

Questions and Answers

1. Is it fard to join a group because the sahabah worked with the prophet (saw) as part of a group or is it because of the shariah principle, 'whatever leads to the accomplishment of a wajib is in itself a wajib', taking into account the fact that the Da'wah is not obligatory upon the sahabah at the time.

Answer: After the revelation of the ayah "let there be of amongst you a group that calls to khair (Islam), enjoin the marouf (good) and forbid the munkar (bad)..." it became an obligation upon muslims to have groups, even if there is a state, as it should be or not as it should be. We added to that the fact that the Prophet (saw) had a group of muslims around him called the sahaba, they were with him in Makkah and Madina, regardless of the issues of whether it was fard or not and regardless of whether the call (as in the above ayah) was fard upon all of them or upon Rasool (saw) only. Moreover the fact that the Hizb has determined its objective of establishing the khilafah by which, only by which (according to shariah) Islam can be implemented and muslims can live according to Islam, matters which are fard, together with the other fact that the muslims are not allowed to set down relaxed without having a pledge on their necks for a khalifah and they, yet, do not do anything to remove the sin.

Yes in determining this objective which is no doubt a divine duty, it can't be achieved without a group. We should not always understand that once we have an evidence on a matter we do not need to seek other evidences. The Scholars always brought all the divine evidences available on an issue, to confirm the issue. We have many of these cases in our own culture.

2. Do we work in the Muslim countries because the obligation exists because of the time limit of 3 days and two nights, therefore it has become a matter of urgency to establish it as soon as possible, therefore the fact that the pre-requisites already exist in the Muslim countries therefore we only work there. OR Is it because we are 'resuming the Islamic way of life', this means re-establishing it in those places where it once was established.

Answer: Had we been working to establish Islam we would be obliged to work for this everywhere in the world. Yet to achieve this according to the method of Rasoolallah (saw), mentioning particularly seeking the nusrah, makes the work for this objective in the Islamic countries a priority. Furthermore, there was an Islamic state in the Islamic countries, that made such countries Dar-al Islam (in the past) where the muslims are aware of the facts of dar al Islam, this prioritizes the work there -- to return the land to Dar al Islam, i.e. to resume the Islamic way of life. Muslims in such countries are in sin because they lost the Khilafah and kept silent about living without a khaleefah for all this long period, so it is a priority to define these countries as the majal. On the same theme we give priority to the arab countries for the work and continuing it there, on the basis that the dawah can be more effective in talking to the people directly with the texts of the shariah. However this is the priority given, it is permissible to work anywhere else for Khilafah if the conditions deemed right. This is what the Party can decide.

3. Please answer the questions below as soon as possible. The United Bank of Kuwait has come up with a "halal" mortgage. If you are aware of its details please clarify if it is actually halal?

If you are not aware of the details please let us know ASAP so that we can send you the details.

Answer: I am aware of it, and I read the details about its two main projects "Ijarah" and "Purchase". It is not halal to deal with the bank for this purpose or other purposes. Firstly it is a share holding company (capitalist company) owned by Muslims. Furthermore, they obligate to insure the home. They also state to adjust the rent every year based on the insurance amount that year. This amongst other things makes it haram.

4. Is it allowed for a muslim to participate in bargaining at an auction?

Answer: Yes it is allowed to participate in an auction, for the offered prices given in the auction are just offers that were not accepted by the owner, hence there was no sale. However if the owner accepted an offer clearly and was in the process of concluding the sale it is haram for a muslim to offer any price, unless the sale was not concluded for whatever reason. But it is no doubt haram to participate in an auction and offer prices just to increase the sale price for whatever reason, because this is harm to others which is haram.

5. In chapter 3 of nizam when the discussion begins on whether Islam was implemented, it states that it was so until 1336 AH (1918). But later on it gives a different date which we know to be the correct understanding i.e. 1342 AH (1924). Please clarify the discrepancy.

Answer: In 1918 the State came under occupation by the Allies State's, mainly Britain. So implementation of Islam almost stopped in most areas of life as authority was in the hands of the Kuffar. However, the khilafah state remained officially till 1924.

6. Does the party accept that after the occupation of Baghdad by Mongols, there was no Khalif for three years?

Answer: The party did not discuss that matter, whether it was historically true or accurate. However, even if this was the case, this could be explained by the fact that the Muslims concerned for selecting a khaleef were under an overwhelming power preventing them from doing so. This is the case of the muslims nowadays, and this is the case of the muslims after the murder of Uthman (ra) where the muslims remained for five days without a khalifah before pledging Ali (ra) in Khilafah.

7. It says towards the last paragraph of Takkatal Hizb: "Once it has implemented the ideology completely and comprehensively, it should then proceed to carry the Islamic Da'awah, hence it should assign in the state's budget a special fund for Da'awah and publicity; it would supervise this Da'awah from a state aspect or from a party aspect, according to the circumstances' requirements" What is the meaning of:

- 'Assigning a budget for Da'wah and publicity' - wouldn't this be the duty of the state and not the Party?
- supervise this Da'awah from a state aspect or from a party aspect?

Answer:

- Yes the budget is decided by the state, the book did not say that the Hizb would put the budget. The book said that the supervision over the dawah and publicity would be left to the state or it can ask the party to supervise some of it according to the conditions, whether internationally, or the countries where such dawah is carried to.
- Yes the supervision is left to the state to decide. Either it will handle that or ask the party to supervise it wherever and whenever. But, the decision is for the state, not the party.

8. A sister would like to take out a student loan from Uni. The contract states that she would only have to pay it back when she is employed and earning over a certain amount of money (10K p.a.). She has no intention of working upon graduation and, therefore, it would seem that she would not have to ever pay the loan back. Is this correct? Can she undertake such a contract with this intention?

Answer: There are two aspects in the loan. The first is the contract to sign before taking the loan. To sign a contract for a loan that states you agree to repay the loan and an additional amount (as inflation, or as services or interest) is haram. To repay the extra money over the loan is haram. So haram is involved in signing and repaying with inflation.

9. What is the hukm on purchasing an employee liability insurance document, i.e. making a contract with intention to buy the document rather than the insurance - so a person holds the document in front of them and says "I buy this from you for such and such a price" - Some brothers claim that this is a valid means of acquiring a car insurance document.

Answer: To judge on this issue according to sharia, I have to draw attention to a very basic point in trading: Prices are paid for goods that are owned and used, such as cars, books, food, clothes, houses etc. Or prices are paid for services provided to the purchaser (or payee) such as those of a teacher, solicitor, lawyer, doctor, cab driver etc. Prices are also paid for other services in the form of valued enjoyment as in parks, cinema, TV movies etc. In summary prices are paid for a good or real service. It is true that people are forced to pay money like fees for services provided by a state with no sign of any goods or services like fees for crossing borders, or admittance to a country for oneself and sometimes for care and goods accompanied.

However this is only by force of the laws in matters people are in need of. Based on this understanding, to buy a lottery ticket for £5 is illegal because it is money for no service or good, moreover it is involvement in lottery - a game of luck that is haram. Therefore buying an insurance document even without signing the contract and without benefiting of that illegal contract is still doubted, for it is money paid for neither a good nor a service, as in a real service that you could obtain.

10. At the end of Chapter 6 of Nizaam it says - "The systems are Ahkam Shari'ah, which organise man's affairs. The Islamic system handles all of man's affairs and outlined a comprehensive set of rules enabling one to derive detailed rules from these comprehensive meanings when carrying out the implementations. The Qur'an and Sunnah also includes general outlines i.e. general hints to deal with man's problems in his capacity as a human being and enabling the mujtahideen to deduce partial judgements from the general hints for problems that occur throughout the ages and in different places."
What is meant by "general hints" and "partial judgements"

Answer: General hints is better to be changed to general meanings and partial judgements are to be changed to detailed rules.

In the Quran, Allah (swt) says: If they suckled for you pay them their wages.

This is a general outline talking about the one who provides a service deserves a wage. The book says "general outline" i.e. general meanings. So the general meaning is that a wage is deserved for whoever provides a (legal) service. This is applied on all sorts of jobs, whether they are private, common, big or small. The mujtahid would refer to this meaning to decide if a broker, a typewriter, a car driver, a teacher etc would be entitled to a wage. Similarly he would decide upon a Wali, khalifa and his assistant, as they are not employed by the ummah they would not take wages. Rather they would be compensated for their pre-occupation in their functions on account of them running their own business and affairs.

11. People say that the muqalid must follow the same mujtahid in all the rules relating to one masalah (issue) - in Shaksiyah we give the example of salah and wudu - i.e., that they are one masalah and that we must follow the same mujtahid in that masalah.

a. Is this understanding true?

b. What is the definition of a masalah? what is the evidence for this?

Answer

Yes the muqalid has to follow the mujtahid in the whole Musa'la. Musa'la is an issue which in total has no direct reflection with other matters regarding its execution, the conditions of its validity, and the elements which could be invaluable or restrict its realisation.

Hajj is one issue - As Ihram, Intention, Tawaf

Fasting is one issue - as starting Ramadhan, starting day fasting, breaking fasting, matters that cancel fasting, what are the limits of travel to allow not fasting, fitrana, taraweeh etc.

Musa'la can't be safely executed unless all relevant issues like conditions are observed.

12. Once a man and woman are engaged - I understand that they are allowed to talk to each other -

a. Is this correct?

b. are they allowed to meet without a mehram (i.e., in cafe)?

c. are they allowed to talk on the telephone?

Answer: Engagement has no proper place in nikkah in Islam. This is a new practice that Islam and one that muslims never knew before. So engagement does not represent nikkah and accordingly does not entitle the two parties with any special rights or privileges. The only divine right for them is that the engaged girl is not allowed, once it is announced to be proposed by any other Muslim male. As for talking to each other, it is only in the matter of marriage and in presence of mehram. They are not allowed to meet together in public even with a mehram just for entertainment purposes. It is only for matters related to marriage, like looking for a home, or buying jewellery etc. To talk over telephone is allowed with clear permission from the parents, but the dialogue must be free of any intimate language, as she is not his wife legally, so he has no divine rights over her of that nature.

13. Some scholars have stated that the Hadeeth regarding seeking refuge from punishment in the grave is mutawatir lafzee. Ibn Katheer (al bidayah wan nihayah) gives one hadeeth that has been narrated he says from Ibn Abbas Abu Hurayrah Abu Tharr amongst others and states that it is Mutawatir, and hence in his view part of the Aqeedah. What is the Hizb's position on this matter?

Answer: It is well known that the definition of Mutawatir hadith is not unique for all scholars. So some scholars may disagree with others over whether a hadith is mutawatir or not. Scholars even differed over whether what hadith is sahih, or a particular hadeeth is saheeh or not. I have no idea if the hizb has accepted or not the view of Ibn Kathir in this issue.

14. Is it possible that a certain Hadeeth is considered as definite by some and not definite by others and therefore an aspect of Aqeeda for some and not others as with the above case?

Answer: You have to remember that with the aqeeda issues, Islam has obliged every muslim to believe in them, otherwise he will definitely be, in the view of Islam, a kafir. (These are to believe in Allah, The day of judgement, The Books, The Angels and the Qadar is from Allah). To prevent Muslims differing in the aqeeda we have to state the importance of the definite evidence in any creedal issue

15. We state that it is not allowed to adopt the Aqeeda through Taqleed. However can the Muqalid Ammi verify what matters are part of the definite aspects of the Aqeeda that we discuss in Shakhsiya Islamiya vol 1? Is it similar to the case that someone can make Tarjeeh although he does not have a command of the Arabic language?

Answer: The muqalid in aqeeda has to change his approach. He has to know as much as easily possible about the evidences of the creedal issues without comprehension. The issues just mentioned are easily understood from hundreds of verses in Quran, so they are possible to be convinced of by any muslim, thus stopping to have imman by taqleed. As for the other partial creedal issues, the muslim is forgiven if he did know its evidence, or even if he did not know about them very clearly. So what some people nowadays insist that every muslim should know where is Allah in order to be of sound aqeeda is totally new, because muslims never raised that to any new muslim so as to witness of His Islam. Other partial issues are treated similarly.

16. In Shakhsiyah Islamiyah vol 1 we state that moving from one opinion should be based upon tarjeeh. It was explained in a previous answer to a question that this is for the Mujtahid and not the Muqalid. If one person is Mujtahid in one masala does that mean that he adopts the whole masala of a Mujtahid like salah and wudu as condition according to the ijtihaad of a mujtahid i.e. make tarjeeh of the whole masala or because he is capable he can adopt from within the different ijtihaadaat and therefore as he is mujtahid in this masala may adopt different aspects of the masala according to different mujtahideen

Answer: The Mujtahid is not muqalid, so he acts according to his conviction, whether the opinions he is convinced of are his or others opinions. But mujtahid mas'ala he may develop his opinion in that Mus'ala by his own ijtihaad and/or following the ijtihaad of other scholars. Yet he will be muqalid in the other mus'ala if he did so.

17. We say in Shakhshiyah Islamiyah vol 2 that the phrase al quraish is a name (ism) and therefore it is not acted upon. Is this similar to Mafooom al laqab and therefore it can not place yaqeed or takhses but rather is a particular example of a preferable condition? However if we say it is not acted upon how is it a preferable condition as we state in the ruling system?

Answer: What we mean by not acting according to the Mafooom of al-loqab is that we do not consider that the loqab has a mafooom whether in agreement or disagreement with. To consider that it has a mafooom means to exclude any who does not qualify to that mafooom by disagreement (i.e. mafooom al-makhalafa). So other than quraishi men can be Khalifs. Yet because the Quraish is mentioned in the hadith it became preferable (mandoub). Which means that it is preferred that the Khalif is from Quraish because the hadith mentions that, but it is also acceptable for a Khalif to be from outside of Quraish.

18. When it puts up a constitution and cannon to be followed by the judges in legislation (just before thought and method), point 3 needs clarification: When it talks about the judge is not permitted to issue verdicts contradictory to state adoption, it then states that issues where the state has not adopted, the judge will issue the verdict on his understanding of hukm shar'a. this raises questions:

When it says issues where the state has not adopted, does this mean issues to do with ibadat, or just issues like mu'amalat but the state has not got around to adopting on them.

Answer: In principle, Adoption is a right for the Khalifa. It is supposed to be within General Guidelines and as minimal as possible. However whatever is the scale of adoption, the detailed rule, and judgements of the Judges may not be within the adoptions of the state. Thus they judge on such issues according either to their own ijtihaads, or by applying known opinions by other known scholars to such issues and questions. And this is general in Ibadat and even in the main areas where the state has adoptions, but they're many details which the state avoided to adopt leaving them to the judges.

In Ibadat the state adopts in Zakat, jihad, start and ending of fasting and the Hajj.

If it is ibadat, how can the state enforce such rules because we the state does not adopt on these issues

19. If the judge rules by his own usul and this contradicted the state's usul, what then happens if the state does issue a rule later. This is especially important on issues which are on-going like rules of company transactions particular to a few issues (i.e. like internet banking)

Answer: The judge can't adopt against the state adoption. Regarding the usul, once it is adopted by the state, all the state officials – walis, assistants, judges etc are obliged in their ijtihaad to follow the same usul though their ijtihaads may be different from each other, and this is allowed as the state did not adopt in such matters.

20. Certain rules that the Uthmani's adopted were clear kufri, eg Qadi judging with Riba contradicts definite text, definite meaning. Doesn't this mean that the statement in Chapter 3 that the judges throughout the Islamic State judged according to Islam is wrong?

Clearly they didnt in this issue of Riba and other issues.

Answer: This was considered shar'i because it was introduced based on a fatwa by the Sheikh-al-Islam in the State. When the officials applied them they did so based on that fatwa as being Islamic law. This could be easily understood at the time when the main officials do not know arabic, together with the spreading of ignorance and the closing of the doors of ijtihaad.

21. I want to clarify a hukm given to me before. It states that if clear kufri is implemented in the Islamic State and no one accounts the ruler then it is still dar al-Islam. Is this correct? The context was to do with the Uthmani's implementing kufri laws.

Answer: The answer to this is mentioned in the previous answer. The people all thought that the state implements Islam and not kufri. So from the Shari' perspective this is still dar al-Islam.

22. In Chapter 3 it gives daleel for checking whether the judges judged according to Islam, namely the records in Istanbul, Cairo and Baghdad. But when it mentions the ruler, it gives no daleel for showing that the 5 systems were implemented. What is the daleel? Is it antiquities and narration?

Answer: The records from the courts were not mentioned as evidence. Rather discussion over that point was mentioned before that statement. Only it was mentioned that the nearest evidence (not the evidence) to that matter were the records of the courts. The ruling, economic, social, foreign treaty systems have been addressed in the book as the judges actions were addressed. These systems were the only ones used in the state till it was occupied, and later destroyed.

23. From the book Mefahim concerning the section The Doctrine and the System, what is our stance regarding the situation when more than one Islamic State existed at the same time (i.e. like in the time of Salahuddin Ayyubi when there was a State in Egypt and one in Damascus). If the latter one is not considered an Islamic state, what occurred when the first one was destroyed/overthrown. i.e. is the second one considered THE Islamic state in this circumstance when the first one is overthrown.

Answer: There was this situation twice before the case of Salahuddeen. First when Mu'away (ra) ruled As-sham at the time of Ali(ra). Second when Umayyads ruled Andalus after Appasid came to power. The illegitimate state continues under all circumstances even when the actual legitimate Khilafah state is destroyed as you assumed. Only if the muslims accept the illegitimate state after the disappearance of the legitimate one, at that moment this state becomes legitimate. This happened when Al-Hasan was elected as Khalifa after the death of his father (Ali(ra)), and he then conceded to Muawya(ra), then Muwya(ra) became the legitimate Khalif

24. Concerning the destruction of the Khilafah in 1924, why do we say that the State existed until 1924 when the security was not in the hands of the Muslims from the end of the Second World War (1918)?

Answer: We mean that the Khilafah State Officially existed till that time in 1924 when it was destroyed. The point at discussion was not whether it qualifies to be the proper state or not, which we already had covered by saying that the implementation of Islam was terminated in 1918. The point is that the Khilafah could have managed to regain power in this period between 1918-1924. But it did not, rather it terminated in 1924.

25. Under the legislative sources, it states that the correct Usul is Qur'an, Sunnah, Ijma as Sahaba and Qiyas. What do we define as the Ijma as Sahaba? i.e. is it something that must contradict a text already understood by the Muslims (i.e. the burial of the Prophet (SAW)). If this is so, how do we reconcile other Ijma like the Ijma of the sahaba regarding the compilation of the Qur'an, as this does not contradict any text that I know of. Also are there any other rules/conditions placed on Ijma as Sahaba?

Answer: Ijma'a of the Sahaba is their agreement on a matter as the divine rule over an issue without mentioning the evidence. In this case their agreement is considered Ijma'a (an evidence) because these indicates that they knew the evidence from the life of the Prophet(saw). I.e. his words, actions and acceptance, but they did not mention it in those circumstances.

The other type of Ijma'a is the Ijma'a as-Sakuti (i.e. by staying silent). This means that a sahabi says something or does something which apparently contradicts a hukm Shari' (i.e. it is deniable), yet the sahaba see that or got to know that action or saying of the sahabi, but they kept silent, i.e.. They agreed on what he said or did. This is the reality of the Ijma'a by silence. An example is when Omar(ra) restored land from Bilal, after he ignored using it for three years. The Sahaba witnessed this, and they did not object to Omar though it is taking a Muslim's land, which was given to him by the Prophet(saw). This meant that Omar(ra) and the Sahaba were aware of the evidence that prohibits neglecting land for three years and the right of the state in taking it from him. This sort of Ijma'a has conditions.

(1) it should contradict other rules. (2) Sahaba should have known that incident of the sahabi (saying or action). (3) It should not be done by the Khalif as one of his functions is the right to dispose of the funds of the Bait-ul maal upon his own Ijtihad, by giving the people equally or preferentially.

26. Concerning the same section when it explains that the Shariah of the previous Prophets (AS) are not a Source of Hukm Shar'a for us. Is there such a thing as Iktida' (i.e. taking lessons from the struggle of the previous Prophets (AS)). If so, how does this fit in to this discussion. i.e. If Shara min kablana is abrogated, then how can we act upon the example of the previous Prophets.

Answer: Wherever the Quran or the Sunnah draws our attention, as muslims to any of the prophets practices in the form of preaching or addressing to follow, this becomes our sharia, for the quran directed us to it. In the Quran read, in (60:1), asking us to take Ibrahim(as) as an example (in a certain matter). Also the Quran addresses Mohommed(saw) saying Be patient as previous messengers be patient.

The following questions and page references are from the Social System 3rd Edition, 1999, in English.

27. The non-satisfaction of the instinct will not result in death or any physical, mental, or psychological harm. Harm will be merely through anxiety and frustration. Consequently satisfying this instinct is not mandatory such as the satisfaction of the organic needs, it is rather a matter to bring about tranquillity and for comfort. P21 part 1.

As for the instinct of survival, sanctification and procreation, if not satisfied these will not lead to any physical, mental or psychological harm, but merely result in anxiety and pain. P32 Par 3

There are two peculiar words used in the English translation. Are they related to the limitations of translation or are there some conceptual points that need clarifying? These words are anxiety and pain. In English, Anxiety is a recognised medical condition. The term anxiety maybe in conflict with use of the words "mental" and "psychological harm". I accept this may be an esoteric meaning, but this does need clarifying. The other word "pain" in its common meaning and its technical meaning is defiantly in conflict with "physical, mental or psychological harm". Pain does constitute physical, mental or psychological harm.

Answer: The word anxiety in arabic is qalaq or you can translate it as worry. The word pain is freely translated from the arabic word alarm. But the book differentiates between pain and harm (dharar). Pain could occur if the instincts are not satisfied but harm (bodily, mentally or psychological) does not occur. It rather said it happens to some people at certain times and may not happen at other times. It affects some people and not others. This is in clear contrast to the harm caused by the lack of satisfying the organic needs that affects everyone. Honestly, if we have to accept the Western views in this regard, they even say the prevention of people practising their individual freedom causes them psychological and mental pain. A view we should not be easily drawn to accept, as the West started to give psychology wider interpretation than it means actually.

28. It is Obligatory to separate Men and Women in the Islamic Life:As for the overall evidences, studying them leads us to notice that the Legislator did not accept women's testimony in crimes, since women do not live where crimes mostly take place. P38, Par 3.

Answer: It is not only crime but also debts. As in the longest ayah of the quran in Al Bakhara, the ayah of the debt, where two women equal one man as a witness. By examining the cases where women witnesses were accepted as one; they are women in (TEXT OBSCURED), in suckling and all women inner society. While half the men in the general public places. This is the reason of the statement mentioned in the book. So this is the link that the women was of different weight according to the case and area where she gives the witness.

This wording implies that the divine reason 'illah behind the difference between men and women in terms of witnesses is related to the fact that women do not frequent the places where crimes are committed. Is this the case? What are the evidences behind the statement that suggests there is a link between the issue of witness for crimes and the lower public position of women in society?

29. Looking at women, p42 par 4

Ash-Shafee reported in his Musnad from Zaynab.... 'I used to see him as a father....'

Is there any indication that this was given approval by Rasool Allah(saw) or Ijma' sahaba etc. The text in the book doesn't state when this took place. Was Zaynab mature at the time that she was referring to. It may imply she that was a child at the time.

Answer: The Shafi'i brought that as an evidence, and the assumption to be a child would have no weight for it was not mentioned and the child would not be a case to bring an evidence for it as Ashafi did. However in the hadith of Abi Qa'ees he himself mentioned in the Muharromat of women, where the prophet(saw) allowed him to come in as Maharram to her though he is not the husband of the women who suckled her.

30. Is it allowed to service computers of a company, which is owned by a muslim and makes audio conferencing equipment which they sell (in the middle east and elsewhere) for the purposes of a dating agency/escort service? In other words can you take such a company as your client?

Answer: Two points are necessary here:

i) are these audio conferencing equipment which this (client) company makes are technically used only for dating agency/escort services and purposes?

If they are technically used for such (generally) haram service, then it is haram even to have any sort of dealing with them, specifically if the owner is a muslim. But if he is not a Muslim, the only those dealings related directly to such haram service are haram. While other dealings like repairing the AC, cleaning the offices and the like are not haram.

However, if these equipment can be used for halal services, then in essence it is not haram to repair such computers.

ii) However, even technically these equipment can be used for halal services, if in reality such a Muslim owned company deals with these haram matters, it is haram to take as a client, because this would be helping them in spreading corruption (Haram services).

31. Man owns 1/3rd of a piece of land in Bangladesh valued at around 11K. The other 2/3rd are owned by to other family members. At present moment he cannot have access to the land and is not deriving any benefits from it because any decision on the land must be made by all 3 owners of the land.

Does he have to pay zakat on the land now, even though he has no access to the land? When he does get access to the land, does he have to pay zakat on all the years that he has owned it?

Answer: Zakat is obligatory on land if it is for investment and trading, i.e. to sell for companies to invest or to build on or to sell for any purpose. In that case Zakah has to be calculated every year based on the average price of such a land at the time of giving the zakah. Otherwise he considers the zakah amount as a debt which he adds every year till he is able to pay or after he sells.

This, however, is if the land is tradable, i.e. under real demand for trading and investment, and the only problem are the partners, and the price is actually increasing every year.

If the land is almost dead, and there is no demand for it, and its price is almost paid, and can't be even sold if they wanted, then at least zakah has to be paid once it was sold.

I personally tend to consider zakat every year. If you have some money savings (for halal reasons like to build a house - etc.), you pay zakah on such savings every year.

32. Does a woman cover in front of her father in law (the father in law is a non muslim)?
Does a woman cover in front of her father in law (the father in law is a non muslim)?

Answer: Is no. The evidence is given in social system - the Prophet (saw) was asked by one of his wives about covering in front of her father who was a non Muslim and he said this was not needed.

33. Does a woman have to cover during labor?

Answer: Not adopted: a woman should cover as much she can for modesty but in principle does not need to cover her awrah.

34. Is a woman allowed to travel alone in an ambulance?

Answer: The hukm re travelling is that a woman can be in a car with a man (such as a taxi) as long as people can see them and they do not drive to a place where seclusion can occur like a secluded lane. Re an ambulance journey, the reality must be looked into. If the journey was an emergency then it would be permitted, i.e. an accident occurred or life or death then it is allowed. With something that is pre arranged such as childbirth then the woman should make sure that she prearranges someone to accompany her. This does not need to be a mehram, it could be another woman like her sister or friend or another man, as the issue is about seclusion not mehram. However if something happened in the pregnancy that was not usual, and there was no one present - and so the risk of miscarriage was there then she can travel in an ambulance alone. However a woman should always try to have someone present, especially when she is in the latter days of her pregnancy.

35. Are paramedics allowed to enter the house if the husband is not there?

Answer: Not adopted: No - unless it is a life or death/Emergency.

36. Does the woman have to pray after her waters have broken?

Answer: No

37. When does a woman's prayer resume after childbirth, and does she have to make up for the missed prayers?

Answer: She does not need to make up the prayers. She resumes after 40 days or when the bleeding stops. If the bleeding after 40 days is part of the 'aftermath bleeding' then she does not pray until it stops. This should not be more than 10 - 20 days. If the bleeding is something else other than the aftermath bleeding then she does have to pray by cleaning herself and praying.

38. Does a woman have to cover in front of disbelieving women?

Answer: No - the same rule regarding a woman covering in front of muslim women will apply i.e. not wearing see-through clothing etc... However a woman cannot breastfeed in front of non mahrem women, i.e. not covering.

39. Is it allowed to own a private limited company and how is this different to a public limited company?

Answer:

Limited Companies are by structure haram, however one can use this structure to benefit from it but not abide by any aspects related to limited liability.

Discussion in Mefahim on Spirituality, p81.

40. When does the muslim actually attain spirituality, a feeling/emotion of veneration of Allah(swt). Is it the mere contemplation of the creator which may produce the emotion or the mixing of matter and spirit, such that in every single action we do we should attain 'spirituality' or is it specific feeling/emotion which may result from certain realities/actions we do e.g prayer, hajj, on the battlefield ?

Answer: Spirituality is the feeling of the agitated spiritual instinct when man thinks about the might of the creator. In other words it is the feeling that results from the spiritual aspect of man. I.e. man realises that he has been created by an almighty powerful being and that his existence is insignificant in comparison to the existence of this being. This produces in him fear and veneration for the creator- this feeling is called the spirituality. So when he looks at his surrounding i.e. Mountains, trees and he comprehends Allah's existence this feeling will inevitably be produced. Or when man ponders on the ayahs in the Quran pointing to the creation this feeling will be produced. This feeling is not related to mixing the spirit with the material.

41. What are 'the extraordinary treaties due to Idtirar (Mu'ahida idtirariyyah) of emergency' mentioned in Mefahim on p.5?

Does this relate to the temporary peace treaties allowed with occupiers of muslim land, or the rules of duress/compulsion whereby the muslim or state are allowed to forgo the standard shariah rule in order to save one's life or territory or certain death/destruction. Or does this relate to something completely different.

Answer: This is the treaty of emergency conducted by the Islamic State with an enemy state under grave situations to avoid a destruction of the state. The rules pertain to such matters come under the rules of necessity and are regulated by strict guidelines. So when Mohammed (SAW) offered the Kafir one third of the date crops of madina during the battle of Khandaq so that the enemy may withdraw from the borders of Madina is an example such a treaty. So if Khilafah was to be established in Turkey and the EU threatened to attack the Khilafah and the Khaleef feared that such an attack would result in the destruction of the State Then it would be permitted for the Khilafah to enter a emergency treaty with enemy. This may result in the Khilafah giving some of its resources to the EU. But it would be forbidden for the Khilafah to cede any land or authority to the enemy state as the rules of emergency forbid such acts.

42. What are the conditions of being a Mujtahid in a Mas'ala (issue)? Is the one who appreciates (takhsees) the rule and its evidences considered a Mujtahid in that Mas'ala?

Answer: The conditions for the mas'ala mujtahid are to have some sharee and language knowledge which will allow him to make Ijtihad in the mas'ala (issue) which he is looking at and it is not necessary to know all of the usool and all of the language rules like the mujtahid of (Mathhab) and (Mutlak), So that means it is enough for him to know the language and the usool rules which is related to the mas'ala which he is looking at only.

1a. Again the rules which he needs to be Mujtahid mas'ala he needs some of the language and sharee rules and it can be what you said (takhsees) if it in the issue which he is looking at.

43. Is the Arabic language a condition for being a Mujtahid and does this apply to all types of Mujtahid?

Answer: Yes it applies to all types.

44. What are the definite points of Aqeeda. As some scholars differed about the issue of what narrations are considered Mutawatir and the types of Mutawatir, for example some say that the issue of punishment in the grave is Mutawatir Ma'nawi (in meaning). Therefore according to us what are specific points of our aqeeda?

Answer: The definite points of aqeedah the five which been mentioned in the quran by word and meaning which are allah, mala'ekah, the books, messengers, day of judgment, and the sixth one which been not mentioned by word but by meaning the qada'a and qader

45. In the book "The Islamic Personality" Volume 1 it mentions in the section about the categories of Hadith that one of the conditions for a Hadith to be considered Mutawatir is that the number of transmitters should be such that they are a group but it is not allowed to be below five people. It mentions the evidence for this as being the number of witnesses needed in giving testimony for Zina. Is the subject of Mutawatir Hadith rational or do we for this point refer to the text? If so why do we have to refer to the text for this point?

Answer: The mutawater is rational and textual, Rational because it is a studying of the reality of the definite texts. And that decision is for the mind (aqel). There for we studied the reality of the texts which we received from the sahaba, tabeen, and tabee-attabeen, which is the Quran and ahadeeth. So we looked to the reality of any news you here, when you can say that it is definite news. So this is the (aqel) Job. So it is rational. And when you refer to the text you will find Islam said the news will be definite if four of people and they are known in these situations and behaviors and the examples which you gave the witnesses needed in giving testimony for Zina are minimum four and the condition for that that they are well known to the judge other wise if there is 1% doubt no (hadd) will be because of the hukom sharee. There for to say this is a definite text you need to have five (rational). and they should be known other wise maybe it will be more and the other two points which you know. So it is the (aqel) job means rationale. And from the text we knew the definite news which Islam will accept.

Political parties:

I have been asked the following questions that need clarification from the party leaflet 'Departure Point', regarding the following points;

46. 3/4 - - does a political party need to be ideological? - in order to have a higher level of thinking than society?
what are the false political activities initiated by colonialism?

Answer: In common terms a political party does not need to be ideological to be classified as a political party. So there are many parties in the world that are political but not ideological. But in Hizb terms a true political party must be ideological.

The essence of point 3 is that the political organisations were intentionally created by the colonialist to achieve certain objectives. So before this point there were no political activities amongst the ummah nor were there any political organisations existent in the ummah. Subsequently will still from this disease till today. This is from the perspective of activities and organisations.

The essence of point 4 is that the type of thinking exhibited by such organisations made it unworthy to classify them as political parties. Their thinking was so declined that they fell well short of the thinking possessed by the average man. A true political movement will possess thinking that will enable it to change the reality facing it. This is from the perspective of the thought.

47. Society in Muslim lands - any examples of the Ummah as a society abandoning capitalist thoughts when realising that they contravene the Islamic aqeedah.

Answer: Question is vague?

48. Psychological thoughts are rational - how do they become part of culture.

Answer: Please explain what do you mean?

49. Man owns one third of a piece of land in Bangladesh valued at around 11K. The other 2 thirds are owned by 2 other family members. At the present moment he cannot have access to the land and is not deriving any benefits from it because any decision on the land must be made by all 3 owners of the land.

1. Does he have to pay zakat on the land now, even though he has no access to the land?
2. When he does get access to the land, does he have to pay zakat on all the years that he has owned it?

Answer: Zakat is obligatory on land if it is for investment and trading, i.e. to sell for companies to invest or to build on or to sell for any purpose. In that case, zakat has to be calculated every year based on the average price of such land at the time of giving the zakat. Otherwise he considers the zakah amount as a debt which he adds every year till he is able to pay or after he sells it. This however, is if the land is tradable, i.e. under real demand for trading and investment, and the only problem is the partners, and the price is ACTUALLY increasing every year.

If the land is almost dead, e.e. no demand on it, and its price is almost fixed, and can't be even sold if they wanted, then at LEAST zakat has to be paid ONCE it was sold.

I personally, advise tend to consider the Zakat every year, as if you have some Money savings (for halal reasons like building a house etc...) you pay zakat on such savings every year.