

علمی و تحقیقی مجلہ فقہ اسلامی ﴿۹۰﴾ رجب ۱۴۲۵ھ ☆ ستمبر ۲۰۰۴ء

2) Drawings of animate objects such as animals and humans are in general considered to be haram with the following exceptions:

a) If the image is partial or incomplete and not a full-body image, then this is halal

b) If the facial features of the image have been erased even if it is a full-body image, then this is halal

3) There is a difference of opinion about whether photography is to be considered the same as drawings (this is the opinion of Shaykh Munajjid) or is in a class of its own that does not have the same restriction as drawings (this is the opinion of Shaykh Yusuf Qaradawi, among others).

It is my personal preference to avoid what is doubtful as much as I can and therefore to avoid the use of full-body photographs of humans and animals if I can use partial images, erase the facial features, or avoid the use of such images altogether. However, other people may feel differently.

It is certainly difficult to follow such a rule in modern society, but I do not feel that it is "extreme". Inshallah, if we refrain from doing something for the sake of Allah SWT, He will reward us, and especially so if the sacrifice is difficult for us.

## سلطان باہو ..... برطانیہ میں



حضرت سلطان العارفین رحمۃ اللہ علیہ کے

مشن فروغ اسلام کے سلسلہ میں

دیارِ فرنگ میں

ایک خوبصورت درسگاہ و خانقاہ کا قیام

حضرت سلطان باہو ٹرسٹ

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restructure on the basis of cooperation or mutuality, where there will be an association of the insured instead of a profit motivated insurer company, the gharar is then tolerated. This is so because the relation between the association and its members become based on contribution or tabarru' rather than exchange and a tabarru' can accommodate certain conditions ( i.e., that the association compensate in case a hazardous event happens). On the basis of this all the "Islamic insurance companies" were established.

In this regards, al-Zarka adds, that if a mutual or cooperative insurance exists he prefers it to profit motivated insurance out of his respect to the opinion of opponents. There is an old argument (from the 1950s), even by those who oppose insurance, that whenever insurance is forced by law, one must do it and one is excused, from the Shari'ah point of view. This include car insurance, social security, workman compensation, and employer's imposed insurance if it is not optional for the employee to this we add another element that if the insurance provided by the employer is paid completely from the employer, i.e., given as a fringe benefit without deducting any part of the premium from the pay checks, then it is a kind of grant from the employer and if a hazard happens the paid policy amount is halal because the it is an outcome of the grant.

Now think for yourself: if your life insurance is only term life, you may apply the opinion of Sheikh al-Zarka, and if it is imposed by employer, you also have room to accommodate, and if it is a grant from employer it is also tolerated. Otherwise you need to see the specifics of the contract you have and determine, in the light of the above briefing, whether you keep or seek to withdraw from it."

## Fiqh of Picture-Making

There is somewhat of a difference of opinion among the scholars in regard to pictures and other types of images. Most scholars seem to agree that the display of images is at best makruh and should only be done in a limited way for specific reasons. Many scholars hold that some kinds of pictures are haram. The way that I understand it is the following:

1) Drawings of inanimate objects and plants are halal except if they are used for shirk. That is, if you draw a picture of a tree with the intention of worshipping the picture of the tree, then that is haram. But otherwise it is halal.

## Life Insurance from an Islamic Perspective

### Question

I was automatically enrolled for life insurance with my company. I would like to know if I must cancel the life insurance policy or not. Can you please explain if it is haram or halal and why?

### Answer

By: Dr. Monzer Kahf.

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"In the circles of contemporary Shari'ah scholars, there are three opinions about life insurance. They all recognize that it is a new contract not known in the history of Fiqh. A minority consider it haram and with all kinds of argument against it including Riba, gambling, gharar and speculation on the will of Allah. This view does not carry much weight.

The second view is that it contains gharar because no one knows whether the liability of the insurer (the company) will ever materialize nor when it will, if ever. This is a serious gharar that leads to a major defect in the contract. It is therefore forbidden.

The third opinion is presented by the late Sheikh Mustafa al Zarka. He argued that the gharar in the contract is remedied by the fact that it is a contract based on overwhelming statistical knowledge and the application of the theory of probability. With this in mind, there is no gharar on the part of the insurer and the contract is permissible with two conditions: that it contains no Riba clause and that its subject (insured thing) be legitimate. These two conditions rule out regular fixed return life insurance because the value of the policy is the outcome of investment premiums at a compounded rate of interest, (while variable - return life is permissible if the funds are invested in the Shari'ah approved stocks or mutual funds). They also rule out insuring a prohibited activity such as casinos.

The advocates of the second opinion argue that the gharar problem applies only in exchange contracts. If the contract is modified and