



Dr. Alalwani teaches a course on Fiqh of Muslim Minorities at GSISS

INTERVIEW WITH DR. TAHA ALALWANI

# Muslim Americans Need Own Outlook

BY ABU AMAL HADHRAMI

**T**he presence of Muslims in any state that can be defined as a non-Muslim land would have been impossible if a particular fatwa (ruling) had held sway, points out Dr. Taha Jabir Alalwani, President of the Fiqh Council of North America (FCNA) and also of the Graduate School of Islamic and Social Sciences (GSISS) in Leesburg, Virginia.

Dr. Alalwani, who is also a member of the Jeddah-based International Academy of Fiqh and a number of other international councils, says that often well-meaning and learned scholars living overseas, and having limited awareness of the American social environment, issue rulings that are not only misleading but also convey a negative impression of Islam. He says that the Shari'ah is from Allah *Subhanahu wa Ta'ala*, as revealed in the Qur'an and its interpretation is by Prophet Muhammad (*Salla Allahu 'Alayhi wa Sallam*). However, fiqh is an understanding of the Shari'ah by scholars. He points out that a scholar's opinion is based on an understanding of facts from

various perspectives, the relevant text, and the higher values of Islam such as Tawheed, Tazkiyah, Imran and related values. Understanding who raising the question and the circumstances in which the question is raised also influence the scholar's opinion. He says that if the mufti does not understand and comprehend the environment from where the question is emerging, he may end up offering an erroneous response.

The centrality of the environment in fiqh is not new. Instead, he says, this is in line with the counsel of the scholars in the past: anyone who does not know the person asking the question and has not examined him closely has no right to issue a ruling or opinion. Imam Abu Hanifa used to study fiqh issues with his students—Abu Yusuf, Muhammad, Zufar and others—for forty days before giving an opinion based on the Qur'an and the Sunnah.

## Environment Matters

Imam Shafi'i developed his school in Baghdad, where he wrote his famous treatises in fiqh and usul. However, upon

leaving Baghdad and settling in Egypt, he altered his opinion on all but 13 issues, on account of the changed environment and situation. Even in usul al fiqh, he changed his views on issues such as Madhab al-Sahabi. In this case, it was only a change of environment between two Muslim states, Baghdad and Egypt. However, today, says Dr. Alalwani, we are living in North America as a small minority among non-Muslims in a pluralistic, multicultural, and multi-ethnic society. He says Muslims have the facility of opting to live their lives as Muslims according to the Islamic Shari'ah and Fiqh. "We need a lot of understanding from our Fuqaha and Ulema in the North American environment, and if they issue Fatawa without studying this environment, they will be doing a great disservice to the North American Muslim community. Indeed their rulings, or rather their misinterpretations, will have a serious effect on the future of Islam in this continent," he cautions.

## Some Alarming Examples

Dr. Taha Alalwani has a horde of examples of fatawa that were issued by well-meaning persons without deep insight into the North American milieu.

One such example, he says, came from a well-respected scholar who declared that it was unlawful (Haram) for Muslims to hold citizenship of non-Muslim states. This view was apparently based on rulings given by Ulema in the Maghrib, where the people of Algeria, Morocco, and Tunisia were involved in a Jihad against French colonialism. The French wanted to declare these states as part of France and extend French citizenship to their citizens. The Ulema reacted to this extraordinary situation, by declaring it unlawful to accept such citizenship because it would be a betrayal of the Muslim Ummah and the Muslim state. Today, we know when many Muslims have migrated to non-Muslim countries as a matter of choice, the circumstances are totally different. In fact, Muslims in North America need to acquire citizenship in order to secure their rights and even to contribute as Muslims to the process of social development. At the same time, there is no overwhelming threat to their identity and culture, especially in the United States and Canada, where Muslims enjoy civil freedoms, adds Dr. Alalwani.

Another misplaced fatwa, says Dr. Alalwani, is the ruling obtained by a few students from some scholars overseas that they could enter into marriages with the intention (Niyah) to divorce without telling their prospective wives. This fatwa was totally misleading and bound not only to create negative reaction toward Islam and

Muslims, but also leave entrails of unpleasant social and human tragedies, he says. Indeed, Dr. Alalwani stresses, that this ruling was against the intent of the Shari'ah that bases marriage on three pillars.

The three reasons for marriages are delineated in the Qur'an as (a) love and mercy in the form of Sakan and Rahmah, with husband and wife "dwelling in tranquility" with "love and mercy" between them [Surah Al-Rum 30:21], (b) "relationships of lineage and marriage" in the form of Nasab and Sihr, [Surah Al-Furqan 25:54], and (c) multiplication of the human race. Indeed in the Qur'anic worldview, family is the cornerstone of society. He points out that if one were to accept these misguided rulings, none of these three elements of marriage could be achieved. Instead, this ruling reduces the whole institution of marriage to an arrangement for enjoying sex under a legal façade.

Another example of misguided rulings is the fatwa that countries like the United States are *Dar al-Kufr* and *Dar al-Harb*, where Muslims have the right to circumvent their laws and regulations. Again, Dr. Alalwani says, the Multi considered neither the environment nor Islamic teachings when issuing this opinion. He says that, if God forbid, Muslims follow this opinion, they would be in inherent conflict with their governments and would not be able to enjoy the confidence of their societies or even their neighbors. Further countering this ruling, Dr. Alalwani points out that even in the past, scholars were unanimous in their view that the entire earth was the land of Allah and did not divide the earth into such spheres. Instead, some scholars like Imam al Razi considered the earth to consist of *Dar al-Ijaba*, which replaces the term *Dar al-Islam*, and *Dar ad-Da'wah*, which replaces the term *Dar al-Harb*. *Dar ad-Da'wah* means a land for dialogue and inter-faith communication, a land where people are not classified, but all human being are considered one family. This family has two parts. One is identified as *Ummat al-Ijaba* instead of *Ummat al-Muslim*, and other as *Ummat ad-Da'wah* instead of *Kuffar* or *Harbiyun*. This part of our heritage and legacy represents Islam more correctly than the other part, because the whole earth has been created by Allah as humanity's home. The Prophet (SAW) told us that the entire earth is a Masjid and pure. The only difference is that in *Dar al-Ijaba* the Message of Islam has been established, and in *Dar ad-Da'wah* the Message has to be spread. "We all know what the nuances of performing Da'wah are, and certainly that misguided *Dar al-Harb*/*Dar al-Kufr* ruling is not among the instruments of Da'wah," says Dr. Alalwani.

The famous 5th Hijra century Imam al Muwardy, in fact said that even if we have one Muslim family living in a non-Muslim state, their home will be the home of Islam, says Dr. Alalwani. The reality is that wherever Muslims find the freedom to practice Islam, that place will be Dar al-Islam for them, and there is no need for them to migrate to some Dar al-Islam for this purpose.

### A North American Institution

It was the cropping up of such misguided fatawa that led ISNA to encourage the founding of FCNA in 1986. Dr. Alalwani has served as its voluntary chairman since then. It was, in fact, an upgrading of the ISNA Fiqh Committee that had been established over 30 years ago. FCNA is striving to involve in its work ulema who

have studied and lived in North America and can understand this environment. The Council strives to respond to questions raised by Muslims in their effort to live their lives Islamically in North America. In this task, it has devised certain procedures to develop fatawa and to respond to fiqh questions.

Dr. Alalwani says that as a matter of principle, FCNA does not accept, nor does it respond to, questions over the telephone. Instead, it has a toll-free fax number, an e-mail address and of course a postal address where the question may be sent. The language of the question can be English or Arabic or any other language for which proficient translators may be easily located. Dr. Alalwani points out that telephone calls often mean getting questions based on emotional responses to certain problems



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and issues. Instead we insist that the person should write the question down because writing requires a certain composition of the mind and the person is in a better situation to offer an objective narrative.

Dr. Alalwani says that the Council operates much like any judicial court, where the question is examined by a board of scholars. Each scholar gives an opinion on the matter after conducting due research and study. Finally, a ruling is issued based on consensus and majority opinion. The present FCNA roster is composed of ten experts, and active contacts are being made with other scholars to expand this board in order to provide well researched and timely responses to questions.

### Training a New Generation

The growing Muslim population in North America is generating demand for trained and qualified Muslim scholars. Today, not only Muslim communities need qualified imams: the military, the prison systems and now even universities and hospitals are seeking Muslim chaplains. Recently, Georgetown University, a leading Catholic institution, appointed a full-time Muslim chaplain. This trend is only bound to grow as Muslim numbers and public representation grow in American society.

"If we would like to enjoy a peaceful life, build our community, make the country hospitable to Islam, and secure the future of our children, it is more important to invest in good imams raised and trained within this country, fully conversant with its language and traditions, than to spend lots of money on centers without properly qualified imams," says Dr. Alalwani. The need is similar for teachers.

The GSISS is now offering a program in the Fiqh of Minorities and a program in Inmate Studies. The objective of this program is not to create a Muslim clergy only, but to train personnel that are qualified to meet the expressed needs of institutions such as Islamic centers, the military, prisons, and universities. The imams are de facto advisors and motivators who can encourage Muslims to play an active role in their communities through teaching, preaching, and counseling. Dr. Alalwani recommends that all Muslim communities should consider the Leesburg program and enroll their Imams and even interested youth in it: "This will be an investment into the Islamic future of the communities, and a means of acquiring stability and respectability." GSISS offers tuition waivers for students sponsored by communities that seriously seek to educate and develop an imam, if the community takes care of living expenses during the period of study. ■

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