

Q: Miss -20: Is it permissible for an Imaam to take a salary and, if so, what is the yardstick by which the amount is stipulated? Because Imaams are paid so poorly nowadays, is it necessary to draw the attention of trustees of Masaajid to this? What is the ruling concerning Imaams forming a union to lobby the government's aid in securing reasonable wages for Imaams? Is there anything wrong with this from the perspective of the Shari'ah?

Answer: The position of an Imaam is extremely important in Islaam since it is an honourable and fundamental aspect of Deen. The Musalla that the Imaam occupies is that of Rasulullaah SAW. and he is really acting as Rasulullaah SAW. deputy and as the ambassador of the people before Allaah. It is therefore necessary for the best person in the community to be the Imaam.

Rasulullaah SAW. said. "If you Wish that your salaah reach the highest levels of acceptance. you should appoint your learned ones as your Imaams so that they could serve as messengers between you and your Rabb." Another Hadith states that the best of you should be appointed as your Imaams because they serve as ambassadors before Allaah.

The famous book of jurisprudence Nurul Idhaa (Pgs.82-83) states that the person most qualified to be an Imaam is the person who is most learned, followed by the one who recites with the best Tajweed, followed by the one who is most pious, followed by the one who is the eldest, followed by the one who has the best character, followed by the one who is most good looking, followed by the one who has the most noble lineage, followed by the one who has the best voice, followed by the one who's clothing is cleanest.

Because acting as the Imaam is an act of servitude to Allaah and although it is really not permissible to take a wage for it. latter-day Ulema have permitted people to take remuneration for the service in the interests of necessity.

When determining the salary. it is necessary to take into cognisance the needs of the person, his knowledge and his piety. If the funds of the Masjid cannot afford the person, it will be necessary to collect more so that the appropriate salary is paid.

It is necessary for the responsible and influential people of the community to take care of this.

They need to respect the Imaams and regard them as their spiritual leaders. It will be a disgrace to the post of an Imaam for laborious duties to be assigned to him since the post is not like that of an ordinary labourer. It is of the utmost importance to safeguard the honour and respect of the Imaam.

It is also imperative for the trustees and chairman of the Masjid committee to be Ulema who practise the injunctions of the Shari'ah. If this is not possible, such people should fill the post who observe their salaah and fasting, who are aware of the injunctions of Deen. who have good character and are sympathetic. They also need to be people who are just. have a love for learning and who respect the Ulema. If such people are the trustees of the Masjid, good Imaams will be appointed and this will do only good for the community. It is due to the presence of unworthy trustees nowadays that we have unworthy Imaams and badly administered Masaajid and Madrassahs.

If an Imaam really cannot manage with the salary he receives and requires a raise. he may approach the trustees and influential person of the community and place his request to them. after which they should consider the request with sympathy. In doing this. the Imaam needs to conduct himself in a manner that does not degrade the status of an Imaam. since demeaning the post is not at all permissible. It would therefore not be advisable for Imaams to take their request before the authorities or to form a union to get a raise. In fact, doing so would be improper and would lead to many other evils. Muslims will then be constrained to follow regulations when appointing Imaams and many other unsuitable rulings will have to be adhered to.

With regard to accepting funding from outside sources. Hadhrat Moulana Ashraf Ali Thanwi RAH. said that it would not be appropriate because it would mean that the Muslims would be indebted to the Kuffaar and he notes, the giving hand is always above the receiving hand.

Durrul Mukhtaar also notes that a revenue collector from Muslims may not be a non-Muslim since a non-Muslim may not have authority over a Muslim. Muslims should therefore never hand over their affairs to non-Muslims. And Allaah knows best what is most correct.

The above Fatwa has been endorsed by:

1. Mufti Ismaa'eel Waadi RAH. Mufti of Jaamia Husayniyyah, Rander, 14 Shawwaal 1415 A.H.
2. Mufti Aarif Hasan Uthmaani RAH. 21 shawwaal 1415 A.H.
3. Mufti Ahmad Khanpuri RAH. Mufti of Jaamia Islaamiyyah, Dhabel, 18 Shawwaal 1415 A.H.

Addendum

The important factor being asked in this fatwa is whether it is permissible to acquire the intervention of the government in securing increases for Imaams of Masaajid. The Fatwa has been written with deep insight, keeping in mind the negative effects of the exercise that may present themselves. This is, however, not without substantiation. Allaah says in the Qur'aan: "Only those should attend (and care for) Allaah's places of worship who believe in Allaah and the Last Day, who establish salaah, who pay Zakaah and who fear Allaah only. It is they who are expected to be rightly guided.

Commenting on the above verse, Moulana Abul Kalaam Azaad RAH. says that the verse makes it apparent that it is the right of Muslims with Taqwa to tend to the places where Allaah is worshipped and it is only them who will attend. The Kuffaar can never tend to the Masaajid because while the Masaajid are dedicated to Allaah's worship, the Kuffaar are opposed to this. When sinful Muslims are not worthy to be the trustees of the Masaajid, how can a Kaafir ever be given reign over the affairs of the Masjid?

Great attention also needs to be given to what has been stated concerning the appointment of an Imaam. In this regard, my learned brother Moulana Sayyid Abdul Ahad RAH. had penned some of his thoughts on the matter, in his famous book Musalmaan ki Diary (The Muslim's Diary). He writes. "The Imaam needs to be a practising Aalim. If such a person is not available. then it should be one who knows the most Qur'aan and who recites best While it is not too difficult to find such an Imaam nowadays, trustees prefer to find a person who panders to their every whim. In fact, the trustees themselves are people who are not at all worthy of the important post of tending to the affairs of the Masjid.

Why is it that when we require staff for our businesses, we take every pain to ensure that the candidate is suitable, but when it concerns appointing an Imaam for the Masjid, we look for someone who suits our motives even though he may not be suitable for the post? We care not to ensure that he is an Aalim who is conversant with the injunctions of the Shari'ah. Whether he is a Qaari or not, we do not bother to check whether he can recite the Qur'aan properly or not. we do not check what beliefs he holds and whether he follows a Madh'hab or whether he is misguided. There is no investigation and no queries are made, because of which a person who does not ever qualify to be a Mu'adhin becomes the Imaam and someone who is incapable of any work at all becomes a Mu'adhin.

It is evident that when the trustees themselves are unworthy of their post they will seek to employ persons who are likewise unworthy. If you travel about, you will see that most places now have the spousing of unworthy trustees with unworthy Imaams.

The importance of the Masaajid in Islaam cannot be over emphasised. They are the nerve-centres and hallmarks of Islaam and their ground they occupy are the most blessed on earth. Allaah loves these places the most. They are the gardens of Jannah on earth. the fortresses of Islaam and the headquarters for Muslims. The better the Masaajid are run, the better will be the effects on the social and personal lives of the Muslims. Their lives will be better and the spirit of Islaam will be evident in their lives.

Tending to the affairs of the Masaajid is not restricted to their construction and decoration, but really refers to the worship and Dhikr of Allaah that takes place within them. For this. it is necessary to have trustees. Imaams and Mu'adhins who are righteous and Allaah-fearing.

Because the Imaam is really the leader of the entire community, he needs to be a practising Aalim who is conversant with the injunctions pertaining to salaah and who recites the Qur'aan with proper Tajweed. He also needs to be the most pious. Allaah-fearing person of the community and the one with the best character. An Imaam has to be one who has genuine concern for the reformation of the Ummah and who is able to articulate this to the people in lectures so that they may be encouraged towards Ibaadah and service to Allaah. He should create within them the concern for the Akhirah and for fulfilling the rights of Allaah as well and the rights of fellow humans. Without fear for reproach, he should enjoin people to do good and forbid them from evil.

He should be able to guide the people in times of grief and when celebrating occasions of

happiness. knowing well what acts are acts of Bid'ah and what are not. He must practice assiduously on the injunctions of the Shari'ah and the Sunnah of Rasulullaah SAW. and encourage people to do the same. He needs to interact with people with kindness and good character so that all people, male and female, young and old will be prepared to sacrifice anything for him and will always consult with him in all affairs, thereafter acting on whatever directives he gives them.

His words and deeds should be such that they engender so much love and respect for Islaam in the hearts of people that they develop the concern to reform their spiritual lives as well as those of their family and friends. He must also have concern for the education of Muslim children and do whatever it takes to establish a system for their education. He should also be concerned for the plight of Muslim women and make efforts so that they perform their salaah. recite Qur'aan and establish Hijaab within their lives. His efforts should also focus on ridding every household of the banes of music, dance, television and video.

In short, the Imaam needs to realise the full weight of his responsibility and fulfil it only for the pleasure of Allaah . If every Masjid has an Imaam like this, there will only be positive effects felt throughout the Muslim society.

The Mu'adhin also needs to be one who is righteous. A person who is a sinner and who does not follow the injunctions of the Shari'ah should not be appointed as Mu'adhin. The Mu'adhin needs to be conversant with the laws pertaining to the Adhaan and salaah times, knowing well what is meant by Subh Kaadhib, Subh Saadiq, Zawaal, double shadow, etc. He should also have a loud voice and be able to pronounce the words of the Adhaan clearly and in a good tone. Rasulullaah SAW. said, "The best of you should call out the Adhaan.

Fataawaa Aalamgeeri (VoL.1 Pg.53)² states that a Mu'adhin should be a man who is sane, pious, abstinent and knowledgeable of the Sunnah. The Mu'adhins of our times lack significantly in all of this and pronounce the words of the Adhaan so incorrectly that the Adhaan often needs to be repeated. For example, they say (ASHDU) instead (ASH?HADU) they say (HAYY LAS?SALAAH) instead of (HAYYA ALAS?SALA) and they say (HAYYA LAL FALAA)? instead of (HAYYAA ALAL FALAAH) Furthermore, they say (ALLAH) instead of (ALAAH) they Say (AKABAR) and (AKBAR) instead of (A..KABAR) and they say (HAYY) instead of (HAYY) Despite all these errors, Imaams and Musallis fail to correct them whereas this is the duty of the Imaam Adhaan is not merely an announcement but an act of Ibaadah and an extremely important hallmark of Islaam that needs to be carried out in all its glory and reverence. It needs to have an effect on people's hearts and capture their attention. May Allaah grant the trustees of the Masaajid the realisation and understanding of its importance.

It is also imperative for the trustees and chairman of the Masjid committee to be Ulema who practise the injunctions of the Shari'ah. If this is not possible, such people should fill the post who observe their salaah and fasting, who are aware of the injunctions of Deen, who have good character and are sympathetic. They also need to be people who are just, have a love for learning and who respect the Ulema. If such people are the trustees of the Masjid, good Imaams will be appointed and this will do only good for the community.

I have expressed the inner feelings of my heart in the above addendum. This is not only for reading, but to be practised upon, doing which, we will see the blessings before us. May Allaah make the trustees, Imaams and Mu'adhins of all our Masaajid people who are capable of administering the affairs of the Masaajid so that the Muslims may be guided aright.

Although the Fuqahaa have permitted Imaams and others to accept a salary out of necessity, it is nevertheless the demand of sincerity that a person does not make the salary his objective. Pleasing Allaah should be the prime objective. He must keep the lifestyle of Rasulullaah SAW. before him and not become one about whom the Qur'aan says that he sells the verses of Allaah for a meagre price. Allaah is the Provider and one must rely on Him completely. He should look at Allaah's treasures and remember the verse in which Allaah says, "Allaah shall create an escape (from difficulties) for the one who fears (disobeying Allaah) (one who has Taqwa) and shall provide for him (what he requires) from sources that he never expected (to receive provisions from). Allaah is Sufficient (to solve all problems) for the one who trusts in Him (who is convinced that only Allaah can assist him).

Allaah also says, "There is not a creature on earth whose sustenance is not the responsibility of Allaah. Another verse says, "How many are the creatures that do not carry their sustenance. Allaah sustains them and you as well and He is All Hearing, All Knowing. It is stated in Fawaa'id Uthmaani that if the animals do not store their food and Allaah gives them something different to eat every day, why will Allaah not provide for those who love Him and who have sacrificed so much for His Deen.

Allaah also says, "Verily Allaah is the Mighty provider, the one of Immense Power Hadhrat Umar RADI. reports that Rasulullaah SAW. said, "If you trust in Allaah as you ought to trust. He will provide for you like He provides for the birds who leave in the mornings with empty bellies and return in the evening with their bellies full.

Sheikh Saadi RAH. says in a poem that when the Magnanimous Allaah provides for even the Jews, Christians and fire-worshippers who are His enemies, how will He ever deprive His friends? A person should never worry about his sustenance because the Allaah Who supplies milk to the breast of a suckling mother will sustain every person. In fact, a person's sustenance follows him about just as his death does.

Rasulullaah SAW. said, "Hadhrat Jibra'eel ALY. has revealed to me that no soul shall die until it has completed its sustenance. So fear Allaah and earn your livelihood in a good (Halaal) manner and never allow a delay in provisions to make you seek it in sin. This is because that which is with Allaah can be had only by obeying Him.

Hadhrat Abu Dardaa RADI. reports from Rasulullaah SAW. that a person's sustenance follows him about just as his death does.

Like these, there are numerous other Ahadeeth and verses of the Qur'aan making it abundantly clear that only Allaah is the Provider, one must therefore trust and rely solely on Him and focusing on these verses and Ahadeeth will prevent one from looking elsewhere.

And Allaah knows best what is most correct.

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