

THE MANIFESTATION OF ISLAMIC LAW IN THE AFRICAN AMERICAN MUSLIM
COMMUNITY

by

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(Under the Direction of Professor Alan Godlas)

ABSTRACT

The purpose of this thesis is to explore and present potential problems and solutions that two of the African American Muslim communities located in Atlanta, Georgia, are facing in America within the four areas of marriage, punishment, inheritance, and finance. The two communities that this thesis will focus on will be the Atlanta Masjid of Al-Islam and the West End Community Masjid. The thesis will address how and to what degree both of these communities respectively manifest Islamic Law in the four areas discussed. Through the interviews of the imams of the respective communities and a survey instrument distributed to its members, as well as articles, online sources, and books and personal observations, the thesis discovers some of the innovative methods employed by the imams and the community members as they address Islamically and legally some of the daily problems living as American Muslims.

INDEX WORDS: African American, Muslim, Islamic Law, Marriage, Punishment, Inheritance, Finance

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A Thesis Submitted to the Graduate Faculty of The University of Georgia in Partial Fulfillment
of the Requirements for the Degree

MASTER OF RELIGION

ATHENS, GEORGIA

2011

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December 2011

DEDICATION

To Dad for always serving as a guide and a mentor on this interesting journey in life. To Mom for serving as the best support anyone can ever have in this life. And to my son, who has reminded me of the mercy of God and the beauty of life and more importantly has taught me not to take life too seriously.

ACKNOWLEDGEMENTS

I would like to take this opportunity to thank several people who have been instrumental in the arduous task of guiding me along the academic path of research and thesis writing. Professor Godlas has always had a positive and upbeat view on the journey of life and learning and who challenged me to think outside the box and introduced me to a world outside my understanding. Professor Honerkamp's humility has brought me to deeper knowledge of myself, and his trust has allowed me to explore the opportunity of enlightenment. Professor Martin's support of my endeavors has gifted me with a strong sense of self and self-worth. He once told me to show some black woman's pride which I now let shine forth wherever I go. I would like to also thank Dr. Caroline Medine for believing in me and helping me to get a second chance to finish my degree. And to Zinetta, a woman of priceless worth, who works behind the scenes like a fairy princess waving her wand and making everything right in the world of religion; thank you for everything that you did and even more so for the things that went unnoticed. And to my parents, both have never doubted for one second that I could do whatever I put my mind to, held my hand when I needed it the most, carried me when I was too weary to go on, and supported in my darkest and brightest hours urging me to reach for my dreams. More specifically, I would like to take the time to thank my dad who although no longer here is/was with me in spirit every step of the way. I did it Dad!!! I went back and finished it like I promised. I would love to also take the time to thank my precious toddler, Luqman "Jibreel" Reynolds, who tried to be patient with his mommy as I researched and typed up my info. Love you darling. Thank you to all. Most importantly, I thank God, for without Him, none of this would be possible.

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INTRODUCTION

The question of whether or not Islamic law or *Shari'a* is compatible with being an American Muslim or a Muslim living in America (depending on how you classify yourself) is a question that not only African American Muslim communities like the Atlanta Masjid of Al-Islam and West End Community Masjid face but all Muslim communities living in America face as they seek to establish their communities and identities here in America. This question has been debated, discussed, dissected by Islamic Scholars in the academic arena, as well as between laymen with more mundane day to day concerns. In fact, recently a discussion conducted via articles about the compatibility of Islamic law and the US Constitution was held between two well known academics, Dr. Vincent Cornell and Dr. Sherman Jackson. Vincent Cornell believes that Sherman Jackson's take on Shari'a law while having merit does not fully address the belief that public reason is paramount in the determinance of the Constitution rather than divine instruction. Vincent Cornell states in his article "Reasons Public and Divine: Liberal Democracy, Shari'a Fundamentalism, and the Epistemological Crisis of Islam," "For Jackson the Shari'a, as God's law, should always take precedence for the Muslim over the Constitution, which, in the final analysis, is a secular set of laws created by non-Muslims."¹ Taken at face value, the above statement may be fraught with issues for some Muslims who believe that you follow the laws of the land that you are in as long as they do not contradict your beliefs as a Muslim. For the most part, the Constitution does not delve into matters of religion unless they

¹ Vincent Cornell, "Reasons Public and Divine: Liberal Democracy, Shari'a Fundamentalism, and the Epistemological Crisis of Islam," http://divinity.uchicago.edu/martycenter/publications/webforum/052011/Cornell_chapter.pdf

violate other mandated laws. In fact, the first Amendment of the Constitution grants the freedom of religion. Moreover, the premise of the Constitution is based on the separation of Church and State. Therefore, the quoted statement attributed to Jackson has some problems if seen in this light. Interestingly enough in response to Vincent Cornell's article, Sherman Jackson has sought to shed more light on his stance concerning Shari'a and the U.S Constitution. One may find that the concept Sherman Jackson was trying to advance was the belief that the Constitution seen through the lens as a political document rather than a religious document is acceptable for Muslims to follow as there is no real contradiction or appearance of the Constitution superseding God's word. In fact he states "I, on the other hand, am telling these youth that they do not have to substitute the Constitution for God or the Prophet or Shari'a and they can still recognize and firmly embrace this Constitution—as believing practicing Muslims."² From this author's perspective, Jackson's standpoint opens the door for the American Muslim to take their share of the American way of life and affect a positive Islamic change in the political arena. The article that Vincent Cornell wrote and the subsequent response of Sherman Jackson shows the intricacies and complexities that Academics are encounter as they try to work out a feasible understanding of how to contemporaneously be American and Muslim without betraying one's religious principles. One can only imagine if the degreed professors are having so much difficulty, what does the simple Muslim layman face when trying to address the question of how to be a practicing Muslim and an American citizen. Understanding and following the logic of the arguments that the scholars are trying to make is essential for the member of the communities and more importantly the imams of the communities that lead and educate their members. In this

² Sherman Jackson, "Soft Shari'a Fundamentalism" and the Totalitarianism Epistemology of Vincent Cornell," <http://divinity.uchicago.edu/artycenter/publications/webforum/052011/Jackson%20Response%20to%20Cornell.pdf>

author's humble opinion, most average everyday Muslims do not engage in the polemics of the Islamic scholar, they do however tend to give credence to the actions and teachings of the Imams and Sheikhs as they deal with the commonplace issues in their community. The following pages of this thesis will shed more light on how the African American Muslim community, from a layman's perspective, tries to deal with the applicability of Islamic law or the lack thereof within American society.

This thesis seeks to address the question of how, if, and to what degree Islamic law is manifesting itself within the African American Muslim Community in the areas of marriage, punishment, inheritance and finance. For the purposes of this paper, Islamic law will be defined as laws based foremost on the Qur'an, next the *hadith* and *Sunnah* of the prophet, and finally, laws based on the knowledge and reasoning of learned imams. It is the contention of this thesis that certain developments, specifically 1) living in America, a non Islamic country, 2) the lack of a strong legal Islamic background within the community and 3) racial and social conditions of America have given rise to certain problems facing the African American Muslims today. Significant problems that some of the communities, specifically African Americans, are facing in America entail how to address Islamically the social issues involving marriage, teenage pregnancy, adultery/fornication, usurious interest, and wills/inheritance. Through classes, *khutbahs* (sermons), *taleems* (instructional discourses), counseling and chastisement, the communities are attempting to address these issues. The two Atlanta Muslim communities on which this thesis will focus will be the Atlanta Masjid of Al-Islam and the West End Community Masjid.

Although there are a number of African American Muslim communities within the state of Georgia, these two were chosen because they have served as a backdrop of the African

American Muslim life within the city of Atlanta for more than the thirty years. The Atlanta Masjid of Al-Islam roots can be traced backed to the Nation of Islam, a black nationalistic organization with pseudo-Islamic beliefs. Although the Atlanta Masjid had its beginning within the Nation of Islam, it has been considered to be an orthodox African American Muslim community since 1975. The West End Community Masjid has roots that date back to the 1970s as well. The major difference between these two communities is that the West End Community started out as an orthodox African American Muslim community with no pseudo-Islamic beliefs. The way in which these communities came into Islam and established Islamic practices and laws are important and instrumental to this thesis as are the interviews with the respective imams and the surveys that I conducted, it is the hope of this author that through them, readers will see how and in what ways Islam has manifested itself and over the years within the areas of marriage, punishment, inheritance, and finance.

The question that readers may ask is why is there a particular interest in Islamic law in America and more importantly within the particular areas of marriage, punishment, inheritance, and finance? One reason that can be given is that Islam is a way of life governed by a set of laws and practices that helps one live life in accordance with God's law. In fact, Aminah McCloud states in her book, *African American Islam*, that "In Islam, sovereignty rests with God. What is good, evil, right or wrong is determined by God. Values and "the laws which uphold those values are determined by God."³ For Muslims living in America, where there is a distinctive separation of Church and State, trying to live an Islamic life in accordance with the laws laid out in Islam comes with its challenges as "Islam is a worldview in which the pervasiveness of

³ Aminah McCloud , *African American Islam* (New York: Routledge, 1995), 122.

religious law is felt continuously.”⁴ However, not every Muslim believes it is relevant here in America. This author sought to discover if and how important Islamic law was in the lives of African American Muslims by looking at four categories that are significant not only to Muslims but to everyone. Just as marriage and inheritance laws are important for building bonds between individuals and family units and ensuring security within the family unit, how one deals with the problems of finances and punishment are equally important as they all impact the individual, family, and community in various ways. Although there are a number of other areas that could have been researched in this thesis, the author sought to limit it to areas the imams and community members would find most relevant in their daily lives.

Even though this author grew up in community of the Atlanta Masjid of Al-Islam; in an effort to remain objective, this author took certain steps to ensure that the voices of the community members and the imams of both communities were heard. Through the interviews of the imams, the author discovered some of the problems both communities were facing and the solutions that were being used to address the problems. And through the survey, the community members were anonymously able to answer questions from personal experience. The survey instrument that has been administered consists of a series of 122 questions that focused on the following four categories: marriage, punishment, inheritance, and finance. The survey’s purpose was to poll members of both the Atlanta Masjid of Al-Islam and the West End Community Masjid to determine to what degree, if any, Islamic Law and practices have manifested themselves within the daily lives of the members in the four abovementioned categories over the course of time in the community. It should be of note that although the members polled provided a lot of data, some of those polled chose to pick and choose which

⁴ Aminah McCloud , *African American Islam* (New York: Routledge, 1995), 122.

questions they would answer. As a result, not all of the data gathered is representative of everyone polled and the percentages may be lower than or exceed 100 percent depending on how the participants answered the questions. Some questions allowed the participants to choose more than one answer.

Based upon extensive research, observation, personal experience, interviews, and the administration of a survey instrument, the author hopes to spotlight the two communities' methods of addressing the issues that are prevalent in their communities in a balanced Islamic/American manner. The author would like to go on record as stating that this thesis in no way has exhausted all topics in the categories of marriage, punishment, inheritance, and finance as there is still room for more research. It is the belief and hope of the author that the findings will not only bring awareness to the potential problems facing many African American Muslim communities, but will also help to address the ultimate issues of how and to what degree, if any, the communities implement Islamic law in a non-Islamic country like America. Additionally, it is the hope of the author that this thesis will provide a forum for discussion and provoke thought regarding the problems facing the African American Muslim community specifically as well as the greater Muslim community at large.

CHAPTER 1:

BRIEF HISTORY OF ISLAM IN AMERICA

Islam has had many derivations within the African American Community in its sojourn to be established on American soil. In order to understand the extent to which Islam/Islamic law has manifested itself within the African American community, one must explore the history of Islam in America and how it came to the shores of America. It is the hope of the author that the history that will be unveiled will shed light on how important a role Islam has played in the African American community. The history will also show how earlier interpretations and practices of Islam have shaped the African American Muslim Community of today.

ISLAM IN THE AFRICAN/SLAVE COMMUNITY:

The history of the Black Muslim antedates American slavery. When one traces the advent of Islam as it spread throughout various regions during the 7th Century and beyond, one discovers that slavery brought about religious change. During the 8th and 9th Century, Arab traders made their way to West Africa, under the banner of business in an effort to utilize the great mineral wealth of the region. One will find that the idea of proselytizing was not uppermost in the minds of merchants. “The merchants initially involved in this trade were interested mostly in gold, ivory, and slaves, not in proselytizing.”⁵ But their efforts, no matter how mercenary, served the purpose of introducing Islam into the lands of Africa, Europe, and beyond. As the centuries elapsed, Islam managed to gain a stronger hold in the West African region that gave birth to the great West African Muslim Empires of Songhay, Mali, and

⁵ Richard Turner, *Islam in the African American Experience* (Bloomington: Indiana University Press, 1997), 16.

Senegambia, to name a few. Because there were considerable tensions between the West African Muslims Empires of Mali and Songhay over land disputes, slaves, and natural resources, many West African kingdoms sought to fortify their flagging power (against their African enemies) by strengthening ties with their Arab brothers through the common practice of human bondage.

Slavery was the chink in West African Islam, for Ghana, Kanem, Bornu, Senegambia, the city states of the Hausa, and Yorubas, had been playing a dangerous game with North African Muslims for decades. They supplied the Arabs with black slaves in return for advantages that might consolidate their political and economic power in West Africa.⁶

Sold into slavery by their African brethren, many West Africans from a variety of backgrounds, Muslims and otherwise, rich and poor, uneducated and intellectual, found themselves bound for a distant land and culture. “Given Islam’s long history and expanding presence in West Africa during the period in which the slave trade took place, some African American slaves were bound to be Muslim.”⁷ In an effort to remain true to their religion and heritage, West African Muslims in America sought less overt ways of using Islam to circumvent the institution of slavery. “Some kept their African names, wrote in Arabic, and continued to practice their religion.”⁸ This silent rebellion would linger in the minds of many slaves, which accounts for the slavery chronicles of prominent Muslims slaves like the narrative written by the slave Omar Ibn Said.⁹ This account and the so-called Belali diary (which was actually part of a

⁶ Richard Turner, *Islam in the African American Experience* (Bloomington: Indiana University Press, 1997), 22.

⁷ Edward E Curtis *Muslims In America: A Short History* (New York: Oxford University Press, 2009), 5.

⁸ Richard Turner, *Islam in the African American Experience* (Bloomington: Indiana University Press, 1997), 22.

⁹ It was reported that Belali Mahomet kept a diary, but in fact his “diary” is a part (dealing with ritual practice) of a manual of Maliki religious law commonly taught and memorized by children in *madrasahs* in West Africa. It is likely that he may have written it from memory since the script shows evidence of being influenced by Fulani pronunciation. It is held in the Hargett Rare Book Room of the University of Georgia, although it is sometimes on loan to various other libraries around the country because of its importance. See B. G. Martin’s article <http://www.jstor.org/pss/40583090>. B.G. Martin, “Sapelo Island’s Arabic Document: “The Bilali Diary” in Context,” 589-601.

manual of basic Islamic practice that Belali Mahomet had probably written from memory) demonstrate that Islam was a religion practiced by some of the slaves. As a result of this shared history, some African Americans today continue to have a connection to and an affinity for the religion of some of their ancestors, Islam.

Despite the factors of slavery and time which led to the gradual loss of Islamic doctrines and practices, many West African slaves tried to preserve their Islamic heritage by maintaining Muslim names, using the Arabic language, and observing Islamic practices. In the case of many West African Muslims, names could have been used to instill a sense of remembrance of one's heritage, religion, or people. The accounts relating to Bilali and Salih Bilali, two West African slaves, demonstrate the important role of a name in the struggle of a slave to keep his faith in Islam.

Bilali, also known as Belali Mahomet, Bu Allah, and Ben Ali, was a Muslim slave on the Thomas Spaulding plantation on Sapelo Island, Georgia from the early to mid-1800's....His great-grand children told his story to Works Progress Administration writers in Georgia in the 1930's. Bilali maintained his identity by giving his nineteen children Muslim names and teaching them Muslim traditions. When he died, he left an Arabic manuscript that he had composed and had his prayer rug and Qur'an placed in his coffin.¹⁰

The family name of Bilali, alone, has deep roots in the history of Islam connecting some African American slaves to West African Muslims. Perhaps knowledge of Islam and Bilal, the African slave in Arabia, inspired someone in Bilali's family to imbue his descendants at least with a nominal legacy of Islam that could be passed on from generation to generation. Similarly, Salih Bilali, who was also a slave on the Sapelo Islands, had a tradition of passing on Islam through

¹⁰ Richard Turner, *Islam in the African American Experience* (Bloomington: Indiana University Press, 1997), 32.

Arabic names and through the observation of religious practices. In fact, some of his descendents can trace some of the Arabic names of family members back to Bilali¹¹

Bilali and Salih Bilali's slaves narratives show the struggles that Muslim slaves had in maintaining their Islam in a non-Islamic environment. These two were of note as they outwardly manifested Islam, in one way or another, through their Islamic identity as Muslim or through their practice of Islam. In fact, Kambiz GhaneaBassiri, in his book, *A History of Islam in America*, states that "Of the African Muslims in antebellum America who surmounted racial barriers to be memorialized in white society, only Bilali Muhammad and Salih Bilal, who slaved on the coastal plantations of Georgia were not portrayed as Christian converts. Both of these individuals were presented as adherents of Islam and /as African survivals in America."¹² Indeed, it was "reported that Salih's last word were Allah is God and Muhammad is his prophet."¹³ There were, however, others that nominally converted or maintained that they were Christians to improve their treatments and situations as slaves even as they secretly practiced their religion. "Individual enslaved African Muslims complied with their de-Islamicization, just as they did with their de-negrofication, in order to improve their lot in Antebellum America."¹⁴ One such notable slave was Abdur Rahman. There were some who believed that Abdur Rahman converted, in name only, to Christianity to encourage Christians to help free his children from slavery. Although he and his wife were manumitted, his children were still enslaved. In order to free them, money had to be raised and support had to be garnered. One way of accomplishing this would be to present oneself as a convert willing to proselytize Christianity to the natives of Africa. Although Abdur Rahman did use this tactic to free some of his children, he was reported

¹¹ Richard Turner, *Islam in the African American Experience* (Bloomington: Indiana University Press, 1997), 35.

¹² Kambiz GhaneaBassiri, *History of Islam in America* (New York: Cambridge University Press, 2010), 28-29.

¹³ Amir Nashid Ali Muhammad, *Muslim In America: Seven Centuries of History (1312-2000) Collections and Stories of American Muslims* (Maryland: Amana Publication, 2001), 39.

¹⁴ Kambiz GhaneaBassiri, *History of Islam in America* (New York: Cambridge University Press, 2010), 28.

as having died as a Muslim. GhaneaBassiri further notes that “Abdul Rahman’s purported conversion to Christianity and his promise to help its propagation in Africa was most likely a ploy to boost support for the manumission of his children, for once he was back in Africa, it was reported that Abdul Rahman “died in the faith of his fathers- a Mahometan.”¹⁵

The slave narratives that have been related have not only served as factual accounts of the historical presence of Islam in the African American community, but have also shown how during slavery and over time Islamic practices began to fade away and lose their significance among the slaves despite their heroic efforts to preserve Islam in any form possible. As time elapsed, the remnants of Islam receded from the African American slave consciousness, leaving behind only a vague memory that was ever fading, notwithstanding some relics and the stories that would later serve as proof that Islam was a part of the African American heritage. “At the same time, by the eve of the Civil War, the old Islam of the original African Muslim slaves was, for all practical purposes, defunct— because these Muslims were not able to develop institutions to perpetuate their religion in nineteenth-century America.”¹⁶ In essence, Muslim slaves “were religious oddities and mavericks in America. When they died, their version of Islam which was private and individually oriented disappeared because there was no community of believers for them to connect with outside the slave quarters.”¹⁷

THE REAWAKENING OF ISLAM IN THE CONSCIOUSNESS OF THE AFRICAN AMERICAN RACE:

Although Islam had faded from the consciousness of many African Americans after the abolition of slavery, it still had a role to serve in the upcoming generations of African Americans. For some, it would be a sort of escape from the cruel realities of the racist world. While for

¹⁵ Kambiz GhaneaBassiri, *History of Islam in America* (New York: Cambridge University Press, 2010), 28.

¹⁶ Richard Turner, *Islam in the African American Experience* (Bloomington: Indiana University Press, 1997), 46.

¹⁷ Ibid.

others, it would be a saving grace that answered a call in their nature for something that was different from what they had grown up with and that also had authentic ties with the African heritage. The Islam that emerged during the turn of the century was rooted in the social issues and racial problems of society that related to African Americans and as such was more heterodox than orthodox in doctrine. Yet, this Islam would play a major role in shaping the consciousness of African American Muslims of today.

Because of the legacy of slavery and racial injustice that America has left in trust for the African American race, most African Americans have always had to struggle to gain the self-evident rights that all human beings deserve, yet only a few have. From the Reconstruction period to the early 1900's, it was a time of political and social uncertainty for African Americans. Although the shackles of slavery had been broken, American society still had the African American race in a type of bondage where laws not chains served to deter African Americans from reaching their full potential. These laws kept them in a position as second class citizens.

During the time period of 1914-1930 when World War I and the Depression occurred, African Americans' plight worsened in the areas of equality and economic stability. With the advent of war, there was a boom in the industrialist businesses that focused on weaponry and ammunition. In dire need of cheap, manual labor, many industrialists borrowed a page from the southern states, which based their economy on black labor, and actively recruited southern blacks for employment. Consequently, through the efforts of industrialists, many African Americans migrated from the south to the north in search of better employment and pay opportunities. The migration to the north caused African Americans to have to compete with whites for jobs and housing which created a highly volatile recipe for rising racial tension.

In 1929, the Depression brought many of the problems of the African American race to the forefront causing African Americans to search for a solution or savior. African Americans were now faced not only with the prospect of inequality, hate crimes such as lynching, and racial injustice, but they were also facing the specter of starvation. Considered by most whites as second-rate citizens, many African Americans were open to and searching for any group or religion that could affect a positive change in their social conditions. Several black nationalistic organizations, like the Nation of Islam and Moorish Science Temple, that provided platforms for social change emerged out of this social turmoil. Each black nationalistic group sought to address the conditions of the African American race from standpoints ranging from relocating back to Africa, to a psychological transformation, to the assertion of economic and racial independence. The two groups, the Moorish Science Temple and the Nation of Islam, reforged and reclaimed the ties to the religion of their slave ancestors, the religion of Islam, in an effort to address the issues facing the African American race. According to GhaneaBassiri, in his book, *A History of Islam in America*, Islam played a significant role in the reconfiguring of the relationship between race, religion, and progress among a significant minority of African Americans who earnestly appropriated, to varying degrees, Islamic names, symbols, rituals, and concepts in an effort to participate in America's prosperity and modernity."¹⁸

Noble Drew Ali, the leader of the Moorish Science Temple, utilized Islam as a vehicle of change for the black race. He recognized the plight of the African American race and sought to improve it by creating a new identity separate from the racial heritage inherited by the African American. He believed that the only way the black race would be able to achieve equality in America was by gaining knowledge of their true heritage and by becoming Muslim, which

¹⁸ Kambiz GhaneaBassiri, *History of Islam in America* (New York: Cambridge University Press, 2010), 196.

would change their psychological outlook of themselves. In the current “social and cultural milieu, in which race, religion, and progress were conflated, Drew Ali linked racial and religious identity with a national identity, arguing that a positive national identity was requisite to African American’ advancement as citizen of the United States.”¹⁹ To this effect, he began to assert the belief that the Black race was ideally Asiatic or descendants of the Moors of North Africa. Noble “Drew Ali taught that people of African descent were subjugated to white domination because they used the names of colored, black or Ethiopian.”²⁰ By providing them with a new national origin, Noble Drew Ali sought to imbue the African American race with a new sense of self-identity and self-worth. African Americans were no longer the dispossessed race with no home or heritage besides that of America and slavery; they were now a race that had a noble lineage that could be traced back to North Africa.

Even though Noble Drew Ali believed that African Americans should embrace the natural religion of their heritage, Islam, most of his teachings were heterodox in comparison to mainstream Islam. Noble Drew Ali’s original take on true Islam may be attributed to a number of factors: a wish to change the black condition by tailoring Islam to appeal to and address the social issues of the black masses, a general lack of knowledge of Islam and/or the fact that he was vulnerable to whatever he encountered by way of religious philosophies because of his lack of formal education. He presented a 64 page book as the Qur’an, the holy book of the Muslims.²¹ He also presented himself as the Prophet of Islam and encouraged his followers to pray three times a day. The fact that Noble Drew Ali sought to address the downtrodden racial conditions of the African American race, however indirectly, caused many of his easily impressed followers to blindly accept his doctrines without question. Therefore, his addressing

¹⁹ Kambiz GhaneaBassiri, *History of Islam in America* (New York: Cambridge University Press, 2010), 219.

²⁰ Theodore Draper, *The Rediscovery of Black Nationalism* (New York: Viking Press, 1969), 70-71.

²¹ Theodore Draper, *The Rediscovery of Black Nationalism* (New York: Viking Press, 1969), 70.

the dire social conditions that the African Americans were facing coupled with their lack of knowledge of Islam played a role in the development of a pseudo-Islamic organization that was unorthodox in theology. If his followers had researched any of his assertions, they would have discovered that much of what he presented as Islam was mainly “hislam,” a version of his understanding of what Islam meant and not the traditional understanding. In orthodox Islam, the Qur’an is not 64 pages and its author is not human. Moreover, the Prophet Muhammad, who died in 632 CE, is considered to be the last prophet according to true Islamic tenets. Additionally, most Muslims pray five times a day instead of three (although 12ver Shi’ites do pray three times a day). With the death of Noble Drew Ali, the movement was plunged into a crisis for leadership which paved a way for a number of other movements to rise to the forefront.

In the early part of the twentieth century, there were other groups and movements that sought to challenge the social ills plaguing the black race by promoting certain aspects of Islam as the solution. Like the Moorish Science Temple, the Nation of Islam, and the Ahmadiyya Movement numbered among these groups. The Ahmadiyya movement originated out of India but found roots in various locales including America. They used similar rhetoric and pseudo-Islamic beliefs to gain the attention of the black masses and bring in more Black converts. As converts to the Ahmadiyya movement saw that other groups like the Nation of Islam were addressing more of the issues that were relevant to the black race, they began to leave the Ahmadiyya, and numbers of black converts started to dwindle. Some ex-members like Wali Akram even decided to form orthodox Islamic communities that were still going strong in the 1970s.²² Groups like the Nation of Islam also got their start during the civil unrest that was building between blacks and America in the early 1900s.

²² Kambiz GhaneaBassiri, *History of Islam in America* (New York: Cambridge University Press, 2010), 217.

In 1930, a man named Master Fard Muhammad stepped into the void and took up the reigns of leadership. He appeared in Detroit peddling silk scarves and offering advice on how to improve the status of the African American community. “Freedom, justice, and equality could not be achieved in the United States, Master Fard felt, until blacks regained their true religion (Islam), their language (Arabic), and a separate autonomous state.”²³ As a result of this novel take on the problems facing the black man, Elijah Poole, an unemployed automobile worker,²⁴ became interested in the doctrines of Master Fard Muhammad. Elijah was attracted to these teachings due to his experience growing up in the Jim Crow South where lynching were common and overt racism was prevalent. Elijah posited the belief that America is based upon racism and economic disparity. He believed that the only way that African Americans will achieve freedom is to “free themselves physically (a separate state) and psychologically (referring to themselves as Asiatic instead of Black).”²⁵ Separation “can take a psychological, a religious and an economic form even if it cannot express itself in the ultimate guise of a national territory.”²⁶ To this effect, he promoted the concept of collectively owned black businesses through which African Americans would be able to support and contribute financially and physically to the vision of community owned businesses. This allowed the Nation of Islam to gather wealth that was completely independent of the white owned institutions. Elijah also used the psychological belief that the white man was the devil and the black man was the cream of the crop to shore up the flagging self-confidence and identity of the Black race. This belief was diametrically opposite of what African Americans had been taught (while under the domination of Euro-

²³ Theodore Draper, *The Rediscovery of Black Nationalism* (New York: Viking Press, 1969), 70-71.

²⁴ Richard Wormser, *American Islam: Growing up Muslim in America* (New York: Walker Publishing Company, 2009), 79.

²⁵ Theodore Draper, *The Rediscovery of Black Nationalism* (New York: Viking Press, 1969), 70-71

²⁶ Ibid.

Americans). As a result, it invoked in many African Americans a yearning to improve their conditions so that they could own up to their full potential as royalty of the earth. A number of African Americans found The Nation of Islam very alluring, believing that it had much to offer the African American race. Edward Curtis IV states in his book *Muslims in America: A short history*, that the “Nation of Islam appealed to African Americans on many levels simultaneously. It was, at once, a political, a social, and a religious organization.”²⁷

Under the leadership of Elijah, African Americans who followed his doctrines prospered as a community. Elijah Muhammad made great strides in accomplishing some of the goals of the Nation of Islam. Most African Americans who were once poverty stricken, downtrodden, and dejected, under the leadership of Elijah Muhammad were transformed into people of importance. They were economically and financially stable. They collectively owned restaurants, stores, schools, and properties. Moreover, African Americans could hold up their heads and command respect and awe because they were the living example that negated American societal beliefs of the inferiority of the black race. Furthermore, not only did the Nation of Islam accomplish much against great odds and obstacles, it did it with little or no help from the government.

Elijah Muhammad recognized the importance of the continuance of the Nation of Islam. To prevent the Nation of Islam from following the route of the Moorish Science Temple, he taught and groomed his son, Imam WarithDeen Mohammed (Wallace D. Muhammad) to take over for him. Born on October 30, 1933 to Clara and Elijah Muhammad, Wallace D. Muhammad was instantly immersed in a religion that combined Christian doctrine, Islamic beliefs, and even some mythical, superstitious beliefs. Imam WarithDeen Muhammad’s path

²⁷ Edward Curtis IV, *Muslims in America: A Short History* (New York: Oxford University Press, 2009), 38.

was decided when his father encouraged him to study the Qur'an extensively and study abroad in Saudi Arabia. Little did his father know that by encouraging his son to gather knowledge through his travels and studies about mainstream Islam, his son would come to challenge openly the beliefs of the Nation of Islam. Because Imam WarithDeen Muhammad's believed in letting everyone know the truth behind the Nation of Islam's doctrines, he was excommunicated at least a minimum of two times between the 1965 -1971.²⁸

Even though the Nation of Islam contains in its title the word "Islam," much of its doctrines were totally contrary and in some instances considered to be forbidden in mainstream Islam. For instance, there was the notion that Fard Muhammad, the person who brought a distorted version of Islam to urban African Americans, claimed to be God in human form. This assertion is considered in mainstream Islam to be the worst form of the sin of *shirk* (associating partners with God). Furthermore, Elijah Muhammad claimed to be the last messenger of God, which again is considered to be contradictory to what Islam believes, which is that the Prophet Muhammad (PBUH)²⁹ is the last messenger and the seal of the Prophets. Additionally the mythical belief that was very widespread in the Nation of Islam was the concept that there was a mother ship that was right above the Earth watching over and protecting the black people. The UFOs that were allegedly sighted around the world were believed to be small ships from the mother ship. Also there was no belief in the hereafter; everything was in the here and now. Many of the followers of the Nation of Islam unknowingly supported a heterodox religious organization by following the heterodox pseudo-Islamic doctrines of the Nation of Islam.

²⁸ Edward E. Curtis, *Islam in Black America*. (New York: State University of New York Press, 2002), 112.

²⁹ PBUH is an acronym that stands for peace be upon Him ('*alayhi s-salam*). On the one hand, the Arabic, in this form noted, is said when mentioning any of the prophets in Islam *other than Muhammad*. On the other hand, the traditional form in Arabic would generally be translated as "Blessings and peace be upon him" (sallallahu 'alayhi wa-sallam).

When Imam WarithDeen Muhammad ascended to the position of leader of the Nation of Islam once his father died in 1975, the Imam gradually began to bring the community into the folds of mainstream Islam. By addressing several major doctrinal issues and bringing true knowledge and understanding of orthodox Islam to the Muslims in the Nation of Islam, Imam WarithDeen Mohammed put the Nation of Islam firmly on the path of Islam. He knew that the only way to combat the heterodox theology was to educate the Nation of Islam members about Islam and its doctrine. The first order of business was to clarify and put into perspective the roles of Elijah Muhammad and Fard Muhammad in the Nation of Islam. Imam Muhammad reinterpreted Elijah's role as that of a person who was given a cure for the social evils plaguing the African American race and who subsequently took it upon himself to relate it to the people. Furthermore, Wallace believed that

His father had not been speaking in the theological spirit of the Qur'an and Bible. Instead, he felt his father had been saying of Master Fard, "A man came to me with solutions for your health problems, social problems and I am bringing you the message he gave to me."³⁰

Imam Muhammad defined Fard as just the founder of the Nation of Islam and not God in the human form. Once Imam Muhammad changed the doctrines of the Nation of Islam to mainstream Islam, he went on to address the identity of the African American race. His father, following in the same vein as Noble Drew Ali, referred to African Americans as of Asiatic origin. To put the Nation of Islam on a more traditional ground, Imam Muhammad chose to trace the African American lineage back to Bilal, an Ethiopian slave who believed in God and subsequently converted to Islam. From then on, African American Muslims began to refer to

³⁰ Clifton E. Marsh. *From Black Muslims to Muslims* (Lanham: Scarecrow Press, 1996), 37.

themselves as Bilalians to show the connection with a man who had the courage to believe in one God and proclaim it despite the reprisals visited upon him by his slavemaster.

In addition to addressing the problems of considering Fard as God in the person of man and tracing the African American lineage back to Asiatic origins, a couple of major issues that Imam Muhammad addressed was the doctrine of the white man being the devil and that only non-white races could be Muslims. Imam WarithDeen Muhammad quickly disabused the Muslims in his community of the racist doctrines of the Nation of Islam that depicted white people as being evil by assuring everyone that evil can be found in every race. Evil knows no color and can be found among Blacks, Asians, Whites, etc. He also pointed out that Islam spans the world and encompasses every race.³¹ Moreover, “he dissolved the Fruit of Islam, temples became mosques, ministers were now imams, the Qur’an became the basic holy book, and all holidays were celebrated according to the Muslim calendar.³²”

After debunking many of the Nation of Islam’s doctrines, Imam WarithDeen Muhammad turned his attention to making sure that all of the primary rituals (the “five pillars of Islam”³³) were fully understood and followed by the members of his community which placed them under the canopy of orthodox Islam.

Under the leadership of Imam WarithDeen Muhammad from 1975-1990, the Nation of Islam’s tenets and name underwent a gradual change. By opening up the Nation of Islam to all races, getting rid of all of the heterodox teachings and changing the name from the Nation of Islam to the World Community of Islam in the West, Imam Muhammad was basically asserting his belief that African American Muslims were ready to join the ranks of Muslims in the world.

³¹ Clifton E. Marsh, *From Black Muslims to Muslims* (Lanham: Scarecrow Press, 1996)

³² Richard Wormser, *American Islam: Growing up Muslim in America* (New York: Walker Publishing Company, 2009), 93.

³³ Five pillars refers to basic tenets of Islam, that of *shahadah* (Witnessing), *zakat* (giving alms), *salat* (prayer), *sawm Ramadan* (fasting during Ramadan), and *hajj* (pilgrimage to Mecca.)

In 1980, once again Imam Muhammad changed the name from the World Community of Islam in the West to the American Muslim Mission to show solidarity with all Muslims and to promote the concept of helping all people, whether Christian or Jew, because we all share the common roots of humanity.³⁴ As a result of his meticulousness in adhering to the belief that one should gradually introduce the former Nation of Islam members to orthodox Islamic doctrines and practices, he was able to bring majority of the original followers of the Nation into the fold of mainstream Islam.

Although there were movements like the Nation of Islam that preached pseudo Islamic teaching before either evolving into orthodox Islam or dying out, there were other movements that started out teaching and practicing orthodox Islam from the beginning. One such movement was the Darul Islam movement. The communities under this movement maintained strict adherence to orthodox Islam and eschewed any of the black nationalistic doctrines that were prevalent in the 1960 and 1970's. "Darul Islam, also called the Abode of Islam, was founded in Brooklyn in 1962, by Yahya Abdul-Kareem, Ishaq Abduga Shaheed, and Rajab Mahmu."³⁵ "Darul Islam Movement at its height took its Islam seriously. Members were asked upon entry to take a pledge that amounted to a lifetime commitment. They were challenged to follow a vigorous course of religious teaching, including classical training in Arabic, Qur'an and Sunna."³⁶

The West End Muslim Community, the second community looked at in this thesis, originally grew from the Darul Islam movement. Formally known as the West End Community Masjid or Community Masjid of Atlanta, the West End Community Masjid's advent to Islam came under Imam Jamil El-Amin, a.k.a H. Rap Brown, a former Black Panther member who

³⁴ Clifton E. Marsh, *From Black Muslims to Muslims* Lanham: Scarecrow Press, 1996), 37.

³⁵ Richard Turner, *Islam in the African American Experience* (Bloomington: Indiana University Press, 1997), 233.

³⁶ Jane I. Smith, *Islam in America* (New York: Columbia University Press, 1999), 99.

while in jail from 1971 to 1976 converted to Islam. After he was released from jail, he moved to the West End neighborhood and founded an orthodox Muslim community.³⁷ This community was unlike the Atlanta Masjid of Al-Islam as it did not emerge out of the Nation of Islam. It did however, “resemble the Nation of Islam in its efforts to uplift poor African Americans by establishing a separate Muslim community.”³⁸ The West End community was a part of a movement named Dar-ul-Islam (DAR) that presented itself as orthodox Islam from the beginning. Imam Nadim Sulaiman Ali, the acting Imam of the West End Community Masjid, states in an interview that the “Dar-ul-Islam movement was at one time the largest indigenous Muslim community following the Sunna.”³⁹ The members of the West End community under the Darul-Islam in comparison to the members of the Atlanta Masjid, did not have to undergo a deprocessing of the black nationalistic theology that was the Nation of Islam in order to gain a true introduction and understanding of orthodox Islam. They started with a clean slate where no misconceptions or mis-education of Islam was ingrained in the communal psyche. In fact by 1975, “[], before Warith Deen began to move former NOI members toward orthodox Islam, the DAR was the largest black Sunni Muslim organization in the country, with mosques as far west as Colorado and in the West Indies, Ontario, and Alaska.”⁴⁰

The role that Islam has played in the African American Muslim community has been one that ranged from asserting one’s identity in and rebelling against the institutions of slavery to addressing the social issues that African Americans were facing in the 1900’s. As a result of slavery, the only introduction many African Americans and other races had to Islam stemmed from the memories and oral traditions of former slaves. Diluted due to the passage of time and

³⁷ Edward E Curtis. *Encyclopedia of Muslim American History Volume 1* (Facts on File, Inc., 2010), 69-70.

³⁸ Kambiz GhaneaBassiri, *History of Islam in America* (New York: Cambridge University Press, 2010), 251.

³⁹ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording, 14 April 2011, Atlanta, Georgia.

⁴⁰ Jane I. Smith, *Islam in America* (New York: Columbia University Press, 1999) 97.

the influence of Christianity, these memories bore little resemblance to the fundamentals of Islam. Accordingly, when black nationalistic organizations like the Nation of Islam and the Moorish Science Temple adopted Islam in an effort to address the racial injustices visited upon the African American race, a new hybridized Islamic religion emerged, one that was heterodox in nature. Many of the African American Muslims who joined these groups had no true understanding of orthodox Islam, which gave rise to a distorted view of orthodox Islam. As individuals such as Imam Mohammed started to study and promote orthodox Islam and as groups like Darul Islam (which had taught orthodox Islam from the outset) emerged, true knowledge and understanding of mainstream Islam slowly supplanted the black nationalistic slant of Islam. This allowed the ties between the Muslim slave ancestors and their descendants to be reforged through the link of orthodox Islam.

African American Muslim communities, having grown into Islam in America, do not have a tradition of Muslim jurists nor do they have a tradition of applying Shari'a (Islamic jurisprudence) in their socio-cultural context. Whereas other communities, like immigrant Muslims, can refer back to the country of origin for *fatwas* (*juristic rulings*) and religious rulings, most African American communities do not have that luxury, given their more recent advent into Islam. In her book, *American Muslims*, Asma Hasan states that

American Muslims don't have the cultural support system most Muslims all over the world have. Each Islamic country has its own sect of Qur'anic interpretations, even a group of academics that set those interpretations, called the *ulema*. Here in the United States, Muslims are mostly flying blind.⁴¹

Although there are *madhhabs* (different schools of Islamic legal thought) that help to shape one's understanding of laws and practices, most African American Muslim communities, especially the Atlanta Masjid of Al-Islam and the West End Community Masjid, do not

⁴¹ Asma Hasan, *American Muslims*. (New York: Continuum International Publishing Group, 2000), 132.

subscribe to the four Sunni *madhhabs*.⁴² In fact, in an interview with *Islamica Magazine* when asked the question about why he did not position himself with one madhab the late Imam

WarithDeen Mohammed stated that

It's because, as I understand, the madhabs are geographically influenced. We are in a totally different geography in America. And I don't think we should adhere to any madhabs because those were influenced by their location and they are different based on their location. The Shafi school and the Maliki school in North Africa and the Wahhabi one in Saudi Arabia. Regions are supposed to develop these madhabs. I think we are gradually getting a sense of madhabs in America, especially those like me. We are getting a sense of madhabs. And with the coming generation I think that we will be getting a much stronger sense of it. It is coming more and more.⁴³

Similarly, the West End community also falls in line with this belief. Imam Nadim states that “(they) do not subscribe to any one madhab. They follow the Qur’an, Hadith and the Sunnah in their daily lives.”⁴⁴ Consequently, without a solid Islamic jurist background, the imams of both Atlanta communities have found themselves in the precarious position of making Islamic judgments that could potentially set legal precedents within the community. Aminah McCloud states that “for the moment, scholars of Islam and sometimes informed imams are providing the majority of the answers to questions about Islam—its philosophies, history, beliefs and practices.”⁴⁵

As African American Muslim communities start to determine what their understanding of Islamic law is in terms of community and family life, they are turning their sights on building strong Islamic communities by first building strong Islamic families. After all, communities are

⁴² The four madhhabs or schools of thought are the Hanbali, Hanafi, Maliki and Shafi’i

⁴³ John Nashid, “New Mind Development,” http://nm-dp.com/quotes_by_imam_wd_mohammed

⁴⁴ Imam Nadim Ali, interview by Kameelah Luqman, taped recording, 14 April 2011, Atlanta, Georgia. Personal Interview. 14 April 2011.

⁴⁵ Aminah Beverly McCloud, “The Scholar and the *Fatwas*: Legal Issues Facing African American and Immigrant Muslim Communities in the United States,” in *Windows of Faith: Muslim Women Scholar-Activists in North America* (New York: Syracuse University Press, 2000), 136.

only as strong as their families. To aid in this endeavor, the communities have had to look at the specific areas that would have some impact on building strong communities. The specific areas of interest that will be addressed within this paper are the subjects of marriage, punishment, inheritance, and finance, since these categories are deemed to be very relevant in the daily lives of most Muslims.

CHAPTER 2:

MARRIAGE IN THE AFRICAN AMERICAN COMMUNITY

“And Among His signs is this that He created for you mates from among yourselves, that ye may dwell in tranquility with them and he has put love and mercy between your (hearts): Verily in that are signs for those who reflect”(Qur’an 30:21). These ancient words from the Holy Qur’an have served as inspiration to, and an aspiration of, many Muslims throughout the world. This search for matrimonial bliss, although not solely exclusive to Islam, is very important to its followers. In fact, according to traditions of the Prophet Muhammad (peace and blessing be upon him), marriage is considered to be half of one’s religion.⁴⁶ The concept of one essential act being half of one’s religion is one that emphasizes the importance of the marital institution within Islam. And thus, it is taken as seriously as possible and should be entered into with solemnity.

Within the Muslim world, marriage is so rooted in the culture and tradition, that there are practices like arranged marriages and arranged meetings that are readily available if one is looking to find a mate. Although these traditional ways of finding a mate are becoming less prevalent in many urban areas of Islamic countries,⁴⁷ they are still there for those who wish to make use of them. In fact, many Muslims who reside in the Muslim world are fortunately spared the trials of searching for a spouse that some of their Western Muslim brothers and sisters have to endure in order to fulfill the traditional belief of marriage being half of one’s religion.

⁴⁶ "When the servant [i.e., the Muslim] marries, he completes half of the religion," a hadith of the Prophet (PBUH) in the Musnad of Ibn Hanbal, on the authority of the companion Anas ibn Malik (Suyuti, *Kanz al-'ummal*, #44403), *Makatabat al-Shamila*). (Idha tazawwaja al-'abd fa-qad istakamala nisf al-din...) [

⁴⁷ Jane I. Smith *Islam in America* (New York: Columbia University Press, 1999), 114.

In actuality, one can put forward the opinion that there are none so driven as those Muslims living in non-Islamic countries like America where the search for a spouse can become an epic quest. To make it even more difficult, the road to marriage in America for Muslims can be fraught with many obstacles depending upon one's background and the length of time that Islam has been rooted in one's ancestry. Those, whose parents have either emigrated to America and/or have grown up inside of an insular Muslim immigrant and/or indigenous orthodox community have found various practices to encourage either the traditional ways of finding a spouse or have advocated methods in which the greater community helps to find a suitable spouse via the internet, marriage forums, Muslim wedding websites, matrimonial ads, etc. "Islamic organizations at the local and national level function in some ways as "matchmakers" or as a kind of extended family assisting people to find the right marriage partner."⁴⁸ In her book, *African American Islam*, Aminah McCloud states that "in recent decades African American Muslims, following the lead of immigrant Muslims, have taken to operating marriage services. Advertisements by singles are placed in special "matrimonial" sections in Muslim magazines and journals." With the advent of technology, like the internet, some Muslims' opportunities in America to find mates have become virtually unlimited. Jane Smith, in the book *Islam in America*, states "Most Muslims with access to the internet maintain friendships with students that they would otherwise have never met."⁴⁹ Even though it is true that the internet has become a viable source of finding potential mates for American Muslims, it still has some limitations for some Muslim communities. Unfortunately, many Muslim communities in America are divided among ethnic and racial lines which can seriously limit some communities' (like the African American Muslim community), abilities to find mates that are outside of their

⁴⁸ Jane I. Smith, *Islam in America* (New York: Columbia University Press, 1999), 117.

⁴⁹ Ibid.

culture and race, even by using the abovementioned resources. Jane Smith further states that “often, the additional desire that young people marry within their particular Ethnic or cultural group further complicates the marriage issue... On the whole, African American, Hispanic, and other ethnic minority Muslims tend to marry within their own groups.”⁵⁰ These limitations on whom one can marry based on race, prevents Muslims and more specifically African American Muslims from having the choice, if they want, to cross over the racial line to find suitable mates.

For some American Muslim Communities where Islam was not inherited, or passed down through the generations, the marriage process can become an arduous journey with many twists and turns. Most African American Muslim communities usually fall into this category because Islam is fundamentally new to them in comparison to the immigrant communities. For these communities, the Islamic traditions and practices are still in their seminal beginnings in regards to the application of Islam here in America. As such, most African American Muslims have been placed in the unique position of needing to cultivate applicable Islamic law and Islamic traditions for marriage and other categories within Islam that are relevant to living here in America. In addition, the laws and practices that are being cultivated, by these communities, are not influenced by any foreign culture, ethnicity, or region of the world. There are, however, African American Muslim communities, where Islam was embraced in its true orthodox form without any erroneous or pseudo-Islamic beliefs. These communities have had a head start on determining how to apply Islamic law in America.

Marriage is a fundamental building block in the foundation of any Muslim community and as such is one of major importance to the community as it is instrumental in building strong families. Consequently, the Atlanta Masjid of Al-Islam has placed strong emphasis on the correct understanding of marriage within the community. Imam Mansoor Sabree, the resident

⁵⁰ Jane I. Smith, *Islam in America* (New York: Columbia University Press, 1999), 112.

imam of the Atlanta Masjid reiterates this, when he states “that the sense of one marriage being the institution that builds a Muslim community has been one of the major or main concepts of Islam that we rely on as a community.”⁵¹

As for the Muslims of the Atlanta Masjid of Al-Islam gradually threw off the nationalistic bent of the Nation of Islam and embraced orthodox Islam, they found themselves facing unknown territory in regards to many areas of Islam as they gradually attempted to practice an appropriate form of Islamic law for practice in America, a non-Islamic country. One such area of Islam that became a focal point was the institution of Islamic marriage.

In America, there are many social mores and practices concerning how to go about meeting your mate and getting married. However, for a fledgling community that had just gotten out of the Black nationalistic organization of the Nation of Islam, meeting and finding your mate through Islamic practices was not as familiar. Although there were certain concepts in the Nation of Islam that were in line with Islamic thinking like the concept of the “sacredness of marriages,”⁵² as with all religions, marital unions were important for practical reasons as families were seen as lending stability to help shore up the Nation of Islam’s foundation. According to Imam Plemon,⁵³ in the Nation of Islam there was the “belief that if there were two people that were Muslim than no matter what it could work. [Moreover,] if you had two believers just match them up and it could work and just trust in the leadership and trust in the Nation of Islam.”⁵⁴ Given their background in the Nation of Islam, most members who made the transition to orthodox Islam were not very familiar or aware of the proper way to meet, court, and marry

⁵¹ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording, 15 March 2011, Atlanta, Georgia.

⁵² Ibid.

⁵³ Imam Plemon served as Resident Imam of Atlanta masjid for the last 35 years before turning over the main mantle of leadership to Imam Mansoor Sabree and Imam Sulaiman Hameed. He still is active within the community leadership.

⁵⁴ Imam Plemon El-Amin, interview by Kameelah Luqman, taped recording, 23 March 2011, Atlanta, Georgia.

one's spouse by one's own volition in accordance to Islamic practices. "With the transition, the individual responsibility, the individual freedom comes in [marriage] much more."⁵⁵

In Islam, there is a belief that there should be no solitary mixing of the sexes for illicit or romantic purposes. A couple interested in each other should not be left alone as there is a hadith (a tradition of Prophet Muhammad) that states "whenever a man is alone with a woman the Devil makes a third."⁵⁶ Moreover, chaperones and/or group settings are the best way for a Muslim couple to be observant of Islamic practices while getting to know each other. The concept of family members or friends being intercessors on behalf of prospective mates is not entirely a new concept in society at large. However, the degree in which the family and/or friends takes an active role in the potential couple's interactions is/was not a custom practiced widely today in America. Moreover, it was new to the African American Muslims who were coming out of the Nation of Islam (who were used to singles socials and introductions) but were not accustomed to dating being such an intensive or invasive third-party "sport." In America, where Islamic ideals, laws and practices are foreign, marriage is seen by most as a relationship between two individuals. In contrast, Islamic beliefs on marriage are widely based on the belief that marriage is not between two individuals but between two families. This Islamic belief is accepted throughout most of the Islamic world, and has found fledgling roots here. It is being adapted but not completely discarded in America.⁵⁷

The Atlanta Masjid of Al-Islam while focusing on getting down the basic fundamentals of Islam (like the Five Pillars), also had to educate the community on and adopt and adapt Islamic principles on premarital contact and marriage in the American society. After all, most of the members of the Atlanta community grew up within the American society and were at one

⁵⁵ Imam Plemon El-Amin, interview by Kameelah Luqman, taped recording, 23 March 2011, Atlanta, Georgia.

⁵⁶ Hadith - Ahmad and Al-Tirmidhi 3118, Narrated by Umar ibn al-Khattab

⁵⁷ Jane I. Smith, *Islam in America* (New York: Columbia University Press, 1999), 114.

time Christian before they became members of the Nation of Islam and then orthodox Muslims. This caused some difficulty as a number of members' point of reference was not Islamically based. Jane Smith, an authority on Islam in America, has asserted that "As one might expect, premarital contact between the sexes differs significantly in Muslim communities as compared to non-Muslim communities."⁵⁸ As children started to grow up under the orthodox practice of Islam within the community, parents, members and imams begin to push for more discourse and understanding of Islamic practices about marriage. According to Imam Pasha (an imam of the Atlanta Masjid of Al-Islam), single events or socials began to become more prominent in the late 80's when the African American Community, under the leadership of Imam WarithDeen Mohammed, started to have National conventions where Muslims from all over could come together.⁵⁹ This author uses the word "comeback" in reference to single socials (gathering where singles meet) as the Nation of Islam also held singles socials. Over time, the Atlanta Masjid began to have and participate in city-wide and nationwide forums and marriage conferences where any interested Muslim from any state could meet at one pre-determined location and become better acquainted with other single Muslims. These forums provided a festive occasion for a couple of days for those members seeking to meet potential mates in an Islamic manner through chaperoned meetings and introductions. As one survey participant wrote in the survey, "Sometimes people do not meet others in their residential area and the events or arranged meetings can help (with finding mates)."⁶⁰ The Atlanta Masjid of Al-Islam also decided that since marriage was the purpose of the singles event then the name of the function should reflect the desired outcome. Imam Pasha states that the name was changed in the 90's to "Let's Get

⁵⁸ Aminah McCloud , *African American Islam* (New York: Routledge, 1995), 97.

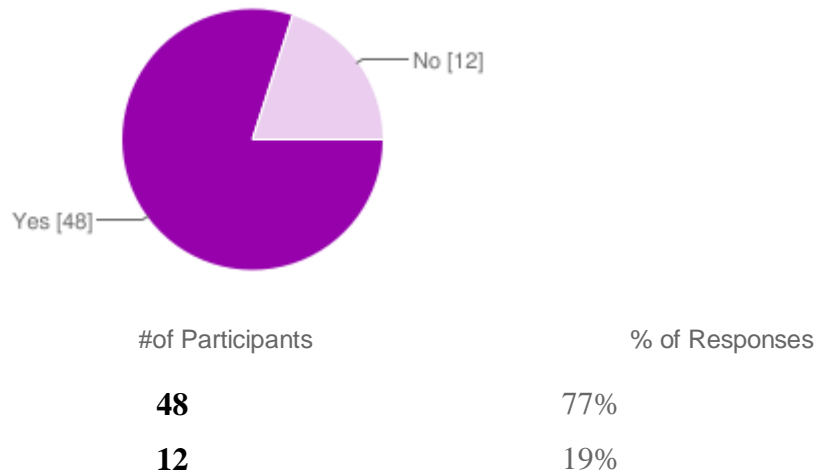
⁵⁹ Imam Ibrahim Pasha, interview by Kameelah Luqman, taped recording, 17 March 2011, Atlanta, Georgia.

⁶⁰ Comment made by survey participant on the survey instrument distributed to both communities

Married.”⁶¹ As these marriage forums would only come around once or twice a year, the community sought to implement additional ways to get singles together for the intention of getting married.

The Islamic methods employed by the Atlanta Masjid of Al-Islam in its early beginnings as an orthodox Muslim community have flourished and endured throughout the later generations. Furthermore, it is representative in the data gained from the surveys that were conducted at both the Atlanta Masjid of Al-Islam and the West End Community Masjid. The majority of the Muslims surveyed, no matter what age groups, were convinced that the community has done its utmost to promote Islamic ways of meeting potential spouses. When asked the question “Does the community that you attend address Islamic ways of dating or courting or finding your spouse?”⁶² 77% of participants stated yes.

Table 1: Does the community that you attend address Islamic ways of dating or courting or finding your spouse?



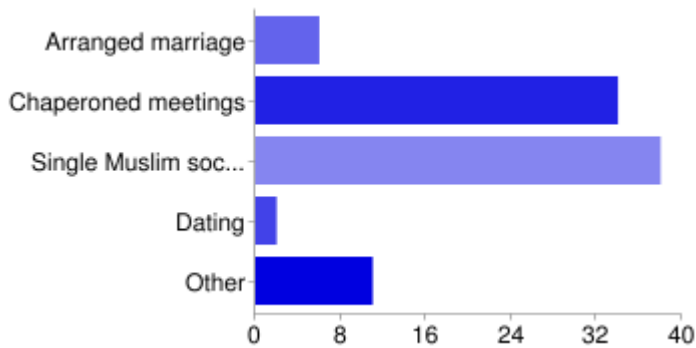
The data from the surveys revealed that the methods used by the Atlanta Masjid of Al-Islam and West End Community to encourage the finding of potential spouses ranged from

⁶¹ Imam Ibrahim Pasha, interview by Kameelah Luqman, taped recording, 17 March 2011, Atlanta, Georgia.

⁶² Question from the survey instrument distributed to both communities.

arranged marriages to chaperoned meetings to single socials. Dating, though perceived as been used or acceptable by a small percentage of the Muslims surveyed, was not generally considered to be method used or encouraged by the communities.

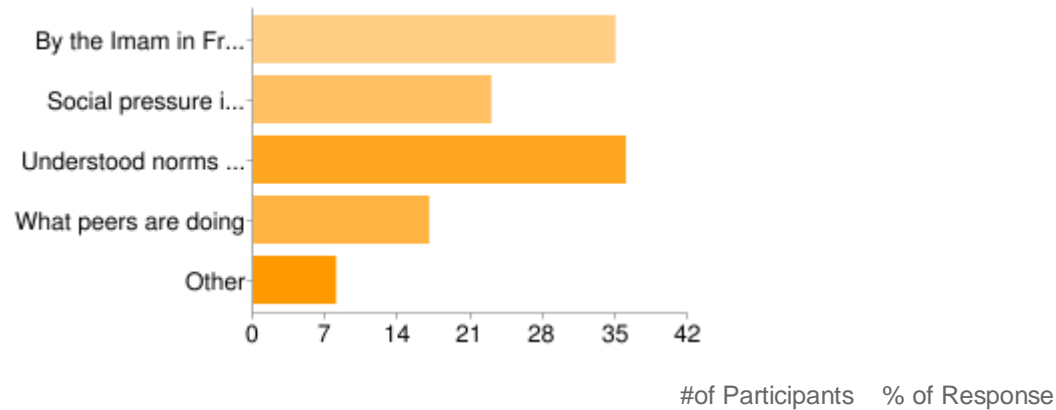
Table 2: If the answer is YES, select the method(s) used or encouraged by your masjid/community?



	# of Participants	% of Responses
Arranged marriage	6	12%
Chaperoned meetings	34	69%
Single Muslim socials	38	78%
Dating	2	4%
Other	11	22%

In fact, of the participants polled who were married, 90% stated that they adhered to Islamic methods of finding a spouse. Most found spouses either through chaperoned meetings or single Muslim socials. When asked, how these methods were encouraged within the community, 70% stated that the Imam addressed it in Friday khutbahs (sermons).

Table 3: How are these methods encouraged in the community?



By the Imam in Friday <i>Khutbah</i>	35	70%
Social pressure in the community	23	46%
Understood norms or practices in the community	36	72%
What peers are doing	17	34%
Other	8	16%

Moreover, about another 72% of participants stated that these methods were understood norms or practices within the community. This data shows that over time both the Atlanta Masjid and West End community over time have begun to create their own traditions with regards to Islamic marriage practices in finding a mate; and that such traditions appear to be taking root within the community.

As for the Muslim youth within the Atlanta Masjid of Al-Islam surprisingly, 50% of the youth polled felt that these methods were necessary for finding a spouse in America. One Atlanta Masjid of Al-Islam teenager even went so far as to state in the survey that “[T]he methods are necessary because the American “way” of finding a spouse are not congruent with

Islamic practices.”⁶³ I use the word “surprisingly” as the Muslim youth in America and, more pointedly for the purposes of this paper the Muslim youth in Atlanta, do not live in a vacuum. They are inundated with sexual images, lyrics, peer pressure, societal norms and mores that are not necessarily in line with Islamic teachings and practices. Moreover, the permissive societal attitude and in some cases resigned expectations of parents with regards to sexual intimacy among teenagers, may have devastating effects on a teenager’s resolve to maintain a chaste existence until marriage. That being said, the abovementioned statement coming from a teenager living here in America, is astounding and shows that the community and/or parents are doing a good job in educating and instilling Islamic practices and teaching about dating and marriage among the youth. However, the reader should not get the impression that the youth armed by the community with these specific practices of finding a mate are not in some ways succumbing to the sexual laxity found in society. It should be noted that what is said on paper and what is actually practiced may be two different things and as such will be explored and addressed later in another chapter of the paper.

The West End Community, with regards to marriage, teaches the appropriate ways to approach a potential mate through khutbahs and classes. Like the perspective of the Atlanta Masjid, the West End community's attitude to dating is that it is not an acceptable way of finding a spouse in the community. In the American Muslim community as a whole, “dating is generally discouraged and often forbidden for both sexes, largely as a holdover of customs in Islamic countries and because of a concern for the apparent license in sexual relations among many American youth.”⁶⁴ Imam Nadim states that “dating itself is not recommended but if a person is

⁶³ Comment made by minor on the Survey instrument distributed to both communities--- Minor form and Parental consent form are on file.

⁶⁴ Yvonne Haddad and Adair Lummis. *Islamic Values in the United States: A Comparative Study*. (New York: Oxford University Press, 1987), 138.

interested in marriage, then it is permissible to meet, have dinner and talk specifically if you are going through a wali [protector].”⁶⁵ Because marriage is considered to be half of your religion, the West End community tries to ensure that all marriages have a good foundation within the community. One way that this is ensured is through the counseling sessions that are mandatory for every couple wishing to get married in the West End community. Imam Nadim requires the couple to have four sessions with him.⁶⁶ Marriages are not entered into lightly. “Drive by marriages,”⁶⁷ where someone wants to instantly get married are not allowed as the purpose is for healthy long lasting relationships not quickly dissolved ones. Imam Nadim further states that he also does a “personality test on the couple to show them where they are in relation to each other.”⁶⁸

As for the Atlanta Masjid, as it progressed in its understanding of how to Islamically meet a potential mate, its attention began to turn to what makes a valid marriage in Islam. One of the necessary components that the Atlanta Masjid has settled on is the marriage contract. A marriage contract is the foundation of an Islamic marriage. According to John Esposito in his book, *Women in Muslim Family Law*, “in Islamic law, it is a civil contract legalizing intercourse and the procreation of children.”⁶⁹ In fact, without a contract an Islamic marriage is “illegal from an Islamic juridical perspective because traditionally there is no valid marriage without a marriage contract ...that specifies the *mahr* (dowry)”.⁷⁰ In Islam, a part of the marriage process is the witnessed agreement of a dowry between the two parties entering into marriage.

⁶⁵ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording, 14 April 2011, Atlanta, Georgia.

⁶⁶ Ibid.

⁶⁷ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording, 14 April 2011, Atlanta, Georgia

⁶⁸ Ibid.

⁶⁹ John L. Esposito, *Women in Muslim Family Law* (New York: Syracuse University Press, 1982), 16.

⁷⁰ Aminah Beverly McCloud, “The Scholar and the Fatwas: Legal Issues Facing African American and Immigrant Muslim Communities in the United States,” in *Windows of Faith: Muslim Women Scholar-Activists in North America* (New York: Syracuse University Press, 2000), 140.

Furthermore, the mahr is given by the husband to the wife. As the Holy Qur'an states "And give the women (on marriage) their mahr as a free gift" (Qur'an 4:4).

The concept of dowry was quite foreign to the newly converted orthodox African American Muslims. In the Nation of Islam, there was no real concept of the dowry. In his experience in the Nation of Islam, Imam Plemon states that the dowry was minor—a lot of times there was not even a ring. [In fact,] in most cases the gift or the dowry was bringing the person into Islam.⁷¹ Moreover, in contemporary American society, the notion of a dowry was equally foreign and obsolete. Indeed, the data from the survey seems to point to the fact that the people who came through the Nation of Islam and were married under it, were not familiar with the terminology of a dowry or its importance and as a result did not either offer it or request it when married.⁷² So initially, the Atlanta African American Muslim community had no reference point for the meaning of a dowry, what constitutes a dowry, and the reason for giving a dowry save for what was mentioned in the Qur'an. Once the Atlanta Masjid began to address the concept of Islamic marriages, the dowry discourses begin to emerge as another relevant Islamic component of marriage.

According to the survey, 100 percent of the participants polled stated that both Atlanta Masjid of Al-Islam and West End Community encourage the giving of dowries. They further stated that there are several ways that the communities encourage this action. One way is through the Imam's khutbahs. Another way is through the pre-marriage counseling session that each couple that is getting married in the community is obligated to attend. The dowry is a compulsory legal component of an Islamic marriage to be given by the husband to the bride upon

⁷¹ Imam Plemon El-Amin, interview by Kameelah Luqman, taped recording, 23 March 2011, Atlanta, Georgia.

⁷² Survey, it should be noted that the survey of participants that came through the Nation of Islam and were married under it does not take into account those who divorced and remarried someone else after entering orthodox Islam

her marriage. In essence, the dowry symbolizes economic security for the wife as whatever is agreed upon is solely hers. The dowry can be anything ranging from the intangible like the recitation of a surah (Qur'anic chapter) or ayat (Qur'anic verse) to the tangible like money, cars, jewelry, etc. There is, however, an important stipulation of the dowry. The dowry should be in accordance to the means or income of the husband and should not be a burden. The Holy Qur'an states "The wealthy according to his means, and the poor according to his means. The gift of a reasonable amount is necessary from those who wish to act in the right way." (Qur'an 2:236). Due to the fact that the Islamic marriage can only take place with a dowry, during couples' counseling the Atlanta masjid places great emphasis on counseling the couple about the importance of a dowry and will not marry a couple without an agreed upon dowry. Furthermore, to ensure that the bride's interest are protected the imam will ask during the wedding ceremony in front of all of the witnesses/guests, if a dowry has been tendered by the groom and accepted by the bride.

"(Although) American states have not readily accommodated Muslim family law, let alone Shari'a courts, (they) have (been known to) sporadically upheld private Muslim marriage contracts."⁷³ In America, some court cases have reviewed the mahr provision as if it were a prenuptial agreement. Ultimately, in the case of the dissolution of the marriage, the question of whether the mahr provision should be honored in American courts turns on this question: Would the woman be economically worse off than she would be under state laws governing the dissolution of marriage? When the mahr is entered into an actual marriage contract and properly witnessed, the courts have held up its validity. In the case of *Odatalla v Odatalla* (2002), the court held that "which included as part of a religious ceremony, the mahr provision of the

⁷³ John Witte Jr., Afterword: The Future of Muslim Family Law in Western Democracies," *Sharia in the West?*, <http://divinity.uchicago.edu/martycenter/publications/webforum/102011/Witte%20Final.pdf>

contract had a secular purpose, because it was intended to address the financial support of the wife after the marriage ended. Furthermore, the court stated that “the award of the mahr to the wife was within the judicial authority of the court and did not breach any constitutional prohibition against the entanglement of the state with religion. The mahr provision also complied with New Jersey standards for contract law and thus was enforceable.”⁷⁴ The lesson to be learned from this is that it is important to put the specified mahr amount and how it is to be dispensed within the contract as the courts are more open to enforcing actual contracts.

Although majority of the survey participants that are/or were married after 1975 (when Nation of Islam became orthodox Islam), were offered some form of a dowry, 50% stated that it was less than what they asked for. This author is not sure if that is because what was agreed on was financially burdensome to the groom or if it was agreed upon but only partially fulfilled upfront and the balance was deferred. One participant’s written comment on the survey stated “that the dowry seems to be necessary for the women but not so necessary for the man.”⁷⁵ According to the data gathered from the survey, the majority of the participants recognize that the dowry is a necessity in an Islamic marriage. The Atlanta Masjid of Al-Islam’s members in the transition period may not have heard of or understood what a dowry is, but the community of today is well aware of the purpose of the dowry thanks to the concerted efforts of the imams of the community and the willingness of the members, especially women, in applying it.

In contrast, the West End Community’s understanding of and giving of the dowry was comprehended from the start since the members were introduced to Sunni Islam right from the beginning. Moreover, there was no confusion about what was a dowry and its importance within the marriage. The West End community’s stance on the dowry is in line with the Atlanta

⁷⁴ Yvonne Hazbeck Haddad, Jane I. Smith and Kathleen M. Moore. *Muslim Women in America: The Challenge of Islamic Identity Today* (New York: Oxford University Press, 2006), 114.

⁷⁵ Youth participant of the survey. Minor and parental consent form on file

Masjid's understanding of the dowry. The dowry is seen as a prerequisite for Islamic marriage where the dowry is decided by the woman. In fact, 100% of the West End community polled believed in the importance and necessity of the dowry in Islam. Imam Nadim states "that just having something that the sister is happy with meets the legal requirement (for marriage). If she says yes then we keep it moving."⁷⁶ However, the West End stance on the dowry differs slightly from the Atlanta Masjid in one thing, which is whether or not the dowry should be delayed. The dowry can be divided up into two parts. "The prompt (*muqaddam*) and the deferred (*muakhkhar*)."⁷⁷ In the Atlanta Masjid, the option of the woman delaying the acceptance of the dowry is allowed but not recommended. In West End, Imam Nadim states emphatically that he "does not like deferred dowries and does not recommend it. He tells sisters 'do not go for a deferred dowry get your dowry up front. If the groom wants to give you a gift later on or some money then that is something else.'⁷⁸ In fact, Imam Nadim related a story to me which underscores how important the dowry is in the West End Community. He stated that he presided over a *Nikah* (wedding) where he was in the process of confirming in the wedding ceremony that the bride had received her agreed upon dowry. Upon learning that the bride did not receive what she asked for, he halted the ceremony and sequestered the couple together until an acceptable agreed upon dowry could be given to the bride. Once that dowry issue was resolved, then the wedding ceremony was free to continue.⁷⁹

As the issue of the dowry became more commonplace in the actions and understanding of the community, other issues linked to marriage were explored. In the case of the Atlanta community, the respective roles of men and women within an Islamic marriage were addressed.

⁷⁶ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording 14 April 2011, Atlanta, Georgia.

⁷⁷ John L. Esposito, *Women in Muslim Family Law* (New York: Syracuse University Press, 1982), 16.

⁷⁸ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording 14 April 2011, Atlanta, Georgia

⁷⁹ Ibid.

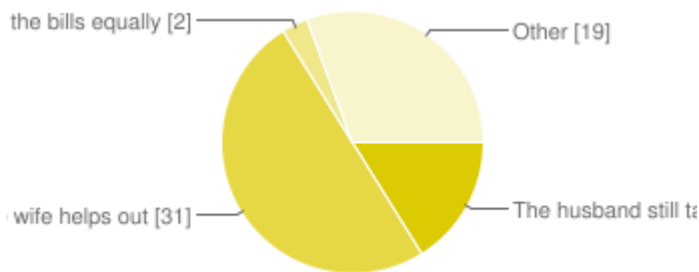
As African Americans Muslims living in a society where the roles of men and women are blurred in the “so called” name of equality, the community had to look to the Qur’an and hadith to determine what roles are delineated for the husband and wife in Islam. The Holy Qur’an states “Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means” (Qur’an 4:34). “As the verse makes clear, Muslim men have traditionally been financially responsible for women.”⁸⁰ This belief and practice has been one of great interest to women in the Atlanta masjid. Consequently, much discussion has taken place concerning it. According to the survey, 90% of the survey participants polled state that the concept of the man being the provider is taught and reinforced through *khutbahs*, premarital counseling, and through classes.⁸¹ In actuality practice, however, this ideal of men providing for women often breaks down. One survey participant stated that “the practice was there when I was married, meaning it was talked about but it wasn’t done.”⁸² Nearly 60% of people polled held to the belief that the man is the provider and pays the major bills, while the wife helps out in her own way.

⁸⁰ Jane I Smith, *Islam in America* (New York: Columbia University Press, 1999), 115.

⁸¹ Data collected from the Survey instrument

⁸² Comment made by survey participant on space provide on the Survey

Table 4: How do you address the financial role of the husband if the wife makes substantially more than the Husband?



	#of Participants	% of Responses
The husband still takes care of his duties as the provider paying for everything	10	16%
The husband takes care of the major bills and the wife helps out	31	50%
Both the husband and wife splits the bills equally	2	3%
Other	19	31%

If a wife contributes anything to the paying of the bills, it should be stipulated that it must be considered *sadaqa* voluntary charity, and should not be considered to be required by the husband. One of the participants in the survey made a very profound statement when she stated

It is a charity for her and she will be blessed for it but it is not obligatory. It should not be expected for her to be fiscally responsible for him without him doing anything. However, I would go as far to say as we have the excellent example of our Prophet (saws) and his wife of 25 years Lady Khadijah who was financially far more endowed than the Prophet and he was fiscally responsible for managing her affairs and conducting her business. We have to be egotistically [literally i.e. psychologically] mature in our spiritual understanding and development to live in such a model where the female could lead in having more.⁸³

This researcher believes that one cannot have a serious discussion about finances, even in Islam, without looking at the context of the discussion. Hence, we should supply the socio-historical context for a comment (noted earlier) by a survey participant concerning the fact that

⁸³ Participant’s answer to survey question of “Do you practice the belief that the husband is the sole financial provider?”

the ideal of the husband's maintaining and providing for the wife and family was not fulfilled in practice. In American society, a large number of African American men have been incarcerated and, as a result, are limited in furthering their education and/or getting well paying jobs.

According to the non-profit organization, The Sentencing Project, "One in nine (11.7%) of African American men between the age of 25 and 29 is currently incarcerated in prison or a jail."⁸⁴ "Moreover, the uneven geographical distribution of incarceration in communities of color, means that the effects of this situation radiate beyond the individual to the broader community."⁸⁵ Not only does the high percentage of young African American incarcerated males result in a relative lack of those who are available to provide for families; but even after they are released from incarceration, their criminal history severely hampers their ability to provide for their wives and families. "This concentration among young males presents profound long-term consequences for employment prospects, family formation and general quality of life."⁸⁶ Wherewith African American women are not so encumbered which puts them in the unenviable position of possibly shouldering a lot of financial responsibility. This can pose a great problem when viewed through the lens of Islam where the male is considered to be the maintainer and provider.

In the West End community, similar discourse abounds about tackling the issue of how to juggle the financial responsibilities of the male in an environment that takes two incomes really to live. Like the Atlanta Masjid, the West End community addresses this issue in khutbahs and premarital counseling. Data from the participants in both communities overwhelmingly shows

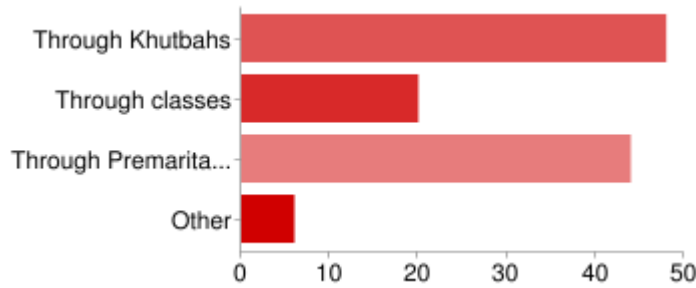
⁸⁴ Mauer, Marc, and Ryan S. King. "Uneven Justice: State Rates of Incarceration By Race and Ethnicity," <http://www.sentencingproject.org/doc/publications/rd_stateratesofincbyraceandethnicity.pdf>.

⁸⁵ *Ibid.*

⁸⁶ Mauer, Marc, and Ryan S. King. "Uneven Justice: State Rates of Incarceration By Race and Ethnicity," <http://www.sentencingproject.org/doc/publications/rd_stateratesofincbyraceandethnicity.pdf>.

that khutbahs, premarital counseling and classes are instrumental in addressing the financial responsibilities within marriage.

Table 5: How does your community encourage this belief about finances within the marriage?



	#of Participants	%of Responses
Through <i>khutbahs</i>	48	86%
Through classes	20	36%
Through Premarital Counseling sessions	44	79%
Other	6	11%

Sometimes the disparity between what the male makes and the female’s greater earning potential is a non-issue. Imam Nadim stated that he had a couple that he counseled for marriage where the woman was a new medical doctor, who as an intern, was not making as much as her potential mate, but would in the near future potentially quadruple what he makes, far surpassing his income. Imam Nadim made sure that she understood that there may be some issues with the fiscal responsibility due to her earning potential. The bride-to-be, in turn, stated that “she was aware of this and was not so married to the material world that she could not appreciate and be attracted to his potential character. As a result, she was willing to live on the level at which he was capable of providing for her.”⁸⁷ Although this scenario may seem extreme, there are varying degrees of this being carried out in communities across America and especially in

⁸⁷ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording 14 April 2011, Atlanta, Georgia.

Atlanta. As both communities are predominantly African American, they are currently dealing with this issue of financial responsibility among married couples.

As both communities are navigating the financial roles between husband and wife, they are finding that the concept of polygyny appears to be irrevocably linked. The Qur'an states in that "... Marry women of your choice, two, or three, or four: But if ye fear that ye shall not be able to deal justly (with them), Then only one, or (captive) that your right hands possess. That will be more suitable, to prevent you from doing injustice" (Qur'an 4:3). Polygyny (the practice of having more than one wife) is an interesting construct in and of itself, but no less so than it is being conducted in America, a non-Islamic country. "Multiple marriages are generally not an issue in America for the simple reason that they are prohibited by law, although they are not unknown."⁸⁸ Nevertheless, polygyny has found roots in the soil of America in the hands of Mormonism and more importantly to this paper, Islam. Although polygyny is a non-issue to a number of Muslims living in America due to the fact that from an American legal perspective it is not legal, there are some that still feel that polygyny is acceptable because the Qur'an states that it is permissible. Interestingly enough, if one looks closely at the Qur'anic surahs and ayats that speak of polygyny, one will find that the Qur'an appears to in some parts abrogate the practice. In fact, Qur'an states that "Ye are never able to be fair and just as between women, even if it is your ardent desire" (Qur'an 4:29). Also, as Jane Smith states, "Many modern commentators on the Qur'an have interpreted that requirement to mean that God really does not really want a man to marry more than once or he would not have levied such a difficult stipulation on multiple marriages."⁸⁹ Another reason that a number of Muslims living in America are reluctant to practice polygyny is because they believe that one should follow the

⁸⁸ Jane I. Smith, *Islam in America*, (New York: Columbia University Press, 1999), 116.

⁸⁹ Jane I. Smith, *Islam in America*, (New York: Columbia University Press, 1999), 116.

laws of the land that you live in as long as it does not go against one's religious duties. In fact, there is "the simple jurisprudential principle that one must obey the laws of the land where one chooses to live, as long as they do not prevent one from performing one's religious obligations. Polygyny being by no means an obligation, the argument is made that the U.S. law should be respected."⁹⁰

In the Atlanta Masjid of Al-Islam, a couple wishing to be married must have a marriage license in accordance with United States law along with an Islamic marriage contract. The marriage license is important in America as it safeguards the rights of women and children in case of a divorce. For couples who ascribe to the view that the Islamic marriage (meaning no marriage license) is all that one needs to be married here in America, there are certain safeguards in place depending on the state that you live in.

Aminah McCloud states that

Islamic marriage (marriages without a civil license) are considered common-law marriages in those states that have common law statutes U.S Family law generally recognizes "common-law" marriage. There are still about a dozen states that demand a civil contract registered with the paternity, inheritance, alimony, child custody, and property rights in disputes and litigations. courts get married in America without the marriage license.⁹¹

In terms of polygyny, the requirement of a marriage license in the Atlanta Masjid of Al-Islam precludes, for the most part, many polygynous marriages in the community as US marriage licenses are intended (in American law) for monogamous relationships. From an American legal perspective polygynous situations are not recognized by the law which may have major ramifications for a woman trying to pursue some type of financial recourse as a second, third or

⁹⁰ Lynn Welchman. *Women's Rights & Islamic Family Law: Perspectives on Reform*, (New York: St. Martins Press, 2004), 8.

⁹¹ Aminah Beverly McCloud, "The Scholar and the Fatwas: Lgal Issues Facing African American and Immigrant Muslim Communities in the United States in *Windows of Faith: Muslim Women Scholar-Activists in North America*, (New York: Syracuse University Press, 2000), 140.

fourth wife. In fact, “some Muslim women have found themselves in court, ironically, not pursuing charges of bigamy, but like other American women, filing charges over some sort of fraud.”⁹² If knowing all of this, a couple still seeks to enter into a polygynous marriage in the Atlanta Masjid, Imam Pasha states that there are certain requirements that have to be met.

We require that you have to bring the first wife or the one that you are currently married to now. We have to sit down with the first wife to ascertain if she is agreeable to this. We express some of the conditions (needed) to take a second wife. You have to treat them both equally. What you provide for one, you have to provide for the other. If you got this one a car, you have to get this one a car. If you got this one a house, then you cannot put this one in a little shack. You have to get this one a house (as well). You have to be able to do all of those things in terms of attempting to treat them equally, although you will not be able to do it.⁹³

The strenuous economic and equitable requirements that are expected in the Atlanta Masjid of Al-Islam have curtailed the impulse of some members to enter into a polygynous relationship within the community. Aminah McCloud states in regards to polygynous marriages within the African American Muslim community, that “another issue is economic and concerns the difficulty of maintaining two or more households. Very few men are capable of supporting more than one household, and in many cases women in polygynous relationships must financially support themselves.”⁹⁴ The Atlanta Masjid has found this to be the case. In fact, Imam Pasha states that “in polygyny among African Americans, the men are marrying sisters just to get them on welfare.”⁹⁵ “Although this is not found in the Atlanta community,” Imam Pasha further states, “it is found in other communities.”⁹⁶

⁹² Aminah Beverly McCloud, “The Scholar and the Fatwas: Legal Issues Facing African American and Immigrant Muslim Communities in the United States in *Windows of Faith: Muslim Women Scholar-Activists in North America*, (New York: Syracuse University Press, 2000), 142.

⁹³ Imam Pasha Ibrahim, interview by Kameelah Luqman, taped recording 17 Mar 2011, Atlanta, Georgia.

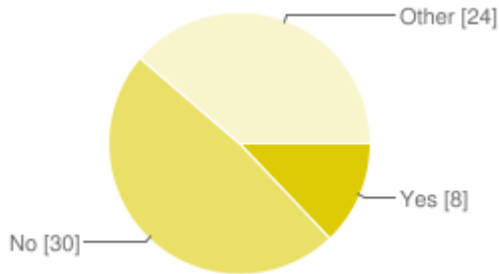
⁹⁴ Aminah McCloud, *African American Islam*, (New York: Routledge, 1995), 104.

⁹⁵ Imam Ibrahim Pasha interview by Kameelah Luqman, taped recording 17 March 2011, Atlanta, Georgia.

⁹⁶ Ibid.

According to the survey, 48% of participants stated that they believe that polygyny is not being practiced properly by the communities.

Table 6: If so, in your estimation, have the marriages observed followed the Islamic practice and law of equity and equality for all of the wives?

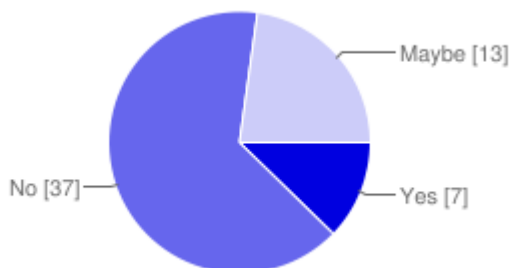


	#of Participants	Percentage of Responses
Yes	8	13%
No	30	48%
Other	24	39%

Consequently, 60% stated emphatically that they would not consider polygyny. Surprisingly within the both masjids, 11% stated that they would consider entering into a polygynous marriage and another 21% stated that “maybe” they would consider it.

Table 7: Will you consider a polygynous marriage?

	#of Participants	% of Responses
Yes	7	11%
No	37	60%
Maybe	13	21%



In the space provided on the survey to express one's self—one survey participant stated that she would definitely consider entering into polygynous relationship in order to “to grow in my Islam and assist another sister in completing half of her deen (religion).”⁹⁷ 53% of those surveyed stated ‘No,’ “meaning that they would not consider entering into a polygynous situation for financial reasons as well as for the belief that the husband will not be able to treat each wife equally.”⁹⁸

Similarly, the West End community's take on polygyny is in line with the Atlanta Masjid. Although, the West End community does not require a marriage license in order for a couple to get married, it does have counseling sessions where the requirements of a husband seeking to enter a polygynous situation are reviewed.

Imam Nadim, states that

If you are coming into a polygynous situation, you have to be able to handle it financially. If I feel that you are not able to handle it financially, or the sister is foregoing some financial responsibilities, then I will not perform the marriage. I will counsel against it and tell him that you are going to end up with one wife because you are not handling your business here.⁹⁹

Of those surveyed 95% of the participants from the West End stated that they would not consider a polygynous marriage. One surveyor stated that “some men cannot take care of one marriage, how can they take care of two.”¹⁰⁰ Whatever the reason for a number of African American Muslim women's hesitation in considering polygynous relationships, one thing is for certain—that most women feel that (in polygynous relationships) it is impossible for the male to fulfill his religious obligations to the wives and families in a financially equitable and just manner.

⁹⁷ Comment made by survey participant on space provide on the Survey

⁹⁸ Data gained from the survey

⁹⁹ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording 14 April 2011, Atlanta, Georgia.

¹⁰⁰ Comment made by survey participant on space provided on the Survey

Inevitably, when one discusses marriage, divorce must come up in the discussion as it is, unfortunately, the other side of the marriage coin. Divorce is a troubling phenomena occurring in both the Atlanta Masjid and the West End Community. The Qur'an states that "[F]or those who take an oath for abstention from their wives, a waiting for four months is ordained; if then they return, God is Oft-forgiving Most Merciful. But if their intention is firm for divorce, God heareth and knoweth all things" (Qur'an 2:226-227). Although, most Muslims believe that divorce is the least liked thing that God allows, divorce is becoming most prevalent in many age groups ranging from the early 20's to the early 60's in some African American Muslim Communities. Both the West End Masjid and the Atlanta Masjid attempt to have some kind of discussion about divorce in the premarital counseling sessions. The West End Masjid has a further requirement of "6 counseling sessions" before getting a divorce.¹⁰¹ Depending upon whether or not the couple has an actual marriage license from the state, the couple will decide what process, Islamic, Legal, and/or both, to initiate to began the divorce process. "The procedure for divorce in the general African American Muslim community depends first on how the couple was married. If the Marriage was an Islamic marriage only, the couple is usually first encouraged to seek counseling, often with witnesses from both sides to corroborate their testimony."¹⁰² In the event that the couple has a marriage license from the state, "the Islamic divorce proceeds as described [...] (in the Qur'an), and then the couple follows civil procedures for divorce and any dissolution of property."¹⁰³ "Although U.S. family law recognizes "religious marriages" as "common-law marriages" in many states, it does not recognize religious divorce in most states." This means that there is no repeating the phrase 'I divorce you' three times with an expectation that a divorce has been granted. In order for a divorce to be recognized in America it

¹⁰¹ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording 14 April 2011, Atlanta, Georgia.

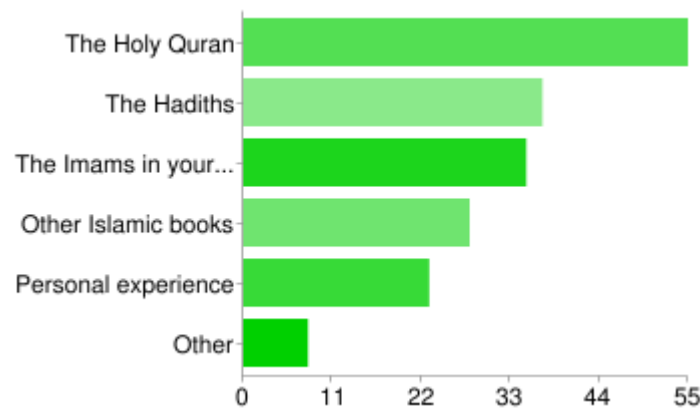
¹⁰² Aminah McCloud, *African American Islam* (New York: Routledge, 1995), 104.

¹⁰³ Ibid.

must be granted by a legal institution. “Thus, if there has never been a (U.S. legal) marriage and there is discussion of divorce “Islamically,” one must get a civil divorce in addition to a religious divorce really to be divorced and for the rights of divorce to accrue (e.g., maintenance, child support, and even the right to remarry).”¹⁰⁴

According to the survey 95% of participants stated that their knowledge of divorce comes from the Qur’an.

Table 8: Where does your knowledge of Islamic divorce come from?

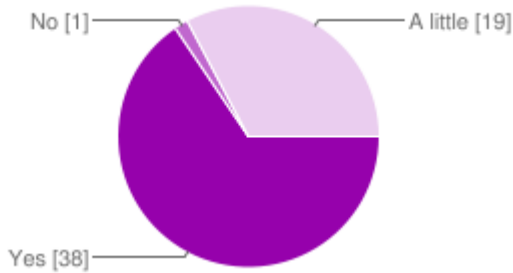


	#of Participants	%of Responses
The Holy Qur’an	55	95%
The Hadiths	37	64%
The imams in your community	35	60%
Other Islamic books	28	48%
Personal experience	23	40%
Other	8	14%

¹⁰⁴ Aminah Beverly McCloud, “The Scholar and the Fatwa: Legal Issues Facing African American and Immigrant Muslim Communities in the United States in *Windows of Faith: Muslim Women Scholar-Activists in North America*, (New York: Syracuse University Press, 2000) 141.

Another 63% stated that they were familiar with what is required in the Islamic law and practice of divorce.

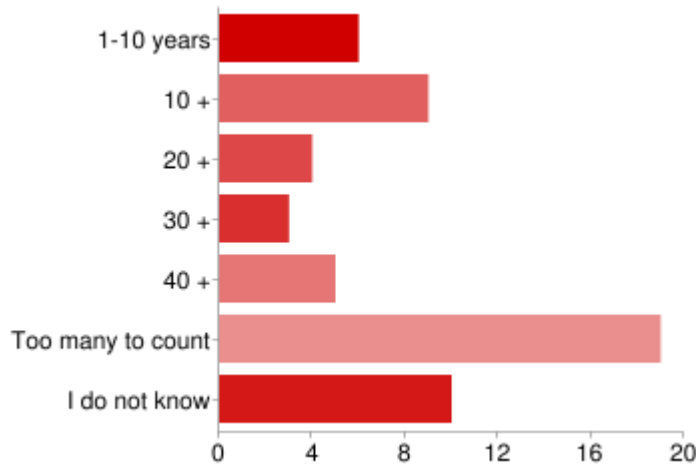
Table 9: Are you familiar with what is require in the Islamic law and the practice of divorce?



	#of Participants	Percentage of Responses
Yes	38	61%
No	1	2%
A little	19	31%

Due to the large percentage of responses concerning divorce gained from the survey, one can surmise that both communities are making sure that their members are educated on the requirements of Islamic divorce. In a nation rife with divorce, it only makes sense for communities to educate through khutbahs, marriage counseling sessions and classes on proper divorce procedures. Divorce is becoming a main topic in African American Muslims communities due to the fact that its high rates among members are causing the communities to become more desensitized to its impact on community stability.

Table 10: In your estimation, how many divorces have occurred in your community in a Ten year span?



	#of Participants	Percentage of Responses
1-10 years	6	10%
10 +	9	15%
20 +	4	6%
30 +	3	5%
40 +	5	8%
Too many to count	19	31%
I do not know	10	16%

There are many reasons that members of both communities are attributing for the high rates of divorce. They range from economic reasons to not being aware of true reality of marriage.

Imam Mansoor mentioned, in an interview, that he is finding that a number of couples are buying into a fantastical view of marriage that seems to be promoted by society. And once the couple gets married and finds out that marriage is not always going to be perfect, they instantly think that something is wrong and turn to divorce.¹⁰⁵ Whatever the reasons for divorce, the African

¹⁰⁵ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording 15 March 2011, Atlanta, Georgia.

American Muslim Communities are scrambling to find better ways to ensure healthy, happy strong marriages and families through classes, khutbahs, and marriage counseling.

CHAPTER 3:

DISCIPLINE IN THE AFRICAN AMERICAN MUSLIM COMMUNITY

For Muslims living in America—the land of freedom and opportunity, establishing Islamic tenets within the community and hearts of the members comes with its challenges. America is seen as a den of iniquities. One only has to turn on the television and watch the premise of the highest rated shows or listen to the radio and hear the explicit lyrics or see the current skimpy clothing trends to know the reasons for this supposition..

Different Islamic communities have various ways of trying to foster Islamic principles and laws within their respective *masjids* here in America. Some communities attempt to insulate their members from the secular influences of America by encouraging only interaction between its members and/or other *masjids*. A number of teachers such as Hafis Mahbub (a Pakistani missionary who taught Qur'an to a number of African Americans in the 1960s) espoused teachings of separatism as being the answer to the African American woes¹⁰⁶ He taught that African American Muslims “should live in the expectation of the coming Islamic order and exile themselves from the mainstream society.”¹⁰⁷ In situations such as these, where people practice this method of isolation, one will find that although the members of these communities are American they identify themselves mainly as being Muslims who happen to live in America rather than being Americans who happen to be Muslims. This point of view allows for the community members to separate themselves physically and mentally from the greater American community. On the other hand, other communities seek to embrace and balance their identities

¹⁰⁶ Edward E Curtis IV, *Muslims in America: A Short History* (New York: Oxford University Press, 2009), 67.

¹⁰⁷ *Ibid.*

as Muslims and Americans. These communities do not see a problem or a conflict with being proud to be Muslim and being proud to be an American. In fact, to them, there is no contradiction. They, of course, recognize that America has its own problems; but they are willing to do their part to resolve these issues. Furthermore, these Muslims attempt to gain access to every aspect of American society from government to business, to sports, to education. They seek to affect a positive change in America and carve out a portion of the society to create a sacred space or niche within American society that is uniquely theirs. In fact, a number of Muslim organizations have encouraged their Muslim brethren to become more visible in the American political arena. “American Muslims ran to serve as mayors and state legislators and on city councils and school boards. A few succeeded in paving the way for others. In 2006, Keith Ellison (from Minnesota’s fifth district) became the first popularly elected American Muslim in the U.S. Congress. He was joined in 2008 by Andre’ Carson (from Indiana’s seventh district).”¹⁰⁸

Two prominent imams, Abdul Malik Mohammed and Amir Muhammed represent both sides of the coin of living Islam in America. Wherewith “Abdul Malik Mohammed (a follower of Imam WarithDeen Mohammed), promotes a distinctly American Islam, free from the hatreds of the Middle East, there (are imams) like Amir Muhammed, whose Islam represents a direct rejection of American Culture.”¹⁰⁹ Although there are competing perspectives on how to live and practice Islam in America, Imam WarithDeen Mohammed stated it best when he acknowledged that there is good in America but still a lot of work remains to be done in order to make it fall in line with our understanding of what God’s wants.

¹⁰⁸ Kambiz GhaneaBassiri, *History of Islam in America* (New York, Cambridge University Press, 2010), 347.

¹⁰⁹ Michelle Cottle, “African American Muslims are Treated like Second-Class Citizens,” in *Islam in America* (Farmington Hills, Greenhaven Press, 2006), 67.

He said

We have to make some contribution before we die to change things, things shouldn't go like this. You know we think it's the good life, it's the good life in terms of what life is somewhere else but in terms of what G-d wants for us, its not the good life, it's far from being the good life. Life in America compared to life in many parts of the world that I know, this is the excellent, best, good life, but when I think of what G-d wants for us in life, this is a bad life.¹¹⁰

A number of African American Muslim communities fall into the latter category of those who recognize the need to balance their Islam with being American. The Atlanta Masjid of al-Islam and West End Community Masjid appear to straddle this line between being American and Muslim. These two communities are unique in that they are mainly African American. Ergo, they are fairly new to the Muslim community in comparison to other “immigrant” communities that have touted their lineage from the times of the prophet or shortly after (communities such as Arab immigrants). Due to their recent advent into Islam, younger members of the communities are mostly first, second, and third generation born Muslims. Consequently, the establishment of Islamic tenets and principles are in some aspects being developed as issues within these communities emerge. Both of these communities are on the cusp of developing Islamic tenets that are applicable and acceptable in America, a non-Islamic country.

Living in America, it is inevitable that some of the same social and moral issues seen within a greater American society are being reflected within the smaller Islamic communities, more specifically the African American Muslim communities. An argument can be made that the alleged social-economic problems and their associated issues have been inherited by the black masses due to slavery, which in turn has been handed down to African American Muslim Communities like the Atlanta Masjid of Al-Islam and the West End Community. David N.

¹¹⁰ John Nashid, “New Mind Development,” http://nm-dp.com/quotes_by_imam_wd_mohammed

Townsend, an international consultant and blogger, said it best when he asked the rhetorical question of

[W]hy the hell are so many blacks stuck in hopeless ghetto lives, Resorting to drugs, crime, and violence to fill the void of their existence? Because their great great great grandfathers were slaves; their great great grandfathers were illiterate, disenfranchised sharecroppers; their great grandfathers were dirt poor farmers or laborers who moved to Northern cities when the Depression wiped out what meager opportunities remained in the South; their grandfathers were equally poor children of the first ghettos, jobless and uneducated, with no hope for escape; and their fathers found scarcely better chances despite the prosperity of the post-War years, the hope of the civil rights movement, and the slowly emerging sense of unity among African Americans as a race. Many of today's young blacks, of course, cannot look back through a lineage of fathers, grandfathers, and so on, because so many "fathers," themselves often little more than children, disappeared before or soon after their progeny were born. Such is the cycle of deprivation where hope is unknown.¹¹¹

Many social evils that have a higher prevalence in the African American community, like teenage and unwed pregnancy, unemployment, poverty, fornication, adultery, stealing, to name a few, can be seen within the African American Muslim Community as well. A hadith attributed to the Prophet states

Surely things will happen to my people as happened earlier to Israelites, they will resemble each other like one shoe in a pair resembles the other to the extent that if anyone among the Israelites has openly committed adultery to his mother there will be some who will do this in my Ummah as well, verily the Israelites were divided into 72 sections but my people will be divided into 73 sections, all of them will be in the fire except one." The companions asked, 'Who are they O Messenger of Allah,' Holy Prophet (peace be upon him) said, "They are those who will be like me and my companions."¹¹²

¹¹¹ David N. Townsend, "Rock n Roll," <http://www.dntownsend.com/Site/hmpage1.htm#Purp>

¹¹² WikiIslam, "Qur'an, Hadith and Scholars,"

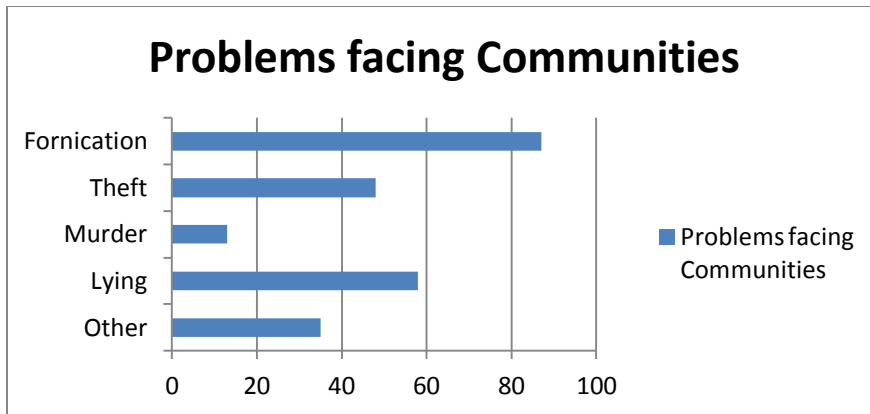
[http://www.wikiislam.net/wiki/Qur'an, Hadith and Scholars:Islamic Theology#Emulate Muha.](http://www.wikiislam.net/wiki/Qur'an,_Hadith_and_Scholars:Islamic_Theology#Emulate_Muha)

in *Sunan* of Tirmidhi related by Abdullah bin 'Amr (ra), stating that the Holy Prophet (peace be upon him) stated this saying. La'ya'tiyanna 'ala 'ummati ma 'ata 'ala Bani Isra'il... wa-taftariqu 'ummati 'alay thalath wa-sab'in....

A number of people including imams in both communities recite this hadith when discussing the outside social evils being mirrored within the Muslim communities.

In an effort to acknowledge and find a resolution to the problems facing the Atlanta Masjid of Al-Islam and the West End community, the imams and community members of these respective communities have sought to address these problems in a variety of ways. According to the survey, a number of participants stated that the most significant issues facing both of these communities range from adultery and fornication to lying and theft.

Table 11: What problem(s) do you think your Islamic community is facing?

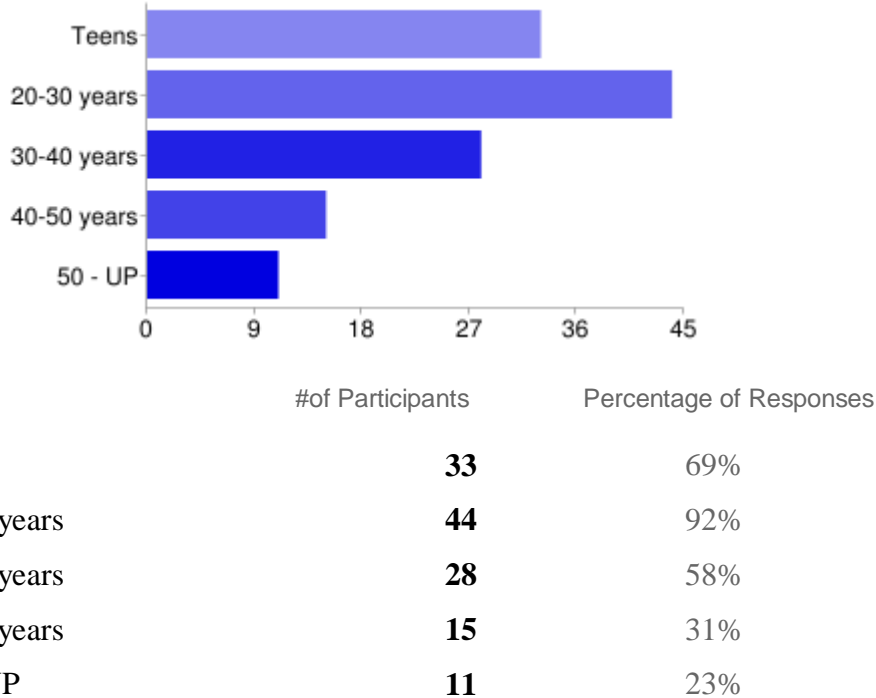


	#of Participants	Percentage of Responses
Adultery	31	60%
Fornication	45	87%
Theft	25	48%
Murder	7	13%
Lying	30	58%
Other	18	35%

TEENAGE PREGNANCY AND FORNICATION:

In the instance of teenage pregnancy and fornication, the two Muslim communities surveyed have tried a number of different methods to stem the tide of premarital sex and/or unwed pregnancy. Methods ranging from public shunning, ostracization, ignoring and in some case strongly encouraging youth marriages have been employed. According to the survey, a number of participants stated that teenagers and young adults number among the main offenders of the transgressions.

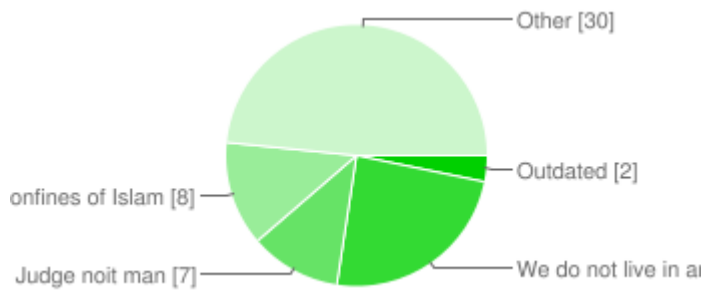
Table 12: What age group(s) are the main offenders of the major rules?



The interesting problem that these two communities are facing is how, if and to what degree they should apply Islamic laws in a non-Islamic country where the breaking of religious morals and laws does not rise to the occasion of legal prosecution unless it is a crime that has been adjudged as to be against the law, like rape, murder, theft, etc. In Islam, the Qur'an and the hadith are clear in cases of fornication and adultery. In the case of fornication, the offender is to be given 100 lashes. And in the case of adultery, the offenders are to be stoned to death. In

contrast, engaging in premarital sex is not breaking the law in America unless it is a case of underage or forced sexual relations and/or cases where there is a question of the bounds of consanguinity being too close. According to the survey, a number of participants stated that Islamic punishment should not be implemented or enforced in America due to the fact that it is not a country governed by Islamic laws. Others felt that the United States sufficiently addresses crime and punishment in a way that is Islamic. Interestingly enough, 48% of survey participants felt that Islamic punishment should not be enforced in America, but did not list a specific reason why this should be the case.

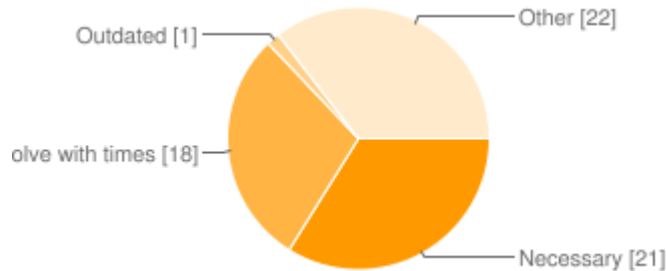
Table 13: If you think that Islamic punishment in America SHOULD NOT be enforced, why?



	#of Participants	% of Responses
Outdated	2	3%
We do not live in an Islamic State	15	24%
God is the ultimate Judge not man	7	11%
The US laws addresses justice sufficient to come within the confines of Islam	8	13%
Other	30	48%

In fact, 29% percent of the participants stated that the Islamic law needs to evolve with times.

Table 14: What is your belief on Islamic law in regards to punishment?



	#of Participants	Percentage of Responses
Necessary	21	34%
Needs to evolve with times	18	29%
Outdated	1	2%
Other	22	35%

Although the data collected shows that only 34% of the participants felt that Islamic punishment was necessary, when taken in conjunction with the overall data collected on the problems facing the Islamic communities, the 34 % may be considered high due to the fact that some participants may feel that Islamic discipline is the only way possible to address the prevalence of fornication, adultery, and theft within the communities are so prevalent. After all, usually fornication and adultery do not give rise to criminal prosecution within the American legal system.

The Qur'an mentions fornication/adultery (al-zina) and all of its etymological derivations ten times in seven *surahs* (chapters). *Zina* encompasses any type of "unlawful sexual relations." It is used to refer to both adultery and fornication."¹¹³ The Qur'an states that "the woman and the man guilty of adultery or fornication flog each of them with a hundred stripes. Let not compassion move you in their case, in a matter prescribed by God, if ye believe in God and the

¹¹³ WikiIslam. "Zina," <http://wikiislam.net/wiki/Zina>

Last Day: and let a party of the Believers [sic] witness their punishment (Qur'an 24:2). The severity of the punishment for fornication/adultery impresses upon the follower how serious an infraction fornication/adultery is and how it is looked at in Islam. The harshness of the punishment is in line with the fact that Islam provides acceptable alternatives (like marriage) to committing illicit sex acts. The commentary of A. Yusuf Ali, states that "the law of marriage and divorce is made easy in Islam so that there may be the less temptation for intercourse outside the well-defined incidents of marriage. This makes for greater self-respect for both man and woman."¹¹⁴

Although the Qur'an stipulates that a certain amount of lashes should be given to the fornicators (both male and female), Muslim communities in America are faced with how to carry out the laws found in the Qur'an while staying within the legal bounds of the country they live in, that of America. As for the African American Muslim Communities, especially Atlanta Masjid of Al-Islam and West End Community Masjid, there is no question about staying within the bounds of laws set by the American Judicial system. All of the imams interviewed from Imam Mansoor to Imam Sulaiman, to Imam Plemon and Imam Pasha and Imam Nadim of the West End community, when asked about applying Islamic law within their respective communities have stated emphatically that we live in America, a non-Islamic state.¹¹⁵

In the past, under the leadership of Imam Plemon El-Amin and Imam Pasha, the Atlanta Masjid sought ways to address the issues of unwed pregnancies and fornication that were starting to become more and more prevalent within the community. Carolyn Rouse, an anthropologist, in her book, *Engaged Surrender: African American Women and Islam* states "The African American community practices *ijtihad*, or reinterpretation of Islam, which requires balancing

¹¹⁴ The Qur'an: Translation. Trans. Abdullah Yusuf Ali (Elmhurst: Tahrike, 2000), Commentary Yusuf Ali 2954 Surah 24: 2

¹¹⁵ From interviews of Imams

explicit mandates as revealed in the Qur'an and sunnah."¹¹⁶ Fazlur Rahman, a highly regarded scholar of Islam who taught for a number of years in both Pakistan and the University of Chicago, argued that the Qur'an must be read within the context of the time in which it was revealed to fully understand it and make it applicable to current situations.¹¹⁷ This is evident in the approach that the imams took to address fornication/adultery within the community. They took more of an approach that was based on the spirit of the law rather than the letter of the law mentioned in the Qur'an. Imam Pasha states

That the spirit of the law, in terms of our community, deals with how to mitigate the actual punishment. The law of the land (America) will frown upon and will not allow the actual punishment. To do them would then put the executer contrary to the law of the land. And we do obey the law of the land as long as it does not conflict with the religion. And the religion allows us to use the spirit of the law as well as the actual depending upon the circumstances and the ruling of the Judge (imam).¹¹⁸

Understanding and knowing that any attempt to apply the religious edicts found in the Qur'an on American soil would be dangerous and illegal, the imams postulated that one possible purpose of the lashings may have been to deter others from making the same mistake. Following this logic, the imams encouraged families and community members to bring forth individuals who have engaged in illegal sex or fornication/adultery before the community. This, of course, had to be verified by witnesses in accordance with the Qur'an.¹¹⁹ Of course, unwed pregnancies speak for

¹¹⁶ Carolyn rouse, *Engaged Surrender: African American Woman and Islam* (Berkeley: University of California Press, 2004), 57.

¹¹⁷ Edward E Curtis IV, *Muslims in America: a Short History* (New York: Oxford University Press, 2009), 75.

¹¹⁸ Imam Ibrahim Pasha, interview by Kameelah Luqman, taped recording, 28 September 2011, Atlanta, Georgia.

¹¹⁹ The Holy Qur'an has witness requirements depending on the situation. "And those who launch a charge against chaste women, and produce not for witnesses(to support their allegations), flog them with eighty stripes; and reject their evidence ever after: for such men are wicked transgressors" (Qur'an 24:4). Note also "And for those who launch a charge against theirspouses, and have (in support) no evidence but their own, their solitary evidence (can be received) if they bear witness four times (with an oath) by God that they are solemnly telling the truth. And the fifth (oath) (should be that they solemnly invoke the curse of God on themselves if they tell a lie. But it would avert the punishment from the wife, if she bears witness four times (with an oath) By God, that (her husband) is telling a lie: And the fifth (oath) should be that she solemnly invokes the wrath of God on herself if (her accuser) is telling the truth (Qur'an 24:6-9).

themselves –unfortunately for women as men do not display the physical proof that they have fathered a child unlike women.¹²⁰

As a child growing up under the leadership of Imam Plemon and Imam Pasha in the Atlanta Masjid of Al-Islam, this author, remembers one instance where a community shaming was conducted. The respective family and friends brought the couple before the community after *taleem* (learning circle) , the evidence (meaning witnesses) was presented and the couple stood there and was castigated by the community members. Any community member of age was allowed to choose to come before the couple and let them know their displeasure and contempt for their actions. The public shaming and condemnation was believed to be within the spirit of the lashings mentioned in the Qur’an. Although not a physical lashing, the tongue lashing of the community members was believed to be as powerful a detriment as any physical whipping as it was believed that no one witnessing this public condemnation would be willing to undergo this for fleeting illicit pleasure. The couple/individual also was not allowed to come to any functions held within the community other than prayers, khutbahs, and *taleems*. Imam Mansoor states that [public shaming and condemnation] “has been a choice of our community for punishment.”¹²¹ In the case of teenage pregnancy, the same was true as well. Unfortunately, if the parents brought their unwed and pregnant daughter before the community due to the irrefutable fact that she was visibly pregnant, not married, and without the presence of the father of the unborn child -, then the unwed mother alone faced the full brunt of the communities censure.

As time went on and the first, second, and third generations Muslims born into Islam in the community started to grow up (with many of them attending Clara Mohammad School and/or WarithDeen Mohammed High schools), the community (as this scholar believes), started to

¹²⁰ DNA testing has been used to determine paternity. See below in the discussion of adultery.

¹²¹ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording 15 March 2011, Atlanta, Georgia.

become a little less vigilant about moral issues. Many parents believed that since their children were being born and raised in an Islamic community, they would not fall victim to the social evils preying upon the youth in the greater American society. The parents and elders felt secure in this belief and sought to limit any real discussion of premarital sex or sex education within the community. Furthermore, there was a prevalent belief amongst some within the community that if you believed in Allah (God) and made your prayers, then you would be safe from premarital sex or temptation. This author grew up under parents who held that particular perspective. Unfortunately, this is far from the truth. According to Imam Mansoor, “we can take the whole list of (social) ills found in the popular culture and then put it in our community—it is the same list. It is not as widespread and acceptable and that is what we (the African American Muslim community) would like to believe and to some degree it is true. But it is the same list of fornication, adultery, drug use, alcohol use, criminal mindset of stealing found in society.”¹²²

Interestingly enough, to a certain extent the community was right as far as thinking that their kids were not battling these social/moral issues as little preschoolers to middle school. But as their kids started to grow up and interest in the opposite sex began to manifest itself, the issues of premarital sex began to rear its ugly head. Sexual interest and feelings are a natural development process of maturing human being. Imam Mansoor states

Wanting to engage in sex is a natural activation of someone saying I need to be married. In our society it says I need a girlfriend or I need a boyfriend. But as Muslims, it would be very easy that when someone comes into that part of their puberty, that drive, it should be Ok to say the Solution is to get married. And the support of the family, community, and institution has to be there ready to serve and coach.¹²³

¹²² Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording, 15 March 2011, Atlanta, Georgia.

¹²³ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording, 15 March 2011, Atlanta, Georgia

In fact, when Imam Mansoor was in the 8th grade, he remembered that there was an incident back in 1993 where a student approached his parents and the girl's parents seeking to get married. The young man was a student in 10th grade at WD High and was earnest about getting married. He was told "no". "This started the conversation as to is it possible to get married young because this is our interest and this is what we want. We want to have a relationship and they tell us we cannot do anything until we are married so this is how we are supported."¹²⁴

In 1994-1995, in this author's senior year of high school, one of this scholar's close friends confided in confidence that she believed herself to be pregnant by a non-Muslim boyfriend she met at a summer program. As her pregnancy progressed, the school had to have a meeting to decide how to handle her situation. Ultimately, the school asked her to leave before she could graduate. When asked about the reason why she was asked to leave, Imam Pasha stated that there were several reasons.

Removing the girl from the classroom and not allowing her to graduate was in fact the punishment. It was not that we did not want the person to be seen by others or that we were concerned about the impact that her presence would have on the population, it was actually the punishment short of the actual physical lashing of that person. Yes, in America society, we are not to use a whip on the person, but there is not a ruling in the land that says we cannot lash against the person's reputation.¹²⁵

Although the young girl mentioned above did not go before the community to be publicly shamed, she was still ostracized by individuals in the community.

As more and more sons and daughters graduated and went off to college, the community found an alarming trend occurring where a number of these sons and/or daughters were either engaging in sex and/or becoming pregnant or fathering children. To combat this troubling trend,

¹²⁴ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording 15 March 2011, Atlanta, Georgia.

¹²⁵ Imam Ibrahim Pasha, interview by Kameelah Luqman, taped recording 28 September 2011, Atlanta, Georgia.

some parents started to openly discuss youth or early marriage as a viable Islamic alternative. A small group argued that fasting and/or keeping away from temptation was the best way of addressing fornication when one is not in a position to marry. The Qur'an states, "Let those who find not the wherewithal for marriage keep themselves chaste, until God gives them means out of his grace" (Qur'an 24:33) Furthermore, in an authentic hadith the Prophet was reported to say to those who did not have the means to marry, "O youth, whoever of you is able to marry, let him marry, for it prevents forbidden stares or lapsing in adultery. And if he cannot marry, let him observe fasting, for it is a shield against evil."¹²⁶ Although fasting is prescribed as a way to remain chaste, fasting for most Muslims is understood to happen mainly during Ramadan, a holy month for Muslims where one fasts for 29 to 30 days from sunup and sundown. Interesting enough, the concept of youth marriage has gained more appeal within the Atlanta Masjid as the youth have begun to clamor for early marriage. In considering youth marriages, the Atlanta community has defined the age for early marriage as 17 and up.¹²⁷

Although the rise of premarital sex was disturbing to a number of parents within the community, there was still a divide between the parents on whether the promotion of early marriage was appropriate here in America where most people see marriage as something to do in you late 20's or even later. In fact, "the median age [of marriage in the U.S.]since the U.S. Census started keeping track in the 1890s: almost 26 for women and almost 28 for men."¹²⁸ Some Parents felt that education was more important and early marriage could possibly derail

¹²⁶ (Sahih Al-Bukhari, English Translation, Vol. 7, Book, 62, Hadith no. 4; Sahih Muslim, Book 008, Hadith no. 3231).

¹²⁷ Imam Ibrahim Pasha, interview by Kameelah Luqman, taped recording, 28 September 2011, Atlanta, Georgia. And Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording 15 March 2011, Atlanta, Georgia. The age is linked to being a senior in school which usually means that the age is between 17-18. It should be noted that the parents must give their consent as well as support..

¹²⁸ Sharon Jayson. "Sooner vs. later: Is there an ideal age for first marriage?". http://www.usatoday.com/news/health/2008-11-09-delayed-marriage_N.htm (19 August 2011).

future aspirations and most likely end in divorce. Interestingly enough, Imam Mansoor, the newly inducted, young imam of the Atlanta Masjid stated that

I got married at age 21, which is extremely taboo in terms of getting married young—after all you do not know yourself, who you are and what you looking for so how can you get married. This is not the Islamic perspective or tradition because your partner is about growth and development of who you are. When you find someone of like mind, your focus is on remaining chaste-- your focus is on remaining a good Muslim, You are able to execute your life plan with someone else. Pursuit of college can be executed with someone else and even your development of career can be executed with someone else.¹²⁹

The other parents who supported early marriage were of the mindset that if the children are interested in marriage and not engaging in illicit sex outside of marriage, then who are we to prevent them from fulfilling “half of their religion.”¹³⁰ These parents were also willing to support the young couple in their future educational efforts. To them a marriage and education were not synonymous with failed goals, poverty, and lost aspirations.

A number of parents who were not proponents of early marriage felt that there would be a high probability of divorce if early marriage were to be encouraged, citing the often recited hadith that divorce is the least liked thing allowed by God. Prophet Muhammad (peace be upon him) was related to say, "Among lawful things' divorce is most hated by Allah."¹³¹ Imam Nadim Sulaiman from the West End Community does not believe this hadith and in fact thinks it is erroneous. He states “that it is a *daif* (weak) hadith. After all, why would Allah hate something that he makes allowable.”¹³² Other sources and scholars have discussed whether or not it is

¹²⁹ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording 15 March 2011, Atlanta, Georgia.

¹³⁰ Often quoted Hadith that states “Whoever marries has completed half of his faith. So let him beware of Allah regarding the other half.”

¹³¹ Reported by Abu Daoud. *Ma ahall Allahu shay'an abghad ilayhi min al-talaq*

¹³² Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording, 14 April 2011, Atlanta, Georgia.

weak due to the fact that there was a problem in the *isnad*¹³³ (chain of transmission) comes from a person who was not a companion of the prophet.

It is reported in "Mukhtasar Al-Sunan" by Abu Dawud on the authority of Muharib ibn Dithar on the authority of Ibn 'Umar (may Allah be pleased with them) that the Prophet (peace be upon him) said, "The most hated of lawful things to Allah (may He be Exalted) is divorce." Al-Mundhiry said, "It was related by Ibn Majah[;] and the majority of scholars consider it to be a Hadith Mursal (a Hadith with no Companion of the Prophet in the chain of narration)[;] but it is Gharib (a Hadith with a single narrator usually at the beginning of the chain of narration).).... Abu Dawud (may Allah be merciful to him) reported the Hadith with a Sahih (authentic) connected Sanad on the authority of Ma'rif ibn Wasil, on the authority of Muharib ibn Dithar, on the authority of Ibn 'Umar, who narrated it from the Prophet (peace be upon him). This Sanad does not include 'Ubaydullah ibn Al-Walid Al-Wassafy, whom Ibn Al-Jawzy stated as the cause of judging the Hadith to be defective. Consequently, this Hadith is judged to be sound based on the Muttasil narration and not the Mursal; however, the Mursal narration in that case supports the Muttasil and does not impair it. As for the Matn, there is nothing unacceptable about it, for permitting divorce but at the same time hating that it should happen are not incompatible. Allah (Glorified be He), the All-Wise and All-Knowledgeable, makes divorce lawful to His Servants when it becomes necessary, and hates it for them when it is unnecessary."¹³⁴

The parents who were supporters of early marriage build upon this assertion that although Allah does not like divorce, although he allows it. They reasoned that a possible divorce later on, while not necessarily what you want for your child, is still better than turning a blind eye to the possibility of your child engaging in a haram (forbidden) act like fornication. After all, divorce is allowed and fornication is forbidden. To the ultimate question of whether or not to marry early or to fornicate, a small number of youth are stepping forward intrepidly and taking the

¹³³ Isnad is a chain transmission of a hadith, which is the main way that a hadith is authenticated or invalidated.

¹³⁴ [Fatwas](http://www.alifta.com/Fatwas) of the Permanent Committee [of the Kingdom of Saudi Arabia], Portal of the General Presidency of Scholarly Research and Ifta (Part No. 4, Page No. 438)
<http://www.alifta.com/Search/ResultDetails.aspx?lang=en&view=result&fatwaNum=&FatwaNumID=&ID=1310&searchScope=7&SearchScopeLevels1=&SearchScopeLevels2=&highLight=1&SearchType=exact&SearchMoesar=false&bookID=&LeftVal=0&RightVal=0&simple=&SearchCriteria=allwords&PagePath=&siteSection=1&searchkeyword=109117104097114105098#firstKeywordFound>

importance of the laws of marriage to heart. Of this small number, a smaller number of early marriages do not last; the rests are going strong and serve as beacons to the rest of the community.¹³⁵

Now, in 2011, within the Atlanta Masjid, it is not uncommon for some of the youth during or right out of high school to get married and continue the pursuit of their college education with the help of their parents, extended family, and community. When asked about the difference that 10-15 years makes in the community's outlook on early marriage, Imam Pasha said that the difference comes in understanding: "When students wanted to get married in the 1990's , parents had no concept or understanding of early marriage. They thought that the young couple would get married and be out by themselves having to provide for themselves. It was not until recently, that parents have gotten a better understanding of how it works. It takes both the families and the communities to help support the young couple in this endeavor. As this was understood, a number of parents became more receptive to it.¹³⁶ In fact, last year a couple actually got married in their last year of high school while attending W.D. Mohammed High. Imam Mansoor stated that

My wife and I took the stand to support a young couple at the school. To draft a policy with Mohammed school about marriage in school. That it is allowed. Requirements are that you are a B student, you have the permission of your parents and that you are a senior. We took in the couple. One was from Washington D.C. and the other from Ohio. They had an interest (mutual) and their parents were supporting them in marriage. And so they boarded with me and my wife. They stayed in our basement apartment and they went to school daily. They were serious about their relationship, learning more about marriage and serious about their academics and so it worked.¹³⁷

¹³⁵ Imam Mansoor Sabree. Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording 15 March 2011, Atlanta, Georgia.

¹³⁶ Imam Ibrahim Pasha, interview by Kameelah Luqman, taped recording, 28 September 2011, Atlanta, Georgia.

¹³⁷ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording, 15 March 2011, Atlanta, Georgia.

Although the couple was allowed to marry while in school certain parameters were set. According to Imam Pasha, the school stated that the young couple would have to adhere to the rules of the Islamic school; and while in school they would act as students, not act like a married couple.¹³⁸ Although this young couple has served as an example of a successful youth marriage, many Muslim youth within the community still appear to eschew this exemplary model and fornicate and/or commit adultery. Imam Mansoor states with a sense of pride that this couple “served as a good model. It was the first model and it was successful model. They are still moving strong to this day. It shows that it is possible but we have many cases of the alternative.”¹³⁹ This troubling phenomenon of youth engaging in illicit sexual conduct is in the process of being addressed by both the Atlanta Masjid of Al-Islam and West End Community Masjid through khutbahs and *taleems*. In fact, Imam Mansoor, in a recent *khutbah* stated that those doing wrong by going and committing zina outside or inside the community are responsible for the destruction of the foundation of the community.¹⁴⁰ The Islamic community after all is based on families and family values without which the community falters and stagnates. “Marriage is the integral component of the Muslim African American Community ... without [which] we feel as though we are not Muslim.”¹⁴¹

ADULTERY:

Another issue that appears to be plaguing both communities is the issue of adultery. According to the survey, most of the members of the community felt that adultery is also quite prevalent within the communities. Recently, the Atlanta Masjid of Al-Islam’s community, as well as the leadership, was faced with a situation involving a married couple and an unmarried

¹³⁸ Imam Ibrahim Pasha, interview by Kameelah Luqman, taped recording, 17 March 2011, Atlanta, Georgia.

¹³⁹ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording, 15 March 2011, Atlanta, Georgia.

¹⁴⁰ Khutbah held in the Spring 2011

¹⁴¹ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording 15 March 2011, Atlanta, Georgia.

individual. Imam Mansoor stated that “we have some cases going on now; and it is challenging when you do not have the infrastructure within the community to really have jurists deal with things in a just and knowledgeable way.”¹⁴² The incident to which Imam Mansoor is referring is between three young individuals in their 20s---two who happen to be married and at the time were expecting twins. It was later found out (after the birth of the twins) that the wife had committed adultery with a former acquaintance. Subsequently, shortly after the twins were born, DNA testing proved that the twins were not the husband’s offspring but that of the adulterer. The imams were faced with a serious conundrum on how to address the issue of adultery especially when it involves children born from the illicit act. The community has addressed fornication and in some instances adultery, but it was never this involved. In the cases of fornication, it was unmarried individuals; and in the earlier cases of adultery, children were not involved. What made this situation even more difficult was the fact that the husband wanted to stay with the wife. Imam Mansoor stated that

This is a tough one. This is the case you do not want to have. We rely on previous situations where we do exile for 2 years. We maintain some relationship with the mother through the weaning period of two years in terms of being able to come in to make salat. But she is still not allowed to participate in the social events, and be involved in the school, and leadership positions, etc. And for him, he has been excommunicated for the full two years until further review after that. But the complication of this – is then you have the husband. Where is his rights and where is his support? That is a part of the two years of being able to come here as a place of worship where you know the other person is not going to be. And two, you want to be with your wife when you are out and about, if this is where you want to come then you should be able to come with her here.¹⁴³

¹⁴² Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording, 15 March 2011, Atlanta, Georgia.

¹⁴³ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording, 15 March 2011, Atlanta, Georgia.

This situation was so convoluted and difficult to adjudicate as it had the elements of fornication, adultery, parental rights issues and community interest in maintaining families. This situation was handled behind closed doors as the situation was not cut and dried since the husband decided to stay within the marriage. Imam Mansoor states “that had the husband not decided to remain, it may have made the decision making easier.”¹⁴⁴ Consequently, Imam Mansoor states that

It (fornication/adultery) has gotten so loose that this incident happened very recently. These types of decisions of how people should be dealt with should not be a one man decision. It should be something that affects the community so it is not done behind closed doors quietly. It should be brought before council to be truly looked at and allowed for everything to come out. If you do it separate and privately, it kind of seeps out later on about what is going to happen. The bigger picture is that we have two children in the community. What are we going to do to support their life and help them to have a healthy upbringing? What will be his rights to the children as he is going to want to have a relationship.¹⁴⁵

This situation, although difficult to adjudicate, did allow for the imams to recognize a need to establish some type of board to review cases such as these. Imam Mansoor further states that

He will be forming a Council of Islamic affairs for the community. So that as a community, we are governed as a community, we are not leaving governance up to one person. Understanding our Islamic rights to maintain our boundaries and allowing for our environment to be wholesome to be pure. And giving people the opportunity to rectify relationship with God. And still making it unpopular to repeat those actions.¹⁴⁶

Most American Muslims are not willing to use Islamic methods (like whippings or stoning found in the Qur’an and the Hadith) to address the issue of fornication and adultery in America. Moreover, Imam Mansoor states that “[such physical punishment] is not able to be

¹⁴⁴ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording, 15 March 2011, Atlanta, Georgia.

¹⁴⁵ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording, 15 March 2011, Atlanta, Georgia.

¹⁴⁶ Ibid.

enacted, as it would not stand up under legal scrutiny.”¹⁴⁷ Although a number of countries that have a majority of Muslims have applied these methods, citing as authority a well-known but controversial hadith,¹⁴⁸ as any Americans who tried to implement this would suffer severe legal penalties and would be themselves punished by the American legal system. A hadith reportedly attributed to the Prophet Muhammad said

A man from the tribe of Bani Aslam came to the Prophet while he was in the mosque and said, "I have committed illegal sexual intercourse." The Prophet turned his face to the other side. The man turned towards the side towards which the Prophet had turned his face, and gave four witnesses against himself. On that the Prophet called him and said, "Are you insane?" (He added), "Are you married?" The man said, "Yes." On that the Prophet ordered him to be stoned to the death in the Musalla (a praying place). When the stones hit him with their sharp edges and he fled, but he was caught at Al-Harra and then killed.¹⁴⁹

Imam Nadim of West End Community states that capital offenses that require capital punishment like stoning and lashing are options. It does not mean that you have to choose to implement it. You only have to look at the Prophet's example to see what his practice was. A woman had committed adultery and told the Prophet on three separate occasions that she had committed it and wanted to be judged. He gave her three chances to escape the stoning but she kept coming back. This example is used to support the belief that there are different gradations of punishment with the ultimate punishment being death.

Even though rumors have abounded that at one time or another both of the communities have applied the whipping punishment to fornication/adultery, this author has not been able to substantiate such a claim at least for one of the communities. There is no proof, nor will the Atlanta Masjid of Al-Islam admit to engaging in lashings for fornication. One possible reason

¹⁴⁷ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording, 15 March 2011, Atlanta, Georgia.

¹⁴⁸ There are a number of hadith that are reported to show support for stoning for adultery

¹⁴⁹ Islamic Replies, "What is the Punishment for Adultery?," http://islamic-replies.ucoz.com/2/Punishment_For_Adultery.html citing Sahih Bukhari, Volume 7, Book 63, Number 195.

may be that no one in the community will admit on record that such an event had occurred for fear of legal reprisals. Another reason that also would explain why incidents if they occurred were not reported would be if the offending member of the community gave tacit agreement to Islamic punishment by surrendering him/herself to the community for said punishment. In such a case, as a result of this tacit agreement, the member would not report it to the American authorities. Again, this scholar must reiterate (for whatever reason) that none of the rumors have been substantiated and as such must remain pure speculation until corroboration.

As for the West End Community, Imam Nadim has admitted that lashings have occurred at one time under Imam Jamil El-Amin. “He stated that “They would take the fornicator and/or adulterers behind the masjid and lash them. Due to the possibility of these incidents being reported to the police, the lashings were halted. The perpetrators would submit to the lashings because they would rather get their punishment in this world than the next.”¹⁵⁰ When asked, “What do you do know in terms of fornication and adultery?”, Imam Nadim stated “The perpetrators are talked to and if the occasion rises to a level that is extreme they may be excommunicated.” He further stated that he does not support “early, early teenage marriage.” This, of course, is the opposite of the standpoint of the Atlanta Masjid of Al-Islam. Although there have been some teenage marriages within the West End community, the majority of marriages take place within the 20s and early 30s.¹⁵¹ Imam Nadim states that right now there is a situation where an 18 year-old male member of his community is trying to marry an 11th grader from the Atlanta Masjid. The parents of the 11th grader are all for marriage but the father of the son is all about waiting till they are a little older. Imam Nadim has made the suggestion that they do a “Saudi Marriage,” where they sign the contract, while the girl still lives with her family

¹⁵⁰ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording, 25 September 2011, Atlanta, Georgia

¹⁵¹ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording, 25 September 2011, Atlanta, Georgia.

and they date like the outside society. The husband is only able to claim his wife when he is able to take care of her financially. Consummation of the relationship is usually delayed until he is able to take care of her financially.¹⁵²

THEIVERY:

Thievery has been around for centuries as is apparent by religious laws/text of various religions addressing the issue of thievery. In the West, the most famous edict comes from the Judeo-Christian tradition where the eighth commandment states clearly, “Thou shall not kill.”¹⁵³ Moreover, Islam also addresses thievery in the Qur’an and the hadith. The Qur’an states, “As to the thief male or female cut off his or her hands: A punishment by way of example, from God for their crime: And God is Exalted in Power” (Qur’an 5:41). Moreover, in the hadith collection, Sahih Muslim, an incident of theft was reported to the Prophet and punishment in line with the Qur’an was carried out. “Jabir reported that a woman from the tribe of Makhzum committed theft. She was brought to Allah's Apostle (may peace be upon him) and she sought refuge (intercession) from Umm Salama, the wife of Allah's Apostle (may peace be upon him). Thereupon Allah's Apostle (may peace be upon him) said: By Allah, even if she were Fatima, I would have her hand cut off. And thus her hand was cut off.”¹⁵⁴ Thievery has evolved in this technological age and become so prevalent in the world that every community has had or knows of someone who has had a brush with this age-old nemesis. Sometimes the community is not the victim, but its member may be victimizers. In the case of Islam and more specifically the African American Muslim Community in America, the community is not unfamiliar with

¹⁵² Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording, 25 September 2011, Atlanta, Georgia.

¹⁵³ Exodus 20:15

¹⁵⁴ WikiIslam, “Qur’an, Hadith, and Scholars Punishment,”

[http://wikiislam.net/wiki/Qur’an_Hadith_and_Scholars_Punishment#TheftSahihMuslim17:4190_\(Imra’at_min_Bani_Makhzum_saraqat...\)](http://wikiislam.net/wiki/Qur’an_Hadith_and_Scholars_Punishment#TheftSahihMuslim17:4190_(Imra’at_min_Bani_Makhzum_saraqat...))

criminal actions due to the fact that a number of its members have had a brush with the law for various reasons. A number of these members found Islam and embraced it while incarcerated. When they were released and became members of various Muslim communities, their past was for the most part filed under the category of ‘before becoming Muslims’ This is not surprising as in Islam, as well as other religious traditions, there is the belief that if you ask for forgiveness and repent, God will forgive. The Qur’an states “[B]ut without doubt, I am (also) He that forgives again and again, to those who repent, believe and do right—who *in fine* [in the end] are ready to receive true guidance” (Quran 20:82). What is most troubling to many community members is when those born and raised in the community engage in criminal activity like thievery. There is a forgiving attitude to those who were not born Muslim, but for those born and raised Muslim the community is less tolerant. After all, there is a belief that this person has had the truth (meaning Islam) and should know better. In a situation such as this, the Muslim communities in America have had to find other alternatives to deter crimes that are both against the law of the land and the laws of Islam.

The Atlanta Masjid of Al-Islam recently had to address the situation of theft when a number of its youth members stole items from some visitors. This is not a surprising turn of events, as 48% of survey participants indicate that thievery, within both communities, is also the next major issue after fornication and adultery. This placed the Atlanta Masjid in the unenviable position of determining how to address a situation that is not only criminal in America but also religiously prohibited. Imam Mansoor relayed to me the nature of the situation concerning which he and the other imams had to confer. The situation involved WarithDeen Mohamed High school students. While hosting a basketball game on W.D.’s campus some of the W.D high school students decided to sneak into the guest locker room of the opposing team and take

wallets, credit cards, money, I-phones, and other electronics. Unaware that this was taking place under the very noses of the community that was there to watch the game, Imam Mansoor, when apprised of what transpired, took immediate action. His first inkling as to what happened came after the game when the opposing coach approached him and informed him of the missing paraphernalia. First, Imam Mansoor wanted to determine the veracity of the situation and to what extent the youth were involved. He stated that although it was late he was determined to get to the bottom of the situation no matter how long it took. Through a series of interviews with students, Imam Mansoor and Imam Sulaiman were able to narrow it down to a small group of students.

Next, Imam Mansoor tracked all of the students down via their parents. He demanded that the parents bring the students involved back to the masjid. They stayed at the masjid for 4 hours to 12:00 in the morning until Imam Mansoor was satisfied that they had gotten all of the culprits involved and recovered all of the cash and stolen items. Imam Mansoor assured the coach that they would return everything back in its original condition and amount. They would also make amends for their crimes. The coach told Imam Mansoor that this exact thing happened to his players at another school the week before. He, however, did not think that in a Muslim school such as this that the same criminal action could occur. The community was shamed by this observation. Imam Mansoor wanted to bring the police into this as it was a felonious act; the parents of the children involved refused to agree to let the police become involved. They acknowledged that what the children did was wrong and requested that other measures be taken that did not involved the police. From Imam Mansoor's standpoint, the best thing to do was to bring the police in now so that the children could understand the gravity of the situation. However, the ultimate decision made was to expel the two ring leaders, the ones who

came up with the plan to steal, and suspend the others involved. They also had to do community service and visit the juvenile detention center to remind them that if they were to continue on this path, this is where they will end up.¹⁵⁵

This incident on some level indicates that a number of people in the community are aware of wrongdoing but are not willing to address it from a religious perspective and/ or to follow the laws of the country that they live in if they can help it. The communities in the U.S. under the leadership of the late Imam W.D. Mohammed followed the belief that they should abide by the laws of the land. Even though the Atlanta Masjid is considered to follow the teachings of the late Imam W.D., the community members in certain situations (mainly when family and friends are involved) are reluctant to follow any ruling given by the leadership if it will adversely affect their loved one. This could be considered, by many, as an instance where knowing something is wrong but doing nothing is the weakest form of faith. There is a hadith that is oftentimes quoted that states this eloquently. “Whosoever of you sees an evil action, let him change it with his hand; and if he is not able to do so, then with his tongue; and if he is not able to do so, then with his heart – and that is the weakest of faith.”¹⁵⁶ This incident brings to light the fact that many of the social evils plaguing society can be found within Muslim communities like the Atlanta Masjid of Al-Islam. The community must acknowledge this truth and determine how to address incidents such as the thievery within an Islamic context and within the legal boundaries of the land. Imam Pasha’s perspective on how to interpret Islamic law in conjunction with American law with regards to incidents such as stealing is very enlightening. He said in an interview that “although Islamic law promotes the cutting off of the hand of the thief, America has its own type of cutting off of the hand that is not physical. America

¹⁵⁵ Imam Mansoor Sabree, interview by Kameelah Luqman, taped recording, 15 March 2011, Atlanta, Georgia.

¹⁵⁶ The Islamic Project, “Personal and Civic Values in Islam,”

http://www.islamproject.org/muhammad/muhammad_13_PersonalandCivicValuesinIslam.htm citing Sahih al-Bukhari.

incarcerates the thief which cuts off the ability of the person to steal. And that is the whole premise behind the cutting of off the hand.”¹⁵⁷ The ability of the Atlanta Masjid to reinterpret the Islamic laws within the context of living in America allows the community to be able to adapt to the situations that may occur. Furthermore, it allows the community on some level to address the issues at hand from an Islamic context that embraces the spirit of the law if not the actual letter of the law, thus, allowing it to be legal within America.

In the West End community, thievery is also a problem but on a smaller scale. A year ago, an incident of theft occurred amongst the youth. Imam Nadim related the story that a group of young members stole something at the Six Flags Amusement Park. When the teenagers were remanded into the custody of their parents, Imam Nadim decided to talk to them and give them community service in which they dutifully performed. Imam Nadim states that since then he has had no problems from that group of teenagers.¹⁵⁸ Imam Nadim’s solution to the thievery was in line with the Atlanta Masjid of Al-Islam in regards to community service. Due to the fact that the community also recognizes that Islamic laws have merit, but are not able to be enacted in America—at least not without having serious consequences, the community also tries to find ways to curtail these acts that are acceptable within American legal bounds. He states that the maximum penalty found in Islamic law like stoning, and whippings are not able to be practiced here. However, there are gradation to Islamic punishment that can be applied within America, like banishment, ostracization, and public shaming.¹⁵⁹

¹⁵⁷ Imam Pasha, interview by Kameelah Luqman, taped recording, 28 September 2011, Atlanta, Georgia.

¹⁵⁸ Imam Nadim Sulaiman, interview by Kameelah Luqman, taped recording, 14 April 2011, Atlanta, Georgia.

¹⁵⁹ Ibid.

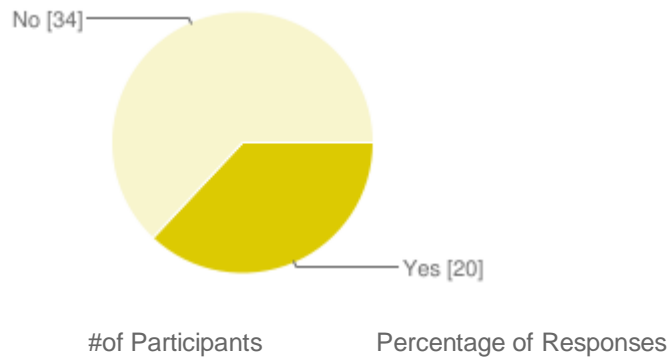
CHAPTER 4:
INHERITANCE AND FINANCE WITHIN THE AFRICAN AMERICAN MUSLIM
COMMUNITY

INHERITANCE:

Wills and testaments are important legal documents that have been around since ancient times. They serve the purpose of ensuring that family members and friends receive some type of inheritance and mementos from the person's estate. The Holy Qur'an has addressed in detail the issue of inheritance. In the Holy Qur'an Surat al-Nisa (Ayats: 11-13), inheritance is broken down to the minutest detail to ensure that everyone gets their specified, rightful share of the inheritance. Furthermore, the Holy Qur'an states, "From what is left by parents and those nearest related, there is a share for men and a share for women, whether the property be small or large, a determinate share" (Qur'an 4:7). This ensures that all are treated in an equitable manner and no one is forgotten or left out. Although the portions stipulated in the Qur'an appear at first glance not to be proportionally equal for men and women, the apportionment is based upon the belief that men should materially support and provide for their wives (and dependants); and hence, men are given more from the inheritance so that they can take care of their female family members. "Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means" (Qur'an 4:34). In the African American Muslim communities, specifically Atlanta Masjid of Al-Islam and West End community, members are beginning to address the issues of wills within their personal lives.

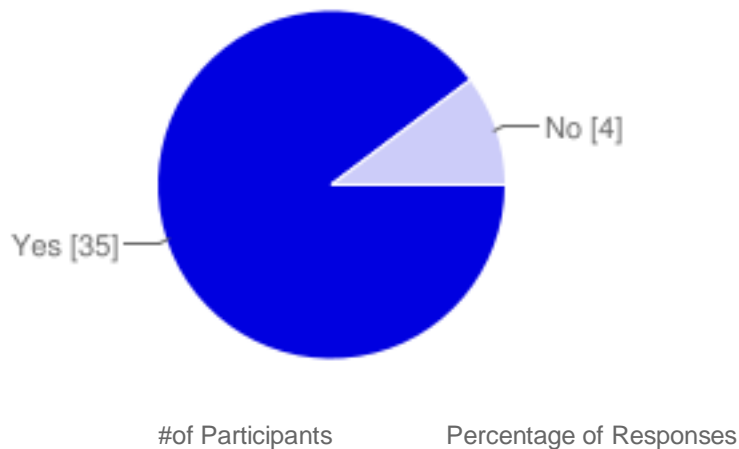
Although 55% of the survey participants state that they do not have a will, a majority of that subset states that when they draft their will it will be in accordance to Islamic law. Only four survey participants state that they will not have a will in accordance with Islamic law.

Table 15: Do you have a will?



Yes	20	32%
No	34	55%

Table 16: If you DO NOT have a Will and plan to make a Will in the future, will your Will adhere to the Islamic way of apportioning inheritance?



Yes	35	56%
No	4	6%

Given the fact that the Holy Qur'an is so specific about the degree to which the inheritance should be shared amongst family members, this scholar finds it interesting that there is such a large percentage of survey participants who do not have wills. One possible reason for this lack of wills is because of a legacy and holdover from slavery. In the past, wills were not as important in the African American community due to the fact that slaves were chattel themselves. Consequently chattel did not really have rights to their personal selves let alone whatever belongings that may have amassed. One has to remember that slaves had uncertain futures and could be taken away from their families and sold away at a moment's notice. In an article, titled "How Slavery Affected African American Families", author Heather Williams states that "enslaved people lived with the perpetual possibility of separation through the sale of one or more family members."¹⁶⁰ Moreover, most were not in a position to draft a will as they were illiterate and it was illegal to read or write. This made it difficult to draft a will as one may not have known where to start. Even if one did know how to draft a will, life as a slave was constantly in flux. After all, "Slavery not only inhibited family formation but made stable, secure family life difficult if not impossible."¹⁶¹ Although there were some black families throughout history that were affluent and privileged enough to benefit from wills, the majority of black families were not in stable positions. The legacy of slavery has no doubt played some role in why a number of African Americans may not be as concerned with drafting or having wills. This legacy of dying intestate has been one that has been a norm for such a long time that African Americans are still following this detrimental tradition. Interestingly enough, dying intestate (i.e. without a will) is not something that is solely affecting the black race, it crosses

¹⁶⁰ Williams, Heather Andrea. "How Slavery Affected African American Families," <http://nationalhumanitiescenter.org/tserve/freedom/1609-1865/essays/aafamilies.htm>

¹⁶¹ Williams, Heather Andrea. "How Slavery Affected African American Families," <http://nationalhumanitiescenter.org/tserve/freedom/1609-1865/essays/aafamilies.htm>.

racial and socio-economic lines as well. Published in 2007, Harris Interactive® for Martindale-Hubbell® conducted research that found that for the last three years, 55% of all adult Americans do not have a will. Only one in three African American adults (32 percent) and one in four Hispanic American adults (26 percent) have wills, compared to more than half (52 percent) of white American adults.¹⁶² The low number for minorities is troubling as what is being seen in the African American community is being reflected within the smaller subset of African American Muslim Communities, like the Atlanta Masjid and the West End Masjid.

Imam Nadim Ali, indicates that the subject of wills is an actively discussed topic in the West End community. He states

The Importance of having a Will and not dying intestate [without will] are addressed in the *khutbahs*. Even to the point of who is going to bury you, take care of you and address your needs. We have a lot of people who are guests (owing no allegiance to anyone mosque). I tell people that the largest communities in the world and in the country are the people that are not aligned. I tell them to get in where you fit in; go to where you feel the most comfortable; but be somewhere.¹⁶³

Not only does the West End community address the issue of wills in *khutbahs*, it also has an “Islamic will template that goes into details about the apportionment of shares which are made available to all of the members who needs it.”¹⁶⁴ With all of the information provided to its members, it is somewhat surprising that there are still a number of people who do not have wills. Imam Nadim assures me even though it is “hard to quantify, [he] believes over 75% of older adults have Islamic wills due to drafting them before going on *Hajj*”¹⁶⁵ It is usually the tradition before going on Hajj to get all of one’s affairs, finances and wills in order in case one does not

¹⁶² Wikianswers. “What Percentage of People die without a Will?,”

http://wiki.answers.com/Q/What_percentage_of_people_in_the_US_die_without_a_Will#ixzz1Z09Wbsyi

¹⁶³ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording, 25 September 2011, Atlanta, Georgia.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

come back from the pilgrimage.¹⁶⁶ This assertion corroborates the survey's data, which shows that at least 75% of young West End members surveyed between the ages of 20 and early 30s have not drafted wills as of yet. Ergo, it is not the older adults in the community, who have been in financial position to go on Hajj, who do not have wills but the young. This makes sense, given that West End members normally do not die intestate. Imam Nadim related the story of a man who was dying of cancer who made sure even in his terminal condition that he had a will and even planned his funeral out to make sure all of his affairs were in order.¹⁶⁷ This story emphasizes the importance of having a will in accordance with the Qur'an in the West End community.

Similarly, in the Atlanta Masjid of Al-Islam, one finds that the older adults are the ones that have their wills and affairs in order. Many had wills done before they went on Hajj. Although Imam Pasha informed me that even in that subset of older community members, the percentage of members who have a will is small. One reason for this he states is "that a number of people within the community have little to no assets to leave to their family and as a result see no reason to have a will. Those who are getting wills drafted have come to the realization that they have wealth and property. They have some things to be left behind."¹⁶⁸ The small percentage of people holding wills in the Atlanta Masjid is daunting but still comes as no surprise as a number of Americans in the greater society do not have wills in America. Consequently, the small numbers within the community only reflect what is going on in outside world. Imam Pasha does stress that through khutbahs and classes, the community has access to

¹⁶⁶ Hajj, the pilgrimage to Mecca, is the fifth of the "five pillars" of Islam. Muslims should try to complete the pilgrimage at least once in their lifetime, provided that they have the money to do so.

¹⁶⁶ Imam Nadim SulaimanAli, interview by Kameelah Luqman, taped recording, 25 September 2011, Atlanta, Georgia.

¹⁶⁷ Imam Nadim SulaimanAli, interview by Kameelah Luqman, taped recording, 25 September 2011, Atlanta, Georgia.

¹⁶⁸ Imam Ibrahim Pasha, interview by Kameelah Luqman, taped recording, 28 September 2011, Atlanta, Georgia.

information about Islamic wills. “Moreover, the community is blessed to have a number of lawyers who are experienced in the drafting of Islamic wills.” The ability of the community to have instant access to knowledgeable attorneys will in the long run have a positive impact on the number of members who have wills.

Most people look at wills as a way to leave a legacy for loved ones. Consequently, money and wealth are inexplicably linked to wills in most people’s minds. Without some type of financial security and assets, wills lose one of their major purposes to being drafted. In order to understand why a number of African Americans and more specifically African American Muslims do not have wills, one must explore the subject of finance (both traditional and conventional) in America.

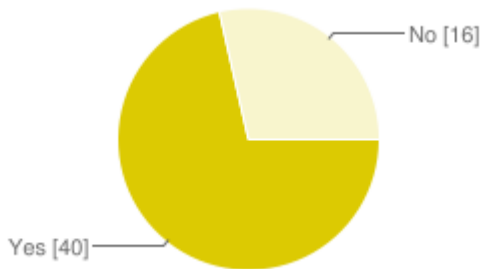
FINANCES:

Living in America, in era of 2008 and onward where economic upheaval looms on the horizon, the stock market is shaky and jobs are virtually non-existent for the unemployed, many Americans are facing economic strife. To combat their economic woes, many people are having to live on credit to make ends meet. This is a difficult position to be in as credit usually comes with usurious interest. In fact, the reason why America is tottering on the brink of economic disaster is because of the housing and banking markets eagerness to lend people housing loans with astronomical interest rates. Moreover, these exorbitant rates were nearly impossible to pay for most Americans. In light of the current situation, Muslims are having an even more difficult time coping while trying to live in accordance with Islamic Law regarding finances. Imam Pasha states “that in American society, until we have a full overhaul of the economic system, it is almost virtually impossible to not pay some kind of interest or receive it. After all, you receive interest on investments and in banking. No one is going to tell the bank or stock investor –:‘No

don't give that to me.' ”¹⁶⁹ The Holy Qur'an is clear when it states “O ye who believe! Fear God, and give up what remains of your demand for usury, if ye are indeed believers” (Qur'an 2:278). Consequently, a number of Muslim communities are trying to figure out how, if, and to what degree they can balance this Islamic belief and still be able to live in America, a country where credit rules almost every aspect of one's economic life from credit cards, to credit scores, and to home loans.

In both the Atlanta Community and the West End community, the issue of finance is being discussed among the members in light of the current situation in America. Although 65% of the participants surveyed have credit cards and are paying some type of usurious interest, 56% of communities do believe in adhering to the Islamic law of not paying riba (usurious interest).

Table 17: Do you own credit cards?

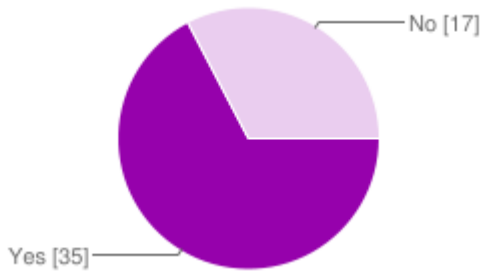


	#of Participants	Percentage of Responses
Yes	40	65%
No	16	26%

It should be noted that although a number of people took the survey, everyone did not choose to answer all of the questions whether due to time constraints (survey being too long), personal reasons (there being too much personal info) or for other undisclosed reasons not known to the author which gives rise to the possibility of the data being less representative of the communities.

¹⁶⁹ Imam Ibrahim Pasha, interview by Kameelah Luqman, taped recording, 28 September 2011, Atlanta, Georgia.

Table 18: Do you believe in adhering to Islamic law when it comes to Riba (usurious interest)?

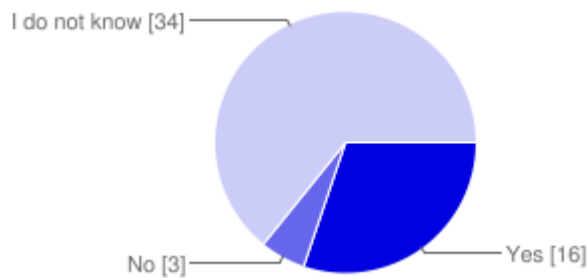


	#of Participants	Percentage of Responses
Yes	35	56%
No	17	27%

Even though credit cards are being used in the communities, a number of members have found ways to address the issue of usurious interest by having only one credit card and/or paying off that credit at the end of the month. Others have stated that when they give loans of money to others, they do not charge interest, while others choose to use debit cards and cash instead of credit.¹⁷⁰ Although there are a number of Islamic financing methods within both communities, 55% of community members are not aware of these opportunities.

¹⁷⁰ Surveys participants wrote this in the area provided for additional thoughts

Table 19: Are there any other ways available in the community that can help you follow the Islamic law in regards to Riba (Usurious interest)?



	#of Participants	Percentage of Responses
Yes	16	26%
No	3	5%
I do not know	34	55%

One reason that may explain why a number of people within both communities are not aware of the Islamic financing outside is because this is a relatively new concept for African Americans Muslims. Imam Pasha of the Atlanta community states “that although there are a number of Islamic finance businesses, locally in our community there are none. The long term plan of the community is to have some type of Islamic business where the community members can come for help with their financial plans.”¹⁷¹ Although the Muslim world has had Islamic financing methods for a long time, Islamic financing methods are not as advertised or well known as the conventional methods of financing within the African American Muslim community. Another reason that it is not well known or advertised is that a number of African American Muslim communities are poor and do not have deep pockets to help finance a business that can offer competitive Islamic financing options. Ergo, when in need of financing most African Americans Muslims go thru conventional banking methods which usually involve riba (usurious interest). Furthermore, many people might not be aware of the Islamic financing methods available within

¹⁷¹ Imam Ibrahim Pasha, interview by Kameelah Luqman, taped recording, 28 September 2011, Atlanta, Georgia.

the community due to the fact that those looking for ways to follow Islamic laws in regards to usury are not too happy with the terms of the Islamic financing. Therefore, if they are not happy, they may not be in frame of mind to praise the process to others. In fact, one survey participant from the Atlanta Masjid stated that “there are Islamic financing institutions, but I’ve been told that their terms are not always financially favorable in the long run.”¹⁷²

Additionally, Imam Nadim Ali states that

Islamic financing is feasible but a major problem is that the prices are still too high. A lot of people go through the traditional way because the Islamic financing wants to much of a down payment. My understanding is that you are suppose to make it easy, if I borrow a thousand dollars, I pay you back a thousand dollars. They charge an application fee which is a back door way of charging interest. There are handling fees and before you know it you are paying the same \$200,000 for a \$125,000 house that you would have paid in a usurious situation.¹⁷³

Islamic financing can work and has worked for some. Imam Nadim mentions that one of the “brothers in his community was able to finance a house through the institution “*LaRiba*”¹⁷⁴ but for the most part, most African American Muslims get there financing through the banks.”¹⁷⁵ .

Islamic financing in a capitalistic society like America is possible but hard. One must contend with the fact that most African American Muslims only know about traditional financing which usually includes usurious interest. Furthermore, one must also deal with the fact that most African American Muslims will not just go with it just because it has Islam attached to the name or because it is Islamic. If the terms are not as favorable or equitable, one will discover that Islamic finance options will take a far longer period of time to catch on in most African American Muslim Communities, especially in light of a struggling economy. After all, most

¹⁷² Survey participant wrote this in space provided for additional thoughts.

¹⁷³ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording, 25 September 2011, Atlanta, Georgia.

¹⁷⁴ LaRiba is an Islamic Mortgage financing business that does not use usurious interest in its financing.

¹⁷⁵ Imam Nadim Sulaiman Ali, interview by Kameelah Luqman, taped recording, 25 September 2011, Atlanta, Georgia.

African American Muslims will espouse the view that it is nearly impossible to survive in America, a non-Islamic country, without some type of credit. And unfortunately, credit in America comes with a hefty price, usurious taxes.

CHAPTER 5:

CONCLUSION

This thesis has explored Islamic law in two Atlanta African American Muslim communities. As historical and cultural background, this author has explored the history of Islam in the African American Muslim community focusing on the role that the African Muslim slaves played in trying to preserve some facet of Islam in a foreign land. This author has noted how their efforts became lost but not truly forgotten in the consciousness of their descendants. This author briefly recounted how some African Americans, some of whom were probably descendants of these Muslim slaves, explored and rediscovered their heritage causing them to embrace parts of Islam that would help champion the cause of the blacks in a racist society. They formed groups and organizations like the Nation of Islam and the Moorish Science Temple that practiced quasi-Islamic doctrines. As some African Americans became more knowledgeable about the religion of Islam, some of the doctrines falsely attached to Islam were abandoned and a new African American Muslim community emerged from this transformation.

African American Muslim communities have been faced with many obstacles on their journey to orthodox Islam. Although orthodox Islam has been firmly established within the African American Community, it has not come without difficulties. As African American Muslim Communities have striven to understand and embrace orthodox Islamic doctrines, they have discovered the difficulty of implementing Islamic law within America, a non-Islamic country. Although there are a number of other Muslim communities within America, most of them are immigrant in nature. Consequently, they are able to look to the countries of their birth

or heritage to help give guidance or help make Islamic decisions here in America. In contrast, most African American Muslim communities do not have the luxury of doing that since their ancestral roots are tenuous at best. This, however, has placed African American Muslim Communities (mainly the imams) in the unique position of having to face the challenge of making Islamic legal decisions that are not influenced by region, madhhabs (Islamic schools of jurisprudence), tradition, or cultural bias.

This thesis sought to bring to light some of the issues that African American Muslim Communities are facing as they seek to implement some level of Islamic law in their community. Through interviews, research, observations, and a survey, this author has discovered that two African American Muslim communities, the Atlanta Masjid of Al-Islam and West End Community Masjid, have found innovative Islamic ways to address the social ills plaguing their communities.

Overall, the research gathered through the use of the survey instrument and interviews, has given this scholar a glimpse into the complexities facing African American Muslim Communities, particularly the Atlanta Masjid of Al-Islam and West End Community. With regards to marriage, I have discovered that across the board that dowries are given to the bride and are expected by the bride, the imam, and the community. In fact, in both communities a marriage cannot be conducted if a dowry had not been offered and accepted. It should be noted, however, that although in certain instances the dowries were accepted, a number of brides stated that they did not get all that they requested or had to lower their dowry expectations. Through the interviews I conducted with the imams of their respective communities, I have also learned, that the imams are finding themselves in a unique position of having to render some type of Islamic opinions or Islamic legal resolutions to the problems that they are facing, resolutions that

are in accordance with both Islamic law and American law. For instance, both communities have been faced with issues of zina (adultery or fornication). Initially, the West End community secretly (behind closed doors) practiced the whipping of fornicators, before deciding that this practice would run them afoul of American law. Now both communities use ostracization, excommunications and/or public shaming to deter people from engaging in illicit sex.

In terms of living here in American, a capitalistic society, this scholar's research shows that both communities are developing and exploring ways to address the use of *riba* (usurious interest) within the community. The research shows that although there are some Islamic organizations in the greater Muslim community that are dealing with Islamic finance, the African American Muslim communities have a ways to go to establish truly a feasible Islamic finance cooperative where the whole community can benefit. Consequently, most of the Muslims in both communities still have credit cards, mortgages, and other financial dealings that have some type of *riba* attached. As finance, wealth and wills are inexplicably linked, this author has discovered that in both communities only a select few have wills; and that is because they have performed the Hajj and needed to put all of their affairs in order before undertaking the arduous pilgrimage. The author is not sure if the reason that a number of people do not have wills is because they have not had to face their mortality (since they are young) or the fact they have no money, legacy, or items to bequeath to family members. Incidentally, the reason of poverty has been used to explain the fact that a large number in the greater African Americans do not currently have wills. Namely, they believe that they do not have a legacy to leave behind. Whatever the reason why a number of African Americans, in general, and African American Muslims, in particular, do not have a will, the fact remains that African American Muslim communities are trying to make sure their respective community members have access to Islamic

information dealing with wills either through lawyers familiar with Islamic wills or through a “user-friendly” Islamic will making document that is accessible to all. Although the issues in the categories of marriage, punishment, inheritance and finance were reviewed in the thesis, the author in no way wants the reader to believe that every topic within these categories has been exhausted. There are still areas within each category that need to be further explored.

This thesis has sought to open a forum in order to discuss the potential issues facing many African American Muslim communities as they try to determine how, if, and to what degree they can apply Islamic law within their communities. Each community has its own share of problems that are inherent to that community. As such, the Islamic practices needed may differ somewhat from one community to another. The scholar wants to go on record as saying that no two communities are the same, and as such this thesis is not meant to be an authority on all African American Muslim communities. This thesis is meant, however, to bring up some of the various issues that by research, observation, and personal experience have shown that some African American Muslim communities are facing. Although various problems have been discussed and solutions have been implemented, only time will tell how truly successful the communities interpretation of Islamic law is in regards to the various situations they are facing. If imams like Imam Mansoor of the Atlanta Masjid continue to push for some type of council made up of knowledgeable and well-versed members, this scholar is confident that with perseverance, understanding, and the willingness of the communities to explore and tweak Islamic law to fit their situations, the African American Muslim community will soon have its own madhhab (school of Islamic jurisprudence)—one that is indigenous to America.

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LIST OF FIGURES

SURVEY QUESTIONNAIRE FOR THESIS

As-Salaamu Alaikum. My name is Kameelah Luqman, and I am a member of the Atlanta Masjid of-Al-Islam. I am currently a graduate student in the University of Georgia's Department of Religion. I am in the process of researching information for my Master's thesis topic, titled "The Manifestation of Islamic Law in the African American Community". One of the ways that I will gather information is through a survey. This survey will be administered to two African-American Muslim communities, the Atlanta Masjid of Al-Islam and the West End Community Masjid. This survey is purely anonymous and any answers obtained will be used anonymously - in no way will your name be connected to the research gathered. I would like to thank you, in advance, for your time and your honest responses which will help me to gather the vital information needed for my thesis.

Directions: Please read each question and answer accordingly. This survey is only to be completed by people who identify with or are a member of one of the two mosques, Atlanta Masjid of Al-Islam or West End Community Masjid. Check the answer(s) that apply. If you would like to add a response to a question please use the space marked OTHER to respond. Thank you again for your candid answers.

BACKGROUND QUESTIONS:

1. What is your racial classification?

African American/Black () Caucasian/white () Asian () African () Hispanic ()
Other () _____

2. What is your gender?

Male () Female ()

3. How old are you?

15 – 18 () 18 – 25 () 25 – 30 () 30 – 35 () 35 – 40 () 40 – 45 () 45 – 50 ()
50 – UP ()

4. Do you consider yourself a Muslim?

Yes () No ()

5. How long have you been a Muslim?

0 – 5 () 5 – 10 () 10 – 15 () 15 – 20 () 20 – 25 () 25 – 30 () 30 and UP ()
Born Muslim ()

6. When did you become a Muslim?

1930's -1970's () 1980's () 1990's () 2000 – To Present () Born Muslim ()

7. Which Islamic community in Atlanta do you consider yourself a member?

Atlanta Masjid of Al-Islam () West End Community Masjid ()

8. How long have you been a member of this community?

0 – 5 () 5 – 10 () 10 – 15 () 15 – 20 () 20 – 25 () 25 – 30 () 30 and UP ()

9. What classification best describes in your opinion the Islamic community you attend?
- a. It is a Conservative Islamic community where Conservative means Strict interpretation and application of the Qur'an and the Sunnah ()
 - b. It is Moderate Islamic Community where Moderate means a temperate interpretation and application of the Qur'an and the Sunnah ()
 - c. It is a Liberal Islamic Community where Liberal means a loose interpretation and application of the Qur'an and the Sunnah ()
 - d. If you would like, please further comment on how you would classify this community in our own words.
-

10. Did you come thru the Nation of Islam to orthodox Islam?

Yes () No ()

11. What classification best describes you as a Muslim?

Conservative () Moderate () Liberal () Other () Please List

_____ If you would like, please further comment on how you would define yourself?

MARRIAGE:

The Qur'an states that "Among His signs is [the fact] that He has created spouses for you among yourselves so that you may dwell in tranquillity with them, and He has planted love and mercy between you; In that are signs for people who reflect." Qur'an [30 : 21] Furthermore, in the Hadith, it is narrated by Anas (may Allah be pleased with him) that the Messenger of Allah (S.A.W) said: "When a man marries, he has fulfilled half of his religion, so let him fear Allah regarding the remaining half."

12. Do you consider marriage in Islam to be "half of your religion"?

Yes () No ()

13. Does the community that you attend address Islamic ways of dating or courting or finding your spouse?

Yes () No ()

14. If the answer is Yes, Place a check mark by the methods used or encouraged by your masjid/community?

Arranged marriage () Chaperoned meetings () Single Muslim socials () Dating ()

Other () Please

List _____

15. How are these methods encouraged in the community?

By the Imam in Friday Khutbah () Social pressure in the community () Understood norms or practices in the community () What peers are doing ()

16. If You ARE married, did you adhere to any of these methods of finding a spouse?

17. If You ARE married, which methods did you use?

Arranged marriage () Chaperoned meetings () Single Muslim socials () Dating ()

Other () Please

List _____

18. If You are NOT married and plan to marry someday, will you adhere to these Islamic methods of finding a spouse?

Yes () No ()

19. If You will NOT follow these methods, which methods will you adhere to? Please List

- 1.**
- 2.**
- 3.**
- 4.**

20. What is your opinion, living here in America, of the methods (arranged marriage, arranged meetings, single social, etc.) of finding a spouse?

Necessary () Outdated () Other () Please List _____

If you wish, please give further comment on your opinion of the practices.

MAHR (DOWRY):

In Islam a part of the marriage process is the agreement of a dowry between the two parties entering into marriage.. The Mahr, is given by the husband to the wife. The Mahr (dowry) can be anything in any amount that has been agreed upon by the bride and the groom. In the Holy Qur'an, Surah 4, Ayat 4, states " And give the women (on marriage) their Mahr as a free gift."

21. Does the Islamic community that you attend encourage the giving of dowries?

Yes () No ()

22. IF SO, in what way(s) does the community encourage the giving of dowries? Check all that apply.

- (a.) Community gives classes on the significance of dowries ()**
- (b.) Imam asks about it in marriage counseling and/or marriage ceremony ()**
- (c.) Imam speaks or has spoken about the dowry in Khutbahs (sermons) ()**
- (d.) Other () Please list** _____

23. Do the adult or parental units in the community teach the males about the significance of the dowry in Islam?

Yes () No ()

24. **IF SO**, in what ways does the adult or parental units in the community encourage the giving of a dowry? Check as many as applies.

(a.) **Parents talk about it** ()

(b.) **Parents encourage sons to start saving money for a dowry** ()

(c.) **Bride's father or Wali (go between/friend) talks to potential groom about dowry** ()

(d.) **Other** () Please list _____

25. Do you believe that it is necessary for the Muslim husband-to-be to give a dowry to the fiancé?

Yes () No ()

26. In your community, what is the understanding of a dowry?

Necessary () Optional () Outdated () Other () Please list _____

THIS SECTION IS TO BE ANSWERED BY MEN (SKIP AND GO TO NEXT SECTION IF NOT MALE):

27. If You **HAVE BEEN** or **ARE** currently married, have you given a dowry to your spouse(s)?

Yes () No ()

28. If you **HAVE** given a dowry, what dowry did you give? Please state

29. If you did give a dowry, was the dowry **MORE** () or **LESS** () than what your wife initially requested?

30. If you plan to marry someday, will you adhere to the practice of giving a dowry?

Yes () No ()

31. Do you consider the engagement ring to be the dowry even if wife-to-be does not?

Yes () No ()

32. Do you consider the dowry to be a necessary component of the Islamic marriage?

Yes () No ()

33. What is your opinion of the dowry?

Necessary () Optional () Outdated () Other () Please list _____

THIS SECTION IS TO BE ANSWERED BY WOMEN (SKIP SECTION AND PROCEED TO NEXT SECTION LABELED WEDDING IF NOT A FEMALE):

34. If you **HAVE BEEN** or **ARE** currently married, have you been offered or given a dowry?

Yes () No ()

35. If you **DID** receive a dowry, what was it? Please state

36. If you did receive a dowry, was it **MORE** () or **LESS** () than what you initially requested?
If you wish to provide further comment please do

36 (a). If you plan to marry someday, will you adhere to the belief of receiving some type of dowry?

Yes () No ()

37. Do you consider the dowry to be a necessary component of the Islamic marriage?

Yes () No ()

38. Do you or will you consider the engagement ring to be the dowry or a part of the dowry?

Yes () No ()

39. Do you or will **you** consider the engagement ring to be something separate from the dowry?

Yes () No ()

40. What is your opinion of the dowry?

Necessary () Optional () Outdated () Other () Please State _____

WEDDING:

In Islam, typically the man is suppose to pay for the Walimah (reception). It is given by the husband on this auspicious occasion (wedding), showing his happiness and sharing it with the friends and family.

41. Does the Islamic community that you attend encourage the groom's hosting of a Walimah (receptions)?

Yes () No () I Do not Know ()

42. **IF SO**, in what ways is this encouraged in the community? Check as many as apply

(a.) **Community gives classes on Islamic marriage etiquette** ()

(b.) **Imam speaks or has spoken about the marriage etiquette** ()

(c.) **Other** () Please list _____

43. Were you aware that the groom is to be financially responsible for the wedding/walimah?

Yes () No ()

44. Do you agree with the groom paying for the wedding?

Yes () No () Other () Please

state

45. Are you aware of any weddings conducted in the community that were paid by the bride or bride's family?

Yes () No ()

46. IF SO, how many?

0 – 5 () 5 – 10 () 10 – 15 () 15 – 20 () 20 – 25 () 25 – 30 () 30 and UP ()

47. Who do you think the financial responsibility of the wedding should fall upon?

Groom/Groom's family () Bride/Bride's Family () Both () Other () Please List

48. Will you or have you had a marriage ceremony in accordance with the Islamic practice of the groom paying for the Walimah in your wedding??

Yes () No () Other () Please List

49. If YOU PLAN to have the Walimah (or have had a WALIMAH) in accordance with the Islamic practice of the groom paying for the Walimah, please comment on how you will go or have gone about it?

MARITAL ROLES:

The Holy Qur'an states "Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means." (An-Nisaa 4:34)

50. Traditional Islamic legal rulings state that financially the man's income is to cover the expenses and support of the family whereas the woman's income does not. Does your community teach and practice this belief about finances within the marriage?

Yes () No () If you wish to provide further comment then please use the space provided.

51. How does your community encourage this belief about finances within the marriage? Check all that apply.

Through Khutbahs () Through classes () Through premarital counseling sessions ()

Other () Please list _____

52. If **YOU ARE** married, do you actually practice this belief that the husband is the sole financial provider?

Yes () No () If you wish to further comment then please do in the space provided

53. If **YOU ARE** married and answered **NO** to above question, how do you divide the financial responsibilities? Please

state _____

54. How do you address the financial role of the husband **if** the wife makes substantially more than the Husband?

(a) The husband still takes care of his duties as the provider paying for everything ()

(b) The husband takes care of the major bills and the wife helps out ()

(c) Both the husband and wife splits the bills equally ()

(d) Other Please State

55. What is your opinion on this Islamic ruling that the man is the sole provider within the family?

Still relevant () Optional () Outdated () Other () If you wish, please provide further comment in the space

provided? _____

56. Does the Islamic community that you attend encourage the view that men are maintainers or providers of women?

Yes () No ()

57. **IF SO**, in what way does the community encourage this Islamic belief of marriage?
 (a.) **Community gives classes on responsibilities of the husband and wife** ()
 (b.) **Imam speaks or has spoken about the responsibilities of husband and wife in Khutbahs** ()
 (c.) **Imam in marriage counseling discusses the responsibility of husband and wife** ()
 (d.) **Other** () Please list _____

58. **IF MARRIED**, do you observe or emulate **the Islamic belief of marital roles where the man is the maintainer and protector**?

Yes () No ()

59. If you **DO** believe in the Islamic views of the marital role, what area(s) in your marriage or future marriage do you consider this viewpoint to be or will be most evident? Check all that apply.

Financial () **Spiritual** () **Other** () Please list _____

60. If you **ARE NOT** married and plan at some point to get married, do you believe that you will implement this Islamic belief of marriage within your union?

Yes () No ()

61. **IF SO**, what areas in your future marriage do you think this belief will be most evident? Check all that apply.

Financial () **Spiritual** () **Other** () Please list _____

POLYGyny:

The Holy Qur'an states that "...Marry women of your choice, two, or three, or four; But if ye fear that ye shall not be able to deal justly (with them), Then only one, or (or captive) that your right hands possess. That will be more suitable, to prevent you from doing injustice." (Holy Qur'an 4:3)

62. What does your community teach about polygyny? Check all that apply.

That polygyny is allowed () **That polygyny is allowed as long as the husband can show that he can treat all parties equally** () **Although polygyny is allowed it is not encouraged here in America, a non-muslim country** () **Polygyny is not allowed here in America** ()

Other () Please state _____

63. Does the community you attend encourage the practice of polygyny?

Yes () No () I am not sure ()

64. Have you seen polygynous marriage in your community?

Yes () No ()

65. If so, about how many polygynous marriages have you observed?
1-5 () 6-10 () More than 10 () More than 20 ()

66. If so, in your estimation, have the marriages observed followed the Islamic practice and law of equity and equality for all of the wives?
Yes () No () If you wish to comment please use the space provided _____

67. Have you been a part of a polygynous marriage?
Yes () No () Not applicable (N/A) ()

68. If so, were all parties involved treated equally?
Yes () No ()

69. If not, what were some of the problems that prevented the treatment of equality? Please state _____

70. Will you consider entering a polygynous relationship?
Yes () No () Maybe ()

71. If so, what would be your reason(s) for entering a polygynous marriage? Please state _____

72. In your estimation, are there any reasons that a polygynous marriage will be acceptable here in America? Please list _____

73. If you do not believe in the practice of polygyny, what are your reasons? Please list _____

DIVORCE:

The Holy Qur'an states that "When you divorce Women, and they fulfill the term of their (Iddat) either take them back on Equitable terms or set them free on equitable terms; But do not take them back to injure them (or) to take Undue advantage; If any one does that, He wrongs his own soul..... (Holy Qur'an 2:231)

**74. How does your community educate the members on Islamic divorce?
Through Khutbahs () Through classes () Through premarital counseling () Other ()
Please list**

**75. To what degree does the community/Imam(s) get involved with the divorce of a couple?
Please check all that applies**

- (a) The community is very integral in the divorce ()**
- (b) It is left up to the couple to determine to what degree in which the community gets involved ()**
- (c) Community is involved but only on a small scale ()**
- (d) Community is not involved ()**
- (e) I do not know ()**

**76. How does your community handle a divorce between a couple?
(a) They have counseling session with all involved to counsel about the process of Islamic divorce ()
(b) Imam(s) and/or family members work as mediators/arbitrators to the couple to help see if there is way to allow the for reconciliation ()
(c) Couples do not involve the community but go straight to the American Courts ()
(d) Other () please list**

**77. Where does your knowledge of Islamic divorce come from? Check all that apply.
The Holy Qur'an () The Hadiths () The Imams in your community () Other Islamic books () Personal experience () Other () Please list**

**78. Are you familiar with what is required in the Islamic law and practice of divorce?
Yes () No () A Little ()**

79. Do many couples that you know that are getting or have gotten a divorce adhere to the Islamic law **and practice of divorce or go through the American courts?**

(a) Adhere to the Islamic law and practice of divorce ()

(b) Go through the American Courts ()

(c) Both ()

If you wish to say more please use the space provide_____

80. If you have gone through a divorce, did you follow the Islamic law and practice of divorce?
Yes () No () Somewhat () Not applicable N/A ()

81. In your estimation, how many divorces have occurred in your community in a Ten year span?

1 -10 () 10 + () 20 + () 30 + ()___40 + () Too many to count () I do not know ()

82. What are the age group(s) that the divorces are mainly occurring in? Check all that apply.
18- 25 years old () 25 – 35 years old ()_ 35 -45 years old ()__45 -55 years old () 55 + ()

83. If you ever find yourself faced with a divorce will you observe the Islamic practice or the American courts system?

(a) Will observe the Islamic Law and practice of divorce ()

(b) Go through the American Courts system ()

(c) Both ()

84. Do you think the Islamic practice of divorce can work in conjunction with the American concepts of divorce?

Yes () No () Maybe () I do not know ()

85. If **NOT**, why? Please list_____

INHERITANCE:

In the Holy Qur'an, addresses the topic of inheritance and how it should be broken down in certain increments. Moreover, the Qur'an states that the "And unto each We have appointed heirs of that which parents and near kindred leave; and as for those with whom your right hands have made a covenant, give them their due. Lo! Allah is ever Witness over all things" (Holy Qur'an 4:33)

86. Does the Islamic community that you attend encourage the following of the dictates of the Qur'an when it comes to the division of inheritance?

Yes () No () I do not know ()

87. Are you aware of the different apportionments of inheritance for various members of your immediate and extended family according to Islamic law?

Yes () No () I am familiar with a little bit of the Islamic inheritance laws () Other ()

Please state _____

88. IF SO, in what way does the community encourage the adherence to the Qur'an for the division of inheritance? **Check all that apply.**

(a.) Community gives classes on Islamic wills and inheritance ()

(b.) Imam speaks or has spoken about the importance of making an Islamic will ()

(c.) Other () Please list _____

89. Do you have a will?

Yes () No ()

90. IF SO, is your will structured in terms of the Islamic way to apportion inheritance?

Yes () No () Not applicable as I do not have a will ()

91. If you did, apportion the inheritance according to Islamic law, how did you make the calculations?

Did it myself () Had someone with Islamic knowledge of inheritance laws do it () Other () Please list -

92. If you **DO NOT** have a Will and plan to make a Will in the future, will your Will adhere to the Islamic way of apportioning inheritance?

Yes () No ()

93. Do you know of members of your community that have a will in accordance with Islamic law/Qur'an?

Yes () No ()

94. IF SO, how many?

0 – 5 () 5 – 10 () 10 – 15 () 15 – 20 () 20 – 25 () 25 – 30 () 30 and UP ()

95. Do you think the Islamic inheritance laws are applicable today?

Yes () No ()

96. What do you think of the Islamic Inheritance laws?

Necessary () Optional () Outdated () Other () Please state _____

97. If you have children, are you or will you apportion the inheritance laws in accordance with the Islamic law and practice and the Holy Qur'an which states that " God directs you as regards your children's (inheritance) : to the male, a portion equal to that of two females: if only daughters, two or more, Their share is two-thirds of the more, their share is two or more, their share is two thirds of the inheritance, if only one, her share is a half.

Yes () No () Maybe () Other Please state _____

PUNISHMENT:

Throughout the Holy Qur'an, there are instances where punishment for haram actions are discussed. For instance, the Qur'an states that "The woman and the man guilty of adultery or fornication, - flog them each with a hundred stripes." -- Surah 24:2 Furthermore, the Qur'an states that "If any of your women are guilty of lewdness, take the evidence of four (reliable) witnesses from amongst you against them; and if they testify, confine them to houses until death do claim them, or Allah ordain for them some (other) way. If two (men) among you are guilty of lewdness, punish them both. If they repent and amend, leave them alone; for Allah is Oft-returning, Most Merciful." –Surah 4:15-16

98. Does the Islamic community that you attend encourage the use of Islamic punishment?

Yes () No () I do not know ()

99. IF SO, what infractions in the community are considered serious enough to warrant some type of Islamic punishment? **Check all that apply.**

Adultery () Fornication () Theft () Murder () Lying () Other () Please list _____

100. What methods of Islamic punishment are or have been enforced? **Check all that apply.**

Whipping/Lashing () Ostracization/Shunning () Public condemnation () Execution ()
Maiming () Confinement () Other () Please List _____

101. Are there any infractions in the community where Islamic punishment is mitigated (softened) in lieu of the original punishment?

Yes () No () I do not know ()

102. IF SO, what are the infractions in the community where Islamic punishment is mitigated in lieu of the original punishment? **Check all that apply.**

Adultery () Fornication () Theft () Murder () Lying () Other () Please list

103. IF SO, what reasons does the community give for this? **Check all that apply.**

(a.) The Community states that there are various Interpretations and allowable degrees of meeting out Islamic punishment ()

(b.) The Community states that it does not live in an Islamic state and must abide by the laws of the country where it resides ()

(c.) I do not know ()

(d.) Other () Please list

104. How does the community enforce any type of Islamic punishment? **Check all that apply.**

Through consensus of community () Members tacitly (silently) agree to the punishment by being members of these communities () Groups within the Masjid take it upon themselves to mete out punishment () Family members of the accuse sanction punishment () I do not know () Other () Please List _____

105. Do you think that punishment in America according to Islamic law is appropriate?

Yes () No () I do not know ()

106. IF SO, what infraction(s) do you think should be enforced against? **Check all that apply.**

Adultery () Fornication () Theft () Murder () Lying () Other () Please list

107. What infraction(s) should it not be enforced against? **Check all that apply.**

Adultery () Fornication () Theft () Murder () Lying () Other () Please list

108. If you think that Islamic punishment in America **SHOULD NOT** be enforced, why?

Outdated () We do not live in an Islamic State () God is the ultimate Judge not man ()

The US laws addresses justice sufficient to come within the confines of Islam Other () Please list _____

109. What problem(s) do you think your Islamic community is facing? **Check all that apply.**

Adultery () Fornication () Theft () Murder () Lying () Other () Please list

110. What age group(s) are the main offenders of the major rules? **Check all that apply.**

Teens () 20 – 30 () 30 - 40 () 40 – 50 () 50 – UP ()

111. What is your belief on Islamic law in regards to punishment?

Necessary () Needs to evolve with times () Outdated () Other () Please list _____

FINANCES:

In the Qur'an, there are sections that discuss the fair distribution of wealth and the repudiation of usury. For instance, the Qur'an states "Allah will deprive usury of all blessing, but will give increase for deeds of charity" (Qur'an 2: 276).

112. Does the Islamic community that you attend encourage the adherence to Islamic law in regards to finances?

Yes () No () I do not know ()

113. IF SO, in what way(s) does the community encourage the adherence to Islamic law in regards to finance? **Please list**

- 1.
- 2.
- 3.
- 4.

114. Do you own credit cards?

Yes () No ()

115. Do you pay any Riba (usurious interest) on your credit cards?

Yes () No ()

116. Do you believe in adhering to Islamic law when it comes to Riba (usurious Interest)?

Yes () No ()

117. IF SO, please list how you do adhere to this law in your daily life?

- 1.
- 2.
- 3.

118. Are there any other ways available in the community that can help you follow the Islamic law in regards to Riba (Usurious Interest)?

Yes () No () I do not know ()

119. IF SO, please list other ways that are available?

- 1.
- 2.
- 3.
- 4.

120. Is it feasible to follow Islamic law with regards to Islamic finance?

Yes () No () I do not know ()

121. What is your personal view on Islamic finance in America?
Necessary () Optional () Outdated () Other () Please
list _____