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Recommendations of the twentieth Imam's Conference: Jurisprudential Solutions to the Challenges Facing Muslim Families in the West

General Principles

1. Family rulings are founded on several core values, including mutual consent, compassion, mercy, justice, and graciousness—demanding justice while encouraging graciousness—mutual responsibility between spouses, and complementarity to achieve balance, all in accordance with what is good and customary (ma'rūf).
2. The foundational rulings of the Sharī'ah are fixed and do not change with the passage of time or variation in place. This includes the obligation of duties, the prohibition of unlawful acts, and all decisively designated matters.
3. Fatwas derived from customs and practices influencing the underlying causes (manāṭāt) of rulings may change with changing circumstances, provided there is a valid Sharī'ah-based justification. Such justifications include the emergence of new causes, the removal of obstacles, changes in means, or the discovery of factual errors. However, the rulings of Allah do not change merely due to time or place but because they serve as vessels for emergent occurrences tied to different underlying causes (manāṭāt), prompting a change in fatwas accordingly.
4. Custom is authoritative (al-ādah muḥakkamah): It refers to what most people, or a particular group, consistently practice, whether through speech, action, or abstention. For a custom to be authoritative, it must be consistent or predominant in practice, not in conflict with Sharī'ah, and dominant at the inception of the act. The maxim "Custom is authoritative" is applied in interpreting the unqualified instructions of the Sharī'ah, understanding and qualifying human speech and dealings, and adjusting rulings based on changing customs that affect their effective causes (manāṭāt).
5. Custom is distinct from consensus (ijmā') as it is not binding, does not require unanimous agreement, and does not demand the scholarly qualification of juristic reasoning for its acceptance.
6. The general customs prevailing in America are considered valid unless they conflict with Sharī'ah. They are binding in family rulings as they are in other transactions. Fatwas concerning family matters change with evolving

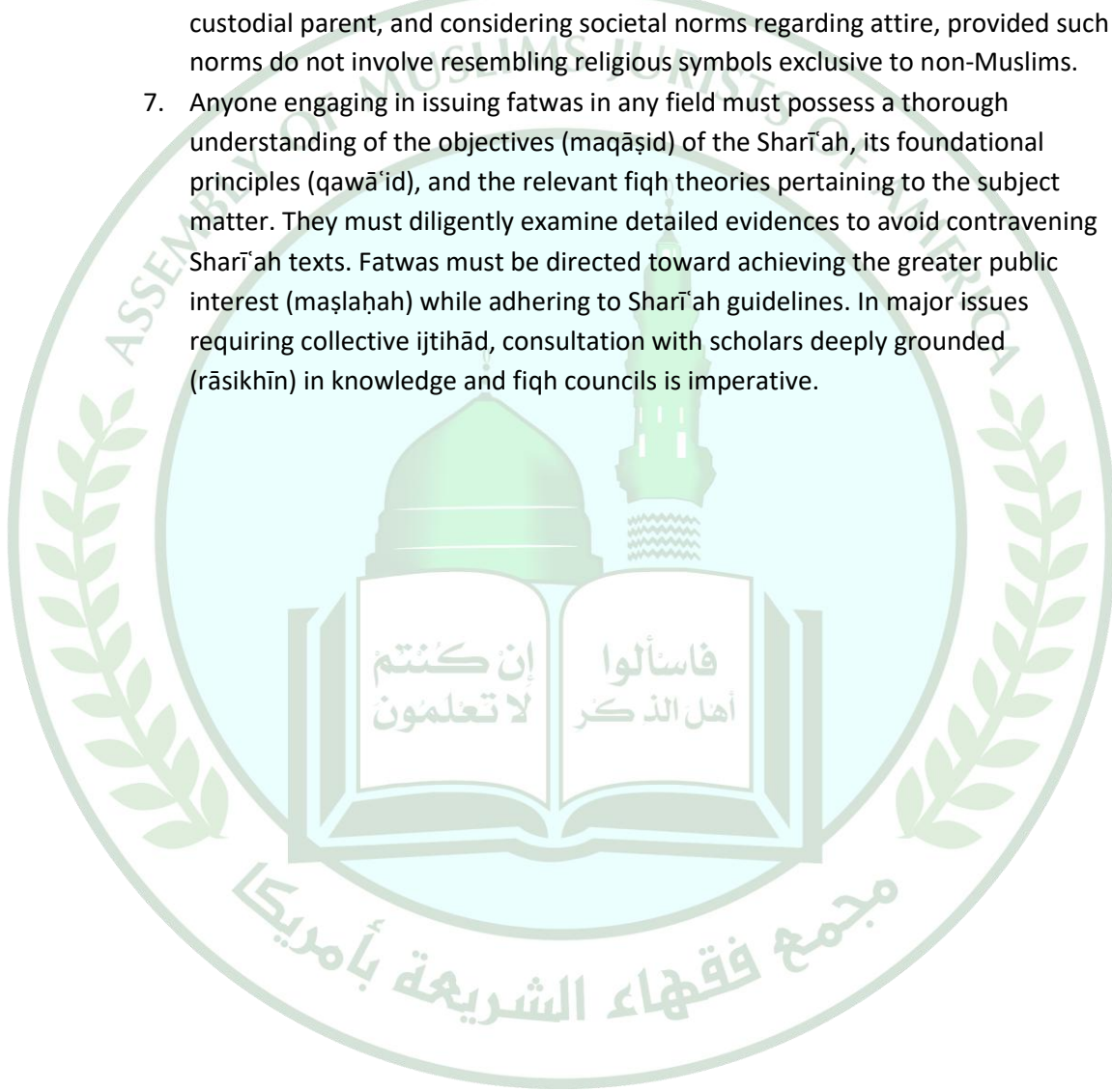
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The Assembly of Muslim Jurists Of America

circumstances and customs, necessitating their reassessment in light of their effective causes (manāṭāt) to accommodate reality and ensure justice and family stability. This includes the Muslim arbitrator drawing upon court-determined amounts for child support in custody cases, considering contemporary life circumstances in setting visitation schedules for the non-custodial parent, and considering societal norms regarding attire, provided such norms do not involve resembling religious symbols exclusive to non-Muslims.

7. Anyone engaging in issuing fatwas in any field must possess a thorough understanding of the objectives (maqāsid) of the Sharīah, its foundational principles (qawā'id), and the relevant fiqh theories pertaining to the subject matter. They must diligently examine detailed evidences to avoid contravening Sharīah texts. Fatwas must be directed toward achieving the greater public interest (maṣlaḥah) while adhering to Sharīah guidelines. In major issues requiring collective ijtihād, consultation with scholars deeply grounded (rāsikhīn) in knowledge and fiqh councils is imperative.





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Section One: The Pre-Marriage Stage On Marriage Before Ensuring the Sincerity of Islam or Repentance

8. The covenant of Islam is established through a general affirmation of tawhīd (the oneness of Allah) and the Prophethood, expressed as a committed acknowledgment intended to accept faith, enter Islam, and disavow any religion that opposes it.
9. The validity of one's Islam is sufficient for marriage. However, it is advisable to ascertain the sincerity and quality of the faith of new Muslims intending to marry, whether they are men or women. They are also advised to ensure the sincerity and quality of faith of those seeking to marry them, as well as their genuine intentions. This is particularly emphasized in the case of women, to verify the suitability of the prospective husband and his compatibility with the bride's religious devotion. This consideration takes precedence over inquiries about his character traits, financial stability, health, and similar matters that may enhance the chances of compatibility.
10. The validity of a marriage is not undermined by the fact that the suitor's reason for embracing Islam is his knowledge that a non-Muslim cannot marry a Muslim woman. This is because a Muslim woman cannot, under any circumstances, be a lawful spouse to a non-Muslim.

Guardian Obstruction ('aḍl al-awliyā') and Mechanisms for Addressing It

11. The term 'aḍl refers to the refusal of a walī (guardian) to marry off his ward without a legitimate legal reason. This includes his refusal to wed her to a suitable match whom she finds acceptable. There is a consensus on the prohibition of 'aḍl as it represents an injustice that conflicts with the purposes of guardianship in marriage, namely care and benevolence. Should 'aḍl be established, it becomes a collective obligation (farḍ al-kifāyah) for the community leaders and local notables to intervene and prevent the guardian from engaging in 'aḍl.



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12. If the nearest walī (guardian) insists on 'aḍl, his right to guardianship is forfeited, and the guardianship is transferred to the sultān or his representative outside the Islamic territories. This representative is the one delegated by the Muslim community to handle matters of marriage and separation in Islamic centers. The absence of the nearest walī and his failure to respond to communications and correspondences is treated as 'aḍl and is subject to the same ruling, provided there is someone to undertake the contract on her behalf.

Compatibility in the context of marriage

13. The concept of "al-kafā'ah fī al-nikāḥ" refers to the compatibility between spouses in matters that ensure harmony between them.
14. The recognized criteria for a binding contract include "al-kafā'ah" in religion and character, and the absence of a repulsive defect that might harm the unaffected party. This serves as a specific right for the woman and her walī (guardian).
15. Scholars have unanimously agreed on the validity of the marriage of a child born out of wedlock, and the prevailing opinion is that the criteria for "al-kafā'ah" relate to religion and character at the time of marriage.

Marrying non-Muslims in the West

The Required Chastity in Marriage to Women of the Book: Its Implications and Applications

16. It is not permissible to marry women who are not chaste, whether they are believers or women of the Book. Chastity implies that a woman should not be in an unlawful relationship at the time of marriage to a Muslim. Her past actions prior to repentance do not affect her chastity if her repentance is verified. A woman who repents from the sin of illicit intimacy must undergo a waiting period of one menstrual cycle.
17. The contract with a chaste woman of the Book is valid, and marriage to her is permissible, although it is disliked due to the risks posed to offspring in the event of divorce and the mother's preferential right to custody.

On Communication Between Prospective Spouses and Its Boundaries

18. There is no objection to using reputable matchmaking and marriage websites for those who have the means and intention to marry. It is advisable for a woman to inform her family before engaging in this process.



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19. If a woman posts her picture, she must not display adornment. There is no objection to using pseudonyms if uncomfortable with disclosing the real name, as long as the truth is revealed upon acquaintance.
20. The default in interactions between the sexes is lowering the gaze, except in the context of a marriage proposal. Communication between individuals on social media for the purpose of marriage must be conducted with propriety. The guiding principle is that anything permissible to say or do because of the marriage contract—such as physical affection or flirtation—is not permissible beforehand.
21. Continued communication between engaged couples via audio and video on social media is not permitted except for a legitimate need, provided it is with the knowledge and permission of the family, especially if they are assured that no one else can access their conversations.
22. Neither party is obligated to disclose past mistakes to the other. However, they should disclose defects that are religiously or socially objectionable, especially those that could annul the marriage, make sustained life together unbearable, or have a significant impact, such as insanity, leprosy, vitiligo, sexually transmitted diseases, severe psychological disorders, and the like.

Section Two: The Stage of Marriage

The Variation of Times, Places, and Circumstances and Its Impact on Shari'ah-Based Qiwamah

23. Al-Qiwamah is a Shari'ah-based authority delegated to the husband for managing family affairs and ensuring its well-being. Its legal purpose is improvement and care, not tyranny and dominance. It has two bases: gifted and acquired (based on the Qur'anic verse, "because Allah has favored some of them over others and because they expend from their wealth"). Key regulations include the husband fulfilling his obligations, justice, and wisdom in exercising authority.
24. A man fulfilling his duty of financial support retains his basic rights, like having the woman's obedience in intimacy, not leaving his house without his permission, and not allowing someone he dislikes into his home. It is advised for men to not be rigid in exercising these rights, especially if the woman contributes financially.

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25. The default principle is that those in positions of private or public authority are to be obeyed in matters of interpretation. Similarly, a wife should obey her husband in matters of ijtihād as long as it does not cause her undue hardship or harm. This obedience pertains to actions, not beliefs. She is free to hold her own convictions based on what she deems more correct, whether through independent reasoning (ijtihād) or permissible adherence to a scholarly opinion (taqlīd). However, in practical matters, the husband's ijtihād should be followed for the sake of maintaining unity and harmony, as acting upon a less favored or secondary opinion is permissible in such cases to preserve collective well-being. That said, the husband should avoid rigidity in matters of ijtihād, as preserving the integrity and stability of the family is more important than enforcing particular jurisprudential views.
26. If the matter pertains to the wife's purely personal acts of worship—whether obligatory or recommended—in terms of their ruling or manner of performance, and her choice does not affect the husband, does not lead to neglecting his rights, and does not involve harm toward him, she is not obligated to obey him in a way that contradicts what her beliefs.
27. It must be emphasized that justice and fairness are essential in dealing with wives, especially homemakers. Their rights in the case of divorce must be upheld, and any misuse or abuse of the authority granted through qiwāmah must be avoided.
28. Rights correspond to duties, and women have rights similar to those owed by them in accordance with what is fair. Among the husband's duties is providing for his wife. If he is unable to fulfill this obligation, refuses to work to support himself and his family, or withholds provision without financial hardship, he cannot prevent her from going out to earn a living or attend to her needs. Arbitration authorities may grant her permission to incur debts on the husband's account. She also has the right to refuse intimacy with him. A wife may seek to rectify her husband's behavior with kindness and affection or by withholding certain privileges. A righteous woman is advised to be patient with an impoverished husband, but if she cannot endure or her patience is exhausted, she has the right to request a divorce on the grounds of harm.
29. Financial hardship in providing for the wife does not negate the general obligation of mutual counsel toward what is right when neglect becomes apparent, nor the obligation to forbid wrongdoing when it is evident.



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30. Amid widespread trials and the weakening of faith in the West, it is essential to avoid an exaggerated perspective on qiwāmah and to refrain from dealing with it in a manner that leads to undermining the foundation of the household and dismantling its structure. A wise person may relinquish some of their rights to preserve the rest!

Relationship with In-Laws: Housing, Financial Support, and Guardianship

31. The wife has the right to a safe home provided by her husband, where she can enjoy privacy with him. This includes having independent access to household facilities such as the kitchen, bathroom, and similar amenities.
32. Neither spouse should bring any of their relatives to live in the marital home, even if they are financially responsible for them, unless it is done with mutual consent and consultation. This ensures the preservation of their right to privacy within the marital home.
33. A wife should strive to understand her husband's circumstances if he is unable to provide independent housing for those who are vulnerable among his parents or children. This understanding reflects her good companionship toward him and is one of the shortest paths to his heart! Likewise, a righteous wife should not resent her husband's financial support of his family or his dutifulness toward them.
34. A man's financial support for his in-laws who live with him is considered an act of noble character and chivalry, not an obligation or mandatory duty.

Women's Employment and Its Familial and Financial Implications

35. Spouses are advised to reconsider the distribution of household responsibilities—both financial and otherwise—when the wife is working, ensuring justice and balance in the marital relationship, and the observance of graciousness. It is not appropriate to compel a husband to relinquish his rights to enable the wife to work merely for leisure or personal savings. Similarly, it is not permissible to obligate the wife to share in financial expenses while simultaneously burdening her with the responsibilities of raising children and managing household affairs.



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36. There is no harm in the spouses mutually agreeing, in a fair and amicable manner, for the working wife to contribute a portion of the household expenses in exchange for the time her work takes away from managing the marital home and the additional burden her professional expenses place on the household budget.
37. There is no harm in spouses agreeing, either before or after marriage, within the bounds of lawful options, on financial and familial arrangements that prevent discord between them.
38. On Delaying Childbearing Until Marital Stability Is Established
39. Wealth and children are the adornments of worldly life, and seeking righteous offspring through marriage is one of the primary objectives of this sacred union.
40. It is permissible to temporarily regulate childbirth for a valid and recognized sharī benefit, provided it is done with mutual consent and consultation between the spouses, as the right to have children is shared between them. This is conditional upon ensuring no harm results from the decision, that the method used is lawful, and that it does not involve any transgression against an existing pregnancy that has exceeded the permissible period for termination. Additionally, there is no harm in agreeing to delay having children if signs of discord in the marriage become apparent.
41. Permanent sterilization of a man or woman, known as castration or sterilization, should not be undertaken unless necessitated by a legitimate sharī necessity based on its established criteria. It is also noteworthy that many procedures once considered permanent sterilization are no longer irreversible due to advancements in medical science.

On sharī Cohabitation

42. Lawful Cohabitation refers to the right of both spouses to share a common residence that provides them with privacy and allows them to experience the blessings of marital life together.
43. Lawful Cohabitation is both a right and a mutual obligation in Islamic law between the spouses. It is a right owed to each of them and a duty upon both, to be fulfilled in the manner prescribed by Allah and His Messenger ﷺ. It may be demanded from one who neglects it, enforced upon one who withholds it, and contested if it is denied. This right can be pursued through reconciliation, arbitration, or legal proceedings.



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44. Lawful cohabitation between a man and a woman who are not maḥram to one another can only occur within the bond of marriage. Any call for cohabitation outside this framework constitutes a reprehensible invitation to outright fornication and a blatant attempt to undermine the structure of the family and society—religiously, legally, and morally.
45. If unforeseen circumstances arise that prevent lawful cohabitation, such as the husband's disappearance, absence, imprisonment, or similar situations, Sharī'ah and codified family laws address these issues to alleviate harm for the spouse unable to endure such conditions. This includes provisions like the right to seek divorce, annulment, or other remedies as appropriate.

On the Rulings Concerning Illegitimate Children (Establishment of Maḥram Relationships)

46. Lineage is a lawful bond between a father and his child, passed from ancestors to descendants. Preserving it is one of the objectives of Sharī'ah. Among the measures enacted to protect lineage are: the prohibition of fornication and the blocking of means leading to it, the prescription of specific rulings regarding 'iddah (waiting periods), the prohibition of concealing pregnancies, the encouragement of affirming lineage, and the prohibition of denying it.
47. The Sharī'ah is keen on affirming lineage, establishing it with the weakest of evidences and negating it only with the strongest.
48. The child is attributed to the marital bed if at least the minimum pregnancy duration—six months—has elapsed since the valid marriage contract was concluded (with matters of shorter durations referred to experts) and there is no evidence proving the impossibility of intimacy between the spouses.
49. Fornication is considered void, and no lineage is established through it. Consequently, it does not create maḥram relationships for matters such as seclusion, travel, or marriage, although it does establish prohibition of marriage (ḥurmah).
50. The lineage of a child born out of wedlock is established if the fornicator claims the child, there is no dispute regarding this claim, and the woman is not in a marital relationship with anyone. This ruling aims to prevent the risks and challenges faced by a child growing up with unknown lineage in such societies.
51. If a child born out of wedlock is attributed to the one claiming them, the rulings applicable to legitimate biological children are established for the child, including the establishment of maḥram relationships, inheritance, and other related rights.



The Assembly of Muslim Jurists Of America

52. If a child born out of wedlock is not claimed, lineage is established with the mother, as motherhood is a natural bond. Inheritance is determined between them based on this innate maternal relationship. There is a difference of opinion regarding the establishment of mahram relationships through her lineage, but such relationships through breastfeeding are unanimously agreed upon.

The Right of Effort and Contribution (Ḥaqq al-Kadd wa-l-Si'āyah)

53. The Ḥaqq al-Kadd wa-l-Si'āyah is the wife's right to a share in her husband's wealth if she contributed to its growth by providing money, labor, or both. This right is grounded in the evidences of Islamic law that emphasize the preservation of rights and recognize the financial independence of women. It is further supported by the ruling of the Rightly Guided Caliph 'Umar ibn al-Khaṭṭāb (rAa), who granted a wife her share in her husband's wealth that they had developed together before his estate was divided.
54. The right of kadd wa-si'āyah (effort and contribution) pertains specifically to the financial dealings and collaborative efforts of the spouses, whether they involve joint monetary contributions, labor, or both, as outlined earlier. Household chores and domestic work performed by the wife do not fall under the scope of kadd wa-si'āyah.
55. The husband's obligation to provide for his wife does not negate her right to her effort and contribution (kadd wa-si'āyah) in work that contributed to the creation of their wealth, as described earlier. The husband's financial maintenance of his wife, which is determined according to his financial capacity, is a separate obligatory right upon him and has no bearing on her entitlement to kadd wa-si'āyah. He cannot use his spending on her as a justification to invalidate her right to this contribution.
56. The right of kadd wa-si'āyah for the wife is not determined as a fixed portion, such as half or a third of the husband's wealth. Rather, it is assessed based on the wife's financial contribution added to the husband's wealth and profits, as well as the value of her labor and effort alongside him. The wife has the option to claim this right, waive it entirely, or forgive part of it.
57. The wife's right to claim her share of kadd wa-si'āyah from her husband's wealth is not contingent upon the end of the marriage through death or divorce. Rather, it is a right she possesses during the husband's lifetime and while the marital relationship remains intact. She may choose to claim it or waive it. The



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basis of this right is that it pertains to wealth that originally belongs to the wife but was placed in her husband's name due to the unity of their livelihoods and familial interests.

58. The wife's right to kadd wa-si'āyah is fulfilled from her deceased husband's estate, along with the settlement of his debts, and before executing any wills or distributing the inheritance.
59. It is commendable for a husband to grant his wife her right to kadd wa-si'āyah during his lifetime, allowing her to place it in her own financial account. This prevents disputes or denial of her rights among heirs after his death. It should be emphasized, however, that the absence of documentation for this right does not nullify it.
60. The right of kadd wa-si'āyah is not exclusive to the wife regarding her husband's wealth. Rather, it extends to anyone who contributes their money or effort to the development of another person's business or wealth, such as children and others in similar circumstances.
61. The concept of kadd wa-si'āyah, with its emphasis on preserving rights and promoting justice within the family, should not be turned into a tool for divisive slogans or biased measures that fuel polarization and competitiveness between spouses. Such an approach risks portraying marriage in an unattractive, materialistic light, devoid of affection and tranquility. This, in turn, could lead many young people to shy away from marriage and family-building altogether.

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Section Three: Challenges in Marital Life

Domestic Abuse: Forms and Rulings

62. Domestic abuse is the mistreatment of one person by another with whom they share a close relationship, such as between spouses, parents and children, siblings, or others in similar bonds. It takes various forms, including physical, verbal, social, financial, psychological, and health-related abuse.
63. Its causes include unjustified estrangement between spouses, poor upbringing, daily life pressures, moral deviations such as alcohol and drug abuse, and economic challenges such as unemployment and similar issues.
64. The evidence is definitive in rejecting domestic abuse in all its forms, both physical and emotional. Its ruling ranges from outright prohibition to disapproval, depending on the specific manifestations.
65. A woman is not permitted to refuse her husband's invitation to intimacy without a valid sharī excuse; if she does so, she is deemed sinful. The husband should not coerce his wife into intercourse, as coercion typically causes physical and psychological harm to the wife, exacerbates discord, violates local laws, exposes the husband to criminal liability, and tarnishes the community's reputation.

Harm in Marriage

66. Harm in marital relations is characterized by the failure of one spouse to fulfill the other's rights, misuse of those rights, or anything else causing significant material or psychological harm.
67. If the wife suffers harm and arbitration fails to reconcile them, she has the right to request divorce due to harm. She can also stipulate being delegated the right to divorce in the marriage contract if included in the offer. However, it's advised only if there's a fear of hardship due to the husband's absence or obstinacy.
68. It is recommended to resort to arbitration for resolving marital disputes, granting religious arbitrators the authority to separate the couple when harm appears and reconciliation becomes impossible.

Addressing the Phenomenon of Nushūz in Marital Relationships

69. Nushūz is a state of rebellion and refusal to fulfill the rights imposed by Sharī'ah for spouses. It can occur on the part of the husband or the wife and is prohibited on both sides.



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70. The Sharī'ah addresses the phenomenon of nushūz through the following stages of treatment:
71. Exercising patience with the wife and advising her with wisdom and good counsel.
72. Abandonment in bed (hajr) as a corrective measure,
73. with caution against excessive use due to changes in time, the softness of religious commitment, the weakness of faith, and the mixing of concepts.
74. Light, non-bruising striking as a last resort, observing Shariah and ethical constraints. The default principle is complete avoidance of physical discipline, as demonstrated by the Prophet ﷺ, who never struck a servant or woman. Striking is not permissible if it is unlikely to be effective, and this is particularly emphasized in societies that criminalize it, due to potential legal and judicial consequences.
75. The majority of fuqahā' (jurists) hold the view that clear nushūz by the wife results in the forfeiture of her maintenance and housing. Prominent examples of nushūz include refusal of conjugal relations and leaving the marital home. Her entitlement to maintenance and housing is restored once she ceases her nushūz.
76. In the case of a husband's nushūz, the wife has the right to seek reconciliation, request arbitration, or pursue judicial intervention if the husband persists in his nushūz and causes harm to her, such as abandonment in bed without justification, refusal to provide maintenance, or preventing her from visiting her family.
77. Judgments on nushūz are left to Islamic centers, religious authorities, and qualified scholars.

Marital Infidelity and Ways to Address It

78. Trust is a fundamental pillar in marriage, and commitment and fidelity are vital factors in the stability of the marital relationship. Infidelity, in all its degrees, destroys this trust and leads to serious consequences that affect the entire family and, subsequently, society.
79. In contemporary customary terminology, marital infidelity is defined as a lack of fidelity between spouses, involving engagement in sexual relations or their precursors with another party.



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80. Among its causes are a weakened religious conscience, neglect of marital rights, prolonged estrangement or absence, chronic physical or mental health issues, addiction, failure to adhere to Shari'ah guidelines in familial relationships, and excessive engagement with social media.
81. To address the effects of infidelity, Shari'ah recommends sincere repentance and advises support for both parties through individual and marital counseling to rebuild trust or achieve emotional recovery, when possible. If reconciliation is not feasible and the continuation of the relationship becomes untenable, Shari'ah provides options such as divorce for the man, annulment by a judge for the woman, or separation due to harm. The adultery of one spouse does not automatically dissolve the marriage contract; instead, it grants the affected wife the right to request divorce due to harm, and the harmed husband the right to retain her contemptuously until she ransoms herself through khul'.
82. The adultery of the wife does not affect the child's lineage unless the husband denies it through li'an, since the child belongs to the marital bed, and the adulterer is denied claim.

Civil Divorce and Its Validity in Shari'ah

83. The default ruling is that divorce is for the one holding the marital authority, as a verbal action tied to the husband, who holds the marriage contract. It can also be executed by a Muslim judge or his substitute outside Muslim lands in circumstances prescribed by Shari'ah, such as divorce due to harm, discord and dispute, financial hardship, absence, imprisonment, or captivity, among others.
84. Civil divorce is the dissolution of the civil marriage contract through secular courts.
85. Civil divorce is valid in Shari'ah if it occurs with the husband's consent without any coercion deemed valid, and with his acknowledgment of the intent to divorce. The role of civil courts is limited to documentation.
86. If civil divorce is issued against the husband's will, the matter is referred to the Islamic center or the qualified Shari'ah authority. Her divorce becomes effective after completing the prescribed Shari'ah legal procedures.

Compensation for Divorce

87. The default rule in Shari'ah is that divorce (ṭalāq) is prohibited except for a legitimate reason, according to the stronger scholarly view. Issuing divorce without a legitimate reason is considered an abuse of the right, for which the individual is considered sinful. However, the person is not liable for



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compensation beyond what is ordained by Sharī'ah, such as the deferred dowry (mu'akkhar al-ṣadāq), the waiting period alimony (nafaqat al-'iddah), and the consolation gift (mut'ah). This is due to the difficulty in proving the causes that led to the divorce, and because these Sharī'ah-based rights, especially the consolation gift, cover the damage resulting from divorce and ensure justice.

Consolation Gift (Mut'ah)

88. *Mut'ah is a financial compensation given by the husband to his wife upon the dissolution of the marriage contract through divorce or its equivalent, to console her for the emotional impact of the separation. The divorced woman is entitled to this compensation if the marriage was not consummated, and no dowry (mahr) was specified. If a dowry was specified, she is entitled to half of it, along with a recommended mut'ah. This mut'ah is obligatory for every divorced woman whose marriage was consummated, provided the separation was not because of her.*
89. *The amount of mut'ah is determined based on the financial capability of the divorcing husband and the circumstances of the divorced woman, in accordance with customary practices and traditions. Consideration is given to the conditions of the divorce, the duration of the marriage, and other entitlements such as child support and caregiver compensation. For a consummated marriage, its purpose is to compensate the woman for the hardship of divorce, preserve her dignity, and protect her from need and exploitation. This is particularly significant for women who have devoted themselves to family service and sacrificed their professional lives or part of them for family stability. It is essential for scholars among Muslim minorities to agree on fulfilling these principles through arbitration committees and imams.*
- There is also no objection to an initial agreement stipulating that the deferred portion of the dowry be a percentage of the husband's post-marital savings.*
90. *The mut'ah should not be used as a pretext to justify the division of all assets acquired after marriage as stipulated by secular laws.*



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Inheritance in the Context of Differing Religious Affiliations

91. Differences in religion constitute a barrier to inheritance. Predominantly, inheritance among non-Muslims in the West functions as a form of a bequest (waṣīyyah).
92. The scope of bequests (waṣīyyah) is broader than that of inheritance (mīrāth). Therefore, there is no objection to a Muslim accepting a bequest from a non-Muslim for a portion of the estate. In the absence of a bequest, a Muslim can accept what the heirs of the non-Muslim willingly offer, as it is considered akin to a gift.
93. It is permissible to make and accept a bequest (waṣīyyah) to a non-Muslim, provided it does not exceed one-third of the estate. This is because disbelief does not negate the capacity to transfer ownership and to own, especially when the bequest is intended for kinship connections or similar purposes. There is no objection to bequeathing to a general entity from which both Muslims and non-Muslims benefit.
94. A Muslim living abroad must make a bequest to divide their assets according to Shari'ah after their death. It is advised to consult trusted religious authorities.



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Section Four: Contemporary Issues of Sexual Deviance in Family Relationships

Parental Responsibility:

95. Parents are accountable for raising their children on Islamic principles and moral values. They are not accountable for their children's choices of deviant paths after reaching maturity, provided the parents have fulfilled their duties of upbringing and advice.
96. Parents are advised to distinguish between deviation arising from suffering and psychological disorders, and that stemming from merely following desires and disregard for religious laws. This distinction helps parents determine how to engage, offering empathy and guidance to those facing psychological difficulties, and establishing firm boundaries if there are actions in conflict with Islam.
97. Avoid expelling those afflicted by sexual deviation from their homes as much as possible, to prevent further disruption in their faith. Establish firm boundaries to prevent acceptance of deviant behavior, emphasizing the protection of other family members. Prioritize the family's interest when conflicts arise, following the Prophetic principle of "no harm and no reciprocation of harm" and its corollary "harm is not removed by its like."

Providing Support and Proper Guidance:

98. Parents are advised to seek specialized support and assistance aligned with religious and moral principles by turning to preachers, counselors, and mental health professionals who support the Islamic perspective in addressing these cases. It is emphasized to avoid extreme options that endorse illegitimate identities or employ harsh and unscientific methods in handling them.

Marriage Between Homosexuals and Transgender Individuals.

99. Parents must guide their children to understand that marriage in Islam is a legitimate contract exclusively between a man and a woman. Marriage between individuals of the same sex is religiously invalid and offers no legitimacy or permissibility. Furthermore, such prohibited actions may transition from being a sin to an act of disbelief if deemed permissible after evidence of the prohibition has been established.

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100. The other party in a legitimate marriage contract must be informed of any gender identity disorder, so they can be aware of the matter and decide whether they are prepared to deal with it.

