

IIFA Mourns H.E. Dr. Ahmed Rajaei Aljundi, A Physician Among Theologians



“{Every soul will taste death. Then to Us will you be returned. And those who have believed and done righteous deeds – We will surely assign to them of Paradise [elevated] chambers beneath which rivers flow, wherein they abide eternally. Excellent is the reward of the [righteous] workers, who have been patient and upon their Lord rely.}” - Al-Ankabut (The Spider), 57-59

It is with great sadness that the Secretariat General of the International Islamic Fiqh Academy (IIFA) announces the passing of the esteemed physician scholar, Dr. Ahmed Rajaei Aljundi, former member of the Academy,

on Wednesday, 24 Ramadan 1445, corresponding to 3 April 2024. Dr. Ahmed Rajaei Aljundi led a long and blessed life dedicated to serving his religion and community with sincerity and devotion. He made significant contributions to Islamic jurisprudence through the Islamic Organization for Medical Sciences and the International Islamic Fiqh Academy over several decades. His expertise was invaluable to the Academy, particularly in addressing medical issues and developments that required Shariah rulings. Known for his calm demeanor and fine manners, Dr. Aljundi worked closely with religious scholars and theologians, helping them understand the complexities of medical issues and advancements. His insightful analyses and ability to simplify medical

terminology were highly appreciated during the Academy’s sessions, significantly influencing the resolutions on medical matters. The International Islamic Fiqh Academy, including its presidency, Secretariat General, and staff, extends its heartfelt condolences and deepest sympathy to the family, relatives, and loved ones of the deceased. We pray that Allah bestows His mercy upon Dr. Ahmed Rajaei Aljundi, forgives him, and grants him a place in Paradise alongside the prophets, the truthful, the martyrs, and the righteous. “To Allah we belong and to Him we shall return.”

**Prof. Koutoub Moustapha Sano
Secretary General
International Islamic Fiqh
Academy**

S.G. greets His Majesty King Mohammed VI at Hassanian Lectures

At the kind invitation of the Ministry of Awqaf and Islamic Affairs in the Kingdom of Morocco, H.E. Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, participated in the Hassanian Lectures organized by the Ministry from 15-21 Ramadan 1445, corresponding to 24-31 March 2024. His Excellency attended the fourth lecture delivered by Sheikh Khumar El-Bakkali, a member of the Moroccan Scientific Council in Europe, titled «Sharia Foundations for Building Patterns of Human Coexistence,» on Thursday, 18 Ramadan, corresponding to 28 March 2024. Sheikh El-Bakkali emphasized the importance and necessity of coexistence, describing it as the weaving of relations



between all societal groups based on harmony and respect, aligned with the interests of individuals and groups. He noted that in contemporary times, the concept of common citizenship involves respect for cultural, religious, and ethnic diversity. Coexistence, as advocated by rational individuals, stems from a mutual determination for cooperation that benefits humanity as a whole. Throughout history, the lecturer explained, humanity has seen that the greater good lies in coexistence, while selfishness has led to discord and injustice. He also highlighted that coexistence extends to international relations, founded on peace and good treatment, as well as public relations, including patient



care in health facilities, employment, and lawful work. Sheikh El-Bakkali stressed that the areas of agreement and cooperation among different people are far broader than those who misunderstand Sharia might assume, thinking it prevents convergence with others. Addressing the criteria for coexistence, he pointed out that Islam not only recognizes but also establishes and calls for coexistence. To prevent coexistence from becoming meaningless or dysfunctional, Islam sets certain controls. Key among these are that coexistence should not violate core principles of belief, obligatory acts

of worship, known prohibitions, explicit religious texts, or unanimous Muslim consensus. At the conclusion of the lecture, H.E. Prof. Koutoub Moustapha Sano extended his greetings to His Majesty, expressing his honor to meet him and praying for his continued success and health. He also conveyed his gratitude to His Majesty for honoring scholars and intellectuals from around the world by presiding over the prestigious Hassanian Lectures annually. Prof. Sano expressed his pleasure and satisfaction with the Kingdom's ongoing development and progress at all levels.



At Mohammed V University in Rabat, S.G. calls for promoting Ijtihad



Under the patronage of the Moroccan Ministry of Awqaf and Islamic Affairs, H.E. Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, delivered a lecture titled «Ijtihad and the Issues of the Age» on Wednesday, 17 Ramadan 1445 AH, corresponding to 27 March 2024, at the Faculty of Arts and Humanities, Mohammed V University in Rabat. Prof. Sano thanked the university's dean for the invitation and praised the institution's long-standing intellectual and scientific legacy. He acknowledged the university as a beacon of Islamic thought and knowledge in Morocco. In his lecture, Prof. Sano emphasized the harmony between reason and transmission in Islamic thought, highlighting their essential roles in Ijtihad. He noted that early Islamic thought

experienced a perceived conflict between reason and transmission, but stressed that sound reasoning and correct transmission should not contradict each other. He asserted that appropriate transmission relies on sound reasoning for understanding, conveying, and dissemination. Prof.



Sano underscored the importance and necessity of Ijtihad in every era, pointing out that the flexibility and timelessness of Sharia depend on ongoing Ijtihad. He dismissed the notion that «the gate of Ijtihad had been closed,» emphasizing that Ijtihad

demonstrates Islam's relevance across time and place. He elaborated on the legitimate proofs and significance of Ijtihad, drawing from the Qur'an and the Prophet's Sunnah. He urged attention to the profession of the «mujtahid,» emphasizing the need for extensive knowledge acquisition and integration of sciences to transition Ijtihad from theory to practice. Prof. Sano remarked on the historical context, noting that the decline in the Ummah's scientific generation began in the fourth century AH, coinciding with significant challenges such as the Mongol invasion and the fall of Baghdad. During such periods, scholars stressed the importance of Maqasid (objectives of Sharia) to ensure that Sharia rulings align with their purposes. Prof. Sano also called for greater focus on human sciences, advocating for mujtahids to be well-versed in these areas to balance the contents of various texts with contemporary realities and human conditions. He emphasized a Maqasid-oriented, realistic, and rational approach to Ijtihad, urging the development of curricula that equip individuals with the necessary tools and knowledge to practice Ijtihad confidently and competently. Concluding his lecture, Prof. Sano called for the continued integration of Islamic studies and humanities. He explained that any perceived conflict between reason and transmission arises from a flaw in either reason, by exceeding its Sharia-defined boundaries, or transmission, by being weak or misinterpreted. Such conflicts, he asserted, cannot be attributed to Sharia itself.



S.G. lectures on Religious Workers' Role in Tackling Modern Issues



H.E. Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, delivered a lecture titled «The Role of Religious Workers in Addressing Contemporary Issues» at the Mohammed VI Institute for Imams on Monday, Ramadan 1445, corresponding to 25 March 2024, in Rabat, Morocco. Prof. Sano began by highlighting the vital role of religious workers in society. He



stated, “The religious worker—whether an imam, guide, leader, mentor, teacher, or counselor—is a beacon for all nations. In a world rife with problems, their guidance is indispensable.” He referenced the Qur’anic verse: “And who is better in speech than one who invites to Allah and does righteousness and says, ‘Indeed, I am of the Muslims’” (Fussilat 41:33). Prof. Sano emphasized that this sacred mission requires specific components and pillars, as outlined in the verse: “Invite to the way of your Lord with

wisdom and good instruction and argue with them in a way that is best. Indeed, your Lord is most knowing of who has strayed from His way, and He is most knowing of who is [rightly] guided” (al-Nahl 16:125). He stressed that religious workers must approach issues with wisdom, appropriate persuasion, and the best argumentation. Deviating from these principles would hinder the effectiveness of their mission. He also spoke about the qualities necessary for religious workers, emphasizing the importance of choosing words wisely and speaking when it benefits the audience. Prof. Sano highlighted that wisdom involves addressing problems appropriately, leading to good

preaching, which avoids defamation, shaming, and attacking others while remaining faithful to God. Prof. Sano urged religious workers to follow the example of the Prophet Muhammad (PBUH) in their approach, avoiding harshness and rudeness, and instead using gentleness, kindness, and compassion. Effective preaching aims to reform those involved in sin, not to defame or dishonor them. He called for religious workers to engage in dialogue and persuasion with respect and humility, accepting differences and recognizing that others may have valid perspectives. He also warned against hastily issuing fatwas or judgments on contemporary issues, advising that such matters should be handled by qualified institutions and scholars. The role of religious workers is to educate, guide, transmit, and dialogue wisely, leaving fatwa issuance to those with the necessary expertise. Concluding his lecture, Prof. Sano reiterated the crucial role of religious workers in society. He urged them to highlight the benefits that Allah has attributed to sincere preachers, fostering a society of cooperation, solidarity, and stability, free from takfir, violence, and extremism, by adhering to the teachings and approach of the Prophet Muhammad (PBUH).



S.G. urges Revision of Traditional Education Stages at Rabat Conference



On the sidelines of the Hassanian Lectures organized by the Ministry of Awqaf and Islamic Affairs in Morocco, H.E. Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy (IIFA), delivered a lecture titled “Educational Stages between Tradition and Renewal: A Reading of the Traditional Educational System in the Light of Reality” on Tuesday, 16 Ramadan 1445, corresponding to 26 March 2024, at Dar Al-Hadith Al-Hussaniya in Rabat, Morocco. Prof. Sano began by expressing sincere thanks and appreciation to the leaders of Dar Al-Hadith Al-Hassaniya for their warm welcome and the organization of this scientific lecture. He described the lecture as a renewed look at the challenging issue

of education, particularly the need to review both educational stages and curricula. He explained that educational curricula and stages form part of a broader educational system, comprising the academic staff, students, educational institutions, and the stages of education that individuals pass through to acquire knowledge. These stages include kindergarten, primary, middle, secondary, university, and post-university levels. He emphasized that the success of the educational system depends on all these phases and that renewing the system must be comprehensive, addressing not only curricula but also the educational stages. Prof. Sano traced the history of the current educational stages back to the nineteenth century,

specifically 1893, during the second industrial revolution. He noted that the industrial revolutions (first: 1840-1869, second: 1860, third: up to 2000, and fourth: from 2000 onwards) brought significant changes, including the advent of the internet, AI, and digital communication. The second industrial revolution, in particular, led to the creation of basic educational stages, moving beyond the limited focus on reading and writing to include subjects like math and physics. He highlighted that, initially, education was accessible only to a certain social class, but the second industrial revolution necessitated more widespread education. Russia was the first country to implement 12 years of basic education, which later influenced other countries like America. Prof. Sano discussed the current reality



of inherited educational stages, emphasizing the need to adapt them to reflect contemporary realities and address the ambitions and challenges of the Islamic nation. He stressed the importance of reviewing the traditional educational stages to ensure the information, skills, and knowledge imparted are relevant to today’s world. He concluded by calling for the utilization of the modern industrial revolution’s advancements in information and education. Prof. Sano advocated for a reduction in the quantity of information provided by educational institutions to focus on essential and vital knowledge that fosters societal and civilizational development.



17th Joint Weekly Meeting of Departments and Divisions

Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy (IIFA), chaired the seventeenth joint weekly meeting of IIFA's departments and divisions on Monday, 11 Ramadan 1444, corresponding to 21 March 2024, at the Secretariat General's headquarters in Jeddah. He began by welcoming the attendees and thanking them for their participation, noting that this and future meetings would be joint to monitor the progress of the 26th session of the Academy. Prof. Sano shared his experience at the international conference, "Building Bridges Between Islamic Schools," organized by the Muslim World League under the patronage of the Custodian of the Two Holy Mosques. He delivered a speech at the conference's closing



session and expressed gratitude to the Kingdom of Saudi Arabia, its leadership, and its people for the invitation. He also thanked Sheikh Dr. Mohammed bin Abdul Karim Alissa, Secretary General of the Muslim World League, for this initiative, which rekindles hope that the Ummah can address numerous issues and

challenges. Emphasizing the Academy's values of cooperation, integration, and solidarity, Prof. Sano urged the departments and divisions to collaborate and work together to ensure the success of the 26th session. The meeting reviewed previous decisions and made new ones, including:

- Reorganizing the library's books, categorizing them, and updating the information on the computer software.
- Designing the brochure for the 26th session and completing the documentary film production well before the session.
- Distributing IIFA's newsletters for the past three years in three languages to delegations, embassies, and consulates.

125th Weekly Meeting of Departments

The International Islamic Fiqh Academy convened its 125th meeting of the departments on Sunday, 14 Ramadan 1445, corresponding to 24 March 2024, at the Secretariat General's headquarters in Jeddah. Chaired by H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, the meeting began with a warm welcome to the attendees. Prof. Sano discussed his upcoming visit to Morocco to participate in the Hassania Lectures, an annual event during Ramadan. During this visit, he will meet with several officials to discuss rescheduling the Academy's future session in Morocco, which was postponed due to last year's earthquake. He will

also consult with Moroccan scholars on various issues, including a draft cooperation agreement with Morocco's Supreme Scientific Council. Emphasizing the importance of time management, Prof. Sano reminded everyone of the value of time and the necessity of preserving it in their work. He cautioned against wasting time on activities unrelated to the Academy's objectives and stressed the need for diligent adherence to time management principles. The meeting reviewed previous decisions and made new ones, including:

- Collaborating with the Media Department of the Muslim World League (MWL) to leverage their expertise in producing a



documentary film about the Academy.

- Typesetting research papers for the upcoming Cultured Meat Symposium.
- Typesetting research papers for the upcoming symposium on the Role of Religious Leaders in Combating Violence Against Women.

126th Weekly Meeting of Departments



The International Islamic Fiqh Academy (IIFA) convened its 126th meeting of departments on Monday, 22 Ramadan 1445, corresponding to 01 April 2024, at IIFA's headquarters in Jeddah. The meeting was

chaired by H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy. Prof. Sano shared the honor of greeting His Majesty King Mohammed VI of Morocco while attending the Al-Hassaniya Lectures, organized by the Moroccan Ministry of Awqaf and Islamic Affairs and presided over by the King. During his visit, he delivered lectures on various topics, including «Ijtihad and Contemporary Issues» at the Faculty of Arts and Humanities at Mohammed V University in Rabat, the role of religious actors in society at the Imams Training Institute, and educational stages between tradition

and renewal at Dar Al Hadith Al Hassaniya. The meeting reviewed previous decisions and made new resolutions, including:

- Preparing a database containing participants' passport photos and expiration dates for submission to relevant departments.
- Completing the design and typesetting of the brochure for the Cultured Meat Symposium and printing the research papers.
- Completing the design and typesetting of the brochure for the seminar on the role of religious leaders in combating violence against women and printing it.

127th Weekly Meeting of Departments

H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, chaired the 127th weekly meeting of departments on Tuesday, 21 Shawwal 1445, corresponding to 30 April 2024, at the Secretariat General's headquarters in Jeddah. His Excellency welcomed the attendees and discussed the contents of the annual strategic plan to ensure that activities and programs are implemented on schedule. He directed the Planning Department to prepare a report on the strategic plan's activities and programs. His Excellency also spoke about his participation in the International Conference on the Role



of Universities in Promoting the Values of National Belonging and Peaceful Coexistence in Riyadh, held under the patronage of the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz Al Saud, and his

involvement in the Accountancy Commission Conference. The meeting reviewed previous decisions and made new resolutions, including:

- Planning a joint program to hold a symposium or scientific conference between IIFA and the Muslim World League and between IIFA and the Presidency of the Two Holy Mosques.
- Completing the final design and printing the research papers for the symposium on the Role of Religious Leaders in Combating Violence Against Women.

58th Periodic Meeting of Divisions



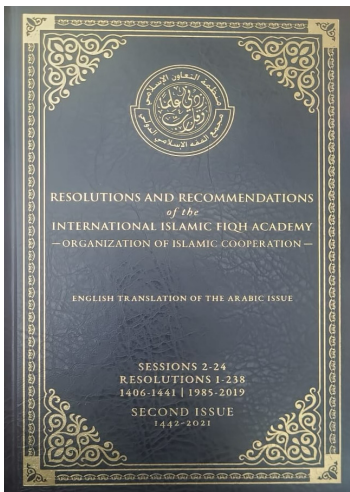
H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, chaired the 58th periodic meeting of the Academy's divisions on Thursday, 25 Ramadan 1445, corresponding

to 4 April 2024, at the Secretariat General's headquarters in Jeddah. His Excellency began by paying tribute to the late scholar and physician Dr. Ahmed Raja Al-Jundi, a former member of the Academy, who passed away on 24 Ramadan 1445. He highlighted Dr. Al-Jundi's merits and contributions and extended the Academy's heartfelt condolences to his family, the Arab Republic of Egypt, and the entire Ummah. His Excellency emphasized the importance of adhering to the ethics of distinguished work to

enhance performance at the Academy. He urged all employees to cooperate and integrate for the benefit of the work and its continuity at the required level. The meeting reviewed previous decisions and made new resolutions, notably:

- Informing all staff that taking leave requires submitting a request at least one day in advance.
- Updating IIFA's YouTube channel and regularly uploading lectures and news.
- Completing the translation of IIFA members' biographies and publishing them on the website.

A Brief Introduction to the Resolutions and Recommendations of the Academy



For four decades, the Council of the International Islamic Fiqh Academy has from time to time issued clear, effective, and compelling Sharia-based resolutions in response to the issues and developments that continue to affect contemporary life and preoccupy Muslims in the East and the West. The number of resolutions issued by the Council of the Academy has reached two hundred and fifty-five (255) resolutions on intellectual, educational, social, economic, and halal issues. Thanks to Allah, these resolutions have become the scientific reference to which many countries turn, societies take refuge, and many peoples prefer to follow. They have also evolved into fatwas that serve as the foundation for current

Islamic financial applications and industries. Many Sharia courts, health organizations, and scientific educational institutions around the world adhere to them, and they have become solid scientific foundations and Sharia standards approved and recognized by the scholars, experts, and intellectuals of the Ummah. The Secretariat General of the Academy has chosen to devote the last few pages of its monthly bulletin to publishing them consecutively in order to present their sober contents and to remind of their utmost importance, while praying to Almighty Allah to reward the honorable scholars and experts who participated in their formulation and publication in a manner beneficial to humanity that will remain forever on earth.



In the name of Allah,

The Entirely Merciful, The Especially
Merciful

Praise is due to Allah, Lord of the worlds,
may the blessings and peace be upon our
master Muhammad, the seal of Prophets,
on his family, and all his companions.

Resolution No. 63 (1/7) Financial Markets (Shares, Options, Commodities, and Credit Cards)

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 7th session in Jeddah, Kingdom of Saudi Arabia on 7–12 Dhū al-Qa'dah 1412H (9–14 May 1992), HAVING EXAMINED the research papers submitted to the Academy concerning Financial Markets (Shares, Options, Commodities, Credit Cards), HAVING LISTENED to the discussions on the subject,

Resolves

First: Shares

1. Acquisition of Shares in Companies:
 - a. Since lawfulness is the primary judgment regarding transactions, creating a joint-stock company with permissible purposes and licit activities is also lawful.
 - b. There is no legal disagreement on the prohibition of participating in companies whose main purpose is haram, such as engaging in Ribā-based transactions, forbidden products, and trading them.
 - c. Prohibition is the primary judgment regarding participation in joint-stock companies that may sometimes engage in prohibited transactions such as Ribā-based transactions, even though their main activities may be lawful under Shariah.

2. Underwriting:

Underwriting is an agreement made upon the establishment of a company with someone who undertakes to guarantee the sale of all or part of the shares issued, i.e. to undertake to subscribe for all shares that remain unsubscribed by others. There is no Shariah

prohibition to this provided that the obligee subscribes to the shares at nominal value without any compensation for the commitment per se though the obligee may receive compensation for work other than the underwriting – that he may carry out such as studies or marketing shares.

3. Payment in Installments of the Share's Value at the Time of Underwriting:

There is no Shariah prohibition to the partial payment of the value of the subscribed share and to deferred payment of the remaining installment(s) as it may be considered as participation with down payment and commitment to capital increase. This does not involve any prejudice since it applies to all shares in the company's liability to third parties and covers the declared capital entirely, this being the amount that the company clientele has been informed of and satisfied with.

4. Bearer Shares:

Since the sale of a "bearer share" involves an unidentified portion of the company assets, and the share certificate is a document that attests to entitlement to the said portion, there is no Shariah prohibition to the company issuing and circulating shares in this manner.

5. Contract Object in the Sale of Shares:

The object of the contract in the sale of Shares is the unidentified portion of the company assets and the share certificate is a document attesting to entitlement to the said portion.

6. Premium Shares:

It is not permissible to issue premium shares with financial privileges that involve guaranteed payment of the capital or of a certain amount of profit or ensure precedence over other shares at the time of liquidation or distribution of dividends.

It is, however, permissible to give certain shares such privileges relating to procedural or administrative matters.

7. Trading Shares by Means of Ribā:

a. It is not permissible to purchase a share with an interest-based loan offered to the purchaser by the broker or any other party against pawning of the share as this involves a ribā (usury) transaction and its consolidation by mortgage, which are clearly forbidden by the ḥadīth "the eater, the agent, the clerk and the witness of Ribā shall be accursed."

b. It is also not permissible to sell a share

that the seller does not possess but has received a pledge from the broker to be loaned the share at the time of delivery since such a deal falls within the framework of selling something that the seller does not own. The prohibition shall be more categorical if the deal is conditional upon the payment of the share price to the broker who would benefit by depositing this price with interest to obtain compensation for the loan.

8. Sale or Pawning of Shares:

It is permissible to sell or pawn a share subject to the provisions of the company statutes, such as the possible allowance therein for sale, whether free or conditional upon giving priority of purchase to long-standing shareholders. Similarly, the statutes should be considered for the possibility of pawning shares with partners at the rate of the ordinary share.

9. Issuance of Shares with Issuance Fees:

Adding a certain percentage to the value of the share to cover the issuance expenses is not subject to a prohibition in Shariah as long as the estimated rate is reasonable.

10. Bonus Issuance and Discount Issuance:

It is permissible to issue new shares to increase the company capital if the issuance is made at real value of the shares, based on experts' estimation of the company assets or at market value.

11. Company Guarantee of Share Repurchase:

The Academy resolved to postpone the adoption of a resolution on this subject until a future session, pending further research and examination.

12. Determining the Liability of a Limited Joint-Stock Company:

There is no prohibition in Shariah to creating a joint-stock company with a liability limited to its capital, for that is known to the company's clientele and this awareness on their part excludes uncertainty. Nor is there any prohibition in Shariah to the fact that some shareholders' liability to the creditors is unlimited without compensation for such a commitment, which is in the case for companies with both acting partners and limited partners.

13. Limiting Shares Trading to authorized Brokers and Stipulating Fees to enter their Markets:

It is permissible for competent official entities to regulate the trading of certain shares through licensed specialist brokers exclusively for, that is, an official

procedure that serves legitimate interests.

It is also permissible to stipulate membership fees for transacting dealers in the financial markets as this is an organizational procedure designed to serve the said legitimate interests.

14. Priority Right:

The Academy resolved to postpone the adoption of a resolution on this subject until a future session, pending further research and examination.

15. Property Right Certificate:

The Academy resolved to postpone the adoption of a resolution on this subject until a future session, pending further research and examination.

Second: Options

1. Form of Options Contract

The purpose of an options contract is to permit withdrawal of a commitment to sell or buy something specific and described at a definite price during a given period or at a given time either directly or through an entity that guarantees the two parties' rights.

2. Shariah Rulings

As currently applied in the global financial markets, options contracts are a new type of contracts that do not fall under any one of the Shariah nominate contracts.

Since the object of the contract is neither a sum of money nor a utility or a financial right which may be waived, then the contract is not permissible, according to Shariah.

Since these contracts are initially not permissible, neither is their trading.

Third: Dealing in Commodities, Currencies, and Indices in Organized Markets

1. Commodities:

Commodity transactions in the organized markets are carried out in accordance with one of the four following modes:

FIRST MODE: The contract stipulates the right (of the buyer) to the immediate delivery of the merchandise sold and immediate payment (to the seller) of its price, and the commodities or receipts representing them are available with the permission of and held by the vendor. This contract is permissible in Shariah with the well-known conditions of sale.

SECOND MODE: The contract stipulates the right to the immediate delivery of the commodities sold and immediate payment of their price and for the possibility of carrying out these two actions with the guarantee of the market authority. This contract is permissible in Shariah with the well-known conditions of sale.

THIRD MODE: The contract provides for delivering a described and secured merchandise at some future date, and payment of its delivery

price. It also stipulates that it shall end with the actual delivery and receipt of the merchandise.

This contract is not permissible in Shariah because of the postponement of the two elements of the exchange. It may be amended to meet the well-known conditions of Salam sale; and if it does so, it shall become permissible.

Moreover, it is not permissible to sell a merchandise purchased under Salam sale before its payment, unless the merchandise has already been received.

FOURTH MODE: The contract stipulates delivering a described and secured merchandise at a future date, and the payment of its delivery price. The contract, however, does not stipulate that it shall end with the actual delivery and receipt of the merchandise, and thus it may be terminated by an opposite contract. This type of contract is the most prevalent in the commodity markets and it is essentially not permissible by Shariah.

2. Trading Currencies:

Currency transactions, in the organized markets, are carried out in accordance with one of the four modes mentioned above for the commodities.

Purchase and sale of currencies are not permissible through the third and fourth modes. They are, however, permissible through the first and second modes provided they meet the well-known currency exchange conditions.

3. Trading Indices:

An index is a figure calculated according to a special statistical method and designed to indicate the volume of variation in a given market. It is the object of transactions in several world markets.

Sale and purchase of the index are not permissible since they are pure gambling and constitute the sale of something fictitious (non-existent).

4. Shariah-compliant Alternatives to Prohibited Transactions in Commodity and Currencies

It is necessary to organize Islamic commodity and currency markets based on Shariah-compliant transactions, notably bay as-salam (advance payment sale), sarf (exchange), wa'd bi al-bay (promise to sell), istisna (production order), etc.

The Academy deems it necessary to make a comprehensive study of these alternatives' terms and conditions as well as their application modes in the organized Islamic market.

Fourth: Credit Cards

A. DEFINITION

The credit card is a document given by

its issuer to a natural or a legal person on the basis of a contract between them enabling the second party to buy goods or services from a vendor who approves the document, without paying the price immediately as the document includes the issuer's commitment to pay. Some types of this document make it possible to draw cash from the banks. Credit cards are of different types:

– For some of them, withdrawal or payment is made from the cardholder's account in the bank and not from the issuer's account and is therefore covered. For others, the payment is made from the issuer's account and is charged back to the holder at periodic intervals.

– Some cards impose usurious interests on the balance which remains unpaid during a specified period after due date. Others, also, do not impose any interests.

– Most credit card issuers charge an annual fee to the holder, while some other issuers do not charge any annual fee to its holder.

B. Shariah Characterization of Credit Cards

After discussions, the Academy resolved to postpone issuing a resolution concerning the characterization of this type of cards and its ruling in Shariah to a forthcoming session, pending further research and studies.

Indeed, Allāh is All-Knowing.

Resolution No. 64 (2/7) Installment Sale

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 7th session in Jeddah, Kingdom of Saudi Arabia on 7–12 Dhū al-Qa'dah 1412H (9–14 May 1992), HAVING EXAMINED the research papers submitted to the Academy concerning Installment Sale, in continuation to resolution no. 51 (2/6) in this regard, HAVING LISTENED to the discussions on the subject, R e s o l v e s

FIRST: The installment sale is permissible in Shariah even if the deferred price exceeds the spot price.

SECOND: Trading instruments (cheques, promissory notes, exchange bills) are lawful types of debt authentication by recording it in writing.

THIRD: The discount of trading instruments is not permissible in Shariah, for it amounts to a transaction involving Ribā an-Nasī'ah (interest on delayed repayment) which is prohibited.

FOURTH: The discount of a deferred debt to accelerate its repayment, whether at the request

of the creditor or of the debtor (pay less but ahead of time), is permissible in Shariah and does not fall within Ribā if not based on a prior agreement and as long as the relationship between the creditor and the debtor are bilateral. If a third party is involved between them, the discount is not permissible, subject to the Shariah ruling regarding the discount of trading instruments. FIFTH: It is permissible for both parties to a debt to agree on the fact that all installments will be due for payment if the debtor refers to repaying any of the installments owned by him, as long as he is not insolvent. SIXTH: If a debt falls due following the death, bankruptcy or procrastination of the debtor, it is permissible in all these cases to discount the debt in order to accelerate settlement. SEVENTH: The criterion of insolvency, which necessitates deferment, is that the debtor shall have no assets above his basic needs to discharge his debt in cash or in kind.

Indeed, Allāh is All-Knowing.

Resolution No. 65 (3/7) Istiṣnā' (Manufacturing) Contract

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 7th session in Jeddah, Kingdom of Saudi Arabia on 7–12 Dhū al-Qa'dah 1412H (9–14 May 1992), HAVING EXAMINED the research papers submitted to the Academy concerning Istiṣnā' (Manufacturing) Contracts, HAVING LISTENED to the discussions on the subject, HAVING CONSIDERED the purposes of Shariah regarding public interests, and the Fiqh maxims concerning contracts and transactions, HAVING NOTED that Istiṣnā' contract plays an important role in stimulating industries and in paving the way for broad opportunities for financing and promoting the Islamic economy, Resolves

FIRST: Istiṣnā' contract, which has been mentioned with regard to work and goods on credit, is binding on both parties if it meets the basic requirements and conditions. SECOND: The Istiṣnā' contract must fulfill the following requirements:

- A clear statement of the nature, type, amount and required specifications of the product to be manufactured.
- A specification of the deadline.

THIRD: In the Istiṣnā' contract, it is permissible to defer payment in full or in installments according to predetermined installments and specific deadlines. FOURTH: In the Istiṣnā' contract, it is permissible to include a penalty clause if both contracting parties agree, unless subject to force majeure.

Indeed, Allāh is All-Knowing.

Resolution No. 66 (4/7) Bay al-Wafa (Selling with Repurchase Right)

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 7th session in Jeddah, Kingdom of Saudi Arabia on 7–12 Dhū al-Qa'dah 1412H (9–14 May 1992), HAVING EXAMINED the research papers submitted to the Academy concerning Bay al-Wafa (Selling with Repurchase Right), HAVING LISTENED to the discussions on Bay al-Wafa and its true nature, namely that the sale of a commodity on the condition that any time the seller returns the price, the purchaser returns to him the object of the sale, Resolves

FIRST: This type of sale is in fact “a loan which generates a benefit”; therefore, it is a fraudulent practice of Ribā, and is considered invalid by the majority of scholars. SECOND: This contract is not permissible in Shariah. Indeed, Allāh is All-Knowing.

Resolution No. 67 (5/7) Medical Treatments

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 7th session in Jeddah, Kingdom of Saudi Arabia on 7–12 Dhū al-Qa'dah 1412H (9–14 May 1992), HAVING EXAMINED the research papers submitted to the Academy concerning Medical Treatments, HAVING LISTENED to the discussions on the subject, Resolves

I. Medical Treatments
The initial Shariah ruling on medical treatments is their permissibility given its explicit mentions in the Holy Quran and in the verbal and the practical Sunnah, and due to its “preservation of life,” which is one of the universal objectives of Shariah. Rulings on medical treatments differ depending on the different situations and individuals, as follows:

- It is obligatory if foregoing it may result in the person's self-destruction, an organ's loss or a disability, or if the disease may spread to others as in the case of contagious diseases
- It is desirable if foregoing it may weaken the body without causing the consequences mentioned in the first case above.
- It is permissible if not mentioned by the two cases above.
- It is undesirable if the action to be taken is risky and may cause serious complications, worse than the disease to be cured.

II. Treatment of Hopeless Cases

A. One of the principles of the Islamic faith is that illness and cure are in the hands of the Almighty Allāh, and that medical care and treatment are a way of adopting the means provided by Allāh the Almighty in the universe. It is not permissible to despair of Allāh's mercy but necessary to maintain the hope of healing by Allāh's will. Doctors and the patient's relatives should raise the patient's morale, continue to look after him, and alleviate his psychological and physical sufferings regardless of the chances or lack of recovery.

B. The concept of a clinically hopeless cases depends on the physicians' assessment, the medical capacities at any given time and place, and the patient's circumstances.

III. Patient's Consent

A. The patient's consent for the treatment is conditional if the patient is in full legal capacity to give it. If he is not, the permission of his or her legal guardian shall be sought according to the order of guardianship in Shariah, and in conformity with its provisions which limit the scope of the guardian's action to the benefit and interest of the person under guardianship as well as to eliminating harm from him or her.

If the guardian, however, does not to give consent, his decision shall not be taken into consideration if it is clearly detrimental to the person under guardianship. The right to giving consent shall then be transferred to the next guardian and ultimately to the authorities.

B. Authorities have the right to oblige medical treatments when deemed appropriate as in case of contagious

diseases and preventive vaccinations.

C. When the victim's life is in danger as in emergency cases, medical treatment shall not depend on consent.

D. While conducting medical research, it is necessary to obtain the subject's consent if he or she is fully competent so as to avoid coercion (as in the case of prisoners) and financial enrichment (as in the case of the needy persons). Furthermore, the research to be undertaken must not involve any harm.

It is not permissible to conduct medical research on incapacitated or diminished persons, even with the consent of their guardians.

Recommendations

The Academy shall call for research submissions on the following medical issues for consideration at its upcoming sessions:

- Treatment with prohibited and impure materials and criteria for use of medicines.
- Aesthetic treatment.
- Doctor liability.
- Treatment of Women by a Male Doctor, and vice-versa, and the treatment of Muslims by a non-Muslim doctor.
- Treatment with Ruqya (spiritual healing based on the Quran and Sunnah).
- Doctor's code of ethics (to be discussed in several sessions if necessary).
- Influx of patients into treatment and their order of priority.
- Researching certain types of diseases that typically result in doctors' inability or reluctance to provide treatment. Examples may include:
 - A person with full body cancer. Should he be treated or just given painkillers and tranquilizers?
 - A child with severe hydrocephalic (cerebral death) accompanied by certain types of paralysis and his brain is atrophied (certain areas of the brain are still working). Should such a child be operated on? If the child has appendicitis or pneumonia, should he be treated or left untreated?
 - An elderly, decrepit man who has had a thrombosis, and with some sort of paralysis, he then has kidney failure. Should kidney failure be treated with dialysis? If he has a sudden cardiac arrest, should an attempt be made to rescue him, or should he be left untreated? If he has pneumonia, should he be treated or left untreated?
 - A person with severe brain injuries but with some parts of the brain still functioning (not included in the definition of brain death) and is in a coma and there is no hope of improvement. If such a person goes into a cardiac arrest, should he be rescued or left untreated? If that person has pneumonia, should he or she be treated? Who

decides to discontinue treatment in such cases, is it a panel of doctors, or an ethics committee, or the doctors with the patient's relatives?

Statements of the positions of Shariah and Sunnah towards these cases and categories. Indeed, Allāh is the Giver of success.

Resolution No. 68 (6/7) International Rights: An Islamic Perspective

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 7th session in Jeddah, Kingdom of Saudi Arabia on 7–12 Dhū al-Qa'dah 1412H (9–14 May 1992), HAVING EXAMINED the research papers submitted to the Academy concerning International Rights: An Islamic Perspective, HAVING COMMENDED the efforts of the research papers presented and reviewed on the aforementioned topic, the Council deemed that the subject is so important and broad that it requires additional research and studies on multiple aspects, HAVING LISTENED to the discussions on the subject, Resolves

FIRST: Establish a preparatory committee to draft a working paper for a specialized symposium to discuss the subject above in details and develop a draft declaration of international rights in Islam, which will be submitted to the Council at its next session.

SECOND: The themes of the working paper shall be as follows:

1. The sources of Islamic international law and international relations being the Quran, Sunnah, and practical applications under the rightly-guided Caliphs, in addition to taking into consideration Ijtihād (interpretative judgments) made by Fuqahā on the subject.
2. The purposes and general characteristics of Shariah which have a practical impact on all attitudes:
 - a. Objectives of Shariah
 - b. General characteristics
3. The concept of the Ummah and its unity in Islam.
4. Legal opinions of different schools of law (madahib) regarding territorial divisions.
5. Historical roots of the prevailing situation in the Muslim world.

6. Internal relations within the Islamic State (peoples and minorities).

7. Relations of the Islamic State with other States.

8. Position of the Islamic State regarding international conventions, treaties and organizations.

THIRD: The preparatory committee shall prepare explanatory documents to guide researchers through the details of these topics, provided that this will be undertaken in the coming months. Indeed, Allāh is the Giver of success.

Resolution No. 69 (7/7) Recommendations of the Seventh Session regarding Intellectual Imperialism

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 7th session in Jeddah, Kingdom of Saudi Arabia on 7–12 Dhū al-Qa'dah 1412H (9–14 May 1992), HAVING EXAMINED the research papers submitted to the Academy concerning Intellectual Imperialism, explaining the background, dangers and dimensions of intellectual imperialism and its impact on Arab and Muslim world, HENCE, the research papers presented examples of the ambiguities and contestations that intellectual imperialism has provoked and the schemes and practices it carried out to destabilize Muslim society and subvert Dawah (Call to Islam). The research papers explained Islam's role in preserving the Ummah and its firm stance against this imperialism, and how Islam overturned many of its schemes and plots. They also focused on ways to confront such imperialism and protect the Ummah from its effects in all fields and at all levels. HAVING LISTENED to the discussions on the subject above, Recommendations

FIRST: Work towards implementing Shariah and adopting it as a strategic approach in our political relations at the local and global levels.

SECOND: Ensure the purification and promotion of educational methods and curricula to upbring the present generations based on Islamic principles and provide them with the proper training that would increase their knowledge and attachment to Islam and immunize them against all forms of cultural imperialism.

THIRD: Develop the training curricula for preachers to make them understand the true spirit of Islam and its approach to human life and society, in addition to enlightening them on modern culture so that their interactions with contemporary societies are fully aware and informed.

FOURTH: Give Mosques their comprehensive educational role in Muslims' life to enable them to cope with all forms and effects of cultural imperialism and have a complete and authentic knowledge of their religion.

FIFTH: Refute ambiguities spread by the enemies of Islam using sound scientific methods to build confidence among the believers regarding the magnificence of our religion without resorting to weak defensive methods.

SIXTH: Give due importance to studying foreign ideas and borrowed principles and identify their shortcomings and deficiencies with scientific honesty and objectivity.

SEVENTH: Give due attention to Islamic awakening and give support to the institutions working in the various fields of Dawah and Islamic action to build the upright Islamic personality that presents to human society a shining practical example of Islamic teachings at individual and collective levels and in all fields of political, social, cultural and economic life.

EIGHTH: Give due attention to the Arabic language, its promotion, and its teaching worldwide, considering that it is the language of the Holy Quran, and to promote it as the teaching medium at the schools, institutes and universities in Arab and Muslim countries.

NINTH: Emphasize on highlighting Islam's tolerance, which has come for the goodness and happiness of mankind in this world and in the hereafter, through all living languages.

TENTH: Benefit efficiently and seriously from contemporary means and methods of communication to convey the words of truth and wisdom to all parts of the world without neglecting any other possible means.

ELEVENTH: Give due importance to resolve contemporary issues with Islamic solutions and translate these solutions into practical execution and sustained application since the successful application is the most effective means of Dawah and discourse.

TWELFTH: Work on emphasizing the manifestations of Muslim unity and

complementary in all aspects and to resolve their differences and conflicts through peaceful means in conformity with the well-known Shariah provisions in this regard, thereby thwarting the plots of cultural imperialism aimed at breaking up the unity of Muslims and sowing discords and disputes among them.

THIRTEENTH: Work on strengthening Muslim powers and self-sufficiency, both economically and militarily.

FOURTEENTH: Appeal to Arab and Muslim states to support Muslims who are subjected to oppression in various parts of the world, to support their causes and to repel aggression against them by all available means.

Recommendation

The Academy shall continue to raise related issues at future meetings and symposia of the Academy, given the critical importance of intellectual imperialism and the need to establish an integrated strategy to confront its manifestations and developments. This strategy could begin with the issues of christianization and orientalism in the next session.

Indeed, Allāh is the Giver of success.

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