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Current Fiqh Issues Related to Technology

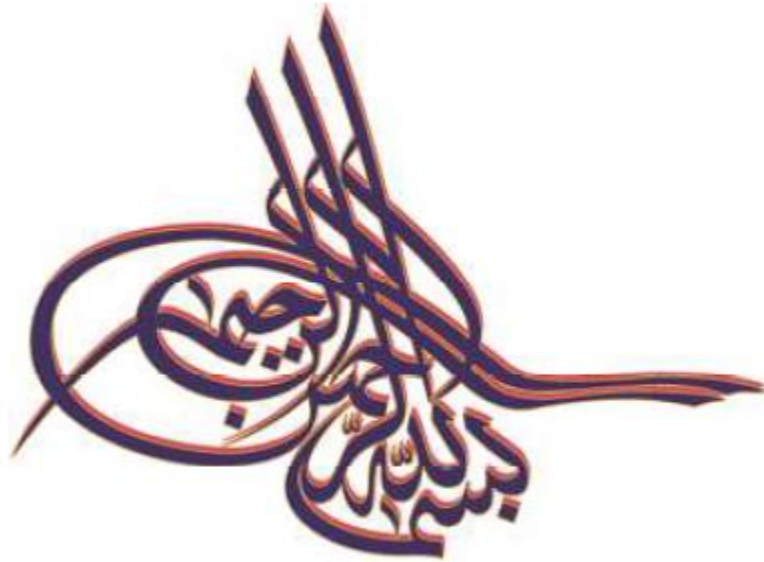
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"الأراء في هذا البحث تعبر عن رأي الباحث وليس بالضرورة عن رأي أمجا"

Opinions in this research are solely those of the author and do not represent AMJA.



CONTENTS

1. Topic One: Current Issues of Technology—General Principles, Rulings and Manners.....	5
1.1 <i>The ruling concerning subscribing to websites, social media and apps or visiting websites that contain forbidden pictures or sounds, such as music, exposing the private parts, distasteful or polytheistic views—of which virtually no social media today is free...5</i>	
1.2 <i>The ruling concerning playing computer games that contain some objectionable aspects, such as computer graphics of women who are practically nude or improperly dressed, foul language, witnessing or doing acts of disbelief, such as offering sacrifices, or extreme violence and killing, which in some cases the participants may even be targeting Muslims. What is the guiding principle on this topic, keeping in mind the amount of time and wealth that young Muslims put into such games?.....</i>	6
1.3 <i>What is the Shareeah ruling concerning artificial intelligence, robots, and virtual worlds? As is known, the technology of artificial intelligence and robots is new and contains risks. It is built upon experiments and trials which may expose wealth and lives to risk. What is the ruling concerning participating in, advising or researching such experiments and trials? What and upon whom would be the Shareeah liability and responsibility for actions done by robots and programmed machinery when it comes to injury, automobile accidents, and the like?</i>	7
1.3.1 Virtual Worlds	7
1.3.2 Robots and Artificial Intelligence	8
1.4 <i>What is the ruling of the "existence" that takes place in virtual reality wherein a person could take part in fornication, touching the opposite sex, drinking alcohol, and the like, while actually feeling like they have experienced that act?.....</i>	9
2. Topic Two: Current Issues of Technology Related to the Acts of Worship.....	11
2.1 <i>What are the rulings concerning electronic copies of the Quran with respect to reading them, being in a state of purity while touching or reciting them, using them as an aid in the obligatory or voluntary prayers, or taking them into the bathrooms?.....</i>	11
2.1.1 Reading	11
2.1.2 Touching	11
2.1.3 Usage in Prayer	12
2.2 <i>What is the ruling of relying on the apps that are found on phones to determine the direction of the Qiblah?.....</i>	12
2.3 <i>What is the ruling of paying one’s zakat or giving charity or donations via a credit card? And what is the ruling for the Islamic institution of accepting such payments via a credit card?.....</i>	13

2.4 *What is the ruling concerning transporting a corpse to another country by using the quickest means of transport?* 14

2.5 *What is the ruling concerning eating the "meat" that is manufactured in the labs from chemicals and raw materials?* 14

3. Topic Three: Current Issues of Technology Related to Financial Transactions.....16

3.1 *What is the ruling of dealing in e-currency? What is the ruling for cryptomining or investing in this field? What is the ruling of dealing in NFTs (non-fungible tokens)?*.....16

3.1.1 E-Currency 16

3.1.2 Virtual Currency 16

3.1.3 Cryptocurrency..... 16

3.1.4 Non-Fungible Tokens 18

4. Topic Four: Current Issues of Technology Related to Dawah and Education.....21

4.1 *What is the ruling of putting a copyright on Shareeah or Dawah educational material? Is it permissible to distribute without prior permission copyrighted audios, videos, or writings if it is done without the goal of profiting? Is it permissible to benefit on a personal level from such copyrighted material, without distributing it to others?*..... 21

5. Topic Five: Current Social Issues Related to Contemporary Means of Communication.....23

5.1 *What is the ruling of executing a marriage contract, performing a divorce or khula, or witnessing via the modern means of communication?* 23

5.2 *Is it permissible for a husband or father to look at the phone of his wife or children or look into their emails or social media accounts without their consent?* 23

1. TOPIC ONE: CURRENT ISSUES OF TECHNOLOGY— GENERAL PRINCIPLES, RULINGS AND MANNERS

1.1 The ruling concerning subscribing to websites, social media and apps or visiting websites that contain forbidden pictures or sounds, such as music, exposing the private parts, distasteful or polytheistic views—of which virtually no social media today is free.

Technology can serve as a neutral medium to communicate information.¹ Utilizing websites, social media, and apps is not intrinsically ḥarām since the general default ruling in Islamic Law is that things are permissible unless proven harmful or prohibited.² These tools can be used for good and permissible purposes such as to stay abreast of current news, stay in touch with family and friends, gain knowledge, and give da‘wah. They can also be used to commit sins, spread mischief, and engage in illegal and immoral activities. The challenge for Muslims is the content on these platforms, which is similar to walking down the street or into a grocery store in a metropolitan city where a person is likely to see people not dressed modestly, encounter foul language, hear inappropriate music, or be exposed to anti-Islamic ideas³. This difficulty also existed at the time of the Prophet ﷺ. Abū Ṭalḥah reported: “While we were sitting in front of the houses and talking amongst ourselves, Allah’s Messenger ﷺ came. He stood by us and said: What’s with you people and your meetings on the public paths? Avoid these meetings on the public paths. We said: We were sitting here without any intent to do harm; we are sitting to discuss matters and to hold conversation amongst ourselves. So he said: If you must, then give the paths their rights and these are averting your sight (from looking at something inappropriate), exchanging of greetings, and good conversation.”⁴ Note that the Prophet ﷺ did not tell them to isolate themselves but rather set guidelines they must follow. There may be anti-Islamic content on websites, social media, or apps, and the ruling on those is similar to a book that contains such material: if there is a strong possibility that the reader will be negatively influenced by the thoughts and ideas contained in it, then the book itself must be avoided. This is based on the principle of blocking the means to what is prohibited.

Although there are potential harms in the use of this technology, it often serves an important purpose, and therefore its general use is permissible according to many scholars.⁵ However, each Muslim must exercise due diligence and take proper precautions to minimize the harms that come with the use of such technology. Specific websites, social media platforms, or apps where one is likely to encounter a large quantity of Islamically-problematic content must be avoided. Also, extra precautions should be taken when using social media or browsing web sites. For example, content filters, pop-up blockers, and ad blockers should be installed to avoid inappropriate content from accidentally being accessed. Content marked as “sensitive” on Twitter, Instagram, and other tools should not be clicked on. Similarly, the SafeSearch feature in search engines such as Google and Bing should be enabled to filter out adult/explicit content. Despite these precautions, if a person happens to encounter something inappropriate on a legitimate web site or social media tool, they

1 This is according to the Value-Neutrality Thesis (VNT) which we hold. See <https://journals.sagepub.com/doi/10.1177/0162243919900965> for more details.

2 مجموع الفتاوى ط دار الوفاء ج ٢١ ص ٥٣٥

3 رد المحتار ج ٦ ص ٣٤٩

4 Ṣaḥīḥ Muslim, ḥadīth 2161

5 See <https://seekersguidance.org/answers/general-counsel/technology-permissible-islam/> for an example of the reasoning used by several scholars to justify the usage of technology.

should follow the principle of “lowering the gaze” and immediately refrain from looking at it and move past it as quickly as possible.

1.2 The ruling concerning playing computer games that contain some objectionable aspects, such as computer graphics of women who are practically nude or improperly dressed, foul language, witnessing or doing acts of disbelief, such as offering sacrifices, or extreme violence and killing, which in some cases the participants may even be targeting Muslims. What is the guiding principle on this topic, keeping in mind the amount of time and wealth that young Muslims put into such games?

Allāh says “And I did not create the Jinn and mankind except to worship Me”, so our primary purpose in life is to worship Allāh.⁶ However, Muslims may engage in permissible things of this world (including entertainment) in moderation while still remembering Allāh as long as these permissible things do not distract someone to the extent that they are unable to fulfill their religious obligations, take care of their health, maintain good relationships, etc. Ibn al-Qayyim, in reference to Sūrah al-Takāthur, when talking about people spending their time in accumulating extra wealth, emphasizes that the primary reason for the prohibition is because it “diverts/distracts you.”⁷ In other words, something that was originally permissible (i.e., gathering “wealth”) would become impermissible if it became a distraction from a person fulfilling their other obligations. Many scholars have allowed playing computer games in moderation so long as they do not distract someone from fulfilling their duties.^{8 9 10}

These rulings, however, apply only to computer games that do not expose a Muslim to unlawful content. Like web sites, social media, and apps, specific games where one is likely to encounter Islamically-problematic material must be avoided altogether. The harms of computer games have the potential to be more significant than web sites or apps because of the way the user interacts with the game and may even roleplay a character. This has a strong effect on the psychology of the individual to imitate similar behavior in real life: whether it is usage of language, general personality, use of violence and aggression, or something else.^{11 12} There is therefore even stronger reason to avoid inappropriate content or behavior when playing games.

There is some leniency in Islam when it comes to play. For example, if a game depicts a player to have multiple lives, this is okay because these things are not real, everyone knows they are not real, and they are not psychologically harming the player. The Prophet ﷺ did not have an issue with ‘Ā’ishah (may Allah be pleased with her) playing with a horse with two wings.¹³ Based on this principle, although committing suicide would be impermissible in real life, if a player was to intentionally jump off a cliff in a Super Mario Brothers game for fun, there would be no problem

6 Qur’ān, 51:56

7 الفوائد لابن القيم ص ٣٠

8 AMJA fatwās 87199, 85862

9 <https://islamqa.info/en/answers/2898/electronic-games>

10 <https://seekersguidance.org/answers/halal-and-haram/haram-play-video-games/>

11 See <https://www.sciencedirect.com/science/article/pii/S1877050919305393> for a detailed survey concerning the impact of video games on the behavior of a player.

12 <https://www.psychologytoday.com/us/blog/get-psyched/201401/violent-video-games-decrease-self-control>

13 Sunan Abī Dāwūd, ḥadīth 4932

with that. There is no actual harm caused nor psychological damage. However, games with computer graphics depicting nudity, pornographic material, foul language, acts of disbelief, etc. should not be played. That is because these acts are simply immoral and wrong, regardless of the context. If inappropriate content such as music can be turned off, problematic pictures/concepts can be removed/deleted, and vulgar chat rooms can be disabled, this should be done, and playing the game would then be permissible.

1.3 What is the Shareeah ruling concerning artificial intelligence, robots, and virtual worlds? As is known, the technology of artificial intelligence and robots is new and contains risks. It is built upon experiments and trials which may expose wealth and lives to risk. What is the ruling concerning participating in, advising or researching such experiments and trials? What and upon whom would be the Shareeah liability and responsibility for actions done by robots and programmed machinery when it comes to injury, automobile accidents, and the like?

When it comes to actions outside of acts of worship, the general default principle in Islamic Law is that everything is permissible unless proven harmful or prohibited.¹⁴ Islam is not inherently suspicious of new technology, so as a default, technology that is not considered harmful, such as robots, artificial intelligence and virtual worlds would be permissible.¹⁵

1.3.1 Virtual Worlds

"A virtual world is a computer-based online community environment that is designed and shared by individuals so that they can interact in a custom-built, simulated world. Users interact with each other in this simulated world using text-based, two-dimensional or three-dimensional graphical models called avatars."¹⁶ While the use of virtual worlds is permissible as a default, like in the physical world, inappropriate material and activities such as viewing sexual content, using or listening to profanity, drinking alcohol, visiting night clubs or casinos, etc. would not be permissible in the virtual world. Such acts remain immoral, even within a virtual context. Similarly, financial transactions in the virtual world should comply with Islamic principles, and prohibited elements such as *ribā* (ربا) and *gharar* (غرر) must be avoided.

Ideal use of the virtual world should provide some benefit in this world or the Hereafter, such as to communicate and stay in touch with family and friends, collaborate with co-workers, hold immersive meetings, engage in educational activities, etc. If engaging in the virtual world causes someone to get distracted or addicted to the extent that it results in them not taking care of their religious obligations, their health, their relationships, etc., this would be considered impermissible.¹⁷

Although avatars are not "real", Islamic ethics should still be maintained. As an example, men and women should be modestly dressed. This is because the use of virtual technology makes the experience feel very real and therefore prohibited actions in real life will also be prohibited, or at

14 مجموع الفتاوى ط دار الوفاء ج ٢١ ص ٥٣٥

15 See earlier footnote about the Value-Neutrality Thesis

16 <https://www.techopedia.com/definition/25604/virtual-world>

17 See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5023737/> for a study discussing prevalence and predictors of video game addiction.

least strongly disliked, in the virtual experience either because it is tashabbuh (تشبه, imitation) of forbidden actions and/or because such technology shapes personality (as described earlier).

1.3.2 Robots and Artificial Intelligence

Robots are machines that are capable of carrying out a series of complex actions automatically. Artificial Intelligence was originally defined as being focused on machines that mimic and display “human” cognitive skills but was later redefined as the field that makes it possible for machines to learn from experience, adjust to inputs, and perform human-like tasks¹⁸, whether it be the ability to play games, vacuum the house, or drive cars.¹⁹ Allah says in the Qur’ān, “He is the One Who created everything in the earth for you”²⁰ and “He has subjugated for you whatever there is in the heavens and whatever there is in the earth”²¹. In addition to the default of permissibility of things that are not harmful²², this shows that humans may make use of whatever is available from the creation (as long as it is not being used in an un-Islamic or harmful way), modify/improve it using technology, and this applies to the creation and utilization of robots and artificial intelligence as well.

Islam weighs maṣāliḥ (مصالح, benefits) and mafāsīd (مفاسد, harms). Therefore, participating, advising, or researching such technological experiments and trials depends on 1) the probability of harm during those trials 2) the amount of harm and 3) the amount of benefit, or potential benefit, relative to the harm. For example, testing a robotic limb on an animal may result in harm to the animal, which is forbidden without some genuine need.^{23 24} But in this example, if there is a large potential benefit for humans from such technology along with a low probability of harm to the animal involved, the experiments and trials may be justified as long as they are performed in as humane a fashion as possible.

The liability and responsibility for harms and accidents caused by robots, artificial intelligence, programmed machinery and other types of autonomous machines (such as self-driving cars) may be a result of engineering errors, human mistakes, or poor environmental conditions.²⁵

Engineering or manufacturing errors can be attributed to the designer/manufacturer of the product. This could include anything from issues in the controller (programming bugs, faulty algorithms) to faulty electronics or loose connections across parts. This type of liability has been addressed by classical scholars. The liability of harm is not on the practitioner of a profession as long as they:

- Are properly trained/qualified. The Prophet ﷺ is reported to have said “Whoever practices medicine, but he is not known as a practitioner of it, he will be liable”²⁶
- Operated within the standards of their profession. Imām al-Shāfi’ī explained, “If someone asks another to let his blood, or to circumcise his son, or to treat his horse, as a result of which loss occurred, then the situation is as follows: if the person did what is done by the

18 https://www.sas.com/en_in/insights/analytics/what-is-artificial-intelligence.html

19 See <https://www.ibm.com/cloud/learn/what-is-artificial-intelligence> for a clearer definition of artificial intelligence and its purpose.

20 Qur’ān, 2:29

21 Qur’ān, 45:13

22 مجموع الفتاوى ج ٢١ ص ٥٣٥ ط دار الوفاء

23 Ṣaḥīḥ al-Bukhārī, ḥadīth 2466 and Ṣaḥīḥ Muslim ḥadīth 2244

24 Sunan al-Nasā’ī, ḥadīth 4349

25 “Safety Issues in Human-Robot Interactions”, Milos Vasic and Aude Billard, page 1

26 Sunan Abī Dāwūd, ḥadīth 4586 and Sunan an-Nasā’ī, ḥadīth 4830 and Sunan Ibn Mājah, ḥadīth 3466

people in the trade in such circumstances which is considered beneficial then there is no liability."²⁷

- Took due care and were not negligent, heedless, or careless. There is room for error and no engineer or programmer is infallible. The field differentiates between acceptable mistakes, which are excused from liability and unacceptable mistakes, which are not excused. Imām Al-Qudūrī states: "There is not liability on the private contractor (الأجير الخاص) for what is ruined due to his work, unless he violates normal precautions (يتعدى), then he will be liable."²⁸.

Mistakes can also come from the user/operator, for example, by receiving insufficient training and thereby operating the product poorly, by not performing regular maintenance of the product in a proper/timely fashion, or by operating it under poor environment conditions for which it was not designed.

Islamic scholars have put the burden of determining the liability on the experts of a field. If/when an accident or harm occurs, a group of experts would be tasked to investigate and determine if the manufacturer or the user is liable. For example, if a robot destroyed property due to a bug in software, an expert would be able to determine if the software was tested adequately using industry best practices.

1.4 What is the ruling of the “existence” that takes place in virtual reality wherein a person could take part in fornication, touching the opposite sex, drinking alcohol, and the like, while actually feeling like they have experienced that act?

A virtual world may not be real, but it feels real, and even if it does not feel completely real, it most likely affects the mind.²⁹ Committing a ḥarām act, even if done virtually, has the potential to desensitize one’s mind to such acts in the real life, may impact dopamine responses in the real world, can possibly physically affect the real brain, and may result in many other real and consequential negative impacts. Therefore, the ruling about using such technology would be the same or stricter than less immersive forms.

For example, if a person flirts and has a romantic relationship in the virtual world, it is similar to chatting or speaking over the phone with a real person, even if it is with an artificially intelligent computer program that only resembles a real person. Such an interaction can cause real sexual arousal and has real impacts on one’s behavior. Most scholars have found it impermissible and a type of adultery/fornication (زنا) to fantasize about sexual relations with a non-permissible partner³⁰³¹, and recent MRI research shows how the brain is affected by such fantasizing and that it leads to negative effects of continuous pleasure-seeking and immediate gratification.³² Dr Lynn Margolies shares: "Fantasy provides the fuel for affairs. It helps lead up to them, it perpetuates them, and it makes it difficult to back away or let go. Failure to believe that one is caught in a fantasy is a central driving force. Swept away by the addictive, intoxicating power of the 'rush,' romantic fantasy is confused with the complexity of intimate relationships and real life. Men who have

27 الأم ج ٦ ص ١٨٦

مختصر القدوري ٢٢٦

29 See <https://thriveglobal.com/stories/this-is-your-brain-on-vr-the-neuroscientist-s-perspective/> for how virtual reality can affect your mind and the current research on this topic.

30 رد المحتار ج ٦ ص ٣٧٢

31 المدخل لابن الحاج ج ٢ ص ١٩٥

32 <https://psychcentral.com/lib/when-fantasy-crosses-the-line>

difficulty emotionally letting go of an affair even after having cut off contact typically are fueling this process by continuing to fantasize about the relationship.”³³ Interestingly, even when a person is well-aware that their fantasies are “make believe”, they still “play a part in completing and bringing sexual acts to, so to speak, their natural conclusions.”³⁴

NOTE: Someone may ask: Sexual fantasies could cross a person’s mind, but if they are not acted upon, is there a problem? After all, Allāh says that He “does not burden a person beyond his capacity”³⁵ and the Prophet ﷺ is also reported to have said, “Allāh has forgiven my followers for whatever crosses their mind so long as they do not put it to action or speak of it.”³⁶ Imām al-Nawawī explained this ḥadīth, “So long as one does not dwell on it or continue to think of it, he is forgiven for it according to scholarly consensus, because it does not happen voluntarily and he has no way to avoid it.”³⁷ However, Imām al-Nawawī also said, “But it is possible to avoid dwelling on them, therefore dwelling on them is ḥarām.”³⁸ This is why imam Ibn al-Qayyim, sometimes referred to as “the doctor of hearts”, wisely said “Ward off passing thoughts, for if you do not, they will become ideas. Ward off ideas, for if you do not, they will become desires. Fight them, for if you do not, they will become resolve and determination, and if you do not ward them off, they will become actions. If you do not resist them with their opposite, they will become habits and it will be difficult for you to get rid of them.”³⁹

Similar to virtual romantic relationships discussed above, if a person is simulating drinking alcohol, taking drugs, consuming pork, engaging in fornication, or anything along those lines, even though they are not actually committing the act in reality, committing actions that resemble forbidden ones⁴⁰, when there is absolutely no need for them, is also forbidden, or at least strongly disliked.

33 <https://psychcentral.com/lib/when-fantasy-crosses-the-line>

34 “Just Faking It? Pretend Theory meets Sexual Fantasizing”, Daniel D Hutto

35 Qur’ān, 2:286

36 Ṣaḥīḥ al-Bukhārī, ḥadīth 2528 and Ṣaḥīḥ Muslim, ḥadīth 127a

37 الأذكار للنووي ط الأرئوط ص ٣٤٦

38 الأذكار للنووي ط الأرئوط ص ٣٤٦

39 الفوائد لاب القيم ص ٣٣

40 An example of this is Hentai, which is anime and manga pornography. Although the people involved are not real, this is still prohibited.

2. TOPIC TWO: CURRENT ISSUES OF TECHNOLOGY RELATED TO THE ACTS OF WORSHIP

2.1 What are the rulings concerning electronic copies of the Quran with respect to reading them, being in a state of purity while touching or reciting them, using them as an aid in the obligatory or voluntary prayers, or taking them into the bathrooms?

An electronic or digital muṣḥaf (مصحف) is stored in memory or disk on an electronic device and rendered and shown on displays (as pixels on a screen). They can operate as a standalone applications, documents (such as PDF or DOC) inside an existing application, or even web sites that can be loaded into a browser. We are fortunate to live at a time where the Qur'ān has become easily accessible, both in print as well as electronically. This gives us the luxury to access the Qur'ān easily on electronic devices for reading and/or searching.

Just as it is allowed to create, own, and sell printed muṣḥafs, it is permissible to create, sell, download, install, and store electronic copies of the Qur'ān on a smartphone, tablet, or computer. There is nothing prohibiting that, and scholars have allowed for it as long as the muṣḥaf is accurate and is given proper respect and care by its user.

Electronic devices can serve multiple functions and can adopt different "roles" depending on which application/document is open, for example a telephone, a messaging device, or a web browser. When Qur'ānic text is visible on the screen, it should be treated just like Qur'ānic text in a printed book. The fact that it is rendered temporarily in the form of pixels does not make it different than permanently printed text, as when Qur'ānic text is open on the screen, the device (at that point in time) has taken on a similar role to a printed book with Qur'ānic text. In both cases, the human eye can see the words of Allāh in a similar fashion. Those that claim that digital muṣḥafs only take the "forms of waves"⁴¹ may be missing the point that even reading letters from a printed muṣḥaf makes use of light waves.

2.1.1 Reading

A person is permitted to read the Qur'ān from an electronic device just as they are from paper, but in order to earn reward, their lips should move, and the recitation should be able to be heard (whether whispered or out loud). It is not sufficient to just look at the words and think about them without uttering them. Just as minor purity (i.e., being in state of ablution/wuḍū') is not required when reading from memory or from a printed muṣḥaf without touching it, it is also not required when reading from a digital muṣḥaf. Similarly, it is not permissible for a person in the state of major ritual impurity (i.e., being in need of taking a bath/ghusl) to read the Qur'ān from an electronic copy.

2.1.2 Touching

The vast majority of scholars (including the four schools and Ibn Taymiyyah) obligate wuḍū' for touching the printed muṣḥaf. Their evidence is the Qur'ānic verses: "This is surely a Noble Qur'ān, [recorded] in a protected book (i.e., the Preserved Tablet), that is not touched except by

41 <https://islamqa.info/en/answers/106961/can-you-read-quran-without-wudu-on-phone#are-quran-apps-the-same-as-mushafs>

the purified ones"⁴². Imām Mālik narrates in Muwaṭṭa' that the Prophet ﷺ mentioned in a letter that he sent to 'Amr bin Ḥazm that no person should touch the Qur'ān unless they were pure⁴³.

A computer, tablet, or phone can be thought of as analogous to a very large book. The apps or programs on the device are like pages in the book. The majority of scholars stipulate that when a book contains both Qur'ān and non-Qur'ān, then if the Qur'ān in the book is less than half of the entire book, the book itself is not considered Qur'ān. Therefore, a person may hold the book itself without wuḍū'. Thus, the phone itself may be held from the back or the sides without wuḍū'.

The scholars further stipulated that when the pages of that book which contain Qur'ān are open, the Arabic text of the Qur'ān must not be touched without wuḍū'. The same ruling applies when the Arabic Qur'ānic text is open on an electronic display: the Arabic Qur'ān is treated like a printed muṣḥaf, it should not be touched without wuḍū' and the device should not be carried into the toilet. However, the other parts of the screen (such as non-Qur'ānic text and blank margins) may be touched without wuḍū'.

If the electronic device is powered off or if the Qur'ān application is not activated, wuḍū' is not needed to carry the device and it can be taken into the toilet. This is because the device does not become a muṣḥaf simply by having the Qur'ān application or document in its memory, just like a person can go to a toilet, and they do not become a muṣḥaf by memorizing the Qur'ān and having it in their memory.

2.1.3 Usage in Prayer

Scholars have differed over the permissibility of holding a muṣḥaf while leading prayer. Imām Abū Ḥanīfah disallowed it in all prayers while his two students permitted it but considered it disliked. Imām al-Shāfi'ī and Imām Aḥmad considered it permissible in any type of prayer. Imām Mālik found it permissible in voluntary prayers, but not in obligatory ones. Our personal opinion is that a printed or electronic muṣḥaf should not be used to lead prayers unless there is a need for it (for example, the imām has weak memorization). If an electronic muṣḥaf is utilized during prayer, all distractions should be minimized by silencing notifications, turning off translations, etc.

There is also a difference of opinion about holding a muṣḥaf while praying behind an imām. If this is done, again, all distractions should be minimized by silencing notifications, turning off translations, etc.

2.2 What is the ruling of relying on the apps that are found on phones to determine the direction of the Qiblah?

Allāh says in the Qur'ān: "And from wherever you set out [for prayer], turn your face in the direction of the Sacred Mosque (Al-Masjid al-Harām), and wherever you are, turn your faces in its direction"⁴⁴. Facing the qiblah is a prerequisite for the obligatory prayers by the consensus of scholars. Based on the ḥadīth of the Prophet ﷺ, "Whatever is between the East and the West is the

42 Qur'ān, 56:77-79

43 Al-Muwaṭṭa', book 15, ḥadīth 1

44 Qur'ān, 2:150

qiblah^{45 46}, scholars have concluded that if one cannot see the Ka'bah, they do not have to face its exact direction. Instead, a person is obligated to make the best effort to face its direction, and minor deviations in the qiblah will be considered valid.

Muslims must exercise their best judgment to determine the direction of prayer and are not restricted to any specific method of determining it: by asking someone, using the sun/moon/stars for guidance, making use of an analog compass, or using a digital one built into a smartphone. Smartphone hardware and apps are a convenient mechanism to determine the qiblah. While initially quite unreliable, their accuracy has improved significantly over the years. However, accuracy still varies significantly based on manufacturer and model.⁴⁷ It is permissible to use phones to find the qiblah as long as they are relatively accurate. Before a person becomes reliant on their phone to determine the qiblah, they should first compare the qiblah direction as indicated by their smartphone with an accurate compass at a few different locations to validate the general accuracy of their smartphone and to make sure that their compass is properly calibrated. Ideally, such a comparison should also be performed on a periodic basis as a precaution to ensure that the compass inside the phone did not get damaged or uncalibrated.

2.3 What is the ruling of paying one's zakat or giving charity or donations via a credit card? And what is the ruling for the Islamic institution of accepting such payments via a credit card?

Many contemporary scholars have already issued fatwā allowing consumers to use credit cards for general transactions as long as no interest is accrued^{48 49}. Similar fatwās have been issued for accepting credit cards as well.^{50 51} If one accepts these opinions, then giving and receiving charity via credit card would also be permissible, although it raises the question on whether the charity is considered paid upon a) processing of the credit card b) posting of the transaction which can occur some days later or c) payment of the credit card bill. We argue that the transaction is considered fulfilled upon the processing of the card since, in practice and by custom, transactions are considered completed and goods change ownership through credit card use at that stage.

Credit card companies generally charge the merchant (the charitable organization in this scenario) a processing fees, generally between 1.5% and 3.5%.⁵² An issue arises when it comes to zakāh: who should bear the cost of the processing fee for the transaction? If \$100 of zakāh money is given to a poor person, they may only receive \$97 or \$98, leaving a deficiency of \$3 or \$2. Is this "convenience fee" to be shouldered by the receiver or the giver? Scholars have stated that the owner of the wealth is responsible for ensuring that the zakāh reaches those who are entitled to it. Therefore, if a cost is incurred due transporting/transferring money for zakāh, it must be paid by the owner of the wealth, i.e. the giver.^{53 54} The zakāh giver should therefore "top-up" their

45 Jāmi' al-Tirmidhī, ḥadīth 342

46 The statement of the Prophet ﷺ was addressed to the people of Madīnah, which is to the North of the Ka'bah. Therefore, those people would turn Southwards to face the qiblah, i.e., between the East and the West.

47 Assessment of the precision of smart phones and tablets for measurement of planar orientations: a case study, Lucie Novakova

48 Contemporary Fataawa by Mufti Taqi Usmani, 163

49 AMJA fatwās 76619, 1195

50 Contemporary Fataawa by Mufti Taqi Usmani, 163

51 AMJA fatwās 80955, 1831

52 <https://www.nerdwallet.com/article/small-business/credit-card-processing-fees>

53 روضة الطالبين وعمدة المفتين ج ٢ ص ٣٣٣

54 الإنصاف في معرفة الراجح من الخلاف للمرداوي ج ٣ ص ٢٠٢

donation amount to account for the transaction fee in order to ensure that the entire amount of zakāh due goes to the proper recipients.

2.4 What is the ruling concerning transporting a corpse to another country by using the quickest means of transport?

During the time of the Prophet ﷺ, the deceased companions were buried in the graveyard of the land in which they died. The martyrs were also buried where they died and were not transported to a city, even the martyrs of Uḥud who were near Madīnah. In one narration, Jābir reported: "On the day of Uḥud, my aunt came with my father to bury him in a cemetery of ours, but then an announcer of the Messenger of Allah declared: 'Return the killed ones back to their places.'"⁵⁵. This remained the standard practice of Muslims for many generations and there is no evidence that any companion was moved from the place they died. Furthermore, the Prophet ﷺ said, "Speed up the burial"⁵⁶

Therefore, the standard practice is to not transport a dead body from its general area of death because a) this was the practice of the Prophet ﷺ and the early Muslims b) to minimize delay in burial by spending time transporting the body to another distant location. The wisdom behind the speedy burial may be to prevent the body from decaying, which would be disrespectful to it. The usage of special chemicals to prevent decay also results in a type of disrespect to the body. Lastly, moving the body to another location, such as the person's homeland, so that more family members may easily visit the body is not a legitimate reason to either delay the burial or spend a large amount of money for transport which deprives the heirs of their rightful inheritance.

For these reasons, the majority of scholars have prohibited moving the body from one place to another.⁵⁷ This is even if it facilitates the family members to easily visit the grave, and even if the deceased had requested during their lifetime that their body be transported to a particular location after death. Imām Ibn Qudāmah states: "The deceased should not be moved from his land to another land unless that is for a valid reason. This is the view of Imām al-Awzā'ī and Ibn al-Mundhir...and because it is easier, and it avoids any delay that may cause the corpse to start decaying before burial. But if there is a valid reason for doing so, then it is permissible."⁵⁸ A valid reason would be legitimate fear that the grave or body will be mistreated, or the like.

2.5 What is the ruling concerning eating the "meat" that is manufactured in the labs from chemicals and raw materials?

Note: This question/answer are not about plant-based food that tastes like meat, such as those offered by Impossible Foods and Beyond Meat as they are plant-based and there should be no need to question them.

Cultured meat, also known as cultivated meat, is a type of meat produced through in vitro cell cultures of animal cells.⁵⁹ The technology to produce such meat has been around for several years, with the world's first cultured hamburger patty fried at a news conference in London in August of

55 Jāmi' al-Tirmidhī, ḥadīth 1717

56 Ṣaḥīḥ Muslim, ḥadīth 944

57 Some have also viewed it as disliked and not prohibited.

58 المغني لابن قدامة ج ٢ ص ١٩٣

59 "Possibilities for an in vitro meat production system" (Innovative Food Science & Emerging Technologies), Isha Datar

2013. However, the first commercial sale of cell-cultured meat was in Singapore in December 2020.⁶⁰

The stem cells used for producing cultivated meat generally come from a live animal using minimally invasive procedures, and this is not a problem. Sometimes, however, the stem cells are taken from a recently slaughtered animal⁶¹, in which case, the slaughter should take place in compliance with Islamic ḥalāl standards.

Since there is no close precedent in Islamic Law for such an invention, the principles of weighing the harms and benefits, versus the necessity of such meat, needs to be taken into consideration. The permissibility depends on 1) the probability of harm from eating this meat 2) the amount of harm and 3) the amount of benefit, or potential benefit, relative to the harm.

The primary benefits listed by proponents of such meat is to reduce the environmental impact of meat production and improve animal welfare. It will also result in cheaper production of meat and therefore more profits for businesses. Another benefit listed by proponents is that cultured meat may not require artificial growth hormones or antibiotics to produce.⁶² The health effects of these two agents in standard meat has been shown to be clearly detrimental to health, in general. The harms resulting from such cultured meat are unknown and may only manifest after many years of research. A further argument by opponents of cultured meat is that it is artificial, and is not true meat, even though it contains elements of animals such as muscle cells, fat and support cells, and blood vessels.

In the absence of known harm, until further evidence of the long terms effects is presented, we believe that cultured meat should fall in the same ruling as GMOs and highly processed foods. While one may consume such foods in moderate amounts, they are not from the natural foods that Allah provided for us, and until more thorough and extensive research is performed measuring effects over long periods of time, strong caution must be exercised, as such foods could prove to be harmful in the long-run.

60 "Hello Cultured Meat, Goodbye to the Cruelty of Industrial Animal Farming" (National Review), Matthew Scully

61 <https://gfi.org/science/the-science-of-cultivated-meat/>

62 <https://gfi.org/science/the-science-of-cultivated-meat/>

3. TOPIC THREE: CURRENT ISSUES OF TECHNOLOGY RELATED TO FINANCIAL TRANSACTIONS

3.1 What is the ruling of dealing in e-currency? What is the ruling for cryptomining or investing in this field? What is the ruling of dealing in NFTs (non-fungible tokens)?

3.1.1 E-Currency

Electronic currency (also known as digital currency, digital money, electronic money, and by other names) is not something new. Western Union supported electronic fund transfers via telegram as far back as 1860. Bank balances have been stored as digital values inside computer databases for decades. PayPal was launched in 1998 and became a popular way to pay for things, and services such as Venmo and Zelle later came along and became quite prevalent.

Electronic currency allows money to be stored (in electronic wallets or bank/institutional accounts), sent, and received using computers and/or other electronic devices using computer networks. No physical money changes hands, but debits and credits are performed using electronic records. In fact, use of credit cards generally falls under electronic money, as no physical currency changes hands when they are utilized.

In reality, electronic currency is just a digital version of fiat currency that has legal tender status and is therefore subject to the same rules. It may be used as a unit of measure, medium of exchange, and store of value. It may be used to conduct transactions for products and services that are permissible in nature. It may not be lent out in return for an increase, as this would be considered impermissible ribā (ربا).

3.1.2 Virtual Currency

Virtual currencies are a digital representation of value that function like currency (i.e. functions as a medium of exchange, a unit of account, and/or a store of value), but are not "real currency" (i.e. coin and paper money of the United States or of any other country that is designated as legal tender, circulates, and is customarily used and accepted as a medium of exchange in the country of issuance)⁶³. Virtual currencies are generally backed by a single company and are often used in gaming networks. Use of virtual currency is permissible and subject to the same rules as electronic currency.

3.1.3 Cryptocurrency

Note: This discussion is only about a specific type of crypto-asset, i.e. about cryptocurrencies, also known as currency tokens or transactional tokens. It is not about other types of tokens such as security tokens, utility tokens, governance tokens, etc.

Cryptocurrencies are a type of virtual currency and were originated with a paper by Satoshi Nakamoto (which may be a fake name) in 2008. He came up with the idea of a blockchain ledger. Rather than keeping the transaction records with one person or entity, he figured out a way to use encryption to regulate the generation of a digital currency and verify transfers of funds without the need for any central bank. Without getting into the technical details about how it works, the first

63 <https://www.irs.gov/businesses/small-businesses-self-employed/virtual-currencies>

Bitcoin was created on Jan 3, 2009. Since then, thousands of cryptocurrencies have been created and as of August 2022, there were 20,450 different cryptocurrencies in existence.⁶⁴

Cryptocurrency is different than other types of currency because it is decentralized. In theory, this means that no one entity controls it or can shut it down, it is not susceptible to government manipulation or mismanagement, and transaction costs are minimal since the bank is cut out as a middleman.

The permissibility of the different types of transactions that can be conducted with cryptocurrency rests heavily upon the answer to: is cryptocurrency actually a currency, or is it a commodity, or is it something else entirely? Ibn Taymiyyah said that there is not a specific definition of money in Islam. Rather, it is based on what the people generally use and understand to be a medium of exchange.⁶⁵ Being a "medium of exchange" is the defining feature of any money. Merriam-Webster defines money as "something generally accepted as a medium of exchange, a measure of value, or a means of payment." While Economists define money as something that generally serves as a medium of exchange, a unit of accounting, and a store of value, most importantly, "money is anything that serves as a medium of exchange"⁶⁶.

There are several reasons to consider cryptocurrency as a type of [electronic] currency:

- Its name ("cryptocurrency") and its purpose of its creation (as indicated by Satoshi Nakamoto in his whitepaper, which has "Electronic Cash System" in its title⁶⁷), which was to allow online payments to be made and value to be transferred in a peer-to-peer fashion without needing financial institution to serve as a mediator. These are "medium of exchange" functions of money.
- The definition of "cryptocurrency" on Wikipedia⁶⁸ says it is "designed to work as a medium of exchange", and on PWC's web site says "a cryptocurrency is a medium of exchange"⁶⁹, and the same is true for many other definitions found by experts.
- Although not completely widespread yet, cryptocurrencies can be used to purchase goods and services, whether it be merchandise on the Tesla store or pizza in New York. According to fundera.com in 2021 about 15,174 businesses worldwide accept Bitcoin.⁷⁰

Some, such as Dirk Baur, argue that cryptocurrencies are not really currencies as they are currently used more for trading and speculation than they are as a medium of exchange⁷¹. While true, this does not negate cryptocurrencies as being currencies, as even fiat money and foreign exchange are heavily traded. In fact, the foreign exchange market is the largest financial market in the world, larger than even the stock market, at a daily volume of USD 6.6 trillion.⁷²

Another argument is sometimes made by people such as Dirk Baur that because of extensive trading and widespread speculation with cryptocurrencies, there is tremendous volatility in the exchange rates⁷³. Since cryptocurrencies do not have a stable value, they cannot serve as a currency. Again, we find that even government-backed fiat currencies are sometimes volatile and

64 <https://coinmarketcap.com/>

65 مجموع الفتاوى ج ١٩ ص ٢٥٢ ط دار الوفاء

66 "Principles of Economics", University of Minnesota Libraries Publishing edition, 2016, Chapter 24

67 "Bitcoin: A Peer-to-Peer Electronic Cash System" (<https://bitcoin.org/bitcoin.pdf>)

68 <https://en.wikipedia.org/wiki/Cryptocurrency>

69 <https://www.pwc.com/us/en/industries/financial-services/fintech/bitcoin-blockchain-cryptocurrency.html>

70 <https://www.fundera.com/resources/how-many-businesses-accept-bitcoin>

71 "Bitcoin: Medium of Exchange or Speculative Assets", Dirk Baur

72 <https://www.investopedia.com/articles/forex/11/who-trades-forex-and-why.asp>

73 "Bitcoin: Medium of Exchange or Speculative Assets", Dirk Baur

can devalue very quickly due to inflation. Yes, due to volatility, certain cryptocurrencies may not make “good” currencies, but they can still be currencies.

Some make the opposite argument: that cryptocurrencies are not real currencies because they are not an independent unit of measure and their value is dependent upon fiat currencies. The response is that we find that several fiat currencies around the world are pegged against the US dollar, and this does not take away from them being deemed currency or money. Examples of such currencies include the Bahraini Dinar, the Hong Kong Dollar, the Qatari Riyal, and the Saudi Arabian Riyal.⁷⁴

If we consider cryptocurrencies as types of currency or money, the rules governing them in Islam would be the same as they would be for fiat currency or any other type of currency. Money has no intrinsic value and is only a means to an end (serving primarily as a medium of exchange, and then as a store of value). Ibn Taymiyyah states that the objective is not to acquire money for its own sake, but rather as a means⁷⁵. He continues with “When it is traded as with itself with the intention of investment/profit, this goes against the very purpose of money.”⁷⁶ Ibn al-Qayyim says “The purpose of money is not for itself. Rather, it is a means to purchase commodities. If it were to be treated as a commodity in it of itself, for its own sake, [economic and financial] matters of the people will become corrupt.”⁷⁷ Mufti Taqi Usmani states “Money has no intrinsic utility, it is only a medium of exchange.”⁷⁸

As a consequence, a cryptocurrency such as Bitcoin, like other types of currency, would be *ḥalāl* to obtain and use in order to make purchases of goods and services, etc. It can also be used as a store of value, and to protect wealth and preserve purchasing power if one believes the other fiat currencies are going to devalue while the cryptocurrency they purchased is not. It may also be used to transfer money to others with the goal of making transfers easier or to minimize or eliminate transaction costs.

But can one trade or invest in cryptocurrencies? As stated by Mufti Faraz Adam, “Investing in Bitcoin does not benefit the society nor the real economy; Bitcoin investments do not boost services, labour nor the production of goods.”⁷⁹ We argue further that trading cryptocurrencies is actually not an investment at all. After all, how can simply putting money as another form of money (i.e., currency) be considered an economic investment? As currencies are not assets, they should not be purchased with the intention to hold them and then sell them at a higher price. Mufti Taqi states: “Currencies are originally a medium of exchange and making them a tradable commodity for profit earning is against the philosophy of Islamic economics.”⁸⁰

3.1.4 Non-Fungible Tokens

Non-Fungible Tokens (NFTs) are “unique cryptographic tokens that exist on a blockchain and cannot be replicated.”⁸¹ An NFT is a token that represents a single specific asset (unlike

74 <https://www.investopedia.com/articles/forex/061015/top-exchange-rates-pegged-us-dollar.asp>

75 مجموع الفتاوى ج ٢٩ ص ٤٧٢ ط دار الوفاء

76 مجموع الفتاوى ج ٢٩ ص ٤٧٢ ط دار الوفاء

77 إعلام الموقعين ج ٣ ص ٤٠٢ ط دار ابن الجوزية

78 “An Introduction to Islamic Finance”, PDF from muftitaqiusmani.com, 12

79 “Bitcoin: Shariah Compliant?”

80 <https://aims.education/is-bitcoin-halal-or-bitcoin-haram/>

81 <https://www.investopedia.com/non-fungible-tokens-nft-5115211>

cryptocurrencies, which are fungible⁸²) and it carries a unique identification code and metadata⁸³ to distinguish it from other NFTs. In other words, each NFT is a one-of-a-kind digital item. An NFT can digitally represent any asset, including virtual assets such as digital art, or physical assets such as real estate. NFTs are a type of digital good that are “minted”⁸⁴, owned, bought, and sold on the blockchain. While it is possible to purchase NFTs directly from a creator, they are more popularly bought and sold on online marketplaces such as OpenSea and Rarible. Sales of NFTs are governed by “smart contracts”.

There are many use cases for NFTs. For example, “in education, certificates and licenses could all be tokenized on the blockchain as a non-fungible token (NFT). This eliminates any potential fraudulent attempts of specialized knowledge in job interviews. Also, an immutable digital copy of a degree certificate offers more practicality and durability than carrying around a paper copy for decades.”⁸⁵

The Islamic permissibility of an NFT depends first upon the asset it is based on. If the non-fungible asset itself is ḥalāl (such as permissible art), then the use, ownership, sale, or purchase of the NFT would possibly be acceptable, subject to other conditions. However, if the asset is questionable or not permissible (such as pornographic content), then the NFT would also accordingly be questionable or not permissible.

An important consideration when it comes to the permissibility of purchasing and selling NFTs is: does the NFT fulfill the conditions of a mabī‘ (مبيع, object of sale)? A sale is described as an exchange of māl for māl (البيع: مبادلة المال بالمال).⁸⁶ As a part of the conditions of māl, most classical scholars have stipulated that it must be something of “benefit”.^{87 88} Just because a market exists for an item, and people desire it and assign a price to it, does not mean that it provides benefit and has value. It is thus extremely important to understand that an NFT is simply a “controllable electronic record” that is stored on a distributed ledger, and it is NOT the asset itself.⁸⁹ As a result, “like any hard copy digital record or record stored on your own hard drive, the import or effect of what the record is, or what rights it confers, is wholly dependent on what is written in it.”⁹⁰ Let’s look deeper into why this matters...

People may naively believe that owning an NFT amounts to some sort of ownership of the underlying asset, and this is not necessarily the case at all. For example, Twitter’s CEO, Jack Dorsey, auctioned an NFT of his first-ever tweet, “just setting up my twttr”, which sold for over US\$ 2.9 million, however, if one were to analyze the “smart contract” for the sale and the underlying terms and conditions, they would learn that Jack Dorsey did not transfer the copyright of the tweet to the buyer. “Therefore, even though the buyer of Jack Dorsey’s tweet spent millions of dollars on the NFT, the buyer would not be able to use the tweet itself (e.g. by printing it on a

82 Fungible assets are interchangeable, where a single unit is equal to any other unit. For example, one U.S. dollar is equal to another U.S. dollar, or one Bitcoin is equal to another Bitcoin.

83 Metadata is a type of data that describes other data. For example, an NFT’s metadata generally describes essential properties like its name, description, and other details.

84 Minting an NFT is the process of publishing the token on the blockchain.

85 <https://academy.moralis.io/blog/what-are-nfts-the-ultimate-2022-guide>

86 المغني لابن قدامة ج ٣ ص ٤٨٠

87 مغني المحتاج ج ٢ ص ٣٤٢

88 المقنع في فقه الإمام أحمد ط الأرنؤوط ج ١ ص ١٥٢

89 <https://www.rimonlaw.com/looking-under-the-hood-diligencing-non-fungible-tokens-nft-metadata-and-smart-contracts/>

90 <https://www.rimonlaw.com/looking-under-the-hood-diligencing-non-fungible-tokens-nft-metadata-and-smart-contracts/>

shirt) without permission, as the copyright is still owned by Twitter and Jack Dorsey.”⁹¹ When one looks deeper into what NFT ownership really means, they will learn that it is entirely possible to purchase an NFT for an item, yet not gain the right to duplicate, use, and license the original item. These rights can be left behind with the creator, who may continue to duplicate, sell, or license the original item as they please. As Farah Mukaddam explains, “While the owner of an NFT can prove it owns the NFT, it does not necessarily own anything more than that.”⁹² So it is entirely possible that an NFT provides no value or benefit to a purchaser other than “bragging rights” -- the NFT would then be for mere amusement, and it would therefore not be a valid object of sale.

Intellectual Property rights associated with an NFT can be complicated. Sam Miller explains that being able to read and understand NFT “smart contracts” is essential in evaluating the rights you would acquire through purchasing it.⁹³ The Islamic permissibility of purchasing an NFT will therefore be based on the rights that are transferred through the “smart contract”, and the purchaser needs to perform due diligence, particularly on the ownership and possession of the underlying asset, to ensure transfer of proper rights to the underlying asset, and to confirm that the NFT will actually deliver value.

91 <https://www.nortonrosefulbright.com/en/knowledge/publications/1a1abb9f/nfts-and-intellectual-property-rights>

92 <https://www.nortonrosefulbright.com/en/knowledge/publications/1a1abb9f/nfts-and-intellectual-property-rights>

93 <https://www.rimonlaw.com/looking-under-the-hood-diligencing-non-fungible-tokens-nft-metadata-and-smart-contracts/>

4. TOPIC FOUR: CURRENT ISSUES OF TECHNOLOGY RELATED TO DAWAH AND EDUCATION

4.1 What is the ruling of putting a copyright on Shareeah or Dawah educational material? Is it permissible to distribute without prior permission copyrighted audios, videos, or writings if it is done without the goal of profiting? Is it permissible to benefit on a personal level from such copyrighted material, without distributing it to others?

The concept of copyrighting something falls in the category of “intellectual property”. In the past, ownership was generally restricted to something that is tangible. The idea later arose that the intellectual effort required to invent something new is also owned by the one who worked to create, produce, or distribute it. No one else is allowed to replicate that idea (or book or content) without permission from the original inventor. As a new concept, intellectual property is not addressed directly in the Qur’ān, sunnah, or early books on Islamic Law. However, we can derive rulings related to it based on other general and specific guidance found in the Qur’ān and sunnah.

The first issue that we must address is if intellectual property, which is something intangible, can be established as being actual property (مال) in Islām. The Prophet ﷺ is reported to have said to a man who had almost nothing to offer as dowry for marriage, “I marry you off to you for what you have of the Qur’ān”,⁹⁴ showing that something intellectual can be a type of wealth. Furthermore, the Prophet said the best of earnings are those that “a person earns by his hand and every honestly executed sale transaction”⁹⁵ and the production of a book, audio, video, etc. all fall into what person earns by their “hand”, with of course the word “hand” being used figuratively here to describe human labor. It is therefore permissible to protect one’s work through copyright and that copyright may be sold as well.

The choice to invent or author something lies with the individual, and the output they produce is owned by them and can provide monetary value and serve as a means of income for them. For example, if a person exerts himself to write a book, she deserves to be able to profit from that book. If someone else were to replicate that individual’s book and sell it instead, the author would be disinclined to put as much effort into writing more books since this other person, who put in no effort to produce the work, is taking financial gain. This would be a type of exploitation of another person’s time, effort, and expertise, and is also a violation against their wealth. Allah says in the Qur’ān: “Do not eat up each other’s property by false means [i.e., unjustly], nor approach with it the authorities to eat up a portion of the property of the people sinfully, while you know (that you are unjust in doing so)”⁹⁶

The Prophet ﷺ is also reported to have said: “Muslims must abide by the conditions they stipulated”⁹⁷. So when a person obtains a book, audio, video, or other type of copyrighted material through legitimate means (for example by purchasing it or by borrowing it from a library or an acquaintance, etc.) and then makes use of it, they are to honor the copyright which is stated on

94 Ṣaḥīḥ al-Bukhārī, ḥadīth 5149

95 مسند أحمد ط الرسالة ج ٢٨ ص ٥٠٢، الحديث ١٧٢٦٥

96 Qur’ān, 2:188

97 Jāmi’ al-Tirmidhī, ḥadīth 1352 and Sunan Abī Dāwūd, ḥadīth 3594

the product as that is part of the conditions of the contract. It is therefore impermissible to violate copyright, whether to benefit at a personal level, or to distribute work with or without the intent to earn profit from it. This impermissibility exists not only from an ethical perspective, but in some countries, it is also required by law, and Muslims should follow the laws of the land as long as they do not conflict with the religion.

Some do not recognize the concept of intellectual property because they argue that knowledge cannot be owned by anyone. However, that is not what copyright does. Anyone can take and even use knowledge that they gain from copyrighted material. Copyright only requires that one does not copy the work without attribution to the owner, and if a large amount of the original work is copied, the owner needs to be compensated for it.

Some state that harm could arise from a monopoly on intellectual property (i.e., the knowledge would be hoarded by certain individuals and not shared), which would be particularly problematic with regards to religious knowledge. Copyright, in fact, achieves the opposite of that. With the protection of copyright law, an author can earn an income from their work. They would therefore actually be incentivized (through monetary compensation) to create such works.

5. TOPIC FIVE: CURRENT SOCIAL ISSUES RELATED TO CONTEMPORARY MEANS OF COMMUNICATION

5.1 What is the ruling of executing a marriage contract, performing a divorce or khula, or witnessing via the modern means of communication?

First and foremost, an essential element of Islamic contracts is mutual consent of the parties involved, which is declared through an offer (إيجاب) and its acceptance (قبول). Furthermore, marriages should be conducted as a public ceremony in the presence of many people, so that people know that two previously unrelated individuals have come together as legally married, and to avoid suspicions and adulterous relationships. This is served legally with the presence of two male witnesses (or one male and two female witnesses) to hear the offer and acceptance.

In order for a marriage contract to be considered valid, the offer and acceptance must take place in one sitting, as a part of the same gathering, and in the same "location". However, these requirements can be fulfilled through a virtual "location", i.e., a virtual meeting; it does not actually need to happen physically. The bride, the groom, the witnesses, the officiator of the marriage, the walī, etc. may all be located at different physical locations as long as they are part of a single virtual meeting and all attend live. Use of technology such as phones or Internet will be treated as though the participants are all at one location physically because the goal behind this requirement is fulfilled, i.e., to validate that there was clear mutual consent without any ambiguity and that this was witnessed by others. Marriages, divorces, and khul' are similar to other contracts which are permissible over the telephone or videoconference as long as the essentials of the contract can be met and the identities of the individuals can be verified.

Scholars who prohibited such a practice did so as a precaution to prevent deception. Their concern was that someone may impersonate the voice of another (or with modern technology, use "deep fakes" to even impersonate video). This concern can be overcome by properly verifying the identities of the witnesses, the bride, and groom to a similar extent that they can be verified in person. How exactly such verification is performed is up to the discretion of the person officiating the marriage, but they should exercise their due diligence, and they could perhaps ask questions that only these individuals would know the answers to, or request that the people carry and show identification documents (e.g. driver's licenses or passports), similar to how many high security financial web sites do nowadays. If deception can be reasonably avoided, then such a practice will be permissible.

5.2 Is it permissible for a husband or father to look at the phone of his wife or children or look into their emails or social media accounts without their consent?

Allah has prohibited spying: "And do not spy on one another."⁹⁸ Allah says in the Qur'ān, "O you who believe, do not enter any houses, other than your own houses unless you seek permission and greet their inmates with salām. That is good for you, so that you may be heedful."⁹⁹ The Prophet ﷺ is reported to have said, "He who peeped into the house of people without their

98 Qur'ān, 49:12

99 Qur'ān, 24:27

consent, it is permissible for them to put out his eyes.”¹⁰⁰ The Prophet ﷺ is reported to have said, “Do not seek to discover [your Muslim brother’s] faults, for whoever seeks after their faults, Allah will seek his faults.”¹⁰¹ Having a sense of privacy is important and is not something that should be violated and Islām is firm in calling for the protection of privacy. Sayyid Quṭb explains there are many types of privacy, and the privacy of the body is only one of them. There is also privacy in food, clothes, furniture, and more. In fact, virtually all human activities at certain times and under certain conditions contain certain aspects which cannot be freely exposed to the public eye. There is also privacy in human emotions and the conditions of the soul. People certainly do not like themselves and things related to them to be seen by others unless they are clean, beautified, and orderly and “prepared” for the public interest.¹⁰²

However, the father and mother are responsible for the well-being of their young children and are also responsible over their wealth and other things that belong to them. If children have not yet reached the age of puberty (بلوغ), there are limitations in their abilities to make their own decisions, enter contracts, and fully take care of themselves. Therefore, parents are granted extra rights to take care of their children, but this must be done with respect. Parents may inspect their children’s belongings and check their electronic devices or internet accounts. Allah says: “You who believe! Avoid much suspicion; indeed some suspicions are sins.”¹⁰³ It is ideal for a parent to inform their children that they will regularly check their belongings, devices, and internet accounts for their own good. This will keep them on their guard and help them avoid falling into temptations or other prohibited and harmful things. As an exception, if there is a strong reason to believe the young children are doing something wrong (for example, a child was caught lying about which web sites they visited), parents may also check without informing them.

As for the wife, although the husband is the head of the household, he is not the head of her as an individual. As an adult, his wife has the right to her privacy as an individual. Therefore, it is not allowed for the husband to spy on his wife or pressure her to reveal the messages or other activity on her phone or computer.

100 Ṣaḥīḥ Muslim, ḥadīth 2158a

101 Jāmi’ al-Tirmidhī, ḥadīth 2032

102 في ظلال القرآن ط دار الشروق ١٤٢٣ هـ ج ٤ ص ٢٥٠٨

103 Qur’ān, 49:12