

Questions & Answers

1) What is the view of Islam on women celebrating the wedding of a woman commonly known as a Mehndi? This is where the woman and her female friends come together and listen to music and sing songs. Are such gatherings permitted? Also there tends to be Indian songs and Western songs playing, some of which contain lewd lyrics.

It is well known that Islam allowed the celebration of marriages and was indeed a practice that existed in the time of the Sahabah (ra). So if there is a custom of the bride gathering with her female friends to celebrate this, then this is something that there is no harm in such gatherings such as a Mehndi.

As for wherein lewd songs are listened to then this is a matter that could lead to shubha being cast upon the Personality and this should be avoided. More so that listening to Indian and Western songs which should also be avoided as these things are in contradiction with the Islamic tastes. They are designed to cause fassad (corruption) in the earth. The foreign colonialists engulf the Muslim world with the foreign thoughts and bring with it the rotten tastes, which builds the desire to act like the westerner. Also the Mushriqeen, who rape and murder Muslims propagate their songs and lifestyles whilst they undertake these crimes upon our ummah. The same distaste we would have towards watching a Yهودi dancer singing songs is the same distaste we should show towards the Mushriqeen.

Islam built thoughts in the Muslims and with it came the Islamic tastes. These tastes would love to hear the Qur'an over everything and would love to stay away from all forms of kufr.

2) What is the view of Islam on celebrating birthdays and giving gifts on these days?

Celebrating the birthday of a person is one of the disbelieving western countries habits. It is not of the habits of the Muslims, nor did it exist at their times, neither at the time of the Messenger of Allah (saw), nor at the time of the Sahabah or the tab'ieen and tab'iee tab'ieen. Neither the Messenger (saw) nor the Sahabah nor the tab'ieen celebrated the birthday of Muhammad (saw). Neither did the Messenger (saw) celebrate the birthday of Al-Hassan nor Al-Hussien, nor did they present gifts to anyone of them in the occasion of their birthday.

Celebrating, if it is an imitation of the kuffar, is not allowed by the shar'a, due to the ahadith that prohibited the imitation of the kuffar.

But if it was not imitation of the kuffar then it is of the mubah matters. But it is better suited for the shabab to stay away from it and not participate in it, so as to stay away from the doubted matters (shubhat) due to the saying of the Messenger (saw) "Whoever protected himself from the Shubhat (doubted matters) he would have cleared his deen from blame(guilt)."

3) What is the position of a woman who cannot get permission from her guardian (father or husband) to attend Halaqah? Is she still affiliated to the Party, can she disobey her guardian?

She is required to obey her guardian in this matter as this is fard on her, she remains affiliated to the Hizb as this is not in her control. She should however seek to change the situation by attempting to explain this matter with her guardian.

4) Can a man prevent his wife from visiting her parents?

The breaking of relationship between the parents and children is Haram and this is clear in many texts from the Qur'an and Sunnah such as the saying of Allah "Honour your Qurba (those close)" which Ibn Abbas said meant your close family, and the hadith of the Messenger (saw) as narrated by Muslim in his Saheeh "They will not enter Jannah who break ties to the womb". This text is general and therefore severing the relationship between the parents and the children is prohibited. So a man preventing his wife from visiting her parents would be an act of zulm. However if there was a legitimate reason for a particular instance then there is no harm. The wife is however obligated to obey her husband in this, whether she felt it was legitimate or otherwise. However, if this persisted it should be redressed and if not then the Shari'ah has given her the right to take the complaint to the Qadi. The man should not inflict such injustice upon his wife.

5) What is the view on mixing at weddings?

As a wedding is a festive gathering and as such mixing within a wedding would not be allowed and should be segregated, otherwise socialising between men and women would occur and attending a wedding like this would be haram.

6) What is the rule on separating the children in their beds? At what age should this be done?

It was narrated by Ahmad in his Musnad, Abu Dawud in his Sunan and al-Hakim in his Saheeh, "Order your children to pray at seven and beat them, at ten and separate their beds". The phrase ".....separate their beds." is connected to the original statement i.e. ".....at seven." and separating them should take place at that age.

7) A woman does not wear the correct Islamic dress (khimar and jilbaab). Is the husband sinful?

In a well known narration the Prophet (saw) stated that "Everyone one of you is a shepherd and is responsible for his flock, the Imam is a shepherd and is responsible for his flock (i.e. his subjects), the man is a shepherd and is responsible for his flock (i.e. wife and children)." This clearly explains that the husband is responsible for his wife so he is required to look after her interests prevent any harm coming to her and prevent her from abandoning the Deen, so her disobedience to him or refusal to wear the obligatory Islamic dress necessitates that he correct her and prevent her from undertaking such actions. If he does not then he would be sinful. He is required to undertake the relevant actions that have been legislated by Allah in this regard. So to admonish her, sleep separately, not give her maintenance and beat her lightly if these actions are not undertaken then one would be sinful. The natural end course would lead to divorce as the relationship would be broken if there was no effect upon her. Allah (swt) says, "As to those women on whose part you see ill-conduct (nushuz) admonish them, refuse to share their beds, beat them (lightly)." [4:34]

Questions and Answers regarding the Wali Amr for a woman in Marriage.

1. Question: It is said that the agreement of the guardian (wali amr) is required for marriage. Concerning this Wali Amr, can he forbid the woman from marrying any man? Whether this was for an Islamic reason or a non-Islamic reason. If it is allowed for a woman to choose a wali amr after the father disagrees for a non-Islamic reason then is there a logical chain the shara has obliged her to follow? Or can she choose anyone?

Answer: The agreement of the guardian is a condition for the validity of the marriage. As for your statement that this rejection for a non-Islamic reason, then you have to explain this to us to know the effect of this on the suitability of the father for the guardianship of the marriage or not. This is because when it comes to the faasiq, the guardianship is transferred from him to the next person who follows him. Similarly if the guardian prevents the marriage of his daughter to a suitable person whom she wants with a shariah justification, then the guardianship is transferred from him to the one who follows him. As to the order in succession of the guardianship in marriage it is: her father, then her paternal grandfather (her father's father) and going up to the next similar great grandfather (i.e. father's grandfather and so on). Then it is transferred to her son, then her grandson (son's son) and going down to the next similar great grandson (i.e. son's grandson and so on). Then to her brother from her father and mother. Then the brother from her father, then the sons of such brother (i.e. nephews) and so on down. Then the uncles of the woman (the father's brothers), then their sons and so on down. Then the uncles of the father then the Sultan (i.e. judges), in case there is no guardian. (this is the shariah chain and she cannot jump this chain.)

2. Question: You asked us to clarify the point about 'non-Islamic' reason. By this we can state some realities that presently exist:

- A father does not accept a proposal because the man is not from his tribe/ nation.
- A father wants his daughter to marry a relative who may be a fasiq or may not, but lives in another country, and his daughter wants to marry someone here.

Answer: The father has no right to force his daughter to marry his relatives living in another country. Nor is he allowed to prevent her from marrying a man who is not from his tribe and not equivalent to her. He has no right to do that, and if he insisted he would be considered "adheh" (someone who prevents marriage illegally - see 2:232). In that case the guardianship will be transferred to the next person.

3. Question: Who is the faasiq? And what is his description?

Answer: The Faasiq is the one whose guardianship (wilayah) for marrying his daughter off, is withdrawn and it is transferred to the next person for the one who commits the sin openly, paying no heed to Islam. Anyone who realises such description, his wilayah (guardianship) is withdrawn from him and transferred to the next person.

4. Question: If the daughter disagrees with the fathers definition of "who is a good Muslim" is she allowed to reject his guardianship? Say if she feels in her understanding of Islam a 'good Muslim' is of one type and this contradicts the view of her father.

Answer: The guardianship of the father for marrying his daughter off is not removed from him just because he disagrees with her regarding the definition of a good Muslim. Rather his approval is sought as long as he cares about Islam according to his understanding.

5. Question: You said that after the list of relatives the last person is the Sudan. What if she exhausted this list sincerely and found the same problems with all her relatives or she had no relatives. And there is no Sudan like we have today and there is not any legitimate way, what should a Muslim do in such a circumstance with regards to appointing a Wali Amr?

Answer: If she has no relatives and there is no Muslim ruler who is based upon the Shar' al bayah. Or if there is no shar' al judge or those who may represent him like the embassies of the state of the Islamic countries which carry out the marriage according to the shar' al contracts, then she can appoint as a guardian for marriage any Muslim man whom she trusts, whether he was from the huzb or any other Islamic society in the place where she is.

6. Question: Does a convert to Islam seek guardianship from her father, if he is a non-Muslim?

Answer: The woman who converts to Islam and her father remains kafir, his guardianship in that case is abolished, because guardianship of a kafir upon a Muslim does not stand. This is the opinion of most of the scholars. Imam Ahmad said: we have been told that Ali allowed the Muslim brother (blood brother) to give in marriage and reject the marriage made by the father, for he was Christian. Allah (swt) says: *The male believers and female believers are awliyaa (friends) for each other.*

7. Question: Does the divorced or widowed woman require a wali amr?

Answer: The divorced and widowed woman and every woman require Wali Amr (guardian) for her marriage.

8. Question: If a woman gets married without a guardian or marries with a guardian that is not the sequence you mentioned in an earlier question, what is the position of her marriage?

Answer: The woman who gets married without a guardian or a guardian other than those mentioned in the sequence agreed by the shar' al, then her marriage is faasid (incomplete) but not baatil (null and void), this is because the existence of the guardian is a condition of validity (correctness) but not a condition of contracting. Thus they (the husband and the wife) have to amend the mentioned contract immediately by taking the approval of the guardian. It is worth mentioning that the preponderant (opinion) in our view is this opinion, that the guardian is a condition for the validity (correctness) of the marriage, and this is what we adopt and follow (and find the strongest and correct), though there are some jurists (fuqahaa) who do not consider the guardian as a condition for the validity of the woman's marriage from the person who is her match.

9. Question: Is it allowed for a male and female who are seeking to get married to first speak on the phone? Does the Wali Amr's (guardians) permission need to be sought?

Answer: The woman/girl is allowed to speak, by telephone, after the consent of her guardian, with a person who seeks his permission for marriage with her, on condition that the phone contact be limited in taking her opinion regarding the marriage and the agreement of her guardian of this phone call.

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