New inquiries (istifta') | OCTOBER - 6 /Oct/ 2018

Buying and Selling foreign Currencies and Gold

Q.1| Is it canonically permissible, considering the current economic situation, to legally purchase and store foreign currencies and gold with the intention of maintaining the value of one's assets?

A. Financial matters such as those mentioned in the question are subject to the pertinent legal rules and regulations. If there are no legal restrictions, the purchase and storage of foreign currencies and gold are canonically unproblematic.

Charging Unfair Prices

Q.2| What is the permissible margin of profit one can charge for the sale of goods?

A. There is no canonic restriction on the extent of the margin of profit one can demand so long as it is not deemed unfair. It is, however, best—even canonically commendable—that the seller be content with the margin of profit that suffices in covering his expenses and needs.

The Public Purchase and Sale of Dogs

Q.3| What is the precept concerning buying dogs and keeping them at home as pets?

A. It is permissible to buy and sell guard dogs, herding dogs, and hunting dogs and to keep them in specially allocated areas. It is strongly advisable, however, to refrain from keeping dogs at home as pets, as it is customary in the decadent culture of the West.

Participating in Online Betting

Q.4| Is it correct that betting online on the outcome of games, races, and competitions is impermissible? What is the status of the money gained as the result of winning in such wagers: Is it canonically lawful or unlawful?

A. It is, as a matter of advisory caution, best to refrain from participating in such wagers. And although it is not strictly impermissible to engage in such betting, the money that one may win is not considered a lawful gain and therefore, from the perspective of Islamic canon, one is not entitled to it unless it is bestowed via a lawful canonic transaction, such as if it is given to the winner as a gift (hibah) or a consensual bestowal (sulh).

Grazing Livestock on Untended Land

Q.5| Is it permissible to graze our flocks of sheep on untended private lands (ard mawat) that have specific owners?

A. If a land has a specific owner, any use of it is impermissible unless its owner's consent is first secured, regardless of whether it is tended or left untended.

How to Join the Prayer of the Deceased while It Is in Progress

Q.6| What are the conditions for joining a prayer of the deceased (salat al-mayyit) while it is in progress?

A. If one intends to join a congregational prayer of the deceased when it is already in progress, one must perform the commencing takbir of the prayer (takbirat al-ihram) with the intention of following the leader of the congregation (imam) but maintaining a different takbir count. For instance, if one joins the prayer after the leader's second takbir, one performs one's first takbir and recites thereafter the formula that must be said following the first takbir (which is uttering the two attestations of faith, the shahadatayn), although the leader is reciting the formula that follows the second takbir. When the leader performs the third takbir, one performs one's second takbir, uttering thereafter the formula that is prescribed after the second takbir (which is to send blessings to Prophet Muhammad and his sacred family), although the leader is reciting the formula that is prescribed after the third takbir. Once the leader concludes the congregational prayer of the deceased by performing the fifth and final takbir, one continues with the remainder of the takbirs one has not performed, uttering the respective formulas thereafter even if only in their abridged version. Thus, if the concluding takbir of the leader corresponds to one's third takbir, one utters the pertinent formula, thereafter performing the fourth takbir, and then concludes the prayer by performing the fifth takbir. If, however, the situation is such that one cannot utter the respective formulas, one must only perform the remaining takbirs consecutively and without the intervening formulas.

Using Supererogatory Charity to Compensate for a Loan

Q.7| I have lent an amount of money as a benevolent loan (qard al-hasan) to a poor person. I have also set aside some money as supererogatory charity (sadaqah) that I intend to offer to this person. Can I take the money I have set aside as supererogatory charity for this person as a repayment on his behalf for the loan I have lent him?

A. Yes, you may take the supererogatory charity you have set aside for him as repayment for his debt to you.

Performing Ablution on, Enshrouding, and Burying Charred Corpses

Q.8| A number of people, both Muslim and non-Muslim, were killed and their bodies charred beyond recognition in a fire incident. As the corpses are unidentifiable, the Muslim cannot be distinguished from the non-Muslim. What is our duty as regards performing ablution on these corpses, the prayer of the deceased, and the burial ceremony? What if there are also female corpses that are indistinguishable from the male corpses on account of excessive burning?

A. In the scenario described in the question, it is—as a matter of mandatory caution—required to carry out on all the corpses all those obligations that are obligatory in relation to Muslim corpses—such as the ritual washing of the dead (ghusl mayyit) and enshrouding (kafan). If there are female corpses that are indistinguishable from the male corpses, all the corpses that may belong to Muslims must be subjected to the ritual washing of ghusl while covered with some form of covering that envelops the entire corpse.

Performing the Ghusl and Tayammum of the Wounded on Corpses

Q.9| If the corpse is injured and bleeding, can we perform the ghusl of the dead in the manner of the ghusl of the wounded (ghusl jabĐrah)? If it is permissible to perform the ghusl of the wounded on an injured and bleeding corpse, how is it to be done? If we are incapable of administering the ghusl of the wounded, are we allowed to administer instead the tayammum of the wounded? If this is permissible, how are we to do it?

A. Performing the ghusl of the dead is not an immediate obligation (wajib fawri), which requires immediate action. It is a durational obligation (wajib muwassa') and so allows for an extended period of time in which it may be performed. Therefore, if the corpse is bleeding, those responsible for administering the ghusl of the dead must postpone the ritual washing until the bleeding has ceased. If the bleeding does not stop in due time, it is permissible to use substances such as plaster to stem the flow of blood and then, after clearing the blocking substance, administer the ghusl. As such, the ghusl of the dead must be performed in its regular form and cannot be administered in the manner of the ghusl of the wounded.

Administering Tayammum to a Corpse in lieu of Ghusl

Q.10| If we find ourselves in a situation where there is no water to administer ghusl to a corpse, how many times is it mandatory to administer tayammum in its stead?(1)

A. If there is no water to administer ghusl, three tayammums must be administered to the corpse in lieu of the three ghusls, each tayammum being intended as the substitute for a corresponding ghusl. Thereafter, as a matter of advisory caution, it is recommended to administer one final tayammum as a substitute for all three ghusls.

Performing the Ghusl of the Dead in the manner of Ghusl by Submersion

Q.11| Can the ghusl of the dead be performed by submersion (irtimasi) or does it have to be sequential (tartibi)?

A. As a matter of mandatory caution, the common application of ghusl by submersion (which in the case of the dead would consist in submerging the entire corpse in water once for each of the three ghusls that constitute the ghusl of the dead) is insufficient and ineffective in the execution of the ghusl of the dead. We can, however, choose to douse each of the three parts of the body separately by submerging it in water (that is, three submersions for each ghusl rather than one submersion for each ghusl, which is what ghusl by submersion would imply) while complying with the order required by sequential ghusl.(2)

1. The reason that this question is being asked is that the ghusl of the dead actually consists of three separate ghusls; that is, three ritual washings are performed on the corpse. The first ghusl is performed with water that is laced with sidr (the powdered leaves of the tree ziziphus lotus, which is native to southern Iran and some Arab countries and in Farsi is commonly called the konar tree); the second ghusl is with water laced with camphor; and the final ghusl uses plain water.

2. That is, we can perform one ghusl by dousing the head and neck in water and then the right half of the body (the right half of the torso along with the right leg) and finally the left half of the body. This procedure would then have to be repeated two more times so as to constitute three ghusls. In other words, in administering the ghusl of the dead, we can only use the sequential method and not the method of submersion. But the sequential method can be carried out by submerging each of the three parts of the body separately in water in the order required in sequential ghusl (first the head and neck, then the right half of the body, and then the left half of the body).