Questions and Answers

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UK

Economic System

1. Does not agreeing on the wage make the employment contract invalid?

What is present in the Arabic text of the economic system (page 86) and in page 72 of the English copy which states that not agreeing upon the wage makes the contract faasid (deficient). On the contrary this was mentioned as a comment on work whose type is unknown. The text here is as follows: 'It is a condition to define the type of work in such a manner that it becomes known, so that hiring is concluded over a known thing. This is because hiring for unknown work is deficient (faasid).' However it did not mention the contract is deficient when it discussed the wage. Rather it said: 'The wage of the worker has to be defined. Ibn Mas'ud narrated that the Prophet (saw) said: 'If any one of you employed a worker then he has to inform him of his wage.'

So not knowing the type of work is what makes the hiring deficient (faasid).

As for not agreeing on the wage this is makrooh and not Haraam. The employee is given a wage in analogy to not naming the mahr. The whole topic is discussed from page 91 to page 84 in the Arabic text just as you have mentioned in the translation. The subject is explained in detail in its respective chapters.

2. Is it allowed to accept gifts and eat food from somebody who has bought them from haram money or from riba?

The Haraam money is not linked to two liabilities (zimmahs) at the same time unless there is a text, such as the stolen property. It is Haraam for the one who stole it and in the same manner haram for the one to whom it has been transferred for whatever reason, if he knows that it is stolen property.

As for if the money is usurious money for the one who owns it and then he gives it away to someone else or he buys food with it and invites someone to eat with him. In this situation the sin will be on the one who owned the riba ie the one who ate the riba and not the one who was granted it or was invited to eat food that was bought with it. This is because the Haraam in this situation is not linked to two (liabilities) zimmahs.

However, from the perspective of piety and Taqwah it is better that he does not accept the usurious gift or eat his food bought with riba. This is in addition to the fact that the one who sits with someone who takes usury must command him with the good and forbid him from the evil and he should show him of his disapproval of taking of riba.

3. Are we allowed do deal with share companies (PLCs) owned by Muslims?

Having dealings with share companies belonging to Muslims is void (batil) because they cannot be contracted in Islam i.e. they do not exist as a necessary party in the contract of sale and purchase… in order to have offer and acceptance with the other side with whom the deal is made.

4. As PIA is a Muslim owned share company, are we allowed to buy from them and if not why not?

Share companies are invalid in Islam. This is because they are not contracted and they are not considered to be an existing party in a contract between the Muslims. Therefore, it is not allowed to have dealings, in terms of sale and purchase etc. with share companies whose owners are Muslims, because they have not been contracted between them for they are invalid in Islam. As long as the owners of the Pakistani airlines company are Muslims based on your statement that the Pakistani government has a share of 57% and the company has a share. Then buying tickets from them is not allowed.

5. You said in a previous Q/A, that buying from Muslim owned shared companies is haram. Are we allowed to buy from a agent who are from not a share company? If so are we not allowing the agent who buys tickets from these companies from buying haram?

Previously we gave you the answer that buying tickets from a Pakistani airline company is haraam as long as it is a share company whose owners are Muslims. And this was because the share company cannot be contracted in Islam and cannot exist as a party in any contract between Muslims. However buying tickets from travel agencies which are not share companies and are owned either by a Muslim or kaafir is allowed if they are not part of the share company and nor an agent or go between for the share company. Rather they work on their own account. So buying from them is allowed according to the rules of buying and selling.

As for the view that this makes the travel agency to commit Haraam because we buy from it and it buys from the share companies and thus commits Haraam. As a consequence the company is sinful and so are we. This statement has no effect on the Sharee'ah rule. As long as we have not assigned the agency to buy tickets from the share company then we are buying from the agency like any other buyer. Our purchase of tickets from the agency in this case is correct and there is no sin on us. We will not fall into sin because its dealings with the share company are separate from us i.e. we did not assign it to do so. So the sin fall upon the agency for dealing with the share company whether we bought tickets from it or not.

The change in the cause of the benefit makes the Sharee'ah rule different. If the share company were to produce sugar then the trader who buys sugar from it will be sinful because the contact of purchase with the share company is invalid (baatil). Thus it is haram to benefit from this sugar which he had purchased in any way whatsoever. However, if this trader were to sell it to someone else, then the contract of that other purchaser is correct. The same goes if he gives it to another person as a gift. This gift is a correct discharging of property. So the second buyer or the one to whom the sugar is given as a gift, it is allowed for him to benefit from it because the cause of the ownership of the sugar has changed and thus it becomes Halaal.

Thus, buying from a share company airline is void (baatil) but buying from the agency which deals with it on its own account is allowed as long as the agency is not part of the company or an agent or go-between etc. This is because the cause of ownership and consequently the cause of benefit have changed.

6. Is it allowed to deal with shareholding companies which are banks?

The shareholding (musahima) companies, if owned by Muslims, it would not be (legally) convened. For its contract between Muslims is invalid (batil). This is as if it is not established. Therefore, dealing with it is invalid because it is a side (partner) who does not exist (legally). But shareholding companies owned by kuffar, it is in their view convened, as long as they live outside the Islamic State. Therefore, it is an existing side (partner), and it is allowed to deal with it in matters which are mubah.

Banks, which are shareholding companies, are similar in their hukm to what has been mentioned about the shareholding companies.

If such companies are privately owned (i.e. not Musahima), then it is allowed to deal with them, similarly the banks if they were privately owned. Then dealing with them in other than riba (interest) and its related matters, is mubah and allowed.

7. What is the hukm on using credit cards?

To sign the agreement for having a credit (visa) card which states and allows the holder not to pay in full the amount due for purchases used by the card, where the company pays that and account interest on the card holder. The signature on such text (statement) is not allowed because it is an acceptance to bear the responsibility of paying the interest, though the card holder will always pay the due amounts in full and on time, and without resulting in the use of the card any debts that result in any interest. What is signed is acceptance of the interest deal even if no interest resulted from that because of the full payment for the purchases by the card. However, if the agreement did not mention the interest deal, and that the card holder should pay for all his purchases directly and without delay, then the signature on this agreement is valid and nothing is haram in that. (e.g. Switch or Connect cards).

<u>Further Explanation</u>

Credit cards are of many types

In some types of these cards, the cardholder has an account with certain amount in the bank that issued the card. The cardholder uses the cards for purchase, from shops all over the world, such that the prices of the purchased goods do not go beyond the amount he has in the bank. The cardholder buys from such shops without paying cash; he rather presents his card and sign on bills that amount to his purchases, then he transfers the shop to receive the price of the goods from his account at the bank that issued the card. In other words, the bank pays the bill to the shop from the account of the cardholder.

This type of cards are allowed, for its reality is that of the *Hawaalah* and the *Wakaalah ;* Where the purchaser transfers the seller to the bank that issued the card; and the bank , as a representative to the purchaser, settles the price of the goods to the seller from the account of the purchaser at the bank. What the bank takes from the purchaser who holds the card as payment for the purchased goods, to the seller, belongs to the subject of the wage of the *wakaalah.*

As regards what these cardholders do in terms of buying gold or silver without cashing the price (on spot, and transferring the seller to the bank to receive the price, this action is *Haraam*. This is because the immediate collection (of the price) i.e. *haa'an bi-haa'* (hand to hand) is a condition for the validity of selling the gold and silver, otherwise this transaction is considered *riba*.
All of this argument applies when the bank is a private institution or the government owns it, then this type of cards is allowed.

The second type of cards is that issued by the bank to its customers without having deposit in their accounts that covers their purchases. In such case the cardholder purchases from the shops that have agreement with such bank, and he signs on bills where the shop, based on these signed papers, receives the price from the bank that issued such cards. The bank records these amounts against the cardholder in addition to an extra amount he receives from the cardholder according to an agreed plan of repayment with certain instalments.

The reality of these cards is that they are guarantee (*Damaan*) from the bank to the purchaser towards the shops. In other words, the bank guarantees the purchaser, and the shops sell the cardholder based on the bank guarantee. The bank that issues the card is the party that pays the value of the purchases. So, the card is a guarantee (*Damaan*) document from the bank, where the bank is the guarantor (*Daamin*), the cardholder is the guarnteed (*maDmoon 'anhu*), and the shop that sells the goods is the guaranteed for (*maDmmon lahu*), and the value of the purchases is:(the right due in the responsibility of the purchaser).

However, this *Damaan* does not fulfil its legal conditions, because the *Damaan* in Islam is joining a responsibility to another responsibility to pay a right due to this (second) responsibility without compensation. Thus, the *Daamin* (guarantor) pays the right due in the responsibility of the guaranteed (*maDmoon 'anhu*) to the *maDmoon lahu* (guaranteed for) without compensation. However, the bank pays the value of the purchases in return of compensation, i.e. in return of some amount. Therefore, these cards are illegal from this angle, in addition to that the bank records the value of the purchases as debt on the purchaser and it collects it from him with extra amount, i.e. with *riba*. So these cards are illegal from this angle as well.

8. What will keep the value of the currency free from economic turbulence we see today?

When taking gold and silver as a currency in exchange without any restriction on its transfer. Then the value of the currency in this case will be stable generally. This is because the state cannot issue currency, as it likes, rather it is restricted by the gold or silver cover. And this is what will keep the value of the currency free from economic turbulence that we see today.

9. What is al ushr and are we obliged to pay it to the state today?

A. Al-'Ushr' is the Zakah on crops and fruits of fixed types. It is imposed on the 'ushri land; a tenth when the land is irrigated by rainwater or half of the 'ushr if irrigated by

machinery. Ushr is a Zakah paid by the Muslim to those who deserve it from the eight categories. The Muslim is not required to pay it to the existing states. Rather it is not correct to give it to them because they do not rule by Islam and do not spend it on those categories Sharee'ah decides as deserving.

10. Are we allowed to study how the interest baring bank accounts work?

It is allowed to learn how usurious accounts are made in banks etc but only for the sake of knowledge and not in order to work according to them. If one learns it to work then it is Haraam because whatever leads to a Haraam is itself Haraam.

11. What is the mudaarib partnership?

The mudaarib partner in the company has a share in the profit and not a fixed wage. He is a partner and not just a employee. The partner does not take anything other than the profit. If the company makes a loss then the one who owns the capital loses his money and the mudaarib partner loses his effort. As for the employee, he has a known wage whether there was a loss or not. Therefore, it is not correct for there to be a fixed wage for the mudaarib partner whether it was a wage only or a percentage of the profit was added to it.

12. Are we allowed to tamper with the electric meter so that we can reduce the bill?

It is not allowed to tamper with the electricity figures to reduce the recorded electricity usage because this comes under deception, forgery and stealing. This is Haraam. 'Whosoever deceives us is not one of us.' Al-hadith; moreover stealing is Haraam.

13. What is the meaning of the statement…. "And how do the Capitalists see the role of GDP".

The GDP is a measure of what the people of a country earn as a result of the goods they produce in agriculture, industry, trade as well as the services. It also includes what is earned by the country's citizens who work abroad. The basic element of the GDP is the quantity of production.

In their studies the capitalists concentrate on solving the poverty of the total i.e. if the GDP was divided among the whole production of the country and the result was certain amount of money which is enough for the needs of the individual.. Then they consider the country rich even if most of the revenue is in the pockets of the few exclusive rich people. This is because they make the increase in wealth rather than its distribution as the basis. They leave the distribution to the people's purchasing power. That is to say the one who owns the price of the commodity he buys it, otherwise not.

We say the needs which require satisfaction are individual needs of so and so and so person the treatment should focus on the way by which the commodity can be reached

so that the needs of individuals can be satisfied i.e. how to distribute the wealth so that it reaches the individuals and satisfies their basic needs.

When the problems of poverty amongst the individuals have been treated, and thus their basic needs have been satisfied, this would bring tranquility in their life and give them an incentive to work and produce and so the revenue of individuals will increase and consequently the domestic revenue..

This is the meaning of our statement in page 22 of the economic system, line 11.

(…. However treating the problems of poverty of individuals and distribution of the wealth of the country will be an incentive for the population and the individuals to work to increase the domestic revenue.)

14. What is the difference between Economic science and Economic system, and how did capitalist view this?

The subject of economics has two aspects:

First: economic science that studies the production, improvement and increase of wealth…

Second: the economic system that studies the distribution, possession and spending of wealth…

The first does not relate to economic policy. It is a science which is not linked to the view point about life.

The second relates to the economic policy and is linked to the viewpoint about life.

But the capitalists have combined both into one study. They have made economic science the basis. So production of wealth is the crucial in this subject and in solving the economic problem and other issues. Thus, in their view the economic system emanates from the economic science and is dependent on it.

They called this compound (the economic science on which the economic system is built) as the political economy; for it made the economic science a basis for the economic policy.

This is to differentiate it from the abstract economic science that has nothing to do with economic policy and also to distinguish it also from the economic system that defines the economic policy.

15. What is the foreign wealth of a Nation?

The foreign wealth of the nation is everything that enters the country from abroad in terms of financial assets. For example when the state purchases assets abroad according to conditions that do not contradict the Sharee'ah, such as buying a barrel of petrol from

another state or purchasing water from the rivers of another state. This is from the foreign wealth.

Included in this is the money the people of that country earn as profit as a result of their activities outside the country. It also includes the reimbursement for services provided to people abroad. This is like the reimbursement of services provided for foreign planes in our airports etc.

16. How do the capitalists define price?

A. The value of the product is the basis of economic studies for the capitalists. This is because the value in their view determines the price. So the price is a type of value (the value of exchange in relation to the currency)

The price according to the capitalists is the incentive for production, it is the regulator of distribution, and the link between the producer and the consumer (see page 20 in The economic system in Islam) i.e. the price is the cornerstone of the political economy for the capitalists. Thus, the value is the basis of economic studies in the West.

17. Is it allowed for me to let someone else check my students work if my contract states that I am sole responsible?

A. The condition mentioned in the contract concluded between the teacher and the school that states that the teacher must check the student's papers himself is a condition that must be adhered to. The Messenger (saw) said: 'The Muslims abide by their conditions except a sharT (condition) that prohibits a Halaal or permits a Haraam.' This sharT does not permit a haraam and nor does it prohibit a halaal and so it must be adhered to.

If the teacher does not wish to correct the papers himself but wants to hire someone else to do that then he must be seek permission from the school that is the second party in the contract. If the school grants him permission then there is no problem. But if they do not give him permission he must correct the papers himself. If he does not then he will have violated the condition of the contract and he will be sinful.

18. When buying a house in Britain it typically takes 2 to 3 months. The transaction involves the following steps

Both the buyer and seller agree a price and proceed to complete the contract. In general both parties are aware of the steps specified by British law concerning the completion of the contract. This can be summarised as follows:

1.) After agreeing a price, the buyer arranges for a survey to take place. This involves examination of the property. After this the buyer moves to arrange his finances. In the meantime the seller after agreeing the price informs his solicitor to prepare a draft contract for sale. This contains the agreed price, names of both parties and the name of the property.

2.) The buyer than instructs his solicitor to undertake a search with the local government, to check if the property does not violate any laws of town planning.

3.) Once the buyer and his solicitor are satisfied, they then agree to a draft contract prepared by the seller's solicitor.

4.) If both parties are happy then contracts are exchanged and the property is deemed sold under British law. Before this point, British law allows both the seller and the buyer to withdraw from the contract or the seller can raise the price of the house etc.

In the light of the above is allowed for a Muslim entering into such a contract to raise the price of the house or withdraw from the contract before exchange of contracts?

According to the description of the sale proceedings in the British Law, sale is not completed except after the exchange of the contract documents after their signature by the seller and the purchaser. Any agreement before that is not considered binding according to the law, and they are allowed to withdraw from the sale or to raise the price they agreed upon before. That is what you say the British Law states.

If the seller and the purchaser were aware of that, and they agreed to the sale proceedings according to the law, then any of them is allowed to withdraw fro the sale contract or to raise the price etc before the stage of exchanging the documents of the sale contract.

In such case, their agreement to the price before the exchange of sale documents is not considered offer (eejab) and acceptance (qabool) for completing the sale contract. It is rather considered negotiations and consultation

19. When renting out a property the landlord usually requires a deposit from the tenant. Is it allowed for the landlord to use this deposit? Say the tenant gives £400 in notes and the landlord uses the money. But when the contract terminates the landlord returns £400 pounds in value but not the original notes.

The deposit that is paid when letting a property, if it is an asset that carries its (real) value like the golden and silver money, or any particular material/object that is paid as a deposit or the like, then it is not allowed to dispose of it. It is rather saved as it is for the favour/right of its owner, and it is handed back to him at the end of the tenancy in accordance with the agreed conditions.

However, if it does not carry its (real) value by itself, like the paper money, then it is Allowed to dispose of it by the landlord, and he hands over to the tenant other paper money with the same value at the end of the contract. It is preferred, in this case, that the landlord informs the tenant, when he receives the paper money as a deposit, that he might to dispose with the paper money, but he will give him the same value when he leaves the property, even if the same paper money has changed; this would be better for his soul.

20. Certain contracts allow one to make profit on assets by simply putting down a deposit. In return the buyer of an asset gets a delivery note that states that he has the right to purchase the asset once it is ready and provided that the outstanding sum is paid on delivery of the asset. The delivery note also permits the buyer to sell the delivery note to a third party, thus transferring his right to buy to another

party and hence the buyer is able to make a healthy profit on a deposit. For example buyer A agrees to buy a car from a dealer for £10000. Buyer A pays a deposit of £1000 and is given a delivery note that states that the dealer will sell the car to the buyer in 6 months time provided that the buyer pays a balance of £9000 to the dealer. In the meantime buyer A sells the delivery note to buyer B for £2000 thus making a profit of £1000. Buyer B then takes the delivery note to the dealer and purchases the car by paying off the balance i.e. £9000. Is this type of contract permitted under sharia law for Buyer A, Buyer B and the dealer?

As you mentioned in the question, the sale has not been completed between the car owner and the purchaser (a). He rather took from him a down payment of 1000, while remains 9000 from the car price. He gave a receipt for taking/possessing the car after 6 months on condition that the purchaser completes the pay of the price, i.e. to pay the remaining 9000.

This means the sale of the car has not been completed and it has not become the ownership of the purchaser. Accordingly it is not allowed for him to sell it to somebody else before it becomes his property. The prohibition of selling that which you do not own applies to it. Therefore its sale by (a) to (b) and taking a down payment of 2000, then giving him the possession receipt (he took fro the car owner) so as he, i.e. (b), takes the car from the owner after paying to him what remains of the price, i.e. 9000, is illegal sale> This is because (a) can't sell the car to (b) except after he owned it.

21. In Pakistan there are housing societies that sell plots of land and ready made houses to buyers. Some of these societies fully manage the affairs of the people by building roads, selling electricity to consumers, managing parks etc, while others only provide some services and the rest is provided by the government. In order to purchase a plot of land or a ready made house from such societies the buyer is required to become a member of the society and pay an annual fee. But in majority of the cases the membership is only nominal and the holder has little say in running of the affairs of the society. Is it allowed to purchase a plot of land or a house from such housing societies? Is it allowed to inherit property belonging to such a society?

The housing associations that stipulate the purchaser be a member in them, and they do not sell except to their members.

The system of these associations has to be studied in order to know whether they are established legally or not. In other words, it is necessary to know whether it is a co-operative for example; or it is an organisation of members so as to buy a big piece of land, divide it between them and divide the price and costs between them. Thus the organisation ends after each one of them owned his piece of land or his home. This organisation for purchase and division between them is allowed. Its account and all what remains of what they paid is sorted out and returned back to them.

These housing associations might be co-operatives that carry out trading and provision of services to the members, and they divide profit amongst them in accordance with the ratio of their purchases or provided services. These associations are not allowed by shar', because the prohibition of co-operatives apply to them.

In summary, it is necessary to study the system of these associations as a way of verification of the reality (manaT) so as to give the hukm in its regard.

22. Is it allowed to sell land, within the Islamic state to kufar who reside outside the state?

Selling lands in the Islamic state to foreigners (i.e. kuffar from other states) comes under the principle: 'The means to a haraam is itself Haraam.' In this the least amount of doubt is sufficient. And the least amount of doubt in selling land to kuffar in the Islamic state gives them control in some affaires of the land. This causes harm in terms of exerting influence and control on the economy, agriculture and wealth.

Thus, selling agricultural lands in the Islamic lands to Kuffar to exploit it leads to Haraam and therefore according to the above principle the above action is Haraam. If the harm ceases and selling the land does not lead to haraam then it is allowed. And this is not possible these days. Rather selling the land to them whether it is to be used for agriculture or anything else, this will cause harm and lead to Haraam and it will be Haraam.

23. Is the whole of India, Islamic land?

The whole of India is Islamic land because it was opened by the Muslims and they established their authority over it. And it is not just the part of India in which Muslims reside but the whole of India is Islamic land.

24. What land is ushri?

The land in which the people embraced Islam in the beginning without need for any fighting or treaty is 'Ushri land like Indonesia.

What is meant by the people embracing Islam is not just individuals or the ruler but that Islam dominated the people and thus the land is 'Ushri.

Also it is not a condition that all the inhabitants of a country have to embrace Islam rather the 'Ushr is imposed on the land even if the only the people of that area embraced Islam but the people of another era have not embraced Islam. On the first 'Ushr is applied even they were only two areas in one state.

For example Indonesia is made up of a number of Islands. So the island in which the people embraced Islam there ushr is applied on their land and the island whose inhabitants remain kuffar another hukm will be applied to them according whether they were conquered by force or treaty, even if they are two islands in one state.

25. What about lands, which have been opened by treaties, are we bound by contract?

The land which has been conquered by treaty is treated according to the conditions of the treaty. The conditions will be mandatory for us and the people of the country that was conquered via a treaty because it was contracted between them and us. Hence both parties are bound by it. If the treaty was concluded on the basis that the land will remain under their ownership and they will pay kharaj for it then the land will be theirs and cannot become the property of Muslims. Anyone from them who embraces Islam will not have to pay kharaj because it is in the same position as the jizya and he is absolved from paying the jizya.

If the treaty was concluded on the basis that the land would belong to us but its benefit will be in their hands then land becomes the property of Muslims by this contract they will pay kharaj even if they embraced Islam.

As for what makes the people of a country which has been opened by treaty accept the land to become the property if Muslims; it is the situation in which the contract was made and what that country views as good, this is what makes them accept it.

26. Can you clarify the taxes which need to be paid on land which was opened up by treaty?

The land which has been opened by treaty, if stipulated in the treaty, the land will belong to them and they will pay kharaj for it and the land will become kharaji land as long as its owners are kafir. It is like the jiyah that is imposed on the Zimmi. If he embraces Islam then he does not have to pay the jizyah and nor the kharaj on the land. Its Muslim owner will pay Zakah al-Ushr or half the 'Ushr. If the land is sold to a Muslim the land is 'Ushri. If a Muslim sells it to a kafir it returns to being kharaji land and so on and so forth.

This hukm is only applied on the land which has been opened by the Muslims via a treaty under the proviso that the land remains with its people for which they pay kharaj. As for the land which has been opened by force or treaty under the proviso that the land belongs to us in return for payment of kharaj then the land remains kharaji. The kharaj must be paid whether the owner was a Muslim or kafir. Whether it was sold to a Muslim or kafir, it will always be kharaji land.

27. What is the issue of ownership of the land opened up by treaty?

The ownership of benefit from kharaji land does not differ from the ownership of the neck (raqabah) or benefit of ushri land in terms of the Sharee'ah rules regarding sale, purchase, inheritance or gift….it is not allowed for the state to confiscate it from its owners except if there is a benefit necessary for the Muslims and they will be paid the price of its benefit.

The difference between both is that there are some Sharee'ah rules which stipulate the ownership of the neck (raqabah) such as waqf. This is not allowed in kharaji land because the neck (raqabah) is not the property of the one who gives it as waqf. This can take place for usri land because the neck (raqabah) is owned by the one who gives it as waqf.

The other difference is that if the state wishes to take the land for a vital benefit which the Muslims cannot do without then the value of the benefit of the kharaji land as a

whole is estimated and not just the buildings on it. The same applies to the capacity of a land to produce crops and its permanent benefit just as the value of Ushri land is assed and in assessing the ushri land another value is added to the neck of the land.

There are other differences related to the Zakah on ushri land and the kharaj on the kharaji land according to the relevant Sharee'ah rules.

Thus, it is not allowed for the state to confiscate the ownership of the benefit of kharaji land from its owner just as it is not allowed to confiscate 'Ushri land. If the Imaam takes it without the permission of its owner or paying its value then this will be an illegal seizure of land whose sin is great.

28. What is the issue with regards to the land opened up by force?

The land which has been opened by force can be distributed among the fighters. As the Messenger (saw) did in the land of Khaybar which became a ushri land for which the original owner had to pay Zakah. It is allowed for its benefit to remain the property of its original owners and its neck (raqabah) is for the Muslims and the original owners with whom the land remains will pay kharaj which will be surveyed for them, as Umar did regarding the plains of Iraq where he considered the land as a booty (Fei') for the Muslims who conquered it and for those who will come after. And he imposed the kharaj on its people and allowed them to own the benefit of the land. I.e. Umar made the land a booty (fei') for all the Muslims and he restricted the ownership of the neck to them but its original inhabitants will benefit from the land in return for a kharaj that they will pay to the Muslims.

That is why the land which has been opened by force the following things are allowed:

1. To own its use and benefit for the Muslims for which they will pay Zakah and this land will be considered Ushri land

And the daleel is the Sunnah which is the action of the Messenger (saw) in khaybar.

2. The Muslims can own its use but it will be a booty (Fei') for them. The owners will have its benefit and pay kharaj in return to the Muslims.

The daleel is the Kitab on which Umar (ra) relied from Sura Hashr when Allah (swt) said: 'What Allah has bestowed on His Messenger from the people of the townships…' until '..to the indigent Muhajirs' to His (swt) saying: 'those who were expelled from their homes and property….' Until 'and those who came after them' [al-hashr:10]. Umar cited these ayahs as proof and understood the ayah: 'and those who came after them' [al-hashr:10] to include all the Muslims until the Day of Judgment. So there was no Muslim who did not have a right and share in this Fei'. Thus Umar imposed kharaj on it and did not distribute it.

The two evidences are not contradictory. Rather the Imam should choose what he thinks will achieve the interests of the Muslims. He might distribute it amongst the fighters a small land which has been opened by force but not distribute a large piece of land that has been opened by force as Umar did regarding the land of Ira**Q.** The Imam will do what is appropriate and beneficial for Islam and the Muslims.

29. Was there land opened up by treaty at the time of the Prophet (saw)?

There were no kharaji lands in the time of the Messenger (saw). There were no big conquests outside the Arabian peninsula that contained large lands as happened in the time of Umar (ra).

As for what Umar did that was by adducing the noble ayah as we mentioned above.

30. What are the borders of the Hijaz or Arabian Peninsula?

The borders of the Arabian peninsula….include Yemen and they are: from the Abyan of Eden to the borders of ash-Sham in length and its furthers borders are from the north which is Tabuk and from Juddah on the Red sea to the borders of the countryside of Iraq in width – as mentioned al-Qamus al-Muheet.

31. What types of restrictions are imposed on the Kufar as they enter the Arabian Peninsula?

The restriction on the non-Muslims in the Arabian Peninsula is that they are not allowed to permanently reside there but they are permitted to visit except Makkah and Madinah.

This is because the Messenger (saw) said: 'No two religions will exist in the Arabian peninsula' Reported by Imam Malik in his Muwatta. Darimi reported from Ubaydah b. al-Jarrah that he said: the last thing the Messenger (saw) said (before he died) is: 'Expel the Jews from the Hijaz and the people of Najran from the Arabian peninsula.' Thus Umar expelled them.

32. Is Zakah payable on crops like cotton?

Zakah of crops are from the following 4: barley, wheat, raisins and dates. Zakah is not taken from other kinds of crops. It is only taken from other types if it has been prepared for trade according to the Zakah of trade. Thus, there is no Zakah on cotton but if it is prepared for trade then there is Zakah of trade on it.

33. What is the difference between the Nisab of Zakah on gold and silver and the Nisab of Zakah (a tenth or half of a tenth) on crops ?

The nisab of gold is 20 mithqaals (ie 20 multiplied by 4.25 = 85 gramms of gold.) The nisab if silver is 200 dirhams. As for the nisab of crops from which ushr is taken. If it has been watered by rain then half of Ushr and if watered by machines then the nisab has been clarified above.

When the crops at time of harvest reaches the nisaab then Zakah is taken from it. They are counted separately, each at its time. The gold and silver (or money) after a lunar year has passed over its nisaab then 2.5% is paid as Zakah and when crops are harvested if

they reach the nisab (5 wasaqs [a wasaq is 60 sa' in weight and a sa' is equal to 2.176 kilograms of wheat i.e. the nisab of wheat is 652 kilograms]) A tenth is paid as jakah or half a tenth.

34. What occurs to land which is not used for 3 years, when the Khaleefah exists, and when he does not like today, what happens to it?

Agricultural land must be used for that purpose and not be neglected for more than three years otherwise the Imaam will confiscate it. If the Khaleefah does not exist which is the case today; then land will continue to belong to its owners even if they neglected it. It is their property and they will dispense with their property like any other property. But they will be sinful for not using it for agriculture and neglecting it for more than three years.

35. If someone revives dead land, does he own that land, even though he did not get the permission of the ruler?

Cultivating dead land is one of the means (asbaab) of ownership. If someone revives a land then it becomes his. He does not require permission from the Imam or ruler. The state is obliged to register this land under his name as long as it has been established that he has revived it. Recording it in the lands department is only for the purpose of protecting his right to it and as documentation for him. But the ownership of the land takes place by cultivating the land and recording it is not a condition of ownership.

36. If someone builds a house on barren land, will this be considered enough for making usage of the land, and hence a means of owning it?

Building a house on a barren land is the same as inclosing it by fencing etc it is enough for someone to have ownership of a barren land whether he lived there or not. Then he begins counting the three years from that date. He is obliged to cultivate the land and not neglect it otherwise it will be taken from him after three years except the building site, surrounding and the path to it. Building the house is not considered cultivation of the land. If the house remains but he did not cultivate the land that will be considered as neglect of the land. This is the case of if the land is agricultural land but if the land is included within cities which are for the purpose of residing in then this Hukm does not apply to it.

37. If somebody grows grass on agricultural land, is this enough to show that he is cultivating it? If he has a garden as part of the house, does this come under the rule of agricultural land?

It is not enough to grow grass on agricultural land in order to say the owner has cultivated it. Rather what's required is that one cultivates it with what the land can bear such that the reality is that he has cultivated it and not neglected it.

However if he owns cattle and livestock and he uses the grass as food for his cattle and livestock or he grows grass as food for his cattle and livestock then he will be using the land and he has not neglected the land. Thus the land will not be taken from him.

As for the garden of a house. It is different from the agricultural land. The garden is included as part of the house. As long as the house is on residential land whether the garden is cultivated or not the rules that apply to agricultural land do not apply to the garden.

38. If someone neglected his land for more than 3 years, but there is no Imam, who can confiscate such land, what happens to this person?

There are Sharee'ah rules which the state implements like the hudood such as cutting the hand of the thief and Sharee'ah rules which individuals can undertake such as Salah.

As for the first; if an individual committed such a thing while no state existed that can implement the hadd on him, then his duty is to seek forgiveness from Allah and make tawbah in the manner Islam has shown. In the same way the one who neglected his land for more than three years and it cannot be confiscated by the Islamic state because it does not exist then he must seek forgiveness form his Lord and make tawbah for neglecting the land and then quickly start using the land because this is Fard on him. If he neglects it then he is sinful and the state will take it from him if it exists. If the state does not exist then he must seek forgiveness from his Lord and make Tawbah and quickly make use of the land. However, the land will remain under his ownership and he can dispense with it like any other property. However he will be sinful for not using the land.

39. Is it allowed for the woman who has no means to living, to live of the riba she gains from the money she has in her bank account, she does this, as if she did not, her money will run out?

Riba is absolutely not allowed whether it is for a woman who is very old, ill, poor or rich. As for statement that if she spends her money without taking usury then her money will finish she will have nothing left. This is not an excuse which allows her to take riba, rather she should spend her money and what others give her. This is if she does not have wali to give her maintenance. It well known that the state will give maintenance for the one who has no wali if she is needy.

40. What happens to contracts that were conducted in Dar al Kufr, when there was no Dar al Islam? Should we adhere to the, or do they become invalid?

Contracts, transactions and judicial rulings which have actually taken place in dar al-kufr before they have come to an end in dar al-Islam, they are looked into: whatever has taken effect will remain so and the contract will not be revoked as long there is no reality which contradicts the rules of Islam. The contract is revoked if for example a kafir man married a Muslim woman. The contract is revoked because it is not allowed for a kaafir to marry a Muslim woman.

41. Who is responsible for the property and financial dealing of the insane man? Who has the right of inheritance for him?

When a man becomes insane then his guardian takes his positions in terms of his property and dealings. He is responsible for its increase and growth. He will pay his debts and give him what is due to him and pay what he owes to others.As for the question of who is the guardian of the insane person, they are the people who inherit from him. Thus, his wife and children have a right in taking the responsibility for the man. And they should give him a cheque for receiving the amount and they should bear testimony to this. Also they should document it in any legal manner.

Social System

1. What is the view on mixing at weddings?

As a wedding is a festive gathering and as such mixing within a wedding would not be allowed and should be segregated otherwise socialising between men and women would occur and attending a wedding like this would be haram.

2. You said it is haram for mixing to occur for mixing the celebration of weddings. What is the Hukm Shari regarding the bridegroom (one getting married) to enter the women's area and sit at the table so that photos can be taken. Can the hadith that was narrated about the marriage to the Prophet (saw) and Aisha (ra) be a proof for this, when he did a similar action and Aisha's (ra) friends were present?

The Mixed party in weddings is haram. This includes the entrance of the bridegroom to the women's room, sitting on the bridal throne besides his bride, taking photos for and the celebration of the women with him, when they are usually uncovered particularly if they are not mahrem to him. All of such mixing is haram. As for the hadith of the messenger (saw), this does not indicate that the Prophet (saw) sat with Aisha (ra) among the women in the wedding when he married her. The hadith only indicates that Aisha (ra) was in the house of women from Al-Ansar where they prepared her on the marriage. Then the Prophet (saw) came to the house of Al-Ansar and took Aisha (ra) to his house. This hadith is reported by Muslim and Ibn Maj
A. Its wording according to Muslim is, narrated from Aisha; she said "…. Then (my mother Umm Ooman) came to me while I was at a swing with my friends, she shouted to me, so I went to her without knowing what does she want of me. She got my hand and stopped me at the door so I said Ha Ha… till I lost my breath. She took me inside the house; all of a sudden there were women from the Ansar. They said "with goodness and blessing, and good luck". She handed me to them, so they washed my hair and put me in order. Then the messenger (saw) came, and she handed me to him".

3. Has the women the right divorce her husband, by means of revoking the contract she has with him due to being coerced into getting married?

The wife has no right **by her own self** to revoke (dissolve) her marriage contract the time she wishes just because she was coerced into accepting this contract. Rather she has the right to demand (to a court). The lady, which her father gave her in marriage without her consent, went to the Messenger (saw) and complained to him about the matter and she did not revoke/cancel her marriage by her own self. It is narrated from Ibn Abbas that a (previously unmarried) lady came to the Messenger (saw) and mentioned that her father gave her in marriage while she was not in agreement. So the Prophet (saw) gave her the choice to either continue or revoke the marriage.
Also from Khansa'a bint Jidham al-Ansariyya, that her father gave her in marriage while she was married previously, she was not in agreement. Thus she came to the Prophet (saw) and he annulled her marriage.

4. In the book "Social System", Third Edition, 1410AH in the chapter entitled, "Looking at Women" the author discusses the subject matter of what constitutes the dress of women in the public life. It is clear from the hadith of Umm Attiyah that wearing the *Jilbaab* is an obligation (Wajib) when she enters the public life and this is not the point of contention. The author uses the following ayah from Surah al-Ahzab to conclude that the *Jilbaab* is draped/drawn (*yudneena*) down to the floor until it conceals the feet: ".. to draw their cloaks (Jalabeeb) all over their bodies" [Al-Ahzab:59]In the explanation it mentions that the preposition *min* used here is <u>not</u> 'partative' (*min al-tab'eed*) but rather 'explanatory' (*min al-bayaan*). So they should drape their *Jalabeebs* down towards the floor. The question still remains: how is this used to conclude that the *Jalabeeb* must drape to the ground and not to the top of the feet?

This is further clarified when the hadith Ibn 'Umar where the Messenger of Allah (saaw) said: "'On the Day of Judgement, Allah will not look towards the one that trails his garment behind themselves in haughty pride.' Umm Salamah asked 'What are the women to do with the hems of their dresses?' He answered? 'Let them increase their hems the length of a handspan' She enquired: 'Then their feet will be uncovered!' He then replied 'Let them increase a fore arm's length and no more' ". The questions that I have are as follows:How is the discussion of prepositions (*min*) used to conclude that the draping is all the way to the floor.

1. **The term *yudneena* in the ayah which means to drape, is this *'Aam* or *Mutlaq*? Which means it's the draping unrestricted until it hits the floor?**
2. **Does the hadith of Ibn 'Umar restrict the term *yudneena* (ie. Making it *Muqayyad* or *Tahksis*) which limits how far down it should be draped?**
3. **What is our understanding of this hadith and how far down should the *Jilbaab* be draped?**

Finally the paragraph after the hadith appears to be contradictory. On one hand it states the feet must be covered and on the other hand it states the feet need not be covered even if shoes and socks are worn.The ayah: *"to draw their cloaks all over their bodies." [TMQ. al-ahzaab:59]*

The preposition (min) here is partative (lit tab'eed). This means that the lowering (irkhaa) and the dropping (idnaa) (of the jilbaab), if this is done for any part of the jilbaab then that is sufficient. I.e. if the woman extended even the sleeves of the jilbaab then that would be enough.

If the (min) is explanatory (lil bayaan) then it means that the whole jilbaab must be lowered and draped down to the floor. Hence the meaning is that the woman should lower her jilbaab to the ground such that the lower hem is draped down to the floor i.e. the dress that the woman wears is over her (normal) clothes. This is the jilbaab, which is long and drapes down to the floor.This is the correct meaning, i.e. the (min) is explanatory and not partative.The word 'yudneena' to lower is absolute (mutlaq). It affirms (muthbita) and does not negate (munfiya). Thus, the lowering according to the ayah required in the ayah is not restricted. So whatever insures that it is lowered i.e. reaches the ground then that is enough.The hadeeth of Ibn Umar has restricted the

absolute (mutlaq) by a hand span as the maximum ie the hadith of ibn umar has restricted the lowering such that it does not exceed a hand span.

Our understanding of the hadeeth of ibn umar is in the following manner:
The man who wears a long garment and drags it on the ground i.e. wears a long garment which reaches the floor to show off to the people out of pride. Then this man has committed a haraam due to the qareena (stated in the hadith): 'Allah will not look at him on the Day of judgement.' The hadith gives the reason ('illah) of the prohibition as being takabbur (haughty pride).

When Umm salamah asked the Messenger of Allah (saw) about the woman trailing their garments on the ground the Messenger (saw) informed her that it is allowed for a woman to trail her garment a handspan from the ground. Umm salamah said: 'but the feet will be uncovered.' Thus a handspan is not enough to cover the feet. (this is because when the woman walks or moves about her feet, if she does not wear socks or cover them, then her feet or part of them will be exposed). The Messenger (saw) allowed women to increase by a maximum of a forearms length. (This definitely insures that the feet are covered during walking.) Therefore, the required extent to which the garment should go down is that it should not exceed a forearms length.

There is no contradiction:

The ayah gives the meaning that the woman should drape down her jilbaab ie lower it to the ground until at least the feet. The one who wears a garment to her feet has lowered it. And the one who wears a garment going down to her feet ie reaching the ground then she has lowered her garment and the one who trails the garment on the ground by a hand span, forearms length, more or less, she has lowered her garment.

The hadeeth gives the meaning that this lowering has been restricted and given a reason ('illah) with regards to women.

As for the restriction it should not exceed a forearm.

As for the 'illah, it is that the feet should be covered.

This is because the extra part on the ground which the Messenger (saw) has permitted has an 'illah as in the saying of Umm Salamah (may Allah be pleased with her): Then their feet will be uncovered.'

The understanding of the ayah with the hadith indicates:

The obligation on the woman is to drape down her jilbaab to the ground such that the feet are not uncovered. She must drape down her jilbaab at least to the feet. This is because anything less than that is not irkhaa (draping down). She must cover her feet because they are 'awrah. If the feet are covered by socks, shoes etc. then it is allowed for her to lower her jilbaab reaching the feet. If the feet are not covered then her garment should come down to the ground so as to cover her feet by one or two hand span to a maximum of a forearm.

From this it becomes clear that there is no contradiction:

Thus, the obligation is to drape down the jilbaab to the ground to cover the feet by a hand span to a forearm. If the feet are covered by socks then the lowering of the jilbaab does not have to cover feet which are already covered.

As for if the garment does not reach the ground to the feet as bare minimum then the woman will be sinful if she goes out in public life even if her feet were covered by long socks and trousers. This is because the jilbaab must be draped down i.e. it must reach the feet as minimum since this is what it means to drape down the jilbaab, otherwise it would not be considered draping down if the jilbaab is above the feet.

5. Is it allowed to have "mehndi" parties where henna is exchanged between the families of the bride and groom? What are the conditions to this? If the relative of the bride, is her cousin from the fathers side, can he partake in the celebration with the consideration that he is visiting his relatives and hence allowed to sit with her.

Exchanging Hena between the bride and groom's family and celebrating this is okay as long as there is no mixing between men and women. As long as the men are on their own, and if the women are on their own, separate from the men and they sing and dance, then this is allowed. If the celebration, dancing and singing is mixed then it is not allowed. This applies to the male and female cousins on the father's side, they are foreign to each other and their mixing in celebrations etc is not allowed. It should not be said: cousins are relatives and relatives are allowed to visit and sit with each other. This cannot be said because this only applies to keeping good relations with kith and kin (silat ur rahm) but not in other matters such as mixed marriage celebrations etc.

6. What is the ruling on the apostate? Is it allowed to greet him, and eat with him? What is the ruing of the children of the murdad? How are they treated?

The Islamic ruling on the apostate (murtadd) is that he/she be killed after being given the chance to repent. I.e. it is not correct that the murtadd lives amongst the Muslims: he (saw) said: 'Whosoever changes his deen, kill him'. Therefore, it is not allowed to have any friendly dealings with the murtadd at all. So it is not correct to visit him to congratulate him for example and nor is it right to sit and eat with him etc.As for the original kuffar, they will be treated according to their reality. If they are like the people of Zimmah in Islam i.e. they live amongst the Muslims and do not harm Islam and nor conspire and plot against it, then visiting them and eating with them is permitted. And eating the slaughter of Ahlul Kitab is allowed as well but eating the slaughter of other kuffar is not allowed. The kaafir children of murtad are considered as original kuffar, since their reality is that they are kuffar and not apostates. This requires the study of the reality. If their father's generation had ended and the children remained in their kufr then they are kuffar. However if the father's generation had not ended then the children are treated as murtad like their fathers and the rules of apostasy will be applied to them after reaching the age of maturity if they continue in their apostasy.

7. Can a woman live by herself without a Mahram?

The obligation that a woman has to have a mahram man with her is only when in travel accordingly to what is stated in the hadeeth. But when she is resident at her house, there is nothing wrong about her to live with or without a mahram man.

8. Can a couple who are intended to be married, be alone? Is it allowed fro them to speak over the phone? What are the conditions for this?

The engaged girl is considered a foreigner (i.e. not related) to her fiancé, as long as there was no contract of marriage. Accordingly, it is not allowed to have khulwa between them or to mix (ikhtiat) with him. But speaking to her/him over the phone on the subject of marriage, if she had permission from her guardian (wali), is allowed, on condition that it is not talk about love. Therefore, the engaged girl can speak over the phone with her fiancé, on the subject of marriage, if her guardian (wali) gave her permission to do so.

9. When invited to a wedding at a private place where you need permission to enter and you attend without mahrem, likewise, some women attend without mahrem are you allowed to attend, and people sit in the same hall and eat and discuss - are such weddings allowed?

The mixed halls of weddings are not allowed. Rather there should be halls for men and halls for women. The Shabab should not go if invited to such mixed wedding halls, whether alone or with his wife and mahrem relatives.

10. Is it allowed to view naked pictures and films with nudity?

We have previously given the answer regarding the issue of watching naked pictures and films containing nudity. The following is that text: Naked pictures and computer disks containing blue films are all from the material forms influenced by the Western civilization (hadarah). The sole reason for making them is to incite the passions and encourage Zina and things that lead to it. Therefore, interest in these pictures and films, following such things and promoting them will in the majority of cases lead to the occurrence of Haraam. Thus following principle applies: The means to a Haraam is itself Haraam. This is because the likelihood that it leads to Haram is enough to prohibit these means. It has been stated in the 'Nizaamul 'Uqubaat' (The penal system) that a discretionary punishment (ta'zeer) be applied for such matters. This has been mentioned in the chapter on: Actions that violate the morals.

11. Is it obligatory upon the shabab to make his wife wear the Jilbab and khimaar? What can he do if she refuses? Does he need to divorce her if she does not?

The Shabab is obliged to instruct his wife to wear the Jilbaab and the Khimaar in public life. Her head and legs should not be exposed. This is fard on him. If she obeys then it is all right, and if she refuses then she will be considered naashiz (disobedient). In such a situation the husband deal with her as a naashiz as in the following noble ayah: *'As to those women on whose part you see ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly).'* [TMQ 4:34] He should implement this with all seriousness. In the majority of cases the wife will obey if the husband does this. However, if she persists in her disobedience then he must disapprove of her for not covering the head and legs etc. After that he will have fulfilled what was obliged on him. He is not forced to divorce her. Thus he has the right either to keep her or divorce her.

12. For a woman, what is the best means for the obligations of dawah, and home duties to be reconciled when they clash?

A person, whether male or female, should undertake the obligatory duties without leaving a single obligation. The performance of these should be according to the Sharee'ah rules pertaining to every obligation. The woman can undertake her household duties and undertake her Da'wah activities without a clash between these obligations. As for how this matter is to be decided, it should be determined by the woman according to her circumstances and the cooperation of her husband.

13. Is it allowed for the husband to prevent his wife from going out undertaking the dawah obligations? Is she allowed to disobey him, and leave the house if he does so?

The husband will be sinful if he prevents his wife from her Da'wah activities as long as her necessary duties in the house have been done. However, if he prevents her then it is not allowed for her to disobey him and leave the house without his permission. Rather she should try and obtain a good mutual understanding with her husband and to motivate him to seek the Taqwah, the Pleasure of Allah, the Jannah and to fear Allah's anger and the Fire.

14. Is there any reasons for the husband to prevent his wife fom carrying the dawah?

There is no legitimate reason to absolutely prevent a wife from carrying the Da'wah. However the husband can prevent her in the necessary times so she can fulfill her house duties and the duties towards her husband and children i.e. he has the right to organize her time but he cannot prevent her absolutely. The same thing is said when there is fear of danger or harm expected living under the tyrant governments. So it is possible to take the necessary precautions and to prevent her from going out to work at certain times. The organized and temporary prevention is allowed but the absolute prevention is not allowed. As for assessing what is necessary for the house and the danger in the work, this requires one to study the reality. This is something the husband and wife can evaluate for themselves.

15. If the wife fails to carry the dawah, is it obligatory on the husband to punish her as mentioned in the ayah *'As to those women on whose part you see ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly).'* [TMQ 4:34]

Carrying the Da'wah is a general action for the man and woman, it is not a specific action required by married life. Therefore, deficiency in this is different to the wife's shortcoming when it comes to her marital duties (nushuz) which has a specific treatment in the Sharee'ah (i.e. that the husband should admonish her, then sleep separately and finally to beat lightly). Thus the wife's failure to carry the Da'wah is different to her failings in her duties towards her husband. Despite this the husband should enjoin on his wife to carry the Da'wah by way of ordering the good and forbidding the evil.

16. Has the husband the right to order the wife to look after his parents? If so is it obligatory for the wife to obey? What are the limits which he can ask her to look after other members of his family?

The husband has the right to order his wife to look after his parents and it is obligatory on the wife to obey.However, he does not have the right to compel her to look after his brothers and sisters except with her approval and consent.It is not allowed for the husband to deliberately give his wife so many tasks so as to keep her away from her Da'wah activities. If he does that he will be sinful.

17. Should the husband help his wife so that she can undertake some of her dawah activities?

Yes, the husband should lighten the load for his wife and to help her look after the children sometimes so that she can undertake her Da'wah activities and he will be rewarded for that by Allah's leave.

18. What can indicate the acceptance of the Nikah contract? Does it need to be an explicit speech? Or can silence mean acceptance?

What is considered in regards to the eejab (offer) and qabool (acceptance) is every thing that indicates of them in a clear way, such as the explicit speech by the one who can speak, or by the sign for the one who is dumb, and the like. This is the case unless there is a text in a particular case to be without speech and sign. In that situation this is confined to that particular case, such as the acceptance of the not married woman for marriage. If she was asked and she remained silent, then her silence is an evidence of her acceptance, as it came in the noble hadeeth (And her permission is her silence).

19. Will the wife be sinful, if she neglected her other duties such as looking after her children, and husband due to looking after the parents of her husband?

If the wife's neglect of her duties towards her husband and children is due to looking after the husband's family because the husband has ordered her to do so, then she is not sinful for neglecting her husband and children. However she should discuss nicely with her husband so that he gives her time to look after the children.Likewise her husband will be sinful because he forced his wife to look after his family all the time such that she did not have enough time to look after her husband and children. However if the wife neglects her husband and her children due to looking after the husband's family without the husband ordering her to do so but based on customs and traditions inherited in the family which says that the wife is obliged to look after her husbands family; then in this case she will be sinful because she is obliged to look after her husband, children and husband's family.

20. Should the Kimar cover the collar of the Jilbab?

Allah (swt) says: 'And to draw their head-coverings (khumur) over their necks and v-neck (juyub).' [24:31] i.e. they draw their head coverings (i.e. their khimars) over their necks and chests to conceal the collar of the shirt and garment from the neck and chest. This is because jayb of the dress in Arabic is the v-neck.As for whether the khimar should cover the collar of the jilbab or the v-neck of the dress under the jilbab ie would the khimar be above the jilbab over the chest or should it be under the jilbab over the chest. The answer is that there is no difference whether the khimar is below or over the jilbab as long as the neck and chest are covered.

21. Are there any conditions for the clothes worn under the Jilbab?

There are no conditions for clothes under the jilbab. As for the jilbab the only thing stipulated is that is that it is wide and covers and does not reveal the beauty (tabarruj) and the woman is able to move about without her 'awrah becoming exposed.If the jilbab is in the form of a 'abaa'ah, mu'aa'ah or jilbab with buttons which might open from the front when walking then in this case the clothes under the jilbab have to completely cover the 'awrah. If the jilbab is closed and does not open whilst walking then there are no conditions for the clothes under the jilbab.

22. Is it allowed for the non-mahrem to be alone in a house, if the front door remains open? So for example can a doctor or a builder be alone with the non-muharram women? If not, who can be present, in such place for the doctor or builder to be present?

It is not allowed for a foreign man to be present with a woman who is on her own in one house whether the front door was open or shut. So it is not right that a man should teach her in the house while they are on their own or that she should be visited by a male doctor while she is on her own. So the house is a private life for the woman, it is not allowed for anyone to be there other than the people the Sharee'ah has allowed such as her husband and mahrams. As for who should be with her when a doctor needs to enter for example; these can be her husband, a mahram, trustworthy women or a female neighbour about whose Deen and character she is sure. Or it can be her children if they are of a discerning age.

23. Is it allowed for non-mahrem relatives to sit with each other for silat-ar-rahm (maintaining the relations with kith and kin) purposes?

It is allowed for non-maharam relatives to sit with their non-maharam cousins for the sake of silat ar-rahm (maintaing the relationship between kith and kin) without khalwah (privacy). And it is not a condition that a mahram be present. As for conversations taking place; this is normal as long as the discussion is not about haram matters.

24. Is it allowed for the doctor, to see the awrah of a patient? What are the evidences for this if it is allowed?

It is allowed for the doctor, whether man or woman, to see the awrah of a patient, whether man or woman, the extent to which is necessary to give the treatment. This is

because there are evidences which allow this when there is a need for doctors, nurses, to investigate if someone is mature when implementing the hudud and punishments. It has been authentically narrated that the Messenger of Allah (saw) that when he appointed Sa'd as judge regarding Bani Qurayzah that he used to remove children's Izar (piece of cloth used to cover their private parts). Also, Uthman was brought a boy who stole. Uthman said: 'Look under his Izar.' They found no pubic hair and so did not cut his hand. Also the women used to go to the battlefields with the Messenger of Allah (saw) and they used to attend to the injured and bandaged their injuries and this made some parts of their 'awrah to be exposed.

25. If a women has a miscarriage before 40 days does she need to prayer? What about if she miscarriages after 40 days will she need to prayer? What is the evidence for this?

If the woman has a miscarriage before 40 days of the pregnancy she is not in the state of nifaas (postnatal period) and therefore must pray. If blood comes out then the hukm will be that of the hukm of the blood of menstruation and this does not prevent one from praying. However if she has a miscarriage after 40 days then the formation of the foetus has started due to the saying of the Messenger (saw) as reported by Muslim on the authority of Ibn Mas'ud who said: I heard the Messenger of Allah (saw) say: When the sperm has passed 42 nights Allah sends an angel which fashions it, creates his hearing, sight, skin, flesh, bones and then he says: O Lord! Should it be a boy or girl and then He gives the decree.' And in another narration it says 'forty nights'.That is why if the woman had a miscarriage after forty days she takes the hukm of women in nifas (postnatal period) and she is exempt from prayer as long as the blood does not stop within a minimum of 40 days. Then after that time if the blood comes out then it will take the hukm of istihaadah and this does not prevent one from praying. However if it stops before the 40 days and she becomes pure then she obliged to pray. The daleel for this is the Ijma' (consensus) of the Sahabah: At-Tirmizi said: the people of knowledge from the companions of the Prophet (saw), the Tabi'een and those who came after had a consensus that women in nifas should leave the prayer for 40 days except if she becomes pure before that. Then she must make Ghusl (bath) and pray.' So this is an Ijma' of the Sahabah which is a daleel. For these days she does not have make up for the salah. It is narrated that Umm Salamah (ra) said: 'A women from amongst the wives of the Prophet (saw) was in nifas for 40 nights but the Prophet (saw) did not order her to make up for the salah missed during the nifas.' Reported by Abu Dawud.

26. Is it allowed for the children to buy dolls and toys which are in the form of living things?

It is allowed for children to buy toys and dolls which are in the form of humans, animals, birds or cartoon pictures. This is an exception to the prohibition of drawing anything that has a Rooh as mentioned in the hadiths. The daleel for this is the following: Bukhari reported from 'Aisha that she said: 'I used to play with dolls when was with the Propet (saw).' I.e. toys in the form of girls. Bukhari and Muslim reported from ar-Rubayya' bint Mua'awwaz al-Ansariyyah (ra): We made dolls…or in one narration we made dolls for them from wool. When one of the children cried for food we gave him a doll to play with…' This indicates the permissibility of toys and dolls for children whether they are

boys or girls. Also it is allowed to manufacture them and sell them since it is allowed to buy them.

27. Is it allowed to draw cartoons for children which are in the form of living things?

The exception of toys and dolls from the prohibition of drawing applies by greater reason (bab awla) to drawing cartoons (which have Rooh) for children. So it is allowed to draw cartoons for children whether they were drawn by a child or a mature person (baaligh) as long as they are for children.

28. Is it allowed for women to recite Qur'an in front of non-mahram men?

Women reciting the Qur'an in front of non-mahrams and also making du'a is allowed because the voice of the woman is not 'awrah. The Sahabah used to ask questions to the mothers of the believers and they used to answer them.

29. Please explain the hukm regarding separation of children in their beds. At what age is separation an obligation upon the parents? Also can a parent sleep in the same bed as their child?

The subject of the obligation of the separating children in their beds has been revised due to a request from one of the shabab. After checking the following has become clear:

> 1- With regards to separating children in their beds, it is clear that the separation which is obligatory is when they reach the age of 7 and not since their birth. This is due to the hadith reported by Daarqutni and al-Hakim from the Messenger (saw) who said: When your children reach the age of 7 then separate their beds and when they reach 10 beat them if they do not pray their salah.' This is also due to what has been narrated by al-Bazzar on the authority of Abi Rafi' with the following wording: 'We found in a sheet near the Messenger of Allah (saw) when he died on which the following was written: Separate the beds of the slave boys and girls and brothers and sisters of 7 years of age.' The two hadiths are texts on the separation of children when they reach the age of 7. As for the hadith reported by Ahmad, Abu Dawud: 'Order your children to pray at the age of 7 and beat them when they are 10 (if they do not pray) and separate their beds.' This does not specify the age at which the separation should take place. So it is interpreted according to the two hadiths which specify the time of separation which is the age of 7. Therefore, it is obligatory on the parents to separate the beds when their children reach the age of 7 but before that age it is not obligatory.
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> 2- As regards separation of the beds between the parents and their children. It is clear that separation between parents and children is not obligatory due to the hadith reported by Abu Dawud in which the Messenger (saw) said: 'No man should reach / come to sleep with a man, nor woman with a woman except with a child or a parent.' This hadith is explicit in its prohibition of a man sleeping with another man in the same bed and a woman sleeping with another woman in the

same bed. Thus, it becomes clear that the father and the mother sleeping with their children is not haraam or makrooh but rather there is nothing wrong with this. So it is allowed for a man to sleep with his children whether they are mature or not and the woman can sleep with her children whether the children are mature or not according to what has been mentioned in this hadith. Not to mention the fact that the hadiths which require the parents to separate between their children have stipulated that it be between children, brothers and sisters: 'when your children reach the age of 7 then separate their beds' , 'separate the beds of the slave boys and girls and brothers and sisters of 7 years of age', 'separate them in their beds,'. All of these texts are specific to children, brothers and sisters and do not include parents whether by the pronounced (mantuq), implied (mafhum), explicit (sareeh) or indicated (dalalah) meaning. So the hadiths will be restricted to what they have indicated.

30. It is said that the agreement of the guardian (wali amr) is required for marriage. Concerning this Wali Amr, can he forbid the woman from marrying any man? Whether this was for an Islamic reason or a non-Islamic reason. If it is allowed for a woman to choose a wali amr after the father disagrees for a non-islamic reason then is there a logical chain the shara has obliged her to follow? Or can she choose anyone?

The agreement of the guardian is a condition for the validity of the marriage. As for your statement that this rejection for a non-Islamic reason, then you have to explain this to us to know the effect of this on the suitability of the father for the guardianship of the marriage or not. This is because when it comes to the faasiq, the guardianship is transferred from him to the next person who follows him. Similarly if the guardian prevents the marriage of his daughter to a suitable person whom she wants with a shariah Justification, then the guardianship is transferred from him to the one who follows him.
As to the order in succession of the guardianship in marriage it is: her father, then her paternal grandfather (her father's father) and going up to the next similar great grandfather (i.e. father's grandfather and so on). Then it is transferred to her son, then her grandson (son's son) and going down to the next similar great grandson (i.e. son's grandson and so on). Then to her brother from her father and mother. Then the brother from her father, then the sons of such brother (i.e. nephews) and so on down. Then the uncles of the woman (the father's brothers), then their sons and so on down. Then the uncles of the father then the Sultan (i.e. judges), in case there is no guardian. (this is the shariah chain and she cannot jump this chain.)

31. You asked us to clarify the point about 'non-Islamic' reason. By this we can state some realities that presently exist:

- A father does not accept a proposal because the man is not from his tribe/nation.
- A father wants his daughter to marry a relative who may be a fasiq or may not, but lives in another country, and his daughter wants to marry someone here.

The father has no right to force his daughter to marry his relatives living in another country. Nor is he allowed to prevent her from marrying a man who is not from his tribe and not equivalent to her. He has no right to do that, and if he insisted he would be

considered “a’adhel” (someone who prevents marriage illegally (see 2:232). In that case the guardianship will be transferred to the next person.

32. Who is the faasiq? And what is his description?

The Faasiq is the one whose guardianship (wilayah) for marrying his daughter off, is withdrawn and it is transferred to the next person for the one who commits the sin openly, paying no heed to Islam. Anyone who realises such description, his wilayah (guardianship) is withdrawn from him and transferred to the next person.

33. If the daughter disagrees with the fathers definition of “who is a good Muslim” is she allowed to reject his guardianship? Say if she feels in her understanding of Islam a ‘good Muslim’ is of one type and this contradicts the view of her father.

The guardianship of the father for marrying his daughter off is not removed from him just because he disagrees with her regarding the definition of a good Muslim. Rather his approval is sought as long as he cares about Islam according to his understanding.

34. You said that after the list of relatives the last person is the Sultan. What if she exhausted this list sincerely and found the same problems with all her relatives or she had no relatives. And there is no Sultan like we have today and there is not any legitimate baya, what should a Muslim do in such a circumstance with regards to appointing a Wali Amr?

If she has no relatives and there is no Muslim ruler who is based upon the Shar’ai baiyah. Or if there is no shar’ai judge or those who may represent him like the embassies of the state of the Islamic countries which carryout the marriage according to the shar’ai contracts, then she can appoint as a guardian for marriage any Muslim man whom she trusts, whether he was from the hizb or any other Islamic society in the place where she is.

35. Does a convert to Islam seek guardianship from her father, if he is a non-Muslim?

The woman who converts to Islam and her father remains kaffir, his guardianship in that case is abolished, because guardianship of a kaffir upon a Muslim does not stand. This is the opinion of most of the scholars. Imam Ahmad said: we have been told that Ali allowed the Muslim brother (blood brother) to give in marriage and reject the marriage made by the father, for he was Christian. Allah (swt) says:

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“The male believers and female believers are awliya’a (friends) for each other.”

36. Does the divorced or widowed woman require a wali amr?
The divorced and widowed woman and every woman require Wali Amr (guardian) for her marriage.

37. If a woman gets married without a guardian or marries with a guardian that is not the sequence you mentioned in an earlier question, what is the position of her marriage?

The woman who gets married without a guardian or a guardian other than those mentioned in the sequence agreed by the shar'a, then her marriage is faasid (incomplete) but not baatil (null and void), this is because the existence of the guardian is a condition of validity (correctness) but not a condition of contracting.
Thus they (the husband and the wife) have to amend the mentioned contract immediately by taking the approval of the guardian.
It is worth mentioning that the preponderant (opinion) in our view is this opinion, that the guardian is a condition for the validity (correctness) of the marriage, and this is what we adopt and follow (and find the strongest and correct), though there are some jurists (fuqahaa) who do not consider the guardian as a condition for the validity of the woman's marriage from the person who is her match.

38. Is it allowed for a male and female who are seeking to get married to first speak on the phone? Does the Wali Amr's (guardians) permission need to be sought?

The woman/girl is allowed to speak, by telephone, after the consent of her Wali Amr (guardian), with a person who seeks his permission for marriage with her, on condition that the phone contact be limited in taking her opinion regarding the marriage and the agreement of her guardian of this phone call.

39. Is it permitted for the husband to prevent his wife from leaving the home if it is for something she needs for the house, or for any other purpose such as visiting family or the da'wah? Also, if the husband is a Shabab of the Hizb, is it correct for him to prevent his wife from attending the Hizb activities?

The husband has the right to prevent his wife from going out of the house whether it is for something she needs for the house or not. Ibn Batta reported in Ahkam an-Nisaa on the authority of Anas that a man had gone on a journey and forbade his wife from going out. Then her father was taken ill and so she asked the Messenger of Allah (saw) for permission to visit her father. The Messenger of Allah (saw) told her: **'Fear Allah and do not disobey your husband'**. Then her father died and she sought permission from the Messenger of Allah (saw) to attend his janaza (funeral prayer) and the Messenger of Allah (saw) told her: **'Fear Allah and do not disobey your husband'**. Allah then revealed the following to His Messenger (saw): **'I have granted her My Forgiveness because of her obedience to her husband'** (Hadith Qudsi).As for when the husband is a Shabab of the Hizb, he is advised not to prevent his wife from attending the Hizb activities. He should let her undertake these responsibilities in the time she does not need to attend to the house. If he does not allow her to go out to do these activities then he has not melted with the thoughts of the Hizb.

40. Can we send our children to a Kafir school in the West or the Muslim lands if we know that Kufr beliefs and thoughts are promoted as part of their curriculum, under the pretext of seeking knowledge in various disciplines? Can it be said that it is forbidden for a Kafir to teach our Muslim children as they are Kuffar and do not share the same 'aqeedah as us, hence the issue being the children being taught by a Kafir and not in relation to what the curriculum teaches?

There are general texts regarding seeking knowledge. He (saw) said: **'Seek knowledge'**. This is general ('aam) and includes all types of knowledge. So it is allowed for the Muslim to learn any discipline/science but if these sciences lead to a harm (Darar) then learning such sciences would be forbidden and the other sciences would remain permitted in accordance with the Shari'ah principle which states:

'If any aspect of a permitted thing leads to a harm, then that aspect is prohibited, but the thing remains permitted'.

Hence learning something, which causes one to deviate from the beliefs ('aqaa'id) is considered a harm and learning such harmful ideas will weaken and effect children easily. Therefore, it is forbidden to send children to schools of the Kuffar, which teach the Kufr thoughts and beliefs on the primary level. This is because children are affected by what they learn at this level, and the family is ordered to protect its family members from the Fire of hell. Allah (swt) says: *'Ward off from yourselves and your families the Fire...'* [TMQ At-Tahrim: 6]. Protecting their children from the fire would be by not sending them to the schools of the Kuffar that teach Kufr beliefs and thoughts.As for the existing schools of the Kuffar in the Muslim lands which teach the same curriculum taught in Muslim schools, it is not forbidden to send ones children to them. This is because their reality differs from the schools of the Kuffar in Kafir countries, which teach Kufr beliefs and thoughts. Also, just because one of the teachers is a Christian does not mean it is forbidden to study in this school, because the education is linked to the curriculum taught. So if Kufr beliefs and thoughts are not taught in a primary school and the lessons are from the general sciences then it is allowed for children to study there, whether the teachers are Muslims or if one of them is a Christian. If the one who teaches Kufr beliefs and thoughts is a Muslim it is Haram for the children to learn this from him. The fact that the teacher is a Muslim does not make the children's study of Kufr thoughts and beliefs from him Halal.

41. I have 2 half sisters, we share the same father but we have different mothers. Also they have brothers who are my sisters' half brothers, because they share the same mother. Am I their wali amr? What does this entail with respect to giving them maintenance? Am I sole responsible for the maintenance given to them, as their half brothers from the mothers side are too poor to give them anything?

You are the guardian (wali amr) of your sisters (from your father), which means that as long as they are poor you should give them the maintenance that is enough for them to live to an acceptable standard of living (bil ma'ruf), according to your ability. This is because at present you are an heir to them since they have no father or son/children (kalaalah) and Allah (swt) says: *"And on the (father's) heir is incumbent the like of that (which was incumbent on the father)"* [TMQ 2: 233]. Since their brothers (from their mother) inherit

them like the kalaalah (the one who has no father or son). Then they must give maintenance with you for the two sisters. However you have said that the two brothers are poor, therefore it is your duty to give maintenance to your two sisters (from your father) as long as you are able to do that. Also, you have other obligations towards them such being their wali ul-amr, and this in marriage and other matters as elaborated in the books of fiqh.

42. Is it allowed for me to visit my sisters from my father while their half-sister is present?

When you go to visit your two sisters (from your father), and since they are from your mahrams, then silatur-rahm (kindness to close relatives) is wajib on you. It is okay for their half-sister (from their mother) to sit with you even though she is not mahram to you. However, it is allowed to sit with your two sisters with in her presence, because she is mahram to your two sisters, as long as her 'awrah is covered; otherwise you should lower your gaze, ghadd al-basar, because she is non-mahram to you. It is not allowed for you to have Khalwah (privacy) with her, or to sit alone with her because she is not a mahram to you. It is allowed for you to sit with your to sisters from your father while she is present, because she is mahram to your two sisters.

43. Is it allowed for me to sit with my sisters while their mahram relatives are present, even though they are not related to me?

It is allowed for you to sit with your sisters (from your father) while their mahram relatives are there even if they are not your mahrams. However, it is not allowed to sit with your stepsisters (from your father), if people are there who are not mahrams to them, but are their female friends who are sitting with you.

44. Is it allowed for me to sit with my sisters while their female friends who are not related to me or them be present?

It is not allowed to mix with women/wives of your close friends because your friend is not mahram to you. The womenfolk of your friend's family are not mahrams to you and so it is not allowed to mix with them except for a need, which the Sharee'ah permits such as being invited for food. As for mixing merely because of the visit, this is not allowed.

45. On page 26 of Social System in Islam we say the following:

"With regard to a handshake, between a man and a woman, it is permitted with no barrier between them due to what has been established in the Sahih Bukhari regarding Umm Atiyya. She said: "We gave our Bay'a to the Messenger of Allah, so He (SAW) recited to us they should associate none with Allah and he forbade us from wailing (for the dead). A woman among us withdrew her hand....". The pledge used to be taken by the shaking of hands. She withdrew her hand and retracted it after extending it for the pledge. This also implies that the others took the pledge by shaking hands but did not withdraw their hands as she had withdrawn her hand. "In addition on page 34 we say:" What indicates that the

hand is not part of the 'awrah is the Prophet's handshaking of women in the Bay'a Umm Atiyya said: "We gave our Bay'a to the Messenger of Allah, so he (SAW) recited to us they should associate none with Allah and he forbade us from wailing (for the dead). A woman amongst us withdrew her hand saying: so and so woman has made me happy and I want to reward her, he (SAW) said nothing, the woman went, then came back".This hadith indicates that women used to give Bay'a by hand because this woman withdrew her hand after extending it for the Bay'a. The fact the hadith states that the woman withdrew her hand when she heard the terms of the pledge (Bay'a), demonstrates clearly that the Bay'a used to take place by hand and that the Prophet (SAW) used to take the pledge by his noble hand. As for what has been narrated about Aisha (ra) that she said: "The hand of the Messenger of Allah (SAW) did not touch the (hand of) any woman other than his own wives". This is an opinion of Aisha and an expression of the limit of her knowledge. If we compare Aisha's statement with this hadith of Umm Atiyya then the latter's hadith is preferred. This is because it specifies an action which happened in the presence of the Messenger (SAW) and indicates an action of the Messenger (SAW) which is preferable to a mere opinion of Aisha. That is why transmitters preferred Umm Atiyyaa's hadith. They adopted it and permitted a man to shake the hand of a woman."

There are two questions relating to the issue of men shaking the hand of women, and the daleel quoted above.

i. What is it in Umm Atiyyaa's hadith that makes it clear that the hand was actually shaken . The hadith I have found in Bukhari volume 9: no 322 is as follows in translation: "We gave the Pledge of allegiance to the Prophet and he recited to me the verse (60.12). That they will not associate anything in worship with Allah (60.12). And he also prevented us from wailing and lamenting over the dead. A woman from us held her hand out and said, "Such-and-such a woman cried over a dead person belonging to my family and I want to compensate her for that crying." The Prophet did not say anything in reply and she left and returned. None of those women abided by her pledge except Um Sulaim, Um Al-'Ala', and the daughter of Abi Sabra, the wife of Al-Muadh or the daughter of Abi Sabra, and the wife of Mu'adh.Whichever translation we use, the translations mention that the woman either held out her hand , or withdrew her hand. Neither says that the woman shook hands or touched hands with the Messenger (SAW). Can we infer this much beyond what is explicitely stated in the text?

Texts have a manTooq (explicit meaning) and mafhoom (implicit meaning).
For example the explicit meaning of: 'do not say Uff to your parents' is the prohibition of saying 'uff'. But the implicit meaning here is also equally valid. So it would be Haraam to beat ones parents. In the above texts one of the forms of implicit meaning from which we extract the hukm of handshaking is through ihsaarat an-nass (the alluded meaning). Here the text did not come to give the hukm of handshaking women but this is indicated when the woman retracted her hand. This is an indication that she was going to hold the Messeger's hand in order to take the bay'ah but retracted due to some reason. The ishaarah of the text is a daleel as it is the implied meaning of the text. For example we deduced presence of khaalefah is farD through ishaarah from the hadeeth: 'whosoever dies without a bay'ah on his neck dies the death of jahiliyyah.' However there are other hadiths which explicitly mention touching the hand. For example: Bukhari narrated that a

slave women of madinah used to take the Prophet's hand and lead him wherever she wanted until he had sorted out her needs.

ii. How would we reconcile this with the hadith of Aisha mentioned above, but also with the following ahadith. Bukhari volume 6 : number 414 narrated Urwa that 'Aisha the wife of the Prophet, said, "Allah's Apostle used to examine the believing women who migrated to him in accordance with this Verse: 'O Prophet! When believing women come to you to take the oath of allegiance to you...Verily! Allah is Oft-Forgiving Most Merciful.' " (60.12) 'Aisha said, "And if any of the believing women accepted the condition (assigned in the above-mentioned Verse), Allah's Apostle would say to her, 'I have accepted your pledge of allegiance.' He would only say that, for, by Allah, his hand never touched any lady during that pledge of allegiance. He did not receive their pledge except by saying, 'I have accepted your pledge of allegiance for that.' "

Bukhari volume 7: number 211 Aisha (ra) narrated:
When believing women came to the Prophet as emigrants, he used to test them in accordance with the order of Allah. 'O you who believe! When believing women come to you as emigrants, examine them . . .' (60.10) So if anyone of those believing women accepted the above mentioned conditions, she accepted the conditions of faith. When they agreed on those conditions and confessed that with their tongues, Allah's Apostle would say to them, "Go, I have accepted your oath of allegiance (for Islam). By Allah, and hand of Allah's Apostle never touched the hand of any woman, but he only used to take their pledge of allegiance orally. By Allah, Allah's Apostle did not take the pledge of allegiance of the women except in accordance with what Allah had ordered him. When he accepted their pledge of allegiance he would say to them, "I have accepted your oath of allegiance."

Reported by al Tabarani and al Bayhaqi that Ma'qal ibn Yasar narrated that the Messenger of Allah (SAW) said:" It is better for one of you to be pricked in the head with an iron pick, than to touch a woman whom it is unlawful to touch. " In Yusuf Al Qardawi's Lawful and Prohibited in Islam he says that Al-Mondhari says al Tabarani's transmitter are authentic and sound.Imam Ahmed recorded that Umaymah bint Ruqayah said " I came to Allah's Messenger (SAW) with some women to give him our pledge and he took the pledge from us that is mentioned in the Quran , that we associate none with Allah etc as in the Ayah . Then he (SAW) said " As much as you can bear to implement. We said " Surely Allah and His Messenger are more merciful with us than we are with ourselves." We then said " O Allah's Messenger, should you not shake hands with us?" He said ," I do not shakes hands with women, for my statement to one woman is as sufficient to a hundred women. " (Musnad Ahmed 6: 367) Ibn Kathir states that this hadith has an authentic chain of narration ; At Tirmidhi , An Nasa'i and Ibn Majah collected it.These hadith would seem to support the knowledge of Umm al Mumineen Aisha (ra) in this matter, and the translations to Umm Atiyyaa 's(RA) hadith do not indicate a clear hand shake, or contact, rather an extension and withdrawal.

The reconciliation of the above hadiths is as follows; when the Messenger (saw) says something and then does contrary to that, this indicates the action is mubah because he (saw) did the action. If it was Haraam he would not have done the action. Doing the

action shows permissibility. For example the Messenger (Saw) said: 'I do not accept the gift of the Mushrik' But in the narration of Imam 'Ali: The Kisra gave the Messenger of Allah a gift and he accepted it.' This indicates that accepting a gift from a mushrik is permissible since the Messenger (Saw) accepted the gift from Kisra who was a fire worshipper. As for why he refused the action in his saying, it is well known that (saw) would refuse to do many mubah actions, not because they are Haraam but because that was his own preference in the mubahaat like anyone else. For e.g. he (saw) refused to listen to the music of the farmers flute even though he allowed Ibn Umar to listen to it. He (saw) refused to eat the lizards and rabbits but he let the Sahabah eat them.
As for the hadeeth: 'It is better for one of you to be pricked in the head with an iron pick, than to touch (have intercourse with) a woman who is unlawful to him.' Here touch can mean literally touch or sexual intercourse which is a metaphorical meaning. To go from the literal to the metaphorical one needs a qareenah. For example when Maryam (ra) said: how can I have child when no man has touched me' here touch means intercourse because touching on its own does not produce offspring. As for the above hadeeth the qareenah would be the hadeeth of Umm 'Atiyah itself. If the Messenger (saw) touched when taking the bay'ah then it must be mubaah. If that is the case then touch here would mean intercourse otherwise it would contradict the Umma 'Atiyyah hadeeth. The Usuli pricpile states: Use of both daleel is better than the rejection of one of them' (I'mal ad-daleelayni awla min ihmaali ahadihimaa). This is because in origin there is no contradiction in the wahy. So when there is a apparent contradiction then one should try to reconcile both evidences rather than reject one. Here the reconciliation is by taking the second hadith metaphorically which is consistent with the Arabic language for 'touch' is used metaphorically as well.

46. What is the view of Islam on celebrating birthdays and giving gifts on these days?

Celebrating the birthday of a person is one of the disbelieving western countries habits. It is not of the habits of the Muslims, nor did it exist at their times, neither at the time of the Messenger of Allah (saw), nor at the time of the Sahabah or the tab'ieen and tab'iee tab'ieen. Neither the messenger (saw) nor the Sahabah nor the tab'ieen celebrated the birthday of Muhammad (saw). Neither did the Messenger (saw) celebrate the birthday of Al-Hassan nor Al-Hussien, nor did they present gifts to anyone of them in the occasion of their birthday.Celebrating, if it is an imitation of the kuffar is not allowed by the shar'a, due to the ahadith that prohibited the imitation of the kuffar.But if it was not imitation of the kuffar then it is of the mubah matters. But it is better suited for the shabab to stay away from it and not participate in it, so as to stay away from the doubted matters (shubhat) due to the saying of the Messenger (saw) "Whoever protected himself from the Shubhat (doubted matters) he would have cleared his deen from blame (guilt)".

47. Can a man prevent his wife from visiting her parents?

The breaking of relationship between the parents and children is Haram and this is clear in many texts from the Qur'an and Sunnah such as the saying of Allah "Honour your Qurba (those close)" which ibn Abbas said meant your close family and the hadith of the Messenger (saw) as narrated by Muslim in his Saheeh "They will not enter Jannah who breaks ties to the womb" this text is general and therefore severing the relationship between the parents and the children is prohibited. So a man preventing his wife visiting

her parents would be an act of zulm. However if there was a legitimate reason for a particular instance then there is no harm. The wife is however obligated to obey her husband in this whether she felt it was legitimate or otherwise. However if this persisted it should be redressed and if not then the Shari'ah has given her the right to take compliant to the Qadi. The man should not inflict such injustice upon his wife.

48. To what extent should the husband help with the work carried out at the home by the wife? If she is unable to carry out these tasks what is obliged upon the husband?

Marriage life is source of tranquillity for spouses:

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'It is He Who has created you from a single person (Adam), and then He has created from him his wife (Hawwa) in order that he might enjoy the pleasure of living with her.' [7:189]

Living together is one of companionship. They have companionship according to the rights Allah has clarified for each of them so that marriage life is one of happiness and tranquillity. This is in terms of living together. As for undertaking the housework, it is obligatory on the wife to undertake everything necessary for work within the home. And the husband is obliged to undertake the work necessary outside the house. If the wife is unable to do the housework due to illness or any other such reason then she should be provided with a servant to help her. If he is not able to provide a servant and she is ill or not able to do the housework, or as you have said in a situation when there is no servant such as in the night or early morning, and the house requires work or the children need to be looked after, and she is unable to do this, and there is no one to help her from his family or her family as you have mentioned. Then in this situation the husband should help the wife with the housework.
The conjugal life is one of companionship, so if she can't do her work without his help he should help her and look after her when she is ill and look after the affairs of the family and children if she is ill and needs care then she should be cared for. This is more of a priority than to undertake a task given by the Hizb while he should entrust someone else that task. The basis is that such issues in marriage life are dealt with in accordance to what will realise the meaning of companionship. And this should be known without need for unnecessary elaboration or complicating the matter. Thus marriage life, as we have mentioned before, produces tranquillity to the husband and wife. The basis is that matters are dealt with such that they realise this tranquillity according to the rules of the Sharee'ah. [Please refer to social system chapter on married life pp.147-152 Arabic copy]

49. What extent does the husband have to be obeyed by the wife? Does he have the right to tell her things with which are associated with outside the home, as well as inside the house?

In the private life it is allowed for the husband to order his wife to do a mubaah action and she is obliged to obey him. He has the right to instruct her to wear a certain dress,

put makeup/adorn her face or cook a certain food for him and anything else the husband requires. The wife is obliged to obey him. If she disobeys him then she is naashiz and the ruling (Hukm) of nushooz is applied on her. However in the public life it is not allowed to oblige her to do a mubaah action or any matter that Allah has not obliged upon her. It is not allowed for him to oblige her to wear niqaab or oblige her to reveal her face. Also he is not allowed to oblige her to take up employment because it is mubah for the woman to work and not obligatory. In conclusion: in the private life the husband has the right to oblige the wife to undertake a certain mubah action if he so wishes and she must obey. However, in the public life it is not allowed for him to oblige her to do the mubah action.

50. If the parents of the child are unable to look after the children, for any reason or they pass awat, who are the guardians of the children?

If parents are deceased, imprisoned or ill or they are not qualified to take custody and kafaalah, in such a situation it should be looked at:
If the children are young at the age of weaning, whether below or above the age in which that child is not able to understand things in an aware manner (ie less than 6 or 7 years of age according to the reality the child). In this situation the custodian (or kafeel) after the mother (if she is deceased or etc) will be: Her mothers (mother and grandmother) are chosen as to who is much nearer in relation. Then come the mothers of the father (because the father has died etc as in the question) then the grandfather, then his mothers, then the grandfather of his father and then his mothers. If the fathers and mothers are deceased the custody goes to the sisters. Priority goes to the sister from both parents and then to the sister from the father (but different mother) and then to the sister from same mother (but different father), then to the brother of both parents and then to the brother from the same father (but different mother) and then to their children (there is no custody for the brother who is only from the same mother); custody continues then to the maternal aunts, then to the paternal aunts, then to the paternal uncle of both parents (ie this uncle is brother to the deceased father from both parents) and then the parental uncle of the same father (ie he and the deceased father are not brothers of the same mother). It then continues to the maternal aunts of the mother then to the maternal aunts of the father then to the paternal aunts of the father.
If the child is of discerning age (i.e. above the ages of 6 or 7 according to the reality of the child) here the reality is one of guardianship (wilaayah) and not custody (hadaanah/kafaalah). In this situation the child is given a choice between: his father and mother if they are alive and qualified to undertake guardianship (wilaayah). If not as in the question then the child is given a choice between those who take the position of his father ie his grandfather from the father side and then his paternal uncles….etc and between those who take the place of his mother ie the grandfather on the mother's side and then his maternal uncle….If the child is mature (is he is baaligh when his parents die) then there is no guardianship (wilaayah) for anyone over him and he is a guardian over his own affaires. The one to whom the custody (kafaalah) or guardianship (wilayah) will go has to be qualified for it; otherwise it will go to the one after that person. The qualification of guardianship (wilaayah) or custody (kafaalah) is being able to look after the infant or child such that it is not harmed due to his negligence, preoccupation with other things or because the guardian or custodian is not baaligh, since the child needs someone to look after him. Similarly, guardianship cannot be given to the insane person or someone whose character is such that the child will have a corrupt upbringing, for instance if the guardian or custodian is someone who commits fisq etc…

The assessment of whether someone is qualified to be guardian requires a study of the reality. The one who disobeys Allah in one matter is not the same as someone else who disobeys Allah in many matters and so on and so forth. What's important is that we have least amount of doubt that the guardian or custodian will not harm the child or corrupt him or give him a bad upbringing.As for the kaafir he is not allowed to have custody over the child because the guardianship is not allowed for the kaafir.

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'And never will Allah grant to the disbelievers a way (to triumph) over the believers.' [4:141]

Similarly, it is not allowed for the parents to appoint anyone to look after the children anyone other than what the Sharee'ah has clarified except when none of these categories exist or it is proven that none of them are qualified to do this. [Please refer to the chapters on guardianship of the father and custody of the child in social system pp.175-180]

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

1. **By 'travelling' is this meant a mussaffir on a journey – i.e. does the woman become a traveller after 80 km travel and so the rule applies to her then. So if she travelled 70 KM she would be able to travel alone.**
2. **Is the rule indicating just the travelling i.e. actually engaging on a journey or does it include staying at a 'safe place'. If for example a woman travelled 12 hours but stayed at her sisters house for 2 days without a mahrem would this be valid.**

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.

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 travelling 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.

52. What does a woman do when she wants a divorce from her husband, and he refuses? Can she contact the organisations that deal with this and ask them to lodge a divorce? Can she visit a respected man such as a community leader and ask him to get a divorce for her? What is the rule regarding this? Also if the husband was violent towards her to the extent she was being harmed a lot can she leave him and the home? (or does she need to wait for the outcome of her divorce)

If there is such a dispute between husband and wife. The wife has a right to leave her house to establish the case for divorce before a judge or to go to her family to get help in establishing the case for divorce. She can seek the help from those she sees are good and trustworthy to help her resolve the issue. She should seek the permission to leave from her husband so as to establish the case. If he prevents her than she can leave without his permission because the request to separate in this case is one of her rights.

53. Does the man have the right to enquire about his prospective wife? What are the limits to what can asked and discussed? Can they sit together and ask about these matters, and what are the ways for this to occur?

The man who wants to propose to a woman has the right to enquire about her regarding every matter he wants in order to undertake his proposal. She is also has the right to enquire about every thing regarding him so as to give her consent of him. Since the man and woman in this case are foreign for each other, then it is not allowed for them to sit down together to enquire from each other about the matters of marriage. They are not allowed to discuss such matters alone even if the woman's parents agreed to that. Therefore the enquiry about each one of them would be through his mother or sisters, and also through her father, brothers and mother; i.e. through their two families. This is before concluding the marriage contract. However, if the marriage contract was made between them, then it is allowed for them to sit down together and talk about the matters of marriage and other matters that are not haram.As for the principle (the means for haram is haram), it does not apply here, for as long as they were without a marriage contract it is not allowed for them to sit down alone and talk about any of the matters of marriage or other matters for they are foreigners to each other before the contract.

54. To what extent is a man allowed to see somebody whom he wishes to propose to?

The proposing man has the right to see of the woman whom he proposes to her that which other than him can't see, if he intends to propose to her. So if he agreed with her brother, for example, to allow him to come in the house while his sister is putting out the washing inside the house yard while some of her hair is uncovered, so the proposing man for example look at her hair or at what she shows while at home such as her neck, her arms and her legs, then there is nothing wrong in such case. After the proposal, it is not allowed for him to see any thing of her awrah, nor is she allowed to show him anything of her body except the face and the two hands, unless the contract of marriage was completed, where this will then be allowed.

55. What statements uttered by the husband leads to divorce. I.e. if the husbands says to his wife to leave his house, is this equivalent to a divorce or is it only when the word 'talaq' is used?

The expression used for divorce is the word 'divorce and its derivatives' such as when the man says to his wife 'You are divorced (anti taaliq) or 'I have divorced you (tallaqtuki) and the like from the derivatives of the word 'divorce'. If he said this then the divorce will take place in its correct form according to the Sharee'ah rules. In this situation the intention is not considered. If the divorce was pronounced with seriousness or jokingly the divorce will take place. The Messenger (saw) said: Three things should be taken as serious and their joking is taken as serious and they are: marriage, divorce and Raj'ah (taking the wife back after the revocable divorce [Talaq raj'i]) Reported by Tirmizi and he said it is Hasan ghareeb.

If he uses other expressions in front of his wife which can mean divorce but without using the word 'divorce'. Then in this case the intention is considered for the divorce to take place. If he says to his wife: Go back to your family' or 'I have no guardianship over you' or 'you are not tied down ie. free' and so on and so forth. Then he is asked as to what he meant by these expressions. If he says divorce then divorce will take place and if he says I meant something else then this is not considered divorce.

The evidence: It has been narrated by 'Aisha (ra) that 'When the daughter of Al-Jaun was brought to Allah's Apostle (as his bride) and he went near her, she said, 'I seek refuge with Allah from you.' He said, 'You have sought refuge with The Great; return to your family.' Reported by Bukhari. Here it is divorce because the messenger (saw) intended divorce when he said: go back to your family'

And in the Hadeeth regarding when Ka'b b. Malik stayed behind from jihad, he said: When a period of forty out of fifty nights had passed, the messenger of the Messenger of Allah (saw) approached me and said: 'The Messenger of Allah (saw) commands you to distance yourself from your wife.' I said: 'Should I divorce her, or what must I do?' He responded: 'No, distance yourself from her and do not approach her. So I said to her: 'Go back to your family'. Here it is not divorce because Ka'b did not intend divorce by the expression: 'go back to your family'.

In short, if the pronouncement includes the word divorce and its derivatives then the divorce takes place in its correct form whether he was serious or joking, the intention is not relevant here.

However, if the wording does not explicitly mention divorce but rather by indication or the like then his reason or intention is considered and whether divorce takes place or not depends on this.

Ruling System

1. If one member of the Majlis al-Ummah demands the removal of the Walis from his province, is it binding upon, the Khaleefah to do so?

One of the mandatory powers of the Majlis al-Ummah is the removal of the Mu'aawins, Walis, and 'Aamils when it shows disapproval of their actions. In this it is stipulated that there be a majority. In this case their opinion is binding and the removal takes place immediately.

As for the individual member, he does not have the right to remove them from office unless he is supported by the majority. The member has the right to express his disapproval of any assistant, wali or 'Aamil in all parts of the state and not just the walis and 'Aamils in his region only.

Similarly, a member of the Ummah outside the Maljis al-Ummah does not posses the right to remove any wali or 'Aamil but he can give his view to the Majlis al-Ummah.

2. Will the member of the Majlis al-Ummah receive a wage?

Yes, a member of the Majlis will take a wage. He is a representative of the Ummah and payment for representation is permitted. However he is prevented from taking government posts and other types of employment during the period he is member of the majlis.

3. Is there not a contradiction between what the hadith "listen and obey even if an Abyssinian 'abd was appointed upon you, as if his head is like the raisin" and the condtion that the Khaleefah must not be a slave?

The hadeeth (listen and obey even if an Abyssinian 'abd was appointed upon you, as if his head is like the raisin. The word 'abd here means very black and not slave i.e. not free. So the hadeeth is to explain the obligation of obedience whatever was the colour of the Ameer or his race, as long as he is an ameer that rules with Islam. Therefore, there is no contradiction between this hadeeth and the condition that the Khaleefah must be free, which is a contracting (in'iqad) condition.

4. The principle states that the silence, is an indication of acceptance. So when the Ummah remains silent when the usurper takes the power as mentioned in the book "Ruling system", can this not be seen as acceptance of his ruler?

The silence that is an indication of acceptance is the silence which the surrounding conditions (qaraa'in) indicate of agreement without coercion. As for the silence that is a result of fear, oppression and compulsion, it does not indicate acceptance, whatsoever. Therefore, what came in the Ruling System page-57, last line that (if they were convinced and accepted) with the usurper means without coercion or compulsion as it is explained.

5. What gives the right for the Khaleefah to delegate the tasks that he has?

There are texts that these matters are of the functions of the Khaleefah, such as the hadeeth(the Imam is a shield, by whom it is protected, and from behind him it is fought), i.e. he is the army leader, and courage here is required. There is also the hadeeth (The imam is a shepherd and he is responsible about his citizens), which requires managing the affairs of the citizens with wisdom, and experience; and the hadeeth (Any servant Allah charges him with citizens and he dies when he dies while deceiving his citizens save Allah made the Jannah haram for him). This is in addition to the situation of Rasool Allah and Khulafaa' Rashidoon in regards to discharging the affairs of the citizens. All of that indicates that these actions are of the functions of the Khaleefah. However, shar'a allowed the Khaleefah to seek the help of others in leading the army, managing the citizens and discharging the affairs. This is proved from what was at the time of the Rasool and The Khulafaa' Rashidoon. He sometimes led the army by himself. Some other times he sent other army leaders. He also sometimes directly discharged the affairs of the people, while sometimes he appointed others to discharge the affairs. Similarly, in examining the affairs of the citizens, he practiced that by himself, and sometimes he consulted and sought the help of others. All of that indicates that these matters are not of the establishing (in'iqad) conditions, for the Khaleefah has the right to seek the help of others in discharging them. Therefore, these are conditions of preference.

6. When the word Al-Amr is used, does this mean just the khaleefah?

Al-amr is one of the words of generality (al-'umoom), because it is attached with al (the). Such a word indicates generality, i.e. the general sovereignty/ruling. So it is wider than the word Khilafah. Rather al-amr includes the Khilafah and other types of ruling such as the wali (governor) and the mu'awin (assistant).

7. Where in the culture of the Hizb do we say that the laqab has no opposite meaning?

The Word Quraish is a title (laqab), i.e. a name of people or tribe. It is not a description to them. This word (the title) has no opposite meaning. So if you said Quraish kareemah (Quraish is generous), this does not mean that other than Quraish is not generous. Likewise, to say this matter is in Quraish does not mean it cannot be in other than Quraish.
The fact that the noun attached with al (the) is from the words of generality exists in Ash-shakhsiyyah,volume 3, page-230.
Also the fact that the meaning of al-laqab(the title) is not used, i.e. it has no opposite meaning exists in ash-shakhsiyyah volume 3, page-191.

8. Do dar al Kufr, and dar al harb have the same meaning? In that case what is the difference between lands like Spain and Israel?

Dar al-Islam is the country which rules by Islam and its security is the security of the Muslims i.e. their authority. If these two conditions are not met then it is dar al-kufr. Dar al-kufr and dar al-harb have the same meaning. (see introduction to the constitution and

shakhsiyyah II in this chapter) The word ‘harb’ is added to Dar to clarify that the dar al-kufr is fighting in rule (hukman) or in actuality (fi’lan).

As for the difference between Spain and Israel in relation to these definitions: Spain is dar la-Harb in the rule (hukman) and Israil is dar al-harb in actuality (fi’lan).

As for India it is dar al-Harb in rule and dar al-kufr.

And Kahsmir is an Islamic land occupied by the kafir Indian state. It is dar al-kufr and it obligatory to liberate it and return India to its status as dar al-Islam because it used to be part of dar al-islam.

Fiqhi & Usuli

1. Can a Muqallid still follow his madhab, say hanafi or shafi if he is convinced that some of the usul the scholars hanafi or shafi used are weak? If for example he denied Istihasan or Shara Mun Kablina but followed the Madhab of Abu Hanifa previously, can he change his madhab based upon the knowledge that some of the usul of Abu hanifah was weak?

The shabab is allowed to continue following his madhab (Hanifi) even if it takes usuli principles or evidences that are not legally considered in the view of the shabab, such as istihasan. However the shab has to abandon his madhab in every masala (issue) where the Hizb has adopted an opinion. This is because this opinion in this case is the opinoion of the shab and it's the hukm shar'ai in his regard, and it is the duty of the shab to follow what is adopted. The shab also has to abandon following his madhab in every issue he discovers that his madhab had deduced the maslaha (issue) hukm from an evidence which is not considered by the Hizb as legal such as istisahan.
In other than these two cases the adoption of the Hizb, and the madhabs deduction from an evidence that is not legally considered, the shab can continue to follow his mazhab.

2. What is the hukm, of hunting by dogs? Is it allowed to eat, the prey, which is killed by the trained dogs?

The trained hound/dog catches for its owner 'So eat of what they catch for you.' [5:4] It catches the game and does not eat it, rather it brings the game to its owner. The untrained dog catches the prey for itself and that is why it catches it and eats it. So the game of the trained dog is allowed whilst the game of the untrained dog is not allowed.

The signs of a trained dog are the following: that it goes out when you send it off to catch the game, it holds back when you want it to hold back, it catches the game and does not eat. If it eats the game then it is not: 'So eat of what they catch for you.' [5:4] for its owner.

'Addi b. Hatim (ra) said I asked the Messenger of Allah (saw): 'We hunt with these hounds.' He said, 'If you send your trained hounds after a game and mention Allah's Name on sending, you can eat of what they catch for you. But if the hound eats of the game, then you must not eat of it, for I am afraid that the hound caught it for itself. [Reported by Bukhari]

As for the manner in which the trained dog should kill his prey; is it different to how an untrained dog kills its prey? The answer is there may be no difference. All we know is that the trained is trained to catch the game and bring it to its owner without eating any of it regardless of whether it killed its prey or not. As for the untrained its catches for itself and so it hunts and eats its prey.

3. What is the meaning of the word Jihad? If a land is occupied by the kufar, upon who is the obligation on repelling the enemy? If the land is overrun, and subdued by the Kufar, then upon whom does the obligation then fall upon?

From the Book Shakhsiyah Islamiyah Volume 2 page 156 fourth edition printed 1995 ce and 1416 "Jihad is fard Kifayah to inititiate (the fighting) and Fard Ayni when the enemy attacks, upon the ones who are being attacked (ala man haajimuhum) and fard kifayah upon the rest (of the Ummah). This fard is not silenced until the enemy has been repelled and the Islamic land has been purified from its *rijs* impurity".

When Allah (swt) states "Fighting has been prescribed upon you…" (Surah al Baqara verse 217) Imam Qurtubi stated that the meaning of 'Kutiba' is Furida i.e. obligated. He went on to quote Ibn Attiyah as saying: There has been established an Ijma that Jihad is Fard Kifayah on every single Ummah of Muhammad (saw). *al Jami ul Ahkam ul Quran vol. 3 pg. 37.*

If an Islamic country was exposed to attack from the enemy, then the fight against the enemy becomes fard 'ain (personal obligation) upon the people of that land (country). If the repelling of the enemy could not happen with the inhabitants of this land, than it becomes fard 'ain upon the Muslims who are the nearest (geographically) to this land, then those who follow them (geographically) and so on until the repelling of the enemy is achieved, even if this obligation included all of the Muslims.

If the enemy occupied the country and dominated over the Muslims within it and imposed its authority upon them and they became unable to fight against it, to remove the authority from them, then they are treated as if the are captives (prisoners of war). The fard 'ain, in this case, would be upon the Muslims who came next to them (geographically) and so on, until the occupation is removed and the country returns to Bilad al Islam (the land of Islam).

To say that Jihad becomes fard 'ain on Muslims means that it is upon those who are capable amongst them, i.e. the armies and those who are like them (i.e. have military power). This is because the 'capability' (Istita'ah) is (indirectly) understood in every hukm shar'i. Therefore it is incorrect to change the definition and thus say that Jihad is fard 'ain upon the armies instead of upon the Muslims, this is because the mentioning of 'Muslims' is more general, and it is clear in it that it is a duty (fard) upon those who are qualified and have the capability and ability to fighting in the manner which the shara' has explained.

The unity of the Muslim countries is a fard, and the fight against the enemy who attacks is also a fard. The fact that the Muslims countries are not united and their armies are divided does not mean that it is a duty to first unify their armies then thereafter fight against their enemy, based upon the consideration that one army is not sufficient to remove the occupation. Rather Muslims are obliged to work to achieve all the duties, so they establish a state that unites their countries and unites their armies, and also they fight their enemy if they are attacked and do not hesitate from doing so under the pretext of waiting until they unify their armies.

Any ruler from amongst the Muslim countries, who declare the fight against the kafir enemy and orders his army to move for battle, then the duty upon the army, is to move to fight the kafir enemy as long as the fight is against the kuffar. The Ummah is obliged

to support that unless the ruler moves the army to fight against the Muslims or drives the army to fall (a planned defeat) in a planned trap to enable the enemy to kill a large number of Muslims. In these two cases, that is to fight against the Muslims and the conspiracy with the enemy to kill the Muslims, it is not allowed to fight (together) with the rulers, and in this case the Ummah and the army have to prevent the rulers and make the fight against the kuffar and not against the Muslims.

The discussion with the Ummah should be to explain the hukm shari' in fighting the enemy if they occupied any of the Muslim countries or in case they declared war against them, and to show that the rulers have cancelled Jihad. Also that it is a duty upon the armies to move so as to fight against the enemy and so on so as to move the rulers who suspend the Jihad, and to move also to establish the Khilafah State and appoint a Khaleefah who rules with that which Allah (swt) has revealed and makes Jihad fe Sabeelillah. Calling the Ummah and her armies to execute this fard is one of the actions of the Kutlah (group), which they perform, which should be according to the method explained in the stages of the progression of the Kutlah.

4. The hadith As you are, rulers will be appointed over you", is this hadith daif (weak). What is the authenticity of it?

'As you are, rulers will be appointed over you'

Ad-Daleemi in the musnad al-Firdaws reported this hadith on the authority of Abu Bakra with a marfoo' isnaad (attributed to the prophet). Bayhaqi reported in Sha'b al-Imaan on the authority of Abu Ishaq as-Sabee'I with a mursal isnaad.

As-Sayooti said about the Hadith: It is Da'eef (weak).

As-Sakhaawi said the isnaad of the hadith is via Yahyah b. Hashim>Yunus b. Ishaq>his father>grandfather>Abu Bakra with a marfoo' isnad. As-Sakhaawi said about the hadith that the narration of Yahaya is one of those fabricated via Yahayh b. Hisham>Yunus b. Ishaq (>Abu Ishaq) 'Umar b. 'Abdullah (as-sabee'I) with a mursal isnaad. He then said this hadith is munqati' (has a break in the chain) and its transmitter is Yahya b. Hisham is weak (da'eef).

In the tazkirat al-Mawdu'aat of Imaam al-Fatani:

'As you are, rulers will be appointed over you' in the sanad there is a break (inqitaa') and the waadi' is Yahya b. Hisham and he has a line of transmission which contains majhools (ie unknown people in the isnaad).

Therefore, the above hadith is judged to be weak.

However, despite its weakness the hadith does not indicate that we should be silent over the oppression of the rulers and their suspension of Allah's Sharia. Imaam al-Manawi said in the Fayd al-Qadeer the Sharh of al-Jami al-Kabeer volume 5: he mentioned what as-Sakhaawi had said about the weakness of the hadith then he commented on the hadith that its meaning is: 'If you had Taqwah of Allah and feared His punishment then rulers will be appointed over you who will fear Him and vice versa.' So can we have Taqwa of Allah and fear His punishment if we do not enjoin the good and forbid the evil? Can

there be a better enjoining of the good and forbidding of the evil then ordering the ruler to do good and forbidding him from the evil and changing him if he suspends the law of Allah? Those cite the hadith as an evidence for not restraining the hand of the tyrant and working to resume the Islamic way of life, they do not discuss this seeking the hukm sha'I so that they can have Taqwah of Allah and fear His punishment. Rather they say this as a justification for their abandonment of one of the greatest fards. Such people in addition to the sin of neglecting an obligation they add to this another sin which is their insolence towards the Deen of Allah when they misinterpret the texts.

They do this despite knowing that the work to resume the Islamic way of life, enjoining the good and forbidding the evil, restraining the hand of the tyrants, rejecting them and changing them because they have suspended the Sharee'ah of Allah; all of these have many detailed evidences. And they are the incontrovertible proof against such people. May Allah guide us all to His obedience and Good Pleasure. May He give us the ability to follow His Messenger in carrying the Da'wah and establishing the state so that we attain success in the two abodes (the abode of this dunyah and the Hereafter). 'And give glad tidings to the believers…'[61:13]

5. Is it allowed for a Muqalid to ask questions and adopt opinions from different mazhab?

If a Muslim imitated a mazhab in a mas'ala, and involved himself in action according to it, then if a detailed issue that has relation with this mas'ala which he imitated (taqleed) in it, occurred to him, for example if he imitates Ash-Shafi in the mas'ala of the prayer then he made wudu and later touched a woman, he has to ask somebody who adopts the opinion of the Ash-Shafi about the hukm of this touching. He is not allowed to ask somebody who adopts the opinion of Abu Haneefa, because touching the woman does not cancel the wudu for Abu Haneefa, while it cancels the wudu for the Shafi. Such a person who touches the woman and prays without making new wudu his prayer is invalid, for he prayed without wudu. But if he asked people of different opinion in many mas'ala that he did not involve in, this is allowed. But once he involved in action in any mas'ala, he must take all its details, its basic rules (arkan) and its conditions (shuroat).

6. What is the hukm Shari' regarding listening to recorded music and singing. Also what is the hukm shari' pertaining to songs about explicit sexual matters, as is found in the vast majority of Western songs. Or songs that are sung by females in a lewd tone so as to sell her songs to a male audience? What advice would you give to people who seem to be engrossed or preoccupied with the collection and following of Western songs and displaying these songs in their houses.

Listening to songs is mubah if they do not contain shar'ai violations. However listening to the songs, which offend or insult the thoughts of Islam, the shab is not allowed to promote them or listen to them. If the songs encourage the infringement of Islam and promote the violation of the rules of the shar'a and encourage adultery and its proceeding acts and the means of fasad (corruption) like the western songs which focus on sex and encourage it and encourage its related matters, such songs are haram to listen to or promote.

This is because Islam prohibited the gathering of evil and the gatherings, which indulge (badly) in Islam and mock its verses and rules. This indicates by implication of avoiding to listen to any speech that encourages the violation of Islam and its rules.

7. What is the evidence which allows the listening to and performing of music?

Listening to and performing music is mubaah due to the hadith of Ibn Umar when he listened to the shepards flute while he was traveling with the Messenger of Allah (saw). "Nafi reports that when the Messenger (saw) heard the sound of a shepherd's flute, he thrust his fingers into his ears and then asked: 'Can you still hear it Ibn 'Umar?' He continued moving ahead until Ibn 'Umar said: I can't hear it, so he (saw) took his fingers out of his ears.' Thus, the Messenger (saw) did not forbid the shepard or rebuke him and nor did he forbid Ibn Umar from listening. However this permissible action may become Haraam if it falls within two principles: 'If any aspect of a permitted thing leads to a harm then that aspect is prohibited, but the thing remains permitted'. And 'The means to a Haraam is itself Haraam.' The likelihood of leading to Haram is sufficient here. If music incites the instincts like most Arab music does or it is accompanied by dancing or when mixing takes place in musical events. Then the music in this case becomes Haraam. This is because the incitement of the instincts in most cases, especially when there is an interest in music, leads to Haraam. This is besides dancing and mixing is Haraam.

8. What is the opinion regarding the growing and shaving of the beard?

There are hadiths which order the growing of the beard i.e. that it should not be shaved or cut.

These hadiths contain a request but they do not have a qareenah to make it decisive but rather it is a preference i.e. the request is not decisive which means it is mandoob.

For example: 'Trim the mustache and grow the beard.' ????? ? ? ?? ??? ?S? And in another narration: 'Let the beard grow.' ????? ? ª And also: 'Be different from the Mushriks by cutting the mustache and growing the beard.' ?????? ??? ª ???? ????? ? ?? ? ? In another narration:
Cut the mustache and let the beard grow and be different from the Majoos.' ?? ª ?????? ??? ? ? ???? ? ? ? ? ? ? Ibn Zubayr narrated from 'Aisha that she said that the Messenger of Allah (saw) said: 10 things are from the fitra: trimming the mustache, keeping the beard…' ????? ? ? ?? ?? ?Gt ??? ? ? ? ª They are sahih hadiths which have been mentioned in Muslim, Ahmad, Nasai, Tirmizi in the chapter of sunan al-fitra.

There are certain fiqhi views which consider the request as definite and so they take it as a fard. But the most likely view as we have stated is that it is mandoob due to the hadith of Aisha: 10 things are from the fitrah: trimming the mustache, growing the beard…'The hadith considered them as being from the sunnah's of the fitrah and from this we can take that they are sunnahs and not waajib. Thus it is mandoob and shaving is makrooh. Qadi 'Iyad said: It is makrooh to shave or burn the beard.'

Also, being different to the kuffar which has been mentioned in the hadiths 'Be different to the Majoos', 'Be different to the Mushriks' do not necessarily indicate a definite

request. This is because such a thing has been mentioned in other hadiths and they do not indicate decisiveness e.g.: The Jews and Christians do not dye their hair so be different from them.' ????µ ?? ???µ ??? O????? ª [Reported by Bukhari and Muslim] It is well known that dying grey hair is not fard. Also in the same manner: 'Be different to the Jews and Christians because they do not pray in their sandals and shoes' ??? ?? ?????????µ ?? ????O ??????? ª [reported by Abu Dawud] And praying with sandals is not fard.

However being different in certain other situations such as in the rituals of the Deen, these show decisiveness in the request. This is different to the matters we have discussed above.

So the preponderant views remains that the beard is mandoob for which there is thawab and reward. We have not adopted on this but the shab can follow any mujtahid in this matter.

In any case the Mujtahid implements what he has least amount of doubt in and the same for the one who makes taqleed to him. It should not be made a subject of debate. Rather it is for the individual to implement the hukm he has least amount of doubt in if he is a mujtahid or that which is the least amount doubt for the mujtahid he is making taqleed to if he is a muqallid.

9. Does the Hizb adopt in issues related to the Aqeedah, and ibadat issues?

The Hizb does not usually adopt in the ibadaat except certain rules in Zakah and Jihad or in other matters which it sees are necessary for the Ummah such as the beginning of fasting in Ramadan and Eid.

If there is a hukm in the ibadaat that the party has adopted such as: Zakah in crops (barley , wheat, dates and raisins)) but not in others. Or for exampling unifying the fasting if the moon has been sighted in any Muslims country which obliges the rest to follow or that the hukm of prisoners is either emancipation or ransom and not killing or any other ahkams in the ibadaat. The shab is required to adopt this and leave what he had previously adopted even if it is in the ibadaat.

As for the example you mentioned in your question which is the Sunnah mu'akkadah for a hanafi. If he leaves the Sunnah during halqah then it is allowed because it is not obligatory to undertake the Sunnah. It is allowed to undertake it or not to undertake it but undertaking it is better. It is mandoob for which one is rewarded and not punished if one left it.

10. Is it allowed for my father to divide his land between his sons to the exclusion of his daughters before his death?

The one who divided his wealth (land) between his sons before his death and he is of sound mind and did not give anything to his daughters he has sinned twice:

First: when he divided his wealth before his death to deprive his daughters from inheritance after his death.. The reality one can see from the question indicates this.

Second: during his life he gave his wealth to some of his children to the exclusion of others. Both are Haraam. As for the inheritance Allah (swt) has defined and divided it for boys and girls the ayahs pertaining to this are clear.

As for giving the wealth to some children and not to others this also contradicts the hadith of the Messenger of Allah which stipulates the following:

Nu'man b. al-Basheer narrated that his father took him to the Messenger (saw) and said: Bear witness (o prophet) that I have given such and such part of my wealth to Nu'man. The Prophet said: have you given a gift to all your children like what you gave to Nu'man? He said: no. The prophet (saw) said: Then get someone else to witness this (because I do not want to witness unfairness).' Then he added, `Would you not like all your children to treat you with equal respect?' Basheer said, `Of course.' The Prophet (saw) told him, `So do not do it.'

In another narration Nu'man b. Basheer narrated that his father gave him a slave and that he came to the Messenger so that he would bear witness. The Prophet asked: did you grant this to all your children: he said: no. The Prophet (saw) said: 'then take him back.' Reported in the Sunan of Ibn Majah, Ahmad, Muslim, Abu Dawud with various narrations.

[illegible]

[illegible]

Thus, in respect to your father gather your brothers and inform them that each one should give a third of what he has taken from the land to his sister as long as there are 5 sons and 5 daughters. For the male is the same (inheritance) as two females.

Remind them to fear Allah and to show respect to the father by lowering the sin from him so that maybe Allah will forgive him. If they refuse then distribute a third of the land which you took amongst your sisters so that they are happy.

This is if the inheritors of the land which your father distributed consist of 5 sons and 5 daughters.

11. Does the Hizb take hadith which are daeef? What is the opinion of the Hizb, regarding the hadith of Muad ibn Jabal (ra) when he went to Yemen and make ijtihad? And is the hadith "Whoever did not become concerned of the affair of Muslims is not from them"?

The Hizb does not use the weak (dha'eef) hadeeth; it only uses the authentic (saheeh) hadeeth, the sound (hasan) hadeeth and the not completely narrated (mursal) hadeeth if its transmission (sanad) to the prophet's companion (sahabi) is authentic. As for the weak (dha'eef), we do not use as evidence; and if we discovered a weak (dha'eef) hadeeth in our books we drop it.

However, it must be understood that a hadeeth might be categorized as dha'eef in view of some people because of weakness in transmission (isnad) through a specific narration, but it is of authentic (saheeh) transmission through another narration. Such a hadeeth is used (as an evidence) as long its transmission is proved to be authentic in one of the narrations. What matters is the authenticity of the hadeeth in view of the one who uses it as evidence, and not in the view of all the hadeeth scholars. This is because there are narrators (ruaah) who are considered reliable to some scholars and not reliable to others. Moreover the narrator might be unknown (majhool) to some of them and not unknown to some others, and so forth.

In brief, we do not use the dha'eef hadeeth that is proved to us to be dha'eef.

Moreover, we consider the ahaad hadeeth as evidence in the ahkaam shar'iyyah, but it is not enough for us in the creeds ('aqaa'id). The hadeeth ahaad includes the saheeh, the hasan and the mursal hadeeth.

The Khaleefah adopts the necessary rules in the punishments ('uqoobaat) and transactions (mu'aamalaat) by deducing from what is proved to be authentic evidences to him, whether they were definite (qat'ii) or speculative (thannii) like khabar al-ahaad. [Review Shakhsiyyah vol.1, chapter: Whose narration is accepted and whose narration is not. P330-334, Arabic edition. Review also Shakhsiyyah vol.1, chapter: The criteria of considering the hadeeth as evidence in the ahkaam shar'iyyah. P352-357 Arabic edition, as the subject is discussed in details.]

As for the hadeeth mutawaatir, it is not true that every hadeeth narrated by five of the sahabah from the Messenger (SAW) is considered mutawaatir. Rather the condition is that it is narrated by a group of people not less than five, in addition to the conditions mentioned in the Shakhsiyyah vol.1, the chapter of 'The divisions of the hadeeth' p-336, Arabic edition.

As for the hadeeth (Whoever did not become concerned of the affair of Muslims is not from them), it is dha'eef, therefore we no more use it as an evidence.

The hadeeth of Mu'adh bin Jabal when Rasool ul-Allah (SAW) sent him to Yemen, it is saheeh to some people while it is not saheeh to others; and the opinion of those who said it is saheeh is stronger in our view, so we use it as an evidence.

12. Is it allowed for the Muqalid Muttabi to apply legislative principles upon realities?

The application of the shar'i principles requires knowledge of the principle, its evidences and the verification of the subject (manaat) of the question upon which the principle is applied. This is not possible for the unlearned person (ummi). As for the muttabi' (follower) who has some knowledge of legislative information, he might be able to apply the principle on some of its parts. However, to avoid falling in haram, the ummi and muttabi' have better to ask regarding the application of the principle.

13. Is it allowed for the Muslims who reside in Palestine to leave it?

Palestine occupied by the Jews in 1948, and over which they established an entity (state of Israel); we are in a state of real war with it. So the duty is to declare war and armies to move to liberate it. The rule regarding the escape from the battle applies to the army moving to attack the Jews and destroy their entity. This does not apply to the Muslims who live under the authority of (Israel). If they left the country they are not considered to have run away from the battle, because their reality is not an army moving to fight the entity of Jews.

As for the Muslims in (West Bank and Ghazzah) occupied by (Israel) after 1967, they must remain in their country, because their emigration leads to haram which is the control of the Jews over their country; while the duty is to remain there as long as they were capable to do so. The prohibition of their emigration from their land is not because it is escape from the battle, but rather because it leads to haram, as we said.

14. 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.

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.

15. What is the hukm of acting? Can someone lead a military band?

Acting is Haraam because it includes lying and mixing and both are Haraam. The evidence for their prohibition is the prohibition of lying and mixing (ikhtilaat). If mixing and lying are absent then it is allowed. It is allowed to attribute the speech to the one who said it as it actually happened and not to the actor. The role of the actor here will be to attribute the statement to the original speaker.

As for writing a play or leading a (military) band or a musical performance in a play, this needs to be looked into: if the script of the play does not contain anything which contravenes the Sharee'ah in thoughts there it is okay. But if it is agreed that the script would be acted out by actors then in this case it would be Haraam because the means to a Haraam is itself Haraam.

As for leading a (military) band or musical performance this is allowed if there is no mixing involved and it is not form the types of music which incites the instincts or expresses the thoughts of kufr.

16. Is it mandoob for the shab to move into the majal?

The mubah matter will remain mubah except in the following cases:
a) if this mubah leads to haram it becomes haram :(the means to a haraam is haraam.).
b) If a wajib cannot be performed without it (that which is necessary to fulfil an obligation is itself and obligation).
c) If the Imaam orders it in terms of regulating the mubah, such as preventing cars from going through a certain road. In this instance it is obligatory to comply with the order of the Imaam because obedience to him is obligatory.

Since choosing to live in a place is mubah then it remains mubah unless it comes under one of the 3 situations mentioned above. For example, if one of the shabab were to given the task of carrying the da'wah and this obligation (i.e. carrying the da'wah according to the obligation) could not be fulfilled except by living in the area of obligation, then living in this place is waajib.

However, if the shab moves based on his own initiative to a place where he sees the reward of the work is greater, such as moving from a non-majal country to a majal country, then the moving in this situation will not be mandoob but still remain mubah. However, the work of the shab in the place he has moved to, if it is majal then the reward is greater and Allah (swt) will reward him for it. Ie in this situation the issue of moving remains mubah but the shab seeking greater reward in that place is mandoob but not the issue of living there.

17. Is there a contradiction to what has been mentioned in the book "How the Khilafah was Destroyed", where it discussed about the introduction of the laws of kufr, and how it still maintained it as Dar al Islam? Should not the laws of the Islamic state emanate from the Kitab and Sunnah and not what the people think as emanating from the Kitab and Sunnah?

The following was mentioned on page 48 (Arabic copy) how the Khilafah was destroyed:

'Thus the State was still considered an Islamic State, implementing Islam, even though what in fact she was implementing was Western laws, as long as Islam permitted these laws. This implementation of the democratic system within the ruling system and of the Western laws within the courts did not affect the Islamic status of the State, nor did it affect the Islamic status of the laws as far as the majority of the Muslims were concerned, since Islam did not prohibit the adoption of these laws. Contrary to this, this implementation was approved by the Muslims. To some it was even regarded as a reform initiative within the State. Nobody looked upon these laws and these rules as being rules and laws of kufr, they rather approved of them and kept silent about them…'

And before that:'What enabled the introduction of the rules of the democratic system as a constitution for the Islamic State and the Western laws as legislation implemented in the courts, in their capacity as Islamic courts within the Khilafah State, were the Fatwas of the scholars which stated that they did not contradict Islam, particularly the Fatwas of the Sheikh-ul-Islam.'

This does not contradict with what you said that the laws of the Islamic state must emanate from the Kitab and Sunnah and not what the people think as emanating from the Kitab and Sunnah and this is so that the Dar can be Dar al-Islam.

It is well known that Ijtihad had been suspended or it was weak towards the latter days of the Uthmani Khilafah. And in deciding laws and canons as Islamic it was the Shiekh ul-Islam who was relied upon. The Ulamah and the Shiekh ul-Islam gave fatwa that these laws were Islamic and due to the cultural and intellectual weakness of the Ummah she accepted this and did not realize the error in these fatwas.

Thus, the laws and cannons that were applied, even though they contain laws from western democracy, they were approved by the Ulamah and the Shiekh ul-Islam as being Islamic and the people did not know that they were un-Islamic in the first place in order to oppose and reject them. So they accepted them. Hence, these laws did not affect the Islamic nature of the state.

This is the meaning of 'not effecting' (the Islamic nature of the state). This does not mean it is allowed for the Islamic state to apply kufr laws in its courts. This does not also mean that the Ulamah and the Sheikh ul-Islam were not sinful for applying these kufr laws, even if they were ignorant of them. This is because such matter does not come under the term that this is unknown (above their capacity to realize) to them. Rather they are sinful and they fell short in their duty to extract the necessary rules.

As for why this happened? And why did the Ulamah and Sheikh ul-Islam do this? This is clarified in the book How the Khilafah was destroyed in the chapter of adopting western rules on pp47-50 (Arabic copy).

18. There are some Muslims who have entered the West by emigrating from the Muslim lands, and have made an agreement with the Western governments to enter the land. Such agreements are visa's, or they have accepted citizenship.
There are some Muslims who were born in the West, but are the children of immigrants, who had entered the west 30-40 years ago, and had become citizens. But these Muslims born here have made no written agreement with the government.
There are some Muslims who are indigenous to the West.

What is the reality of the Muslims in the West with respect to the above 3 categories, who abide in Dar al Kufr, with regards to obeying the laws of the land. Is fard for each of the above categories to obey the law of the land they reside in? What about the laws which are contradictory to Islam?
What are the above 3 categories considered? Are they Mustamin?

The ruling regarding the Muslims who live in the West by a visa or a temporary permit to leave is that of the must'amin (under protection). This is because when the Muslim enters the daar ul-Harb (home of war) by amaan (permission of protection), the ruling of the musta'min applies to him. Accordingly he is obliged to fulfil/abide by the terms of temporary residence in their land, except any condition that might make a Haraam as Halaal or the opposite by making the Halaal as Haraam, which he is not allowed to fulfil/implement. This is according to what the Rasool (saw) said:((Muslims are bound by

their conditions, except a condition that makes Haraam as Halaal or a Halaal as Haraam)).
As for the Muslims who carry the nationality of such state, or who are of the nationality of the country and became Muslim, these are not considered as musta'min; they are rather Muslims who live with the Kuffar, and the reality of Muslims who remained in Makkah and did not emigrate to al- Madeenah, applies to them.
These are allowed to obey the law of the land except those laws that disagree with Islam, where it is Haraam upon them to abide by them.

19. Is it the right of the Khaleefah to ask for the bay'ah of ta'at from those Muslims who live in the West?

And if so, on what areas can the Khaleefah command them on and in what areas can he not instruct them?

If they reside outside the State, in the West, is it Fard to obey the adoption of the Khaleefah on matters that relate to their reality. E.g. they cannot implement the penal code but they can implement in the adopted opinion on jilbaab etc.?

And is the order of obedience on particular matters restricted to causing hardship for them. So, if it caused hardship then Khaleefah should not order?

The sulTaan (authority) of the Khaleefah is only in Daar ul- Islam, so the Muslims in the Islamic State are obliged to obey the Khaleefah in all the aHkaam shar'iyyah he adopts. He has to obtain a bai'ah of in'iqaad and a bai'ah of Taa'ah from the Muslims in the state.

As for those Muslims who live outside the State, the followings rules apply to them:

a. They have to emigrate to daar ul-islam, either as fard, mandoob, or forgiven, according to what came in the shakhsiyyah, volume 2, chapter of: Hijrah from daar ul-kufr to daar ul-islam.

b. They have no right in the bai'ah of in'iqaad, i.e. they have no right to give a bai'ah to another Khaleefah in their country; they are obliged to give a bai'ah of Taa'ah to the Khaleefah in daar ul-islam. In other words, they are responsible to have a bai'ah of Taa'ah to the existing Khaleefah, for Khilaafah is a genera leadership for all Muslims worldwide, to establish the a Hkaam of shar' islami, and to convey the da'wah islamiyyah to the world; and it is Haraam for Muslims to have more than one Khaleefah. See NiTHam ul-Hukm, page34, page43, Arabic edition.

   Therefore, Muslims living outside the sulTaan of the Khaleefah have no right in the bai'ah of in'iqaad; they are rather obliged of a bai'ah of Taa'ah to the existing Khaleefah, which is virtually a bai'ah of Taa'ah, i.e. when their country is annexed to the Islamic State or concurred the bai'ah of Taa'ah becomes compulsory upon them. See niTHam ul-Hukm, chapter of: who appoint the Khaleefah, page64, Arabic edition.

c. It is not compulsory upon them to adopt the aHkaam shar'iyyah which the Khaleefah adopts, neither those related to the state actios like the hudood, nor those related to the individual actions like the Salah or jilbaab. What is

compulsory upon them is to abide by the aHkaam ush-shar' through proper ijtihaad. So if the Hukm shar'ee adopted by the Khaleefah was the right one on an issue like the obligation of wearing the jilbaab and khimaar by the woman, or any other Hukm, then they must execute it, not because it is obligatory upon them to adopt what the Khaleefah adopt, but rather because the Hukm shar'ee adopted by the Khaleefah is the right one.

d. There is no real authority for the Khaleefah on the Muslims who live outside the Islamic State. Therefore, he is not allowed to command them as an obligatory matter to do any thing whether it was hard to them to do or not, unless Islam obliges them to do so; then they have to execute the order of the Khaleefah, not because they are of his citizens; but rather because they are Muslims, who are a part of the Islamic Ummah. As an example that the Khaleefah commands them to take certain actions to help annexing their country or help conquering their country, in such case they are obliged to execute that, for it is obligatory upon them to annex their country to daar al-islam. In this case they have to execute the order of the Khaleefah, because Islam obliges them to do so. Thus, in such situations, they execute the order of the Khaleefah as explained above.

20. What is the Khaleefah relationship with the hizb which works outside the State – can he instruct the Amir of the hizb or is the hizb and the state completely separate?
Can the Khaleefah be the same person as the Amir of the hizb?

1-The relationship of the Khaleefah with the Hizb outside the State:

If the Ameer of the Hizb is the Khaleefah, then his relationship with the branches of the Hizb outside the State continues in party form only as it was before the establishment of the State.

2-Issuing the instructions from the Khaleefah to the Ameer of the Hizb:

If the Ameer was the Khaleefah, then he issues the party orders and instructions to all the branches of the Hizb, whether they were inside or outside the State.

If the Ameer was other than the Khaleefah, then he issues the party orders and instructions to all the branches of the Hizb, whether they were inside or outside the State. As for the orders of the State they are given to all the citizens including the Ameer and members of the Hizb without difference.

21. What aspects of the Aqeeda are the Muslim obliged to understand? Are the details of the Aqeeda are necessity for the Muslim to learn?

The issues of 'Aqeeda that must be discussed, comprehended and establish the rational evidence upon them and the belief in them by every Muslim are the basic ones that are mentioned in the Book and Sunnah, that is (Eeman in Allah, His angels, His books, His messengers, the Day of Judgment and al-qadaa' wal-qadar, both their good and their bad are from Allah).

As for the detailed issues and what branches from them, it is not obligatory upon the Muslims to know and understand, for they do not affect the ‘Eemaan of the Muslim in case he did not know them and understand them. So, if he did not know the names of the angels, his Islam will not be affected.

It is necessary for every Muslim to know and understand the basic issues of the ‘Aqeedah; while in regards to the details and other branches, whoever wished to expand his knowledge about them in case he is qualified to do that, then there is no harm.

22. Is it allowed for Muslims in the West to form lobby groups that lobby the government? Is it allowed to ask them to adhere to their own laws and to use the style of lobbying to do this? Can Muslims in the West participate in marches which call for the lobbying of Western governments or institutions? What if these marches call for a the Western governments to implement a right that Islam also recognises, such as preventing the war?

It is not allowed for Muslims to form pressure groups (lobbies) to put pressure on western governments or parliaments or to enter the political action by influencing the policy of the government and parliament by resorting to the western laws and values reliance on them to apply the pressure.

a) it is not allowed to form Muslim lobbies with the aim of putting pressure on western governments via the western laws and values and through this to call for western governments to adhere to their own laws and values because the values and laws of the west are kufr laws.
b) It is not allowed to participate in the marches which appeal to the governments and parliament of western countries to support our issues from the standpoint of the laws of western governments and parliaments.
c) It is not allowed for these marches to demand the Security Council to stand with the issues of the Muslims based on its charter. Just as it is not allowed to implore the members of the Security Council whether to vote against or to abstain in our issues according to the Security Council charter.
d) Acceptance of the above: appealing to the Security Council and western governments to issue resolutions supporting the issues of the Muslims based on their laws. Such actions are considered acceptance of these organisations and parliaments.
e) If the organisers of these marches call for the above things ie support of our issues via the Security Council or western parliaments then it is not allowed to participate in these marches. However, if we can change their agenda for the march and to our agenda then we have changed the march to our agenda then this is allowed and this is one of the signs of the success of our work. However, if we participate in the march and they have their own agenda and slogans and we have our own agenda and slogans hoping to change their agenda then this is not allowed.

Structural & Methodology

1. Can you explain the statement: 'The shabab should regard their presence outside the Islamic world as temporary and that they should work to return to the lands of Islam, especially to the majal of the Hizb before and after the establishment of the Khilafah.' Does this apply to the Muslims who are not from the Majal?

With regards to our statement: 'The shabab should regard their presence outside the Islamic world as temporary and that they should work to return to the lands of Islam, especially to the majal of the Hizb before and after the establishment of the Khilafah.'

This statement specifically relates to those emigrating to the western countries from the Islamic lands.

As for the Muslims who are from the western lands. The above statement does not include them. Rather they are obliged to carry the Da'wah where they are and their reward, by Allah's leave, will be great as long as they are sincere to Allah (swt) and true to the Messenger of Allah (saw).

Therefore, you should be devoted to carrying the Da'wah where you. May Allah bless you and by Allah's leave, may you attain the reward as if you were in the Muslim lands.

2. How did the Messenger seek the Nusra, did he himself seek the nusra or did the other Sahabah also carry this action out, like Mus'ab b Umayr did in Madinah?

The Messenger (saw) used to seek the Nusra himself and sometimes he would be accompanied by some Sahabah. One such example is when Abu Bakr and Ali went with the Messenger (saw) when he was seeking Nusra from the tribes. Al-Hakim, Abu Na'eem and al-Bayhaqi reported from Ali b. Abi Talib (ra) who said: 'When Allah ordered His Prophet to present himself to the tribes, he and I with Abu Bakr went to Mina.' Also what took place between the Prophet and Abu Bakr on the one hand and the leaders of Bani Sheeban when the Messenger of Allah (saw) went out to them inviting them to Islam and seeking their Nusra as mentioned in the book ar-Rawd al-Anf.

As for Mus'ab b. 'Umayr. He was sent by the Messenger (saw) to Madinah to invite people to Islam and to recite the Qur'an to them. He used to invite the people to Islam whether they are from the people of power or not. However during the Da'wah he used to come across the people of power like Sa'd b. Mu'az and Sa'd b. 'Ubadah. When the numbers of such people increased they went to the Messenger of Allah (saw) in Makkah and gave him the second bay'ah (of 'Aqabah).

3. Was the dawah an obligation on the Muslims at the start of the Prophethood of Muhammad (saw) and what are the evidences to show it is an obligation to give dawah?

In the beginning of the Da'wah the Messenger of Allah (saw) who used to undertake the Da'wah, it was afterwards that it became farD on the Muslims. The Messenger (saw) said: Let the one present convey it to the one who is absent.' And he (saw) said: 'May Allah make a servant shine, the one who hears my saying and memorizes it and deliver/transmits it. Perhaps the one carrying the knowledge is not a Faqih and perhaps he will carry the knowledge to someone who is more knowledgeable than him.' And he (saw) said: 'Convey from me even if it is an ayah.'

4. Why did Mus'ab b. 'Umayr carry the Dawah in Madinah?

Mus'ab b. 'Umayr undertook the actions of the Da'wah in Madinah due to the Messenger of Allah's (saw) order.

5. Can you explain the fatwa of Ibn Taymiyyah, with respect to fighting the invading Tartars, and his proclamation of Jihad against them? There are some who argue, that from this fatwa we can deduce that this is the methodology to establish the Khilafah, as the Khaleefah was reappointed after this Jihad? Also that there was no need for the Khaleefah to be present to fight the Jihad? Also the hadith "There will always be party ('asaabah) from my Ummah who will fight according to the command of Allah, defeating their enemies. They will not be harmed by those who go against them until the Final Hour reaches them while they are upon that.", can it not be argued that this applied to ibn Taymiyyah and the Muslims who fought alongside him against the Tartars?

The fatwa of Ibn Taymiyyah is correct in terms of its subject, which was to fight the Tatars who attacked the Muslims since jihad in this situation was an individual obligation (farD 'ayn). It was obligatory on the Islamic Ummah to fight the kuffar to eliminate and expel them from the lands of the Muslims. Ibn Taymiyyah (rahimahullah) was from the distinguished 'Ulamah who encouraged the Muslims to fight. He was at the forefront of the Ulamah and the Muslims. He held position that was grave and well known regarding the fighting of the Tatars.

As for what the question mentioned in terms of the deductions and comments regarding this, they are not correct for the following reasons:

Firstly: the question mentioned that the Muslims fought even though there was no Khaleefah since the Tatar had killed the Khaleefah in Muharram 656 AH when they ransacked Baghdad. Then the question mentions also that if the Muslims had not fought under the pretext that there was no Khaleefah then they would have been destroyed and wiped off from the face of the earth.

Who said Jihad cannot take place except when there is a Khaleefah and it is fought under him? Jihad continues under the leadership of any Ameer whether he is pious or not as mentioned in the noble hadeeth. Thus jihad is undertaken under the leadership of any Muslim ruler whether he is Khaleefah or not as long as the fighting is against the kuffar. So any Muslim ruler who mobilizes the army to fight the kuffar such fighting is correct. It is well known that the Islamic lands had walis and the wali is a ruler. When the Khaleefah was killed the walis were present. And with their armies they opposed the Tatars. This took place in the wilayah of Sham during the time of Ibn Taymiyyah. It also

took place in the wilayah of Egypt during the time of ‘Izz b. Abd as-Salam when the Tatar were defeated at the battle of ‘Ayn Jalut. So the Muslims were fighting and the armies were fighting. And there were walis present in the respective wilayaahs.

This is in regard to Jihad generally and mobilization of the armies to fight whether there is a Khaleefah or not. As for when the lands of the Muslims are attacked by the kuffar, it is incumbent on every person who is able to bear weapons to fight the aggressor and repel his aggression. This does not require the permission of the ruler to fight, even the woman can go out to fight without the permission of her husband and the servant can go out without the permission of his master.

Second: the question mentioned also that the Muslims reestablished the Khilafah by fighting and they established a new Khaleefah. The questioner wishes to say that the method to reestablish the Khilafah today is through fighting.

The reality of what happened is not like this. Rather when the Khaleefah was killed Muslims had walis. The Muslims together with their walis were looking to find who had survived from Banu al-‘Abbas so that they can give bay’ah to one of them. In the same year in which the Khaleefah was killed, some of Banu Al-Abbas were able arrive at Egypt which was the strongest wilayah in the Muslim lands at that time. One of them took an army and returned wishing to restore the Khilafah to Baghdad, but he was not able to do so. Many were killed and the leader of the army did not return to Egypt.

The Muslims continued to search for someone from Banu al-Abbas for whom they can give the pledge of the Khilafah. The situation continued until Rajab 609 AH when one person from Banu al-‘Abbas from the relatives of Khaleefah al-Mu’tasim billah whom the Tartars killed, reached Cairo, where a council of governors (walis) was held in the presence of the Ulama, and after they had checked his lineage and ability they gave him the Bay’ah of Khilafah. The Khilafah remained in Cairo since that time for 300 years until it transferred to the Ottoman Sultan Saleem and the seat of the Khilafah moved to Istanbul.

Thus, the Muslims did not fight the Tatar in the time of Ibn Taymiyyah to reestablish the Khilafah. They fought the Tatars who were advancing on the Muslim lands. This is clear. The Khialafah was not established in Sham but in Cairo. Also, the reality of the interruption to the Khilafah those days is not the same as today. The Muslims in those days had walis ruling them by Islam. So the land was dar al-Islam. They used to give obedience to Banu al-‘Abbas and they were looking for someone who had survived from them in order to appoint him as Khaleefah, and this is what happened on Rajab 659 AH. They used to consider the Khilafah as continuing among the Abbasids.

As for today, the land is one of daar ul-Kufr. The Khilafah has been destroyed and it ceases to exist. The reality of its reestablishment is like the reality of establishing the state in Madinah al-Munawwarah. The method should be the same method through which the Messenger (saw) established the state in Madinah ie via the Ummah by seeking the Nusrah (help) from the strongest faction from the Ummah.

As for the hadeeth of the chosen group that Muslim has narrated: There will always be party (‘asaabah) from my Ummah who will fight according to the command of Allah, defeating their enemies. They will not be harmed by those who go against them until the

Final Hour reaches them while they are upon that.' And in the narration: 'Victorious over those who oppose them'. Bukhari narrates it with close wording.

This hadith is applicable to any group that is able, in terms of numbers and preparation, to fight the enemy. The purpose of the fighting is to achieve the victory, vanquish the enemy and be dominant over it. It is not a group which merely fights but it is a fighting group which has been described by the Messenger (saw) as: 'vanquishing their enemies' and in another narration: victorious over those who oppose them.' So the group must be in a situation of means and number that enables it to achieve the victory and vanquish the enemy and become dominant over it. Or the group must work to establish the state that is able to achieve the victory, vanquish the enemy and become dominant over it.

The hadith applies to the Muslims those who fought the Persians and the Romans in the time of the Islamic state and the Muslims who fought the crusaders and finished them off in the time of Salah ud-din and the Muslims of Sham and Egypt who fought the Tatar and defeated them in the time of Ibn Taymiyyah and Izz b. 'Abd us-Salam. It also applies to us today because we are working to establish the state that will be able to fight the enemy, vanquish it, achieve the victory and gain dominance. This is what most likely can be understood from the aforementioned hadith.

It is worth mentioning that the saying of the Messenger (saw) 'There will always be..' [laa tazaalu] does not mean the Muslim group which fights the enemy, defeats them, and achieves victory over them continues through the years, rather it means it is present in most of the times and ages. The interruption of its existence will be for some periods, which when compared to the age of nations it will be short. We pray to Allah (swt) that the establishment of the state that will fight the enemy, vanquish it and defeat it will not be delayed. Verily, Allah is All- Powerful, Irresistible.

5. What are the evidences to show that the proclamation of the dawah was obligation?

The ayah states: 'Therefore proclaim openly that which you are commanded.'[15:94] as-Sad' (the proclamation) means to declare with force. It is also a command (amr) and this means it is a request.

As for the qareenah which indicates that the request is decisive; it is the fact that the Message (saw) proclaimed (Islam) and continued in this despite the resultant hardship. So proclaiming Islam with force amidst kuffar circles especially amongst the kufr leaders in the known reality of jahiliyyah: such proclamation entails and results in definite hardship.

When hardship is linked to a command then it becomes a qareenah to indicate that the command is an obligation i.e. it is a decisive request.

Thus, the qareenah is hardship is the qareenah. It makes the command a decisive request which is known in the subject of Usul.

6. What was the group that the Prophet (saw) had? What are the evidences to show he had such a groups? Why did not the other scholars of Islam discuss the obligations of groups in the same manner as the Hizb has?

The Sahabah are the kutlah of the Messenger (saw). The presence of the Sahabah in the time of the Messenger (saw) is not disputed by the Muslims though some do not like to call them a group or party however it is very clear that the Sahabah were the kutlah of the Messenger (saw) due to the following:

a) The Messenger (saw) took care to teach and culture the Sahabah with Islam in Dar al-Arqam b. al-Arqam as a structure. They used to leaves their houses in secret and go to Dar al-Arqam: so they were organized in terms of the time and place. When the Messenger of Allah (saw) took them to the public stage he went in two lines. It was clear that they were an organized group, structured around Islam and the Messenger of Islam. Thus, the Sahabah were a group whose leader was the Messenger of Allah (saw) which was acculturated by Islam secretly, it came out in public with him (saw) as a disciplined and organized group which had the great ideology of Islam.

This reality has the meaning of a structure (takattul), block (kutlah) or a party (Hizb).

b) To the Muslims the Sahabah were known as those who spent time with the Messenger (saw), accompanied him, heard hadiths from him and went to battle with him. This term was not applied to anyone else. Not everyone who embraced Islam in the time of the Messenger (saw) was called a Sahabi; rather this term was used for specific Muslims who were different from the other Muslims in that they were structured around the Messenger (saw) and they had companionship (suhbah) with him.

Therefore, the presence of a kutlah in the time of the Messenger of Allah is a proven matter and they are the Sahabah (may Allah be pleased with them). As for the times that followed after the Sahabah had either become martyred or died (ra), there was no Islamic political group in the time of the Umayyads, Abbasids and Ottomans. This resulted in weak accounting and the week effect it had on the ruler and consequently the Ummah weakened and the state weakened.

As for the presence of sincere scholars in those times so why did they not establish a group?

The answer is that the group which was needed is more apparent and obligatory when it is in the stage of the Da'wah to establish the state. When the state has been established the work that remains for the kutlah is accounting. Those scholars used to undertake accounting and they saw the state exist. This kept them away from establishing a party to account (the ruler) as long as the functions of group were fulfilled. Thus, the state existed and the accounting existed.

This we think is the most likely reason for why the scholars did not establish a party in those ages. However, (and may Allah forgive them) because they were content to just undertake their individual accounting in the time of the Umayyads, Abbasids and Ottomans. And because they did not establish a group: all of this resulted in weak accounting and weakness of its effect on the rulers. Thus, the ruler's adherence to Islam weakened and the state weakened. This is because the individual accounting does not realize the objective it is supposed to achieve and the result was what the rulers did in terms of their policies in looking after the citizens in those ages.

7. Is there not a contradiction in the text mentioned in At-Takattul Hizb where it mentions; 'Since the people in Arab territories (being part of the Islamic world) speak Arabic, and since Arabic is an essential part of Islam and its culture, the priority must be given to the Arab territories in starting the Da'wah there.' and the following text 'Therefore, it is only natural for the Islamic State to be re-establishment in the Arab territories, so that it will serve as a nucleus for the Islamic State which will encompass all Islamic lands. Though carrying the Islamic Da'wah in the Arab territories is necessary, it is also necessary for the Islamic Da'wah to reach out to the rest of the Islamic world. Notwithstanding this, initiating the work in the Arab territories does not mean that no work be done outside Arab territories before unifying the Arab territories in the Islamic state.'?

The two texts that you mentioned in the question are not wrong due to the following reasons:

The first text: takattul page 7 line 3 (in the Arabic copy): 'Since the people in Arab territories (being part of the Islamic world) speak Arabic, and since Arabic is an essential part of Islam and its culture, the priority must be given to the Arab territories in starting the Da'wah there.'

As for the second text: 'Therefore, it is only natural for the Islamic State to be re-establishment in the Arab territories, so that it will serve as a nucleus for the Islamic State which will encompass all Islamic lands. Though carrying the Islamic Da'wah in the Arab territories is necessary, it is also necessary for the Islamic Da'wah to reach out to the rest of the Islamic world. Notwithstanding this, initiating the work in the Arab territories does not mean that no work be done outside Arab territories before unifying the Arab territories in the Islamic state.'

The text here is clear in that it is natural for the Islamic state to be re-established in the Arab lands i.e. this is the natural situation but exceptional circumstances may come about which make the reestablishment of the state to start in the non-Arab lands (in the Islamic world). This possibility does exist though it is more likely that the state will be re-established in the Arab lands. Therefore, both texts are correct.

8. With regards to the ayah 3:104 translated as "Let there arise from you an ummah (group) calling to al-Khair (Islam), enjoining the Marouf (all that is correct) and forbidding the Munkar (all that is evil) and those are the ones who will gain success."

This Ayah (3:104) is the basis of the formation of the correct Political Party. There are some questions that need clarity:

1. **When the ayah says Al Khair – we understand this to be 'all of Islam' its aqeeda and its systems, its fiqra and its tariqa.**
2. **What then makes it an obligation to *just* call for the resuming of the Islamic way of life by establishing the state? And not call for all within Islam? Some say that all the rules of Islam must be addressed with the people.**

3. **We understand the enjoining of the maroof and the forbidding of the Munqar to be a duty of the group and its task. One of the duties of the group is to address the rulers as they are the head of establishing the maroof and the munkar in the society, hence the group takes on the political side. There are some questions that arise from this explanation**
    a. **Is this addressing of the rulers to do with the reality, as we have no state and require to change the situation. If we had a state could a group exist that did not address the rulers but called for the 'partial actions' such as charity etc…**
    b. **Can we use the definition by Al Faeroz abadi – in his book Al Khamoos al muheet, to show that enjoining the maroof and forbidding the munkar is political. His definition seems to indicate that all types of 'ordering' and 'forbidding' is politics even if it is not to the rulers.**
4. **What is the Hukm Shari in calling non Muslims to Islam as a Party today. Is it Fard upon the Party members, if not does it not fall under the branch Al Khair? Also if it is fard then how is this practically done?**
5. **When a group is outside the 'area of work' for the state, what restricts it to undertaking some of the actions and not enjoing the maroof and forbidding the munkar of the rulers. Is this because it is only an obligation for the group to do this in one part of the world and the other parts assist in that 'area of work' and by doing the fard is done?**
6. **The obligation to re-establish the state is obligation on all the Muslims in all the world. Those who live in the west remove this obligation by working with the correct party and carrying dawa with them, even if their actions do not directly contribute to the aim. Is this accurate?**
7. **Is it accurate to say 'it is haram' to establish a group to undertake the partial actions such as charity, building mosques etc… or do we just say the obligation for establishing the group to establish the Khilafah is not met?**

Al Khair is the whole of Islam. Thus the daw'ah which is required "yadhuna illal khair – call to the good" must be to implement all of Islam. This implementation can't take place except through establishing the State that implements the ahkam of the Shar
Thus by the existence of this state, the whole of Islam exists (in life). As for the call to other than that, like the charitable deeds and (building) mosques and the like, these do not establish the whole of Islam, rather these are parts of the khair and not the whole of the khair.

There are certain ahkam shariah in Islam that can be performed by the individuals such as the prayer. There are ahkam Shar'iah which individuals can't perform such as the hudud (penal codes). The da'wah to resume the Islamic way of life by establishing the state is a da'wah to the whole of Islam. While the da'wah to the other matters is a da'wah to the parts of the khair, whereas the requirements in this Ayah is the dawah to the whole of the khair.

The other part of the ayah "Wa ya'moroona bil ma'roof way an hawna anil munkar" i.e. the existence of a group that enjoins the ma'roof and forbids the munkar. This is attached with alif laam (al) which is of the forms ( ) of generality, which means that commanding the ma'roof and forbidding the munkar must be in general, i.e. to the ruler,

and the ruled (people) even the ruler is of more importance. This duty does not depend on the existence or non-existence of the state. In case it exists, the command and forbidding would be accounting the ruler. When it does not exist, the commanding and forbidding would be aimed at accounting and charging him to establish the state. Therefore the ayah demands (the establishment) of a political group and not just any group; whether the state existed or not. This is because the commanding and the forbidding (al amr wan nahi) is connected to the hukm in both cases.

Al Amr bil ma'roof wa nahi anil munkar is a political work as long as the relationship with the rulers is taken into consideration. For example to order a person to pray is different to ordering the people to pray and at the same time ordering the ruler to punish the one who does not pray. The first order (in the first case) is a command to the ma'roof detached from politics while the second is a command of the ma'roof and a political work at the same time.

As for what you say about the meaning of ordering the ma'roof and forbidding the munkar as it came in the Qamoos of Al-Muheet of Al Farooz Abadi, this is not precise. This is because ordering somebody to pray or to fast or to forbid him from flirting with a girl in the street, this ordering of ma'roof and forbidding of munkar is not a political work.

The ayah explains the work of the kutlah (group) which is the implementation of Islam completely in the reality of life. Therefore it works to establish a state in the Muslim countries to resume the Islamic way of life and implement Islam in the state then carry Islam to the non-Muslims by da'wah and Jihad.

So the Kutlah undertakes the call to non Muslims to Islam in this manner.

Since the principal work is resuming the Islamic way of life through the establishment of the Khilafah state, and this requires the political struggle with the rulers and explaining their enmity to Islam and their conspiracies against the Muslims, and withdrawing the peoples confidence in them and the work to change them and establishing a khaleefah for Muslims in their place.

All of this requires confronting the rulers in the majal. In the kuffar lands outside the majal, like the West, changing the rulers there and establishing the Khilafah is not the work of the Kutlah, therefore it does not undertake the political struggle, because before establishing the Khilafah it does not work to change the societies and systems in the Western World and the various lands of the kuffar.

The Muslims work with the correct Kutlah outside the majal, and his performance of the required duties, would mean that he would have absolved himself of the duty from himself by doing so, i.e. working with the kutlah.

The correct thing to say is that any takattul that does not call to all the khair, and does not work to resume the Islamic way of life by establishing the Khilafah, he would not have performed the duty demanded from him in this ayah.

However the kutlah that carries parts of the khair is not told that what he is carrying out is haram. Rather it is said that their work is part of the khair and not the khair demanded

in the ayah, therefore they are sinful for not performing the duty demanded in the noble ayah.

9. The ayah " Let there arise from you groups …" is the only evidence which states the existence of political groups, can we determine the work of the group directly from this ayah? Is the method of re-establishing the Khilafah derived from this ayah? Can it be said that the ayah is general, and thus to restrict the majal is also haram? Also to use the actions of the sahabah where they did not work in certain areas and say that this restricts the majal is wrong, as the dawah was not fard upon them.
What are the obligations pertaining to the group which emerge from the ayah? And is it correct for the Amir to restrict the work of the group in certain areas?

With regards to the verse (translated), *'And let there arise out of you a group inviting to all that is good (Islam), enjoining the Good (ma'roof) and forbidding the Evil (munkar). And it is they who are successful'*. [TMQ 3:104]

We should understand that this verse is related to the obligation of having at least one group from amongst the Ummah and the verse defines the general objective of that group i.e. to call to the Khair, enjoin the Ma'roof and forbid the Munkar.

The question mentioned that this verse is the only evidence for the establishment of a group. This is incorrect, firstly we must understand the group is not Qati (definite) in its meaning as some scholars like al-Ghazali said that the verse does not refer to the establishment of a group but rather emphasises the obligation of enjoining the good and forbidding the evil. Although we differ with such scholars and explain as to why the ayah orders the establishment of a group we can also refer to another evidence regarding establishing a group in today's reality which is the Shariah principle, **"That which the wajib cannot be accomplished without becomes wajib".**

Although the ayah explains the general work of the group, the actual work of the group would be dependent upon the situation of whether the Khilafah exists or is absent.

The work of the group in today's reality, in the absence of the Khilafah has been explained in a previous Question and Answer by the Party dated 1/6/2001:

"Al Khair is the whole of Islam. Thus the daw'ah which is required "yadhuna illal khair – call to the good" must be to implement all of Islam. This implementation can't take place except through establishing the State that implements the ahkam of the Shara

Thus by the existence of this state, the whole of Islam exists (in life). As for the call to other than that, like the charitable deeds and (building) mosques and the like, these do not establish the whole of Islam, rather these are parts of the khair and not the whole of the khair.

There are certain ahkam shariah in Islam that can be performed by the

individuals such as the prayer. There are ahkam Shar'iah which individuals can't perform such as the hudud (penal codes). The da'wah to resume the Islamic way of life by establishing the state is a da'wah to the whole of Islam. While the da'wah to the other matters is a da'wah to the parts of the khair, whereas the requirements in this Ayah is the dawah to the whole of the khair.
The other part of the ayah "Wa ya'moroona bil ma'roof way an hawna anil munkar" i.e. the existence of a group that enjoins the ma'roof and forbids the munkar. This is attached with alif laam (al) which is of the forms ( ) of generality, which means that commanding the ma'roof and forbidding the munkar must be in general, i.e. to the ruler, and the ruled (people) even the ruler is of more importance. This duty does not depend on the existence or non-existence of the state. In case it exists, the command and forbidding would be accounting the ruler. When it does not exist, the commanding and forbidding would be aimed at accounting and charging him to establish the state. Therefore the ayah demands (the establishment) of a political group and not just any group; whether the state existed or not. This is because the commanding and the forbidding (al amr wan nahi) is connected to the hukm in both cases.

Al Amr bil ma'roof wa nahi anil munkar is a political work as long as the relationship with the rulers is taken into consideration. For example to order a person to pray is different to ordering the people to pray and at the same time ordering the ruler to punish the one who does not pray. The first order (in the first case) is a command to the ma'roof detached from politics while the second is a command of the ma'roof and a political work at the same time.
As for what you say about the meaning of ordering the ma'roof and forbidding the munkar as it came in the Qamoos of Al-Muheet of Al Farooz Abadi, this is not precise. This is because ordering somebody to pray or to fast or to forbid him from flirting with a girl in the street, this ordering of ma'roof and forbidding of munkar is not a political work.

The ayah explains the work of the kutlah (group) which is the implementation of Islam completely in the reality of life. Therefore it works to establish a state in the Muslim countries to resume the Islamic way of life and implement Islam in the state then carry Islam to the non-Muslims by da'wah and Jihad."

Although the ayah determines that the Party must be political because it must enjoin the good and forbid the evil, beyond this the ayah does not detail the method to re-establish the Khilafah. The method of the group to re-establish the Khilafah is not derived from the ayah alone as the ayah does not discuss how to transfer Dar al Kufr to Dar Islam in detail beyond mentioning the need for political work. Rather to derive the method we looked primarily at the actions of the Prophet (saw) and how he (saw) established Dar al Islam. As it has mentioned in the book 'Concepts of Hizb ut-Tahrir':

"The life of the Messenger (SAW) in Mecca should be taken as a model to follow in the Da'awa. Therefore, the da'awa should first proceed by first understanding it and perform all the obligations defined by Islam, as was the case in the House of Al-Arqam. Then, those who have studied and understood Islam and sincerely believed in it will move to interact with the Ummah, until the Ummah understands Islam and realises the necessity of the establishment of the Islamic state. The block should take the initiative by addressing the corruption of the

people, and challenging them in their erroneous concepts and corrupt opinions. The reality of Islam and the essence of its da'awa have to be then demonstrated and explained, so that the public awareness about the da'awa is established and the Dawah carriers be considered as part of the Ummah. No gap should be between them, so that the Ummah as a whole carries this productive effort under the leadership of the block carrying the da'awa, until they assume authority and bring the Islamic state into existence. Then the life of the Prophet (SAW) in Medina should be the model to follow in the implementation of Islam and in carrying the da'awa to it."

In emulating the actions of the Messenger (saw) as to how to re-establish the Khilafah, there is clear evidence that he (saw) had an area of work (Majal) and he (saw) allowed the Sahaba (ra) to leave this area of work and go to different places like Abyssinia Therefore the fact that the Party restricts the Majal is based on evidence from the actions of the Prophet (saw) and has nothing to do with the ayah 3:104 as this ayah's subject matter is to do with the obligation of having a group from amongst the Ummah and the general nature of the work of this group. The ayah does not discuss the details of the method nor the issue of restricting the Majal and therefore it is incorrect to refer to it as an evidence on this subject.

It cannot be said that 'you cannot use the actions of the Messenger (saw) in this regard because the Da'wa was not Fard upon the Sahaba in Makkah', as the actions of the Sahaba (ra) are not a Shariah daleel for us but the actions of the Prophet (saw) are. The Da'wa was fard upon the Messenger (saw) and therefore it is valid to use his actions as a Shariah daleel regarding the method and the restriction of Majal. The Party mentioned in a previous answer to question dated 12th May 1978 when it stated:

"The carrying of the Da'awa was not obligatory upon the Muslims as a whole prior to the revelation of the command in Madinah. Therefore, the non obligation was in fact general and not specific to the Sahaba. The issue is not restricted to the obligation or the non obligation, it is rather linked to the permissibility or the prohibition of leaving the Majal. Therefore, the Messenger of Allah's (SAW) action, reflected in giving the Muslims permission to leave the Majal of the Da'awa i..e. to immigrate from Makkah, even as an escape from persecution, serves as evidence that it would be permitted for the party member to leave the Majal of the party. As for the carrying of the Da'awa, this is not connected to the issue, and the party member is at present commanded to carry the Da'awa, whether he were in the Majal or outside it. Therefore, his exit from the Majal would not exempt him from carrying the Da'awa, what the party member would be exempted from are the party activities. Therefore, it is permitted for the party member to leave the Majal of the Da'awa and he would not be obligated to undertake the party's activities, as for the carrying of the Da'awa, this would not fall
from upon his neck."

It cannot be argued that the definition of a Majal wherein the Party works to take the power and therefore engages in political struggle is a restriction of the verse 3:104 as the verse is general. The verse talks about the subject of establishing of a group and the work of the group. To say that the verse is general (Aam) and that defining a Majal would be

restricting it is incorrect. The ayat of Jihad are general (Aam) and Mutlaq (absolute), so when the Khalifah specifies which countries to attack and which countries not launch Jihad upon immediately, does this mean that he is restricting the Ayat? Of course not.

The Party adheres to what the noble ayah 3:104 orders as it works to establish the Khair and enjoing the Ma'roof and forbid the Munkar. The obligation of these tasks is upon the Party. The distinction between the obligation upon the Party and the obligation upon the individual needs to be understood.

The obligation of re-establishing the Khilafah is upon the individual established by numerous evidences, however it is impossible for him to do this alone as he does not have the capability. The only way for him to discharge this obligation is by joining a group who is working for this aim according to a method prescribed by the Shari'ah. Therefore the obligation of the individual is different to what has been obliged upon the Party. The individuals obligation is to work as part of a party and to undertake the activities that the Party requests of him. This does not mean that he does not have to engage in his other fara'id as an individual Muslim such as Salah, obedience to the parents, removing a munkar if it was in his capability by his hand such as preventing his child from haram, etc.

The work of the individuals within this group whether inside or outside the Majal would be determined by the Amir of the Party. It has been explained in the book 'Introduction to the constitution' article 21:

"The evidence (daleel) for the group being a political party has two aspects. Firstly, Allah (swt) did not order the Muslims in this verse to undertake the call to goodness and the enjoining of Ma'ruf and the forbidding of Munkar; rather He (swt) ordered the establishment of a group that undertakes these two actions. What is requested is not the undertaking of the two actions, but the establishment of a group that undertakes these actions. Hence, the emphasis in the command is on the establishment of the group and not on the two actions. The two actions are an indication of the actions of the group whose establishment is requested, thus they are characteristics that this group must possess.

For the group to be qualified as such and be able to assume the role assigned to it, it must meet certain conditions, in order for the group to acquire the quality mentioned in the verse. The formation of a group requires the presence of a bond that binds its members so that they become one single entity (jama'ah). Furthermore, what keeps this party functioning is the presence of an Amir whose obedience is compulsory. This is because the Shari'ah has ordered every group of three people or more to appoint an Amir. The Messenger of Allah (saw) said: **"It is forbidden for any three people to be anywhere on earth without having appointed one Amir from amongst them"** [Abu Dawud].

Disobedience would lead to the removal of a person from the group. The Messenger of Allah (saw) said: **"He who sees from his Amir something that he dislikes, let him be patient, for whoever leaves the Jama'ah by a hand span dies, dies the death of Jahiliyya (ignorance)"** [Bukhari and Muslim]. Therefore, Shari'ah deems the rebellion against the Amir as a separation from the group. What maintains it as a group is the obedience to the Amir.

These are two indispensable characteristics for the group to exist and to undertake its action. Therefore the verse, *"Let there arise from amongst you a group..."* means let there be from amongst you a group that has a bond binding its members and an Amir whose obedience is obligatory. This is the bloc, party, association, the organisation or any of these names that refer to the group that meets all the criteria."

It is the Party that undertakes the actions of the method. The political party differs from an individual, so it is the Party that seeks the Nussrah not all of its individuals, rather it may allocate some of its individuals to focus on this. This is the nature of a party and this is why it is possible for a party to re-establish the Khilafah and not an individual by himself.

In the areas outside the Majal like the countries in the West, the Amir has decided what the work of the Shabab there should be and this is what they are obliged to carry out, this is how they fulfil their obligation of resuming the Islamic way of life. It was mentioned in a 'Question & Answer' dated 1/6/2001:

"In the kuffar lands outside the majal, like the West, changing the rulers there and establishing the Khilafah is not the work of the Kutlah, therefore it does not undertake the political struggle, because before establishing the Khilafah it does not work to change the societies and systems in the Western World and the various lands of the kuffar.

The Muslims work with the correct Kutlah outside the majal, and his performance of the required duties, would mean that he would have absolved himself of the duty from himself by doing so, i.e. working with the kutlah."

10. Is the permission of the parents required for the Shabab to leave his country and go to another country for the purpose of dawah?

For the son who wishes to go to a region other than where his parents reside seeking the consent of parents is an indispensable matter, other wise let him carry the Da'wah in the region where his parents live.

If the service of the parents is insured in a manner agreeable to them then it is allowed for the son to go to any area to fulfil the obligation of the Da'wah.' Hence, not only is he required to insure their service but it should be in manner pleasing to the parents. If they accept to be looked after by someone else then he can go, if they do not approve then he must stay and not go.

In short, the permission of the parents is an indispensable matter for the son to go to another area to carry the da'wah, otherwise he should carry the da'wah in the region where his parents reside.

Political

1. In the book 'democracy is a system of kufr' written by Abdul Qadeem Zalloum, dated Rabi' al-Awwal 1416 AH\August 1995 it is mentioned that "And in Britain the Conservatives are the rulers. And the Conservative party represents the big capitalists from the business, landowners and the class of aristocratic lords. The Labour party does not come to power except when there is a particular political situation which necessitates the removal of the conservatives from power. That is why the rulers and the members of parliament in America and Britain only represent capitalism. They do not represent the will of the people or of its majority."
Do you feel that the rise to power of the Labour party and its consolidation in the UK and its consequent moves to reduce the mandate and hereditary peerage of the Lords, and the move to become more a part of Europe and adopt the single currency and the recent move to form the European defense force, has changed the reality of the leadership in Britain. One can argue that the conservatives, now in disarray, is not the 'party of Britain' but rather the Labour Party has set a new direction in the UK with different capitalist backers, similar to the US system. Can you comment whether this is true?

As for the Labour's move to reduce the mandate and hereditary peerage of Lords:
Politicians and thinkers consider that a second chamber whose membership is based on appointment and entitlement runs counter to all notions of democracy, and as a result the House of Lords has very little public support or legitimacy, this is the background to current biggest constitutional shake-up since World War 2. Therefore under the idea of "modernise UK's democracy " or " evolution of the constitution " we can notice that current policy in this regard is acceptable to veteran politicians and all parties. Only they differ about the extent to which this radical change, 600years traditional, should be carried out. Tories, for instance, oppose the creation of an entirely -nominated House of Lords; they have called for a limit on their numbers 659 the same as commons. Liberal Democrats back partly elected upper chamber.
This trend in UK politics is not new, only a handful of hereditary peers have been created since 1965; the last was the Duke of York. It's not Tony Blair policy alone, Labour Party has a long -standing commitment to reforming the House of Lords, and have had in every manifesto since the last war they would remove hereditary peerage.

As for "the move to become more a part of Europe":
Attitude towards" European Integration "in UK politics is the same as House of Commons shake-up, it relates to the concept that Uk influence both in world and European political development would decrease unless it became a member of European Union. The first move towards Europe came in 1961 by Macmillan conservative government, but De Gaulle announced a veto on British entry on 14th January 1963, a second application was lodged by the Labour government in May 1967, although majority of the party's rank and file at that time were hostile to the idea .The vote in Parliament took place in October 1971 then Conservative government obtained majority of membership.
In 1975 a referendum carried out by Conservatives resulted in a clear majority of voters, more than two-thirds supported membership of the European Community. Parliament has approved each change in the EU treaties necessary for the EU's development.

As for "adopt the single currency":

Britain hasn't joined the “EURO", but Labour's policy in this respect is clear from Blair's declaration, which states; “in principle, if the single currency succeeds and it is in Britain’s economic interest we should join ... final decision will be taken by the British people in a referendum". No body can argue about this kind of policy, the same would be adopted if conservatives in power.

As for "the recent move to form the European defense force":
The truth of the matter is the "EU Rapid Reaction Force" is not a E.D.F., Blair states: "There is no concept of a European army, ...it's only when NATO itself doesn't wish to be engaged...there may be circumstances for these limited missions when the Americans don't want to be engaged. All we are saying is in these circumstances we should have the ability to act if we wish to do so". This idea is not far from attitude of Tories when they are in power, Lord Howe said he made a speech in Brussels in March 1987, when he was Margaret Thatcher's foreign secretary, in which he called for more European co-operation on defence "that part of the speech was closely negotiated with Number 10 and it was hailed as an important development in British policy,...it is very sad to find that a party that has consistently been devoted to a realistic view of Britain’s place in Europe is now reacting with such hostility against the achievement of its own objectives". Last summit meeting in Nice adopted British perspective and rejected the French one.
All in all, we can say that there is no change in domestic situation of Britain, changes, which are being carried out, are influenced and dictated by European and world situation after the fall of Berlin Wall and the end of Cold War.

It's the game of democracy within capitalistic system, it seems contradictory, but in truth it is the constructive opposition or "the opposition which is loyal to her majesty" as they call it sometimes.

9/6/2002

2. Did the papers/leaflets that followed ‘the milestones of American policy’ booklet change anything with regards to the Europe-American struggle over the issue of Palestine?

The papers did not change what is mentioned in ‘the milestone..’ booklet in respect to the European and American position regarding the issue of Palestine. Europe is still ‘convinced that the progress that has been achieved in all the big issues – the final status issues- during the previous negotiations must be a basis for future negotiations over the final solution…’ And ‘the EU calls upon all the sides to confirm their commitment to the basic principles within the framework of the Madrid and Oslo agreements which have been realized…’ and ‘all sides should move ahead on the basis of the progress that has been achieved.’ As for Bush administration it has not put forward a complete plan to this date, contrary to what the former Clinton administration had done. It has continued to focus on stopping ‘the violence before anything else’ which it calls ‘terrorism’ after 9/11. All except its proposal recently when it took the approval of the Security Council which is the ‘American vision of two states; an Israeli state and a Palestinian state’ without going into the details. Throughout this period it has continued slowly contrary what we can see from the Europeans. In the last few months it has been noticed that the American position has been to break up the issue and to move in stages/phases. It was from this perspective that it proposed the two state vision to the exclusion of any other issue. It has tried to give attention to previous Security Council resolutions such as 194.

It tried to use the Security count for this aim in order to produce new resolutions which abrogate the ones that came before. There does not seem to be any European agreement to this direction. What was mentioned in the milestones has not changed. As for their agreement on the Mitchell plan, this is because it has been written with vague expressions which can be interpreted to suit both policies. America's acceptance for Europe to participate in discussing the Middle East does not mean they agree on the solution. Rather it means they agree on continuing the consultation and discussion and to take opinions only.

3. Who is the main obstacle in the face of American foreign policy today?

The Bush administration has not proposed an integrated and complete plan to solve the issue. All it has proposed is the 'vision of a two states solution' but this is agreed upon by all sides; America, Europe, Jews and Arafat's PA. America is undertaking bilateral negotiations with different sides to crystallize the vision that it will propose in the coming days and months. This position is what has delayed any opposition between America and the Jews. So the question that should be asked is: When America proposes a solution and gives a plan for its execution who is expected to be the main obstacle to America? The main obstacle will be the Jews. Ever since the Arabs (including the PA) agreed to the Security Council resolution 242 in 1967 and entered into a peace process with the Jews and some of them actually concluded peace with the Jews. After that no obstacles remained from the side of the Arabs. The Jews continued to be the main obstacle in front of the American policy. America was forced to strike them harshly in the 1973 war after which they completed Israel to sit at the negotiating table which the Jews had refused before. For example their dispute regarding settlements is a fundamental disagreement. It is worth mentioning that the Labor party is more docile than the Likud before the American policy.

4. Is Sharon wanted by the Americans?

America has not undertaken an action which indicates that she is working to remove him. She still has ambitions of achieving success for her policies at the hand of Sharon. Since he has the largest majority vote in Israel which no one has been able to achieve before him.

In the past America had had success for her policies at the hands of Begin who was no less extremist. This does not mean there is no possibility of there being a clash between the two policies as happened between Bush senior and Shamir. However, one does not expect there will be a disagreement to any serious extent in the first term of Bush's presidency, whose love for the Jews in America can be observed due to domestic and electoral objectives.

5. Has Arafat fulfilled his role or is he still wanted by America?

Arafat's role has not finished. He is strongly supported by Europe and the Arab rulers. However, doubts surrounding his ability – as hinted by Clinton – since Bush came to power. This position became clear from Mahmud Abbas's visit to America last year and the disagreement that arose between him and Arafat after the visit. In any case, Arafat – the head of corruption- is passing through difficult and testing stage; which is the 'reform

of the authority'- for the corruption has reached its very core- in a manner which pleases the Jew and the Americans. If he succeeds he will continue. Otherwise his failure will be taken as a reason for diminishing his powers to higher level. His role will be restricted to sighing things and official duties only. Generally, America is working to highlight other new leaderships which are more loyal to her than Arafat even if he continued in the authority.

6. Does America want to implement the Mitchell report as a whole or the part which discusses security?

America has changed its direction which regards to the Mitchell agreement on 4/4/2002.It is the date on which Bush gave his address which he dedicated to fighting Palestinian terrorism which he considered the main obstacle to achieving peace. In the address he clarified the policy of Arabizing the issue which retreat form the situation after the Rabat conference in 1974. Also he clarified the intention to follow three policy directions all at the same time; political negotiations, security arrangements and reform of the Palestinian economic situation. Senior officials in the Bush administration have not gone back to mentioning the Mitchell report in their statements except in rare instances. This has been done in a manner to give the understanding that they do not adhere to them any more, as we saw in the joint communiqué of the four countries in Madrid. As for the Tenet plan it has ceased to exist practically after destruction and since events have superceded them.

7. Is there a disagreement between the American and the European vision for the final status solution now?

The Bush administration has not announced its vision of the final solution until we can make such a comparison. Thus, it is not possible to give the vision without information. What has appeared in this regard relates to the styles of the solution and not its essence as we can see from the previous answers.

8. Can Arafat and his cronies obstruct the America policy in the region?

It is well known that Arafat and his cronies have no intrinsic power. They function due to the support from Europe. The Fatah movement has been nurtured by Britain and still she continues to do so. So their ability to obstruct is through Europe. But if Europe and America come together on a solution, or if America is silent on an European deal and vice versa then there is no scope for the cronies to suspend these solution.

9. what is the margin of disagreement allowed in understanding the opinion of the political party?

it is not allowed to talk about an opinion which contradicts with the opinion issued by the Hizb whatever the reason and whatever the circumstance, even if the Shab was certain that the Hizb has made an error or if the reality which was used to give the opinion had changed. This is because such an action removes the meaning of a Takattul and its shar'I attribute. Which is that it is Haraam. Anyone who does such an action has gone out from the obedience to the Hizb or done an action which destructive if he continues to do it in its name. In both cases he has violated the sharee'ah. It is the right of any shabab who takes a view different to that of the Hizb to discuss it but through

citing evidences and information the Hizb has not noticed and not just mere loose opinions without any daleel. This is because such views are of no use. This discussion can take place on condition that it is restricted between the Hizb and the one who holds the contrary opinion. Ie between the person and the mas`ool. If an nothing could be agreed then the matter is raised to the one who has authority over this matter in order to settle the issue. However in matter the Hizb has not issued an opinion the shab can make his own analysis on condition he does not deviate from the general adopted guidelines and does not give the opinion as the opinion of the Hizb. If he is asked about the opinion he should say: The Hizb has not issued an opinion about this' or the like. There is not harm in giving such an opinion. This is because the Hizb will remain united and the difficulty will be removed from the shab after the error in his opinion has become clear after the Hizb has issued its opinion. Especially since this type of thoughts us subject to disagreement to a great extent. And one cannot know the facts of many events except after a period of time has passed. Many a time we see politicians in their press conferences, lectures and meeting declining to talk about many things because they see no benefit in discussing it. So what about when it relates to preserving the wellbeing of the Kutla which is more precious than allowing differences on a certain opinion of the Hizb.

28 Rabee' al-awwal 1423 AH
9/6/2002

15/7/2002

10. Is it possible for the number one nation in the world to not have a clear vision of its policy? And for this policy to be based on a reaction? Do not the events show that America has long term policies for all world issues, including the Middle East? This is because the American policy does not change with the change of administrations. The policies are continuous. (This question has connection with what was mentioned in the booklet: 'Milestones of the American policy under the Bush presidency)

America and the rest of the super powers have policies for all international issues, which include the Middle East. Otherwise they would not be super powers. Clinton, in a long speech before leaving the White House on 12/1/2001, announced a detailed American policy towards the Middle East. It was prepared by the Hizb for distribution, but this was stopped when it became known that Bush had announced that he was not ready to adhere to it. By following the foreign policy of the United States one finds that it has the aspect of continuity in the majority of cases. This is because it is the policy of institutions and not the policy of individuals and parties. i.e. the following institutions participate in fixing the policy: the White House, the NSA (National Security Agency), the foreign ministry, defence ministry, CIA and other institutions. Each of them participating according to its specialization and within the limits of its specialization. Even though these policies are continuous in the majority of cases as indicated by their reality, however the new president is not bound by them. Just as he is able to change his policy he is also able not to take the policy of others. There is nothing in the constitution of the United States which obliges the president to follow the policy of the one who came before him. That is why when Clinton was asked before he left the White House on 11/1/2001 about his suggestions which he had proposed for all sides concerned he said: 'The United States government is not bound by the positions it has taken (previously)…I

think is it very important that we maintain continuity in the foreign policy and our duties towards other countries except in very abnormal conditions…however the elected president Bush is not bound to the positions taken by the government regarding the Middle East agreement whether in form or content…' Also, officials in the Bush government announced early on that they will not be bound by the decisions of the former administration regarding the Middle East and that the proposals of Clinton are not mandatory for them to follow. The question which arises now is: why did Bush not continue with Clinton's plans regarding the Middle East? The answer is in two parts: The first relates to the styles. He had big differences with Clinton on this issue. This is due to the changes in personalities, conditions and circumstances: The Jewish government has changed and Likud has come to power after Labor. Also the events of 9/11 in terms of the attack on the twin towers and the Pentagon. Also the conviction of officials that Clinton's approach did not yield any tangible results even though Clinton expended a considerable amount of time and effort on the issue more than any other president before him. As for the policy i.e. the United State's view of the solution, which is what Clinton announced in his speech on 21/1/2001, but Bush has not announced a detailed policy to date. All he has announced is a Palestinian state which was one of the proposals of Clinton. However, Bush took one step backwards when he announced that such a state would be provisional. Thus he went against Clinton.

11. What position has America come to in terms of the plan for a Palestinian state? Mubarak has announced an initiative in which he suggested that a Palestinian state be announced in the beginning of next year on 42% of the West Bank, provided that the issue of borders and refugees is discussed at a later time. Bush refused to put a time frame for the announcement of the Palestinian state during Mubarak's visit to America. Bush said he is not ready for that now and that he will discuss the matter later. Does this mean America is not serious in imposing a Palestinian state on the Jews or has she retracted from this position?

The Palestinian state is a name without a reality. It is an evil security plan to protect the security and stability of the Jewish state from the threat of the people in the region via the people of the region. It has been called a state though it does not posses the basic elements of a state. Since it has no resources by which to pay the salaries of employees, so how can it cover the costs? It has been called a state to get the Muslims to accept it and to make it palatable. It is a big lie concocted by western politicians and promoted by their agents. An agreement had been made on establishing it by all international and regional sides, including the Jews. America is very serious about establishing this state in order to protect her interests first and then to protect the interests of the Jews. As for the interests of the Palestinians that thought has not crossed their mind. From Bush's recent speech on 24/6/2002 it has been noticed that America has stipulated before its establishment, even if it is in a temporary manner, that there should be a new Palestinian leadership and new Palestinian institutions and that security arrangements should be completed with neighbouring states.

12. Were the actions of Sharon in terms of destroying the building of the PA, to the point that the building in the Ramallah district (Arafat's office) was destroyed, lead to the destruction of America's plan? If the situation is like this then how can America give the green light to Sharon and describe him as a man of peace when he is working to destroy America's plan in Palestine?

And is Sharon working to make the Palestinian state east of the river Jordan? Especially since he carries the idea of the (forced emigration of Palestinians to east Jordan)

Sharon's destruction of PA buildings shakes and weakens the PA but it does not in any way effect the political plan, the plan for a Palestinian state. Since the state can be run from any building. In many cases the destruction was for the purpose of appeasing the Jewish public opinion as a response to the martyrdom operations. As for the green light received from America, this is because the PA is paid for by Europe. Sharon has abandoned the idea of a Palestinian state east of the river when he stated in a press interview with the Haretz newspaper that the only thing in which he has changed his view is his abandonment of the idea of a Palestinian homeland east of the river Jordan. So the idea of transfer (forced emigration of Palestinians to east Jordan) does not exist for him.

13. What is the role of Britain regarding the issue of Palestine? Is she still struggling against America and proposing the plan of a secular state? Is she still working to obstruct the American plan in establishing a Palestinian state west of the river Jordan?

Britain has moved fast and her activity in international politics increased after the demise of the Soviet Union. She is working to take the place of the number two state after America in international politics. Despite the big gap between their capabilities and strength of influence she is working to bridge this gap by seeking the help of the European Union. Britain is working to strengthen her international standing by trying to have an effect on the solution to international issues which include the Middle East. In addition to her international ambitions related to it, she has regional ambitions for which she works to protect by keeping her influence and preserving her agents so that she can obtain the huge benefits present in it before the American ambitions. Britain pushes the solution to the Middle East issue in the direction that is consistent with her regional and international ambitions. She is trying to restrict America's unilateral behaviour in solving the issue. She desires to have a role that is more than just consultations and discussions i.e. a role that is equal to America's role by issuing joint initiatives on the leadership level for instance. As for the plans for a secular state, the English plan, this has been consigned to the history and has not existed for a long time now. Its place has been taken by the solution of having a Palestinian state. The idea was adopted by America and then agreed to by Britain after she had abandoned the idea of a secular state and instructed her agents in the region to accept it and strive to realize it. So in 15/11/1988 Palestinian National Council declared a Palestinian state whose capital would be al-Quds. Arafat fixed 4/5/1999 as the date on which to declare the establishment of a Palestinian state but then changed it to 13/9/2000. Then the Palestinian National Council announced on 10/9/2000 that the declaration would be deferred until the appropriate time as determined by the results of the negotiation. This was agreed to by the European Union in the Vienna conference in 13/6/1980 under the call to decide the future (of Palestine) and under the call for a Palestinian state in the Amsterdam conference on 6/6/1997. This was repeated in emphatic manner in the conferences of Luxembourg (12/12/1997), Cardiff (16/6/1998), Berlin (25/3/1999), Santa Maria (19/6/2000), Lukin (15/12/2001), Barcelona 16/3/2002 and recently in Seville on 22/6/2002. One hundred states have recognized the Palestinian state even before it has been established and the

Jews have agreed to it, including Sharon. Recently Bush explicitly announced it last November and produced a resolution for it in the Security Council, resolution number 1397. There is no disagreement between the western states on the plan for a Palestinian state as being the best guarantee for protecting the long-term stability and security of the Jewish state via the people of the region and from the threat of the people. The disagreement about the plan between the various sides, which include the Jews, is over the details that insure the realization of the aim for whose sake the plan was accepted. So Britain, like any other nation, is not working to suspend the plan as a plan for she has accepted it. Rather she goes along only with that which accords with her regional and international policy.

14. It was mentioned in the 'third crusade' booklet that America has decided to attack the armed Islamic movements whether she herself has established them or not. Of course this includes Hezbollah in Lebanon which has been supported by Iran and Syria, the agents of America and similarly the Islamic Jihad movement which has taken Damascus as its headquarters Why America did not move to attack Hezbullah and Jihad movement, particularly they are under the protection of its agents, thus they can be easily eliminated?

America has adopted a number of styles to attack the movements which adopt the use of military actions. Some of these styles is to pursue them with military and political action, monitor and shut down the finance, share information, monitor movements over the border, intelligence etc She got the security council to pass a resolution on 28/9/2001 (resolution 1373) which obliges every state to fight what she calls terrorism. The resolution contains detailed and defined clauses and it stipulates that a committee is set up to monitor states if they are executing the resolution. She is moving to strike any movement, including Hezbollah and the Jihad movement which belong to her due to their relationship with Iran and Syria which have been ruling as her agents. However this movement will not be a military one as we saw with Musharraf example, since they do not represent a danger to the ruling parties. Striking these movements will make things difficult for the rulers and weaken them before their peoples, hence the elimination of these movements is not urgent and will take some time though it is agreed (that they must go).

15. How can we reconcile between what was mentioned in the booklet' the third crusade that America was behind all actions of Sharon in the (west) bank, which will lead to the destruction of the plan for a Palestinian state and America's desire of making the issue of a Palestinian State an international issue which is taken up by the states in the world. This is obvious from the statements of European leaders and its is on the tongue of American officials starting with Bush who spoke clearly about the need for a Palestinian state and a Jewish state which coexist side by side in peace. And this can be seen in the recent resolutions passed by the Security Council at the behest of America.

The actions of Sharon are aimed at shaking and weakening the PA and to limit its ability of control. This will not affect the political plan, the plan for a state. Since the authority is merely a tool to execute the plan it can be replaced with another tool as announced by Bush in his recent speech on 24/6/2002. There is an agreement between Sharon and Bush on this, because the PA is a European creation and orientation.

16. America was behind the establishment of armed organizations in Palestine according to the American plan, to live within the Jewish entity, and to form a source of pressure to affect the Jewish obstinacy via terrorism. America has continually striven to portray Sharon in a bad light, to expose him and to put huge pressure on him. How can it be said that America uses Sharon as a spearhead against the Palestinians? It is as if she is working to strike any force in Palestine that affects the Jews and force them to comply with her plan.

The only group having an Islamic imprint and belonging to America via Syria and Iran and operating in Palestine is the Islamic Jihad organization. It was established by support from Iran in the beginning of the 1980's. Its leadership resides in Syria and receives support from its rulers even though they are Ba'thists and far from Islam. They form what's known as the association for Palestinian resistance which resides there. It has adopted the military action and it became prominent after the operation in the Wailing wall area (saahat-al-Barraq) in 15/10/1986 i.e. before the outbreak of the first Intifadah on 8/12/1987. It participated in the first Intifadah and in the second Intifadah by undertaking substantial martyrdom operations. Her objective in establishing them and supporting them via Iran and Syria does not contradict their aim of supporting, funding and containing the association and opening up opportunity for them to do their work. As for the Syrian aim for the association it is to proceed with the treacherous solutions under the cover of fighting and to take the association as a cover for Syrian rulers not undertaking any actions to get back the Golan which they had given up to the Jews without firing a single bullet to defend it. This is beside that the Golan front has not witnessed any military actions since it was handed over in 1967. Also it provides them with an opportunity to feign patriotism after the treachery it has committed. And also to put pressure on Arafat and obstruct the Palestinian-Israeli track to expedite the process by pushing the Syrian track. And to punish Arafat for not cooperating with them. To take the association as a bargaining chip in the negotiations with the Jews. And as a tool to undertake limited military actions which the state cannot undertake fearing a harmful reaction and a hostile world public opinion. To polarize what's known as the opposition, to encourage and push it to publicly accept a peaceful solution, especially since Syria is the one who came up with the slogan: 'peace is a strategic option.' To spy on the movements which do not agree with Syria's direction, which are subservient to the English. She will try to affect them, control them and steer them on her policy. She will use them as a tool to throw her weight in the region and sometimes use it to affect some Arab states especially the ones neighbouring her like Jordan. As regards her support for Hezbollah, in addition to much of what has been mentioned above, she will use it to serve her policy in Lebanon against the opposition Lebanese political movements like the Maronites and the Druze. There is a great similarity between this style and the Iranian aim of trying to contain, support and finance some sections of the association. This is not surprising since the results of the Syrian and Iranian policy in this matter is aimed at serving the American policy in the region. The Iranian objectives are: to push through the peaceful solution in an Islamic guise under the slogan of fighting against it. To collaborate with Syria in the responsibility and to assist her to lower the international pressure upon her after her link to the martyrdom operations undertaken by the movement was exposed. To help Syria to contain the movements which are of an Islamic imprint and those movements which do not agree with her on the fundamental and peripheral issues. To spy on them and to use them and affect them in a way that serves its policy. To bear some of the burden of financing and arming the movements. To take the association as a tool for Iran to intervene in the Palestinian issue which serves the American policy to a great extent. Not least because Iran is serving the aims of this policy

pretending to be an enemy of America. What draws our attention is the replication of this American style in other states in the region such as containing the association of the Sudanese opposition; the most important of which are agents of the British, and placing its headquarters in Asmara, one of the states subservient to America. For all of these reasons we can say the American objective behind establishing armed organizations in Palestine is far more than just being a force to apply pressure on the Jews.

As for statement: 'America has continually striven to portray Sharon in a bad light, to expose him and to put huge pressure on him.' this has no basis in the reality. America's use of Sharon as a spearhead to strike the Palestinians and overlooking him is clear for all to see and evidence of this is repeated daily. One such significant evidence on the international level is America's abolition of the committee investigating the destruction of the Jenin refugee camp after it was formed for this purpose.

17. How will America implement the resolutions of the Arab summit especially since America is behind the resolutions whilst at the same time standing on the side of Sharon in the manner mentioned by 'the third crusade' booklet which cancel these resolutions?

There is nothing in the Abdullah initiative or in the Arab initiative agreed in the Beirut summit which goes against the provisos resolutions except the hint that there would be concession regarding the right of return of refugees stipulated by the Security Council in resolution 194. As for the American aim from the initiative, it was to propose 'new ideas' to exit from the Mitchell framework. The most important of these was to re-Arabize the Palestinian issue contrary to what was decided in the Rabat conference in 1974. So the implementation of what was newly passed by the summit is the active attendance of some Arab rulers on behalf of and authorisation by the whole of the Arab rulers to negotiate and have special meetings on the issue. This is clear from the movements of Abdullah b. Abdul Aziz, Abdullah b. Hussein, Husni Mubarak after the Summit in terms of their visits to America and what was to follow after these movements. As for the invasion, killing, destruction and devastation caused by Sharon, this was done with Arab approval with their prior knowledge. It does not cancel or weaken what was agreed in the summit.

18. We know that Vajpayee (the leader of India) is an American agent in India and the rest of political institutions are agents of the English. And Pakistan is an agent of America. So how can America direct the crisis scenario between India and Pakistan? India fears that America might come to Kashmir to control 'the ceiling of the world'. Will Britain allow America to control those vital regions? Especially since they affect the British presence in India? Has Britain become an agent of America? She has no say except to proceed with American plans?

The political, economic, military and trade situation has changed greatly in India after the end of the cold war to the advantage of the United States of America. She has agents, individuals and parties, who are able to rule the country and limit the control and the unilateralism of the agents of the English, as individuals and groups. Nehru's family is not considered to be present in the political field after the assassination of Rajiv Gandhi, the last member of the ruling Nehru family. His widow, Sonia (who is of Italian origin) the current leader of the party, became a heavy burden on the party. The congress party, the old English party, after its disintegration was not able to win a parliamentary majority that used to exceed 70% at certain times. It began to face problems in forming a coalition

government and at times it failed to form a coalition at all. The presence of the American policy in India is not confined to Vajpayee alone since it has new agents who affiliate to the same party; Baharatiya Janata. For example agents such as the home minister Lal Kishan Advani who was the former leader of the party and not long ago was appointed as a deputy for Vajpayee. The Bharatiya Janata party is an old opposition party whose roots go back to the national volunteer organization (rashtria suyamsifak sang – RSS) that was not linked to the congress party at any time. It used to oppose the policies of Mahatma Gandhi and was behind his assassination. If the American influence in India had relied on one person Vajpayee then he would not have remained a single day since he knows he rules via a collation government that is composed of 22 political parties. Also he has lost 4 provinces in the recent elections that took place last February. One of these provinces was 'Uttar Pradesh' which is one of the biggest provinces and was a stronghold of the party. Despite this he has held out and remained in power. On the other hand the congress party is trying to remove him from power by accusing his ministers of bribery and corruption but this has not succeeded. All of this indicates the extent to which the American influence has reached in India. This does not mean the English influence has vanished; rather it has gone back to a high degree. The congress party might reach power once again but not with a majority government. If it returns with a coalition government then its situation will be like the rest of the parties that are subject to being brought down at any time due to the formalities and principles of democratic rule.

As for the economic aspect the Vajpayee government has responded favourably to many free trade principles that America has been trying to impose on the countries of the world. The government has instituted many changes and introduced legislation, which has encouraged big American capitalists to enter India. India had approximately 1000 American companies in 2001 and it is increasing fourteen fold from what it was in 1991. This is according to the figures of the American chamber of commerce.

As for the military relations, this has appeared in the meetings organized for joint committees and from the Indian military dispatchments to the United States. Also this can be seen from the advanced American arms deals that have cost India billions of dollars. This is in addition to the joint manoeuvres and reconnaissance in the Indian Ocean and Malqan straights.

Generally, the American -Indian relation has entered an advanced stage. It has passed the stage of discussions and negotiations and the points of different are a thing of the past. Now it is in the stage of entrenching these relations with a continuous American perseverance. Its effect can be seen in the repeated visits of senior American officials. This is something that was not witnessed in the relations of the two countries ever before. Thus, it is for America to administer the crisis between India and Pakistan. It is correct that this big shift in direction of India has not been accompanied by a strong English reaction as we are accustomed to in international relations. However this is due to a patient long term policy to which America has resorted in her relations with India. In addition, to the exploitation of the formalities of the democratic system such as the elections, imposing legislation through parliament and other things which do not allow. Britain to confront them. Britain has found no option other than to coexist with the new American influence in India.

The American and British hint was regarding sending surveillance forces laden with sophisticated instruments to monitor the line of control between Indian Kashmir and

Pakistani Kashmir (free Kashmir- Azad Kashmir) and it was not about dispatching American forces on the Kashmir heights. America does not have any ambitions for the Kashmir heights after achieving what she has achieved in terms of her relations with India and Pakistan, since air spaces became open to her now. This is in addition to the fact that the state of hostility between America and Russia has ceased: and the invention of satellites that greatly decreased the need of America for land monitoring bases . These have become part of the strategic legacies of the last century. Therefore it is not correct to say: 'India fears that America might come to Kashmir to control 'the ceiling of the world.' The American presence in India is not subject to British approval since American-Indian relations have reached an advanced stage. Also Britain is not strong enough to stand in front of the American giant. Just like her presence in the Gulf, a region where the British influence used to be the most deep-rooted. Despite this Britain is still a super power that is striving to take the position of the number two state after America in international politics and it does not occur to the mind to say that Britain 'is an agent of America'

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19. Is the current struggle in Iran between the conservatives and the moderates an American initiative to change the political system of the country into republic?

The Americans successfully deposed Iran's ruler Mohammad Reza Bahlawe in 1979 by using the Jaafaree Madhab as a powerful political tool. The Mullahs (Al-Malale) rule continued afterwards because they were greatly needed to defend the revolution in its early years against any immediate internal and external dangers. The Mullahs strength comes out from their strong ties with the grass roots and the spiritual influence they exert upon them. And their crucial role was very clear during the Iraq-Iran war.

Because the governance based on religious belief contradicts totally with capitalistic one, which entails the separation between church and state; and after the dangers circling the revolution had diminished, and after it had become more stable, the Americans started to transfer the reins of power from the Mullahs to the secular rulers under the leadership of their agent Khatami. This policy was clearly adopted and followed during President Clinton's tenure, and Bush administration followed in his footsteps. Anyhow because of the internal hurdles in front of this long run transformation it is difficult to overcome because the Mullahs and their Media would cling on with power defending their vested interests. So that decisive change will take time and effort. American policy is determined in this direction and Mullahs are in the defensive. It is noteworthy that after the events of 9/11, the transfer of power might be accelerated.

As for the republic, it has already been established from the outset. But it may require the change of the tone from Islamic to secular democracy with minimal superficial changes.

20. It seems that America's war against Iraq is not only motivated by oil, but a desire to remove British influence completely from the region under the pretext of bringing democracy to the Arab world. If this is the case then why is Britain taking the lead with America in this war knowing full well that her interests in

countries like Iraq, Saudi Arabia, Yemen, Jordan, the Gulf countries etc. are at stake?

The answer of this question lies within the context of Anglo–American relations, which are summarized as follows:
1-Due to Capitalistic System, both countries are following, there exists ingrained competition between them all over the world. This competition takes a wide range of many different forms, the most intense of them is material struggle, as a proxy limited war between local parties. Other forms take place in the peaceful diplomatic field, as disputes over trade regulations, in implementing international pacts etc.

In some international issues competition is hardly visible due to two reasons: either their interests are identical to a great extent, or UK politicians avoid confrontation against US policy. But this situation doesn't mean that competition no longer exists, it is implied in all conditions and circumstances, because it is ingrained in reality.
Direct total war between them is unimaginable as long as present world order exists.

2-Avoiding confrontation is the most salient aspect of UK policy toward America at present time; because the British understand well, the dangerous consequences which might hurt its interests due to confrontation with America, the sole superpower; so the British avoid any confrontation as much as the can trying to protect their interests against the American threat. Otherwise they would loose more and more, as it happened in the case of the Suez Canal in 1956 and in other confrontations during the cold war in her African or Asian colonies.

3-UK politicians, are highly interested in following the closest relationship with America, as well as avoiding confrontation. They are claiming that *"the special relationship"*, which existed before World War 2 still exists between the two countries. UK politicians believe that the closer the relationship with the US, the easier they will find a listening ear and thus capable of discussion of any international issue with their US counterparts, both decision makers and takers. Keeping the US door open in front of UK politicians, they feel that they can deliver their point of view and opinion about international affairs to the Americans. In addition to this, due to the vast experience, the UK has in international policy and affairs, the British are confident that they can influence and deviate, to some extent US policy direction to fit with their policy and secure their interests. Cases in this point are many and different, like the salvation of Qaddafi from the Lockerbie impasse, like preserving their agent rulers in the Gulf who are still alive, and the final case, which we can see now, at the theatre is the influencing of Bush to send the Iraqi issue to the United Nations and postpone the attack, at the same time instigating cunningly world opinion to stop the war.

4-At the present time, in many international issues, the British policy towards America is a double faced one, which is most confusing for observers. UK politicians speak two languages at the same time, one by officials as cabinet members, the other by the rest of the politicians as members of parliament, including the Commons and Lords, the Media, church and intellectuals etc. Almost the true policy is the expressed by the later.

5-Britian is a Great Power, and keenly interested to enhance its influence in international politics and world affairs. Therefore to fulfill this goal it seeks to safeguard the position of second World Power, after American Power; so that Britain conducts two parallel ways: first is to be closest to America, second is to be the first in Europe. The closer to

America, the more influential in Europe. And the first in Europe the more influential against America. Therefore ambitious UK policy makers strive to play the role of bridge between the flanks of the Atlantic, America and Europe.

21. Is President Bush's speech of including North Korea as part of the Axis of Evil an attempt to lay the basis for removing China's influence over North Korea and possibly part of a long term American plan to change the regime in China ?

First and foremost, the American policy towards North Korea is connected with stability and security of the Pacific Basin, and in particular Japan and South Korea, the strongest two allies of U.S. in the region. America has invested huge capital in both countries, as well as having active trade relations. Therefore lessening or removing China's influence in the long run is a result and not a goal, taking into our consideration that China itself is not so interested to enhance its influence outside its boarders, it is in its way getting rid of communism as a global idea.

As for changing the regime in China, America is going in this direction but through changing the Economic System, by replacing China's system to Capitalism, which would result in changing the regime into a Capitalistic one, into democratic one, in the long run. This policy is underway and being carried out actively by Chinese themselves, in other words the regime is hanging herself. Recently China's joining of the World Trade Treaty serves this policy. Bush's speech about North Korea has nothing to do with changing regime in China.

Thursday 25th Shaaban 1423 H.
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