



Answering the Questions of the International Institute of Islamic Thought (IIIT) in Washington, DC

📅 16 October, 1986 | Minority Rights, Personal Status Issues

In the Name of Allāh,

the Entirely Merciful, the Especially Merciful

Praise is due to Allāh, Lord of the worlds, may the blessings and peace be upon our master Muḥammad, the last of prophets, on his family, and all his companions.

Resolution No. 23 (11/3)



Answering the Questions of the International Institute of Islamic Thought (IIIT) in Washington, DC

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 3rd session in Amman, Hashemite Kingdom of Jordan, on 8-13 Şafar 1407h (11-16 October 1986),

Having examined the questions submitted by the International Institute of Islamic Thought in Washington, DC (USA), and the answers prepared by some of the Academy's members and experts,

Resolves

To entrust the Secretariat General of the Academy to transmit to IIIT the answers of the Council of the Academy,

In the name of Allāh, the Entirely Merciful, the Especially Merciful,

Answers approved by the Academy

Question 36

What is the ruling regarding marriage between a Muslim woman and a non-Muslim man, especially if she hopes that the marriage may be instrumental in him embracing Islam? Many women claim that, most of the time, not enough suitable Muslim men are available and that without marriage, they run the risk of going astray or living under extreme hardship.

Answer

Marriage between a Muslim woman and a non-Muslim man is prohibited by the Quran, the Sunnah of the Prophet SAW, and consensus of Muslim jurists. It is void, even if it has already taken place. It will not rejoice the implications of a valid

- Answers postponed for questions 1, 2, 7, 15, and 22.



marriage. The children from such a marriage are not considered legitimate. The hope that a non-Muslim husband will embrace Islam does not change this rule.

Question 4

What is the ruling if a marital relationship continues between a wife who has embraced Islam while her husband has remained non-Muslim? She has children with him, and she is afraid of losing them to disbelief and deviation if she separates. Furthermore, she hopes and expects that her husband may embrace Islam if the marriage relationship continues between them. Would the ruling be different if she had no hope in him accepting Islam and treating her well, and she may not find a Muslim husband if she leaves him?

Answer

A marriage is suspended simply by a wife embracing Islam and her husband refusing to do so. It is not permissible for her to continue a marriage relationship with him. However, she must wait for him during the waiting period (‘Iddah). If he accepts Islam during this period, she must join him under the suspended marriage contract.

However, if the ‘Iddah period expires and he has not embraced Islam, then the marriage is dissolved. If he later accepts Islam and desires to go back to their marriage, he will do so under a new marriage contract. The good or bad treatment she receives from her husband is of no relevance in permitting the continuation of the marriage.

Question 5

We are not allowed to bury our dead except in licensed cemeteries. What is the ruling concerning burying Muslims in non-Muslim cemeteries if Muslim cemeteries are not available, which is the case in most American and European countries?

Answer

The burial of Muslims in non-Muslim graveyards is permissible as a necessity in non-Muslim countries.

Question 6



What is the ruling concerning selling a mosque because “if Muslims leave the

area where it is located, and the mosque may deteriorate or may be expropriated as a result”?

Often, Muslims buy a house and turn it into a mosque, and when the majority of the Muslim community living in that area leave for work-related reasons, the mosque is deserted or neglected, and others (non-Muslims) might take it over. Is it possible to sell it and build another mosque in another location where there is a Muslim community? What is the ruling concerning such a sale or replacement? If it is not possible to replace it with another mosque, what is the most appropriate way to use the funds from the sale?

Answer

It is permissible to sell a mosque that is not being in use or when Muslims have emigrated from the area where it is located or when it is threatened with expropriation by non-Muslims, providing that the proceeds of the sale are used to buy another mosque in another place.

Question 8

Some women and young girls are forced by work conditions or education to live alone or with other women who are not Muslim. What is the ruling concerning such a mode of living?

Answer

According to Shariah, it is not permissible for a Muslim woman to live alone in a foreign land.

Question 9

Most women living in the United States say that the most they can cover their bodies is all except the face and hands. Some of them are even forbidden by their employers to cover their heads. What parts of her body can a woman expose in front of strangers in places of work or study?

Answer

The *ḥijāb* of a Muslim woman - according to *Jumhūr* (majority of the Islamic schools of law) - is to cover her entire at least body except for her face and hands, provided she does not expect to

be harassed. If, however, she expects to be harassed, she must cover them as well.

Question 10 and 11

Many Muslim students in this country (USA) are compelled to work to cover their educational expenses because, for the majority of them, money received from their relatives is not enough; thus, work becomes a necessity for them that they cannot live without. In most cases, they cannot find job except in restaurants or shops that sell alcoholic drinks or serve food containing pork or other prohibited products. What is the ruling on working in such places?

What is the ruling concerning a Muslim who sells alcoholic beverages or pork or distills intoxicants and sells them to non-Muslims? Please note that some Muslims in this country have made it their profession.

Answer

It is permissible for a Muslim to work in restaurants owned by non-Muslims only if he cannot find any other work that is permissible by Shariah and provided he does not directly serve, carry, manufacture or trade in alcoholic beverages. The ruling is the same with regard to serving pork or other forbidden things.

Question 12

Many medicines contain different quantities of alcohol, ranging between 1% to 25%, and most of these medicines are for the treatment of colds, coughs, sore throats, and other such symptoms of common diseases. Approximately 95% of medicines for these diseases contain alcohol, which makes finding alcohol-free medicines very difficult or nearly impossible. What is the ruling concerning the use of such medicines?

Answer

It is permissible for a Muslim to take medicine containing a percentage of alcohol if he or she cannot find any other medicine free from this substance, provided it is prescribed by a reliable and competent physician.

Question 13



Some yeasts and gelatins contain a very small amount of substances extracted from swine. Is it permissible to use such yeasts or gelatins?

Answer

It is not permissible for a Muslim to use yeasts or gelatins containing extracts from swine in foodstuffs. Yeasts and gelatins extracted from vegetables or permissible animals are a good enough substitute.

Question 14

Many Muslims are compelled to celebrate their daughters' wedding ceremonies in mosques. Often these ceremonies include dancing and singing. There is no other place that is available to them and large enough to hold such ceremonies. What is the ruling concerning celebrating such ceremonies in mosques?

Answer

It is recommended to conclude the marriage contract in mosques. However, it is not permissible to conduct wedding ceremonies in mosques if these include prohibited acts, such as men and women freely mixing or women flaunting, dancing or singing.

Question 16

What is the ruling concerning the marriage of a Muslim student (man or woman) while the two parties do not intend to keep permanently? Their intention is to terminate it at the end of their studies and return to their permanent place of residence. However, the marriage contract, typically, is a normal contract and of the same form as a permanent marriage.

Answer

The presumptions in a marriage contract are continuity, permanence and the formation of an everlasting family bond until and unless something causes its dissolution.

Question 17



What is the ruling concerning a woman who appears in places of work or education having plucked hair from her eyebrows and applied kohl to her eyes?

Answer

The wearing of kohl is permissible by Shariah for men and women. However, plucking hair from the eyebrows is not permissible unless its presence truly disfigures a woman's appearance.

Question 18

Some Muslim women feel alienated by refusing to shake hands with men who come to their workplace or schools. Thus, they shake hands with them to avoid embarrassment. What is the ruling concerning such handshakes?

The same is true for Muslim men when non-Muslim women want to shake hands with them. According to what they say, if they refuse to do so, they feel embarrassed for themselves and for these non-Muslim women.

Answer

The handshake of a man to a non-mahram woman who is pubescent is forbidden by Shariah, as is the ruling for the handshake between a woman and a non-mahram pubescent man.

Question 19

What is the ruling concerning the renting of churches for performing the five prayers, the Friday prayer or Eid prayer, with statues and other things usually found in a church being present? It is to be noted that churches are - mostly - the least expensive places that can be hired from Christians and using some of them is permissible free of charge by some universities and charitable organizations.

Answer

Renting churches for performing prayers is permissible if necessary. The prayer should not be performed in front of statues and pictures, which should be covered if they are in the Qibla direction.



Question 20

What is the ruling concerning animal slaughter by the People of the Book (Jews and Christians) and the food offered in their restaurants, noting that we do not know about their pronouncing of the name of Allāh at the time of slaughter?

Answer

Slaughter by the People of the Book is permissible if performed in a manner acceptable to Shariah. The Academy recommends a more detailed report on the subject for consideration in the forthcoming session.⁷

Question 21

Many gatherings where Muslims are invited serve alcohol or have a mixed crowd of men and women, and Muslims' isolation from such occasions may lead to separation from other members of society and loss of privileges. What is the ruling concerning attending such gatherings without participating in drinking alcohol, dancing or eating pork?

Answer

It is not permissible for a Muslim, male or female, to attend gatherings in which intoxicants are served or to participate in meetings causing sins and disobedience.

Question 23

In most parts of North America and Europe, the sighting of the lunar crescent, for the months of Ramaḍān and Shawwāl, is either impossible or complicated. The advanced technology and scientific knowledge available in most of these countries enable the prediction - thanks to astronomical calculations - of the birth of the lunar crescent with great accuracy. Is it permissible to rely on these calculations in these countries? Is it permissible to obtain assistance from obser- vatories and accept the opinion of a non-Muslim scientist working there, not- ing that it is more probable that they will be telling the truth in such matters?

It should be noted that this issue has caused much division among Muslims in Europe, USA, and Eastern countries regarding fasting and the end of fasting. This has spoiled the impor-

benefits of Eid and caused endless problems, whereas, according to some points of views, the use of astronomical calculations may put an end to or help mitigate these divisions and problems.

Answer

It is an obligation to rely on the sighting in addition to seeking assistance from astronomical calculations and observatories, in compliance with the tradition of the Prophet SAW and scientific facts.

- Resolution 94 (3/10), par. 6.

If the sighting in one country is confirmed, all Muslims in that country must abide by it. The difference of horizons is irrelevant due to the generality of the religious command to start and end fasting.⁸

Question 24

What is the ruling concerning a Muslim's employment in the USA or any other non-Muslim government ministry or any other agency, especially in such important industrial fields as atomic energy or strategic studies, etc.?

Answer

It is allowed for a Muslim to accept a job, permitted by Shariah, in a non-Muslim government agency or department, provided that such a job does not cause any harm to Muslims.

Question 25 and 26

What is the ruling concerning a Muslim architect who designs buildings for non-Muslims, such as churches, etc. noting that this is part of his assignment in the company in which he works and in case of his refusal, he may be fired?

What is the ruling concerning a Muslim individual or organization donating to an educational Christian missionary organization or church?

Answer



It is not permissible for a Muslim to design or build places of worship for non-Muslims or contribute financially or physically to the likes.

Question 27

In many Muslim families, men engage in selling liquor, pork and similar wares. Their wives and children disapprove this practice, noting that their livelihood depends on the earnings of the men. Are they committing a sin?

Answer

A wife or children who are unable to earn their living by *ḥalāl* (lawful) means can gain sustenance from the husband's or father's *ḥarām* (unlawful) earnings

- Resolution 18 (6/3).

from the sale of liquor, pork or other haram sources, as a matter of necessity, and after having tried to convince him to find another job and earn a living by halal means.

Question 28

What is the ruling concerning the purchase of a house to live in, a car for personal use or furniture for the house through a loan from a bank or an institution that imposes a fixed profit on such loans and uses such assets as collateral for the repayment, noting that, in the case of a house, car or furniture, the alternative to the purchase is generally leasing on monthly installments, which are usually higher than the monthly installments charged by the bank?

Answer

This type of transaction is not permissible in Shariah.

Indeed, Allāh is All-Knowing.