

Question and Answer

Question:

The Hizbs adoption regarding a woman traveling for more than 24 hours is that this is haram. With regards to this rule some clarification is required.

1. By 'traveling' is this meant a mussaffir on a journey – i.e. does the woman become a traveler after 80 km travel and so the rule applies to her then. So if she traveled 70 KM she would be able to travel alone.
2. Is the rule indicating just the traveling i.e. actually engaging on a journey or does it include staying at a 'safe place'. If for example a woman traveled 12 hours but stayed at her sisters house for 2 days without a mahrem would this be valid.
3. Is a woman allowed to live alone in a place where her mahram does not reside. Also is a woman allowed to go to university or work in a place away from her fathers home where there is no mahrem. Does it matter the length of time she stays at the place, if she is working she may stay for many years away from her fathers/mahrems home. Can a woman for this period of time designate the place to be 'her home' and so be exempt from the rule.

Answer:

"The Limit of the distance (80 km) is related to fasting and combining and shortening of prayers. This does not apply to the travel of the woman which must require a mahrem. Regarding the traveling of a woman (which is) necessarily accompanied by a Mahrem it is mentioned as 3 days, 2 days and 2 nights, one day and one night. The texts of these hadiths are as follows:

"The woman does not travel three (days) without being accompanied by a mahrem" , "the woman does not travel the travel (maseerah) of two days and two nights except with a husband or a mahram", "The woman does not travel except with a mahrem for a travel (maseerah) of three (days)" , "The woman does not travel the travel (maseerah) of one complete day except with a mahrem", "It is not halal for a woman who believes in Allah and the last day to travel the travel (maseerah) of one day and one night except with a mahrem".

So the ahadith mentioned the maseerah (travel – journey) of one day and night, two days and two nights, or three (days). So the matter should be explained (and clarified?) by the least. So any woman who travels the journey of one day and one night must be accompanied by a husband or a mahrem. Whoever travels the journey of two days and two nights or three days, or three nights, she must be accompanied by a husband or a mahrem for greater reason. This is regardless of whether the travel was on foot, on an animal, a car or an airplane. Because what matters is the journey of the day and the night that such travel means takes, i.e. the walking (the foot), the animal, the car or the airplane. Once she reaches the place she aims, she is allowed to live with her mahrems, or in a house private to her without having a mahrem with her, unless her such living alone was not safe.

This is whether her travel was for study or for work."

Question

What is the hukm regarding someone who is a Solicitor (Lawyer) in the UK. There are principally 2 types of solicitors – those who work for the state (crown prosecution service) and those who work on behalf of defendants. In both cases the law of the land will be the basis of arguing a case. Is it permitted to argue on behalf of the law of the land?

Also what is the hukm re a defense lawyer working for a company that assigns them cases and he fights the case regardless of the right or wrong of the client?

Can you clarify what 'rights' if any can a Muslim expect in a kufr household?

There are many strands of Law – Criminal Law, Company Law, social law, immigration Law etc. In each case the law will be from the law in the UK, so the company law would involve helping clients with company disputes, which obviously contradicts the company structure in Islam.

Can the evidence of the Muslims in Abyssinia in front of the Negus count to argue that as a general rule Muslims can argue their 'rights' in a non Islamic household.

Answer

1. The person has the right to demand for his right and to demand for removing the injustice away from him and to defend himself by proving his right and removing the injustice away from him. He has the right to delegate another person (such as a solicitor) to do that on his behalf.
2. Such right has to be approved by the Shar'a but not by the man-made law, and similarly the zulm (injustice) has to be proved likewise. Had a Muslim sold some alcohol and the purchaser did not pay him the price, this price would not be considered a right for the Muslim. Therefore it is wrong to demand of it, though it is (his) right according to the man-made law. Similarly if an insurance company did not pay to the insurer for an accident, i.e. did not compensate him and dealt with him unjustly, this would not be considered an unjust act falling on the insurer because shar'a does not approve of the insurance companies. Therefore it is wrong to make a claim for removing this zulm away from him and demand fair compensation. This rule applies to any similar cases.
3. It is haram upon the Muslim to make a court case demanding a right not proved by Shar'a. Nor to demand the removal of a zulm from him if not proved by the shar'a. Likewise the solicitor is not allowed to accept a case demanding a right or removing a zulm on behalf of his client if such right or zulm is not proved by the shar'a. Therefore, the trial made by a Muslim or his solicitor through presenting false evidence or using clever language and the like to obtain a right depending in that on man-made law or illegal means, all that is a crime in the view of Islam: and possessing a right through this way is possessing a piece of fire, as it comes in the Hadith.
Any defense presented by a Muslim or the solicitor that includes praise of the man-made law or its fairness or its legislator, all that involves such person doing so in sin, for all the man-made laws (other than the law of Allah) are invalid and oppressive (zaalim). The only thing allowed for the Muslim and the lawyer is to present the proofs, evidences and the arguments to support his rights and remove the zulm from him and defending himself, all this should be according to the truth (haqq) that Allah obliged.
4. Demanding of a right or removing a zulm away or the defense of a person or his solicitor to prove the right, remove away the zulm and providing the evidence and arguments in this regard as long as the Shar'a obliges such right and removing away of such zulm, all that is allowed in dar-al-Islam and in dar-ul-kufr due to the following evidences:
 - a. The texts that came regarding the defense of oneself, the property and the honour to the point of death (martyrdom), indicates the agreement (by mentioning the higher thus allowing the lower) on defending the right and proving it with the evidences and arguments and all the legal means. These texts have not been limited to dar-al-Islam to the exclusion of dar-al-kufr. So, these texts are used for both lands (dars).
 - b. The defense of the Muslims in Abyssinia of themselves before the Negus so as to not to hand them to the delegates of Quraish, and also proving the zulm of Quraish to them, and that they (the Muslims) were on the truth (haqq) and the delegates of Quraish were on falsehood.
 - c. The consent of the Messenger (saw) to the Muslims to live in Makkah, that is those who did not emigrate to Dar-al-Islam in Al-Madinah before the conquest of Makkah. This consent indicates by implication (iqtida'a) that it is allowed for them to demand their rights and to remove the zulm away from them; for this is what is required (necessary) by living in any society.

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