam, and does not confront someone who explains Islam in order to convert him? What is his verdict? Is he justified? The Christian who did not know of Islam, what is his verdict?

The Answer:

The disbeliever who is acquainted with the call to Islam and understands it is not justified by ignorance because this reason is eliminated. Allah said through the tongue of his messenger, “19. Say: "What thing is most weighty in evidence?" Say: "Allah is witness between me and you; This Qur'an has been revealed to me by inspiration, that I may warn you and all whom it reaches. Can ye possibly bear witness that besides Allah there is another Allah?" Say: "Nay! I cannot bear witness!" Say: "But in truth He is the one Allah, and I truly am innocent of [your blasphemy of] joining others with Him."”(SURA 6. Anam, or Cattle). messenger Muhammad said, “ **I swear by Allah. If anyone hears of my mission, whether a Jew or a Christian, and does not believe in my mission, will end in hell**”, narrated by Muslim in his *Sahih*.

Peace be upon Prophet Muhammad, his offspring and companions! Praise is due to Allah.

⁴⁰² Fatawa the Permanent Committee (1/the second group/ 426- 427), no. 18152.

⁴⁰³ Fatawa the Permanent Committee (1/the second group/ 427- 428), no. 17743.

Member: Bakr Abu Zaid

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Member: Abdullah bin Ghaydan

Member: 'Abd el-'Aziz aal el- Sheik

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

The Twenty Sixth Issue

The one who turns back to Christianity then repents. What is the verdict?

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “ I am an Algerian cultured youth. I am interested in reading. This led me to contact with some Christian channels. After a prolonged contact and receiving their weekly gifts , I turned a Christian. I befriended some Christians abroad, in Germany, France, Sweden, Switzerland, and America. I was fully persuaded with Christianity. Further, I called some friends into Christianity. They communicated these Christian channels and people. One day, I came across an Islamic magazine which discusses topics about Islam and Christianity. I returned to Islam and divorced Christianity thrice. I fully left Christianity. This is my story in belief. Now, I’d like to ask you about the gifts I have. Will Allah forgive my sins? I repent what I have done. Some imams told me that my repentance is unacceptable because I’m *apostate* (turned back from Islam). Now I live in dilemma. I fast a lot and pray *qiam* (midnight prayer). I live a miserable life. I am afraid of Allah’s punishment, and detest dying as a disbeliever.

The Answer:

Praise is due to Allah who directs you to such repentance from *redda* (turning back from Islam). We pray Allah to grant you stability and steadiness on Islam. We pray Allah accept your repentance. Allah commanded people to repent of all their sins, and promised to accept them. Allah almighty said, “38. Say to the Unbelievers, if [now] they desist [from Unbelief], their past would be forgiven them; but if they persist, the punishment of those before them is already [a matter of warning for them]. “(SURA 8. Anfal, or the Spoils of War). Messenger Muhammad said, “Islam obliterated what preceded it, and repentance demolished what was before it”⁴⁰⁴

⁴⁰⁴ Musnad (accrditation) of Imam Ahmad (29/360), no. 17827, with the words: “O Amr, did not you know that immigration obliterated what preceded it of sins. O Amr, did not you know that Islam erased all previous sins? “. the editors said it has a sound isnaad according to Muslim, but the hadith that repentance obliterated what precedes it, Sheikh Albany in the Correct Series (3/ 141), no. 1039, said he did not know its source.

It was verified that Prophet Muhammad said, “the repentant of a sin is as the one who does not commit any sin”⁴⁰⁵. Repentance is accepted from the sinner, the disbeliever, and the one who turned back from Islam, on condition that it is a sound repentance.

Allah almighty said, “25. He is the One that accepts repentance from His Servants and forgives sins:

and He knows all that ye do. “ (SURA 42. Shura, or Consultation). In another sura, Allah almighty said, “53. Say: "O my Servants who have transgressed against their souls! Despair not of the Mercy of Allah: for Allah forgives all sins: for He is Oft-Forgiving,

Most Merciful. “ (SURA 39. Zumar, or the Crowds). The religious scholars have agreed that this verse is about the repentant. Those who told you that your repentance is unacceptable are wrong doers, have no enough knowledge. We advise you to keep away from the reasons of temptation, and being alarmed of evil people, to invest in good deeds, learning useful knowledge.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa⁴⁰⁶

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Praise is due to Allah.

⁴⁰⁵ Al-Sunnan al-Kubra by al-Bayhaqi (20/458), no. 20595, modified by Sheikh al-Albani as in Sahih alJame al-Sahih , no. 3008.

⁴⁰⁶ Fatawa the Permanent Committee (24/ 326- 328), no. 17451.

The Twenty Seventh Issue

If the ground is covered by snow, how will the dead be buried, as in the north of Canada?

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: "the Muslim is buried in a simple shrine or coffin, then his body is covered by dust. How can this performed in a country in the north of Canada (eskimos area), as there is no dust there. It has only layers of ice , if broken as stones, the body will not decay and will remain in its condition for decades or centuries. Erasure and melting of ice might cause the emergence of the body on the surface once again after a number of years. This has already happened, and the hungry animals devoured these bodies. Is this legal? Can the body be washed and put in its coffin then burnt in order to turn into ashes? I have tried to explain to you the condition in details according to the one who lives here not an inhabitant of the Middle East which is full of sands and dust. There is no dust in the far north, even if you dig tens of meters in depth. I hope to listen to your fatwa (advisory opinion)in this matter .

The Answer:

It is forbidden to burn the body of the dead in the snowy zones such as eskimos. The one who is in charge must do his utmost to move the body into a dusty area in which it can be buried, if this is possible. Or else, digging a grave to be buried in these ice layers as others in order to facilitate the matter for the Muslims. This is in accordance to the words of Allah, "16. So fear Allah as much as ye can;. " (SURA 64. Tagabun, or Mutual Loss and Gain) In another sura, Allah almighty said, " 286. On no soul doth Allah Place a burden greater than it can bear. "(SURA 2. Baqara, or the Heifer).

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa⁴⁰⁷

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Member: Saleh al- Fawzan

Member: Abdullah bin Ghaydan

Member: 'Abd el-'Aziz aal el- Sheik

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

⁴⁰⁷ Fatawa the Permanent Committee (7/ 344), no. 16722.

The Twenty Eight Issue

Raising money to transfer dead bodies of Muslims to Islamic countries

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “what is the Islamic verdict in the group of immigrants into non-Islamic countries which collect money monthly or annually in order to send the dead body of any member of the group from the non-Islamic country into their native Islamic country. The one who does not die in the non-Islamic country does not restore any of this money. The reason of sending these corpses is that the graves in western countries need high insurance money which cannot be afforded by the immigrant . Even if the person paid money, the grave is dug again as soon as the term of assurance ends and the bones are burned. Is it legal to join this group? Should we pay our zakat (alms) to them?

The Answer:

There is no problem of collecting money to transfer the dead bodies of immigrant Muslims to be buried in the proper places, because moving them in this condition is a necessity. However, you should not participate through paying zakat (alms) in this purpose, as this money is not owned by a particular individual, as it is collected to be paid in charity.

The Permanent Committee for Scientific Research and Iftaa⁴⁰⁸

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Member: 'Abd el-'Aziz aal el- Sheik

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

⁴⁰⁸ Fatawa the Permanent Committee (7/ 397), no. 17940.

The Twenty Ninth Issue

Burning the dead body of a Muslim

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “a Muslim man died. His Buddhist brother took his body, burnt it and buried in in their graves. Some of the scholars here in Sri lanka said: whomever was not washed, won't one pray upon him, and this is since six months till now. What should we do? Please inform us with evidence.

The Answer:

The non-believer has no authority on the Muslim either in life or death. The Muslims should be on charge of his funeral. What happened in this case is forbidden. It was not permitted for the Muslims to enable the disbeliever brother to do this. If it is possible, you can dig his grave again, and move his bones into the Islamic graves. It is a must, because it is forbidden to bury the Muslim in the graves of the non-believers and vice versa. If there is no grave for the Muslims, then his bones might be buried in any other place away from humiliation . Prayers on his body is now invalid, because it is over.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa⁴⁰⁹

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President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

⁴⁰⁹ Fatawa the Permanent Committee (7/ 233- 333), no. 18661.

The Thirties Issue

Offering gifts for those who declare their Islam

The Permanent Committee for Scientific Research and Iftaa in Saudi Arabia received an inquiry, in which the inquirer asks: “what is the verdict of offering gifts or sums of money to those who recently converted to Islam in order to create an affection or intimacy in their hearts to Islam? This is despite the fact that such a person is rich , and this money might be extracted from the alms money? May Allah bless your souls.

The Answer:

If those who recently converted to Islam are presidents, or gentlemen who are obeyed in their communities, then they are those whose hearts have been [recently] reconciled to Islam and truth, mentioned by Allah and deserve the alms money. Allah almighty said “60. Alms are for the poor and the needy, and those employed to administer the [funds]; for those whose hearts have been [recently] reconciled [to Truth]; for those in bondage and in debt; in the cause of Allah; and for the wayfarer: [thus is it] ordained by Allah, and Allah is full of knowledge and wisdom. “(SURA 9. Tauba (Repentance) or Baraat (Immunity) . It is allowed to offer them money from the alms to enhance their Islam, and to encourage others to convert to Islam. Also, if they are poor, they can receive the alms money for their poverty. However, it is not permitted to buy gifts by the alms money , but they pay from the existing alms, *sadakat* (charity money) should be paid in the matters defined by the one who offers the money. If the one who donates as a charity desires that some of this money goes to those whose are recently reconciled to Islam, then it is permitted to offer them this money, even without taking the permission of the donator. But if the donator does not specify this, then it is not permitted to offer them these sums of money.

All praise is due to Allah. And peace be upon Prophet Muhammad, his offspring and companions!

The Permanent Committee for Scientific Research and Iftaa⁴¹⁰

Member: Bakr Abu Zaid

Member: Saleh al- Fawzan

Vice President: 'Abd el-'Aziz aal el- Sheik

President: 'Abd el-'Aziz bin Abdullah bin Baz

Praise is due to Allah.

⁴¹⁰ Fatawa the Permanent Committee (11/ 38- 39), no. 20368.