

1. Ayat.

2. How to follow this Islam? What is the meaning of Fala.

3. Ayat.

4. Islam - To do all wejibs & to stay away from <sup>all</sup> Haram.  
Do all things which Allah likes & don't do those which He doesn't like.

5. Qeetra? How to know these things?

6. Three ways ① Ijtihad ② Ahlul bid'at ③ Taqleed.

7. State of mind: <sup>oql</sup> Certainty, <sup>sh</sup> doubt, <sup>al-ambig</sup> in between ج

a) Certainty (oql) - 100% sure. e.g. praying 100% sure of 3<sup>rd</sup> rakat.

b) Doubt (sh) - 50% e.g. 50% 3<sup>rd</sup> rakat 50% 4<sup>th</sup> rakat.

c) (sh) 51% - 99% e.g. more sure of 3<sup>rd</sup> rakat than 4<sup>th</sup>.

d) (al-ambig) 1% - 49%. Za'fir 3<sup>rd</sup> <sup>al-ambig</sup> of 4<sup>th</sup> (49, 48, 47%).

e) (al-ambig) Close to Certainty 97, 98, 99%

f) (f) - 1% - 4%

8. These conditions/state of mind found in everyday life e.g. where is your father?

9. Not normal people - Sick - Retarded. (cul/s) - Doubts in everything.

10. Don't pay attention to doubt - did it correctly.

11. Haram to follow doubts. e.g. cloth pale or nojees - Harm to make it pale.  
- medicine to get cured - Can't stand the sit and pray - Can't decorate  
- Don't doubt it

12. Ijtihad: to struggle to find the laws of Shariat by Quran & Hadith.

Ahlul bid'at: To follow laws of Shariat such that are gets certainty "to do all these things for which there is even a little chance of wejib & vice versa"

Taqleed: To follow "To follow such a person when Allah has appointed"

13. Wejib to do either E or A or T.

14. Taqleed wejib - doesn't do - All deeds useless except three cases.

15. ① Same as reality ② Same as the fatwas of Majlis ③ According to Ahlul bid'at  
Thashbeeh e Ahlu 3 times

16. ESTEHAD: - Mujtahid.

a) Wajiba - Kafai - Define e.g. Order for father - Akemus salat - <sup>wajiba</sup> - Aynee  
dead body wash. - Ejlheid is wajiba kafai.

b) How many? - Dead body? Enough to get the job done e.g. 49.

17. Two types of Mujtahed:

① Mujtahede Kamel or Mutlag: <sup>understand</sup> Knows all duties - Complete.

② " Mutajasee: partial, one few subjects.

18. Mujtahed follow his research - Complete all part - part <sup>Taqleed or</sup> <sup>Ahwal</sup> -

19. Mujtahed jame Shariat, (Meraja Taqleed) - Complete Muj. having following conditions

① Balig ② Akool ③ Male ④ Shura ⑤ Alive ⑥ Adal ⑦ Aqlan ⑧ Halal zaka

20. Powers of Mujtahed:

① Follows an fatwas.

② If Merja Taqleed - others can do his taqleed.

③ Valiate Sharra - Power/right to rule/govern.

④ Valiate Kajant - Power/right to give judgement - Become a judge.

⑤ Amure Isfra - Right to get Amure Isfra - things which can happen  
in society - property of Mardly retarded, orphan, well who apparently do  
<sup>things which are disputable.</sup>  
doesn't care about animals in his possession - Mujtahed gives orders.

21. Powers of Partial M.

① No right to govern.

? ② No right to judge unless partial in the field.

③ No Taqleed - only in his field of Aqlan.

22. Not necessary M to be Aqlan for powers - except in Taqleed.

Govt. run by any M. use day taqleed of others (Aqlan).

23. Muj. can't want to appoint for his rep. title: Amure Isfra.

24. If Muj. dies. what happens to rep. (e.g. khusuf, Halkeem - khens must to kchae)

Two types of rep.  
Ta) Appointed to the job as employee - message - rep's power finishes.

b) Run the job on his own - boss - position will stay.

25. One more 'power' of Muq.

-) Can issue orders if needed by the Society even they not in Q9H.  
 - weyib to follow this orders also. e.g. Stop Light. Not in Q9H  
 weyib to follow even more inf. looking if not committed sin  
 just like drinking - Weyib even if one thinks order is  
 useless e.g. free trade - codes for restriction in Imports & Exports.  
 weyib like b/w one him & Allah.

26. Misc. related items:

- ① Not Muqtabed, gives his view of fatwa - haram. H.P. "One who gives fatwa w/o knowledge has committed 'Kufr'. - brought his own rule in place of Allah's rule.
- ② Capable of giving fatwas - but not at level of Taqleed - able to give fatwa but haram in such a way that others will start Taqleed
- ③ Not Muqtabed - haram to become judge & pass judgement -  
 - haram for public to go to him also, even haram to go as witness (jury duty?) - gone give judgement haram to follow that judgement  
 e.g. Occupy your house - haram to take your own house.  
 - To go to court not run by Muq. is haram. One exception:  
 - To make precedents / solve quarrels is okay pass judgement is haram.

3/16/87 written  
502

ASOT  
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إسلام

1 of 12

(3:85)  
And who

Quran has repeatedly said that only way to success <sup>both in this world and hereafter</sup> and happy life is for a person to follow Islam "Wa mije yat tage girard Islame denau jalam yulbala min hoo wa hooa feel Akharat minal Khasara" <sup>And whosoever</sup> Any one who seeks any ~~any other~~ religion other than Islam (total submission to Allah) if shall never be accepted from him, and he shall his deeds will be accepted and in Akharat he will be the loser. Now this Islam whose following is

(5:3)

necessary to avoid this loss in Akharat. How should one follow this Islam? What is the meaning of Islam? <sup>Jahim</sup> it means to follow the orders of Allah. "Wa ragho Islama deena" <sup>and have chosen for you Islam (your) religion</sup>. The thing by the which Allah becomes happy. To follow that to do that is Islam. In other words to make it simple for this lesson Islam is to do all the wajibs and to stay away from haram. Wajibat, those things which Allah likes and Haram, those things which Allah dis likes. So Islam means to do all those things which Allah likes and not to do all those things which Allah doesn't like. Now the question is how will we know what are those things which Allah likes and which are those things which Allah doesn't like? How can one follow the rules of Deen? How can one follow the laws of Islam? So to answer this question Allah has given us three ways/paths, our choice, just choose any one of these ways and that will mean that you have followed the path of Islam. Any one of this way will make you happy. By following any one of this way we will be able to get near Allah and make <sup>Allah</sup> happy. These three ways are ① Fikrah

502

AS67

اصيات  
تقدير  
عمل

2) Akhlat 3) Amal (Takaad) - So to fulfill these responsibilities put on us by Allah - In our last lesson we had said that name of these responsibilities was 'Takaad'. In order to fulfill their responsibilities is to choose any one of these three ways. It can only be accomplished by these three way and there is no other way.

Before we explain these three ways. One important thing should be made clear. When you will listen to the laws and rules of Islam (deen) you will realize that when someone wants to follow or do perform any waajib - any obligatory thing made by Allah. At these time the state of one's mind - Fiqh has given an special name of this state which I am trying to explain - Certainty, doubt and inbetween.

Certainty ( yaqeen ) - that thing which one when one performs he completely things is to be correct i.e he is sure 100%. - So to sure 100% is called yaqeen - e.g. a person is praying and he is on his third rakaat and his brain tells him that he is 100% sure that this is his 3rd rakaat - this state of is called yaqeen.

Doubt ( shak ) - Another state is the state of doubt - Half of the brain saying this is right and other half says no that is right. e.g. 50% some of that prayer 50% thought is that it is 3rd rakaat and 50% says no it is 4th rakaat. - If divided in two equal halves, when put on scale they will weigh equal. - This is fiqh is called 'Doubt' when one can not decide which is right is and his thought is divided in two equal halves.

3) (Dā'ir) - This state will be given latter. These two conditions now taken & doubt - taken, being 100% sure & doubt 50% sure - this is not true all the time, it is also possible that thought is divided in three parts e.g. 2, 3 or 4th rakah then it will be 33 1/3% each. - has to be divided equally.

After this two states of mind, two more can happen. 3) 94 (Dā'ir) & (Qā'ir) - That thought of which one is 51% to 99% sure. Two thoughts come in mind one has high probability and one has low. e.g. this thought came that is it my 3rd or 4th rakah - but one is more sure of 3rd than that of 4th rakah - so the one of which one is more sure (i.e. 3rd rakah) is called Qā'ir and that with low probability is called A Dā'ir. In other words if for our example in fiqh we would say that person has Qā'ir for 3rd rakah and Dā'ir of 4th rakah.

5) Qā'ir 51% to 99% is Qā'ir but that Qā'ir which is very close to yakeen (100%) that is 99 or 98 or 97 etc this Qā'ir is called (Qā'ir)

4) Qā'ir : 49% to 1% is called Dā'ir but one which near to 50% (e.g. 49, 48 etc) is called Dā'ir but one which is very low 1% - 4% etc is called Qā'ir.

So Shariat has divided one's state of mind into four different part states 1) Qā'ir 2) Qā'ir 3) Qā'ir or 4) Dā'ir. This state is found in every well of life. e.g. if one asks you where is your father, you will have any one of this states. This state of mind is for normal & average person. But one who is not normal

(Slowly) but is sick (in soul) - not physical sickness but spiritual sickness is called *shak* (شك) - one who doubts in <sup>almost</sup> every thing - even one a child can say and is sure about that act - but this person is most of the time in the state of doubtfulness - his mind cannot decide one way or another - this state is *shak* is called *shak* - some people have this in all the things they do whether religious or worldly - some has this state only in religious things - and is this also in some in few the religious things and some in almost all things. e.g. in *Wazu* or prayers etc. i.e. far more doubts than normally happens. This kind of person is sick and for him *Shariat* says that pay attention to your doubts and whenever you doubt about something always consider that you have done it correctly. Now let me tell you that because he has this sickness *Shariat* has said to him that it is *haram* for him to follow doubts. e.g. *zihar* and he doubts that this cloth is *paak* or *nafees* - *Shariat* rule is consider it *paak* - but one normal person says just to be on the safe side that I will go and make it *paak* anyway - but this will not apply to one who is sick - for him it is *haram* to pay attention to a doubt and if he goes to make it *paak* this act will be *haram* for him. So if a person knows that it is *haram* for him to pay attention to doubt - his sickness will be cured easily - a blessing of Almighty Allah

These are weak people, weakness is  $wo'q$  in which mind is not capable of making decision, as one who can't stand and pray Shariat says to him to sit if you don't have strength to stand similarly if one can't make decision because of weak mind then Shariat says don't doubt, consider everything pak. etc. If he is  $wo'q$  sure that he will act as that but if he is  $so'q$  sure also then also haram for him to pay attention to his doubt.

What are the ways to find out the responsibilities put on us by Allah, rules of Shariat — three ways  
1) Ijtihad, 2) Ahlul-<sup>ul</sup> and 3) Taqlid.

ESTHAD: means to struggle. In religion it means that by the help of Quran & Hadith — two things given by Allah — with the help of these, conclude, find the laws of Shariat.

AHTIAT: To follow the laws of Shariat in such a way that one gets certainty, receives surety that he has completely followed them and done his responsibilities to words Allah. e.g. Ulama explains this in this way 'to do all these things for which one has <sup>an</sup> ability but chance that it is wajib and stay away from all those things which is not wajib but there is a chance that it is haram.

TAGLED: means to follow. In religion to follow such a person whom Allah has appointed for laws of Shariat.

1. It is wajib for a person to either do Ijtihad, Ahlul-<sup>ul</sup> or Taqlid. e.g. of kassar prayers.
2. If someone whose Taqlid is wajib i.e. we

ISTIHAD  
IHTIYAT  
TAGLID.

who cannot do *Ehtaed ad doesil* want to do *Ehtaed*, if such a person doesn't do *ta'leed* then all his deeds are ~~useless~~ useless except ~~in~~ in three cases in which his deeds are okay.

(a) If his deeds are what same as they are in reality. e.g. Allah has written how to pray, fast etc. and if one does pray, fast etc. up to *ta'leed* and by chance it be done exactly the same way as it is written then his deeds are ~~right~~ right even up to *ta'leed*. (Right by chance) *Bi'jul* for not *ta'leed* *ta'leed* but his deeds are okay.

(b) His deeds may not be the right in reality but by chance his deeds are exactly in the same way as shown or given by Mujtahid Allah when *ta'leed* he uses supposed to do. e.g. to make one city - full prayer, fasting, help prayer - he prayed full okay, half okay.

(c) If his deed is according to *Ahted* - okay - e.g. *tasbeeh* *akbar* 3 one time or 3 times - prays 3 times okay.

ESTEHAD: To take out laws of *shariat* from *Quran* and *Hadith* after doing research of this two things. One who does this and he is successful is called Mujtahid.

1. *Ehtaed* is *Wajib Kefer*, i.e. *wajib* for all everyone in a society with a *bay'at* but this work is to *wajib* but *Idat* core who does it like when a *father* gives order sometimes he appoints someone in particular and some time he just says I want this done, and doesn't give assignment to any particular person, *father* anyone. This thing done, *wajib* on all but if one does it - the result is achieved but if no one does it

he will be mad at everyone, now now one can give this as excuse that he you didn't tell me when he had told everyone: As we give two orders in this our daily life - One who does well get more reward but others wait get punished - Similarly Allah gives two kinds of order eg Alkumus Selat - offer prayers for everyone whether others prayers or not called weyba Synee - Other is weyba kefaif eg dead body Allah says this body has to washed and then buried, who does it he doesn't care - weyba on all but of a few couples the job okay and if none doesn't everyone is sinful - see what others do

Similarly to Eytahed - Allah is wajibe kefaif, Allah didn't say that all of you should become Mujtahed no but he said that in an Islamic society few people at every time should be Mujtahed no matter American, German, or French, or Russian - as long as there are few Mujtahed all the time - and if none becomes that everyone is sinful will be sinful.

2. Now the question is how many are enough to do this job. Same example as that of dead body - how many are needed - there should be enough people but the job is done - if one shows up and is not enough the still it is weyba for everyone - same is the case with Eytahed - if Islamic society is such that one Mujtahed is enough then if one becomes weyba is done but if the society is large and

needs say 50 Mujteheeds then even if 49 become mujtehed but also job is not done & everyone is sinful except those 49. — So quality is not the thing, complete requirements, a job to be done. — exception. if not smart enough not weights but if he can make others & wajib to make others etc

- 3. Two types of Mujtehed 1) Mujtehed Mutlaq and 2) Mujtehed Mutajasee — Few persons who are so smart that they can understand the duties, laws concerning everything of which one needs — this is called Kamul Mujtehed Kamul or Mutlaq. But others who just education<sup>th</sup> which he can only do part of Eftehed this is called Mujtehed Nakees or Mutajasee. Enquiry civil, shari etc.

Now the rule is that one who can do Eftehed has to follow what he understood from his struggle if one is complete Mujtehed he will do everything for his own Eftehed and partial Mujtehed will do according to his Eftehed only in that particular<sup>part of faith</sup> or otherwise he will do according to Ahlul Qat

- 4. When a person achieves that level where he becomes a complete Mujtehed he will do according to his own duties but at the same time is such a person also possess these 6 or 8 things 1) Balaq 2) Aqeel 3) Mele 4) 12<sup>th</sup> Furan <sup>Shari</sup> balma 5) Alive 6) Aqeel 7) Alam 8) Halaq jedj — then if others can follow him and such a Mujtehed is called Mujtehed general Shariat — one who possess all conditions

This is also called known as Marja Taqleed

5. The ~~second~~ King's Muftahed. has.

- 1) Do Follows even Qafwas.
- 2) If Jammul Sheria others can do his Taqleed.
- 3) Walialo Sheria - Power to Right to rule/govern
- 4) " Rajwat - Power/Right to judge - can become judge & give his judgment
- 5) Amare Isfia - Right to get Amaru Isfia - these things which can happen in society - property of muleky retarded - orphan, well w/o appuler the Muftahed. will make decision. - wely. propety etc - woman who wants to get divorce muftahed can give divorce - one who doesn't care about annul in his presence - muftahed will give order - so there are lots of things in society in which it is likely to be disputable - this right + gives to Muftahed.

6. Partial Muftahed:

- 1) No right to govern.
- 2) Court - can judge (A. Kaher)
- 3) Taqleed. - In his particular field if he is the most <sup>is</sup> knowledge about that field - (should do Taqleed of two muftaheds)

7. Is it necessary that the Muftaheds should be the Imam in all the things above? - In Taqleed this is necessary and in all other things any Muftahed can do, it is possible that govt. is run by any muftahed and we are doing Taqleed of Imam - judgement - Mhteat - of Imam - net wey to small muftahed on also.

10-12

8. In relation to run a society — power to do all the things we talked about which become necessary in the society — is this a Mujtahed can keep this job or he can nominate his rep. for this job eg. copreh., majid.
9. If one Mujtahed has nominated a rep. for certain jobs — now if the Mujtahed dies, what power rep has now — (eg. of Yusuf Hakeem son of Mahmud Hakeem — when father died people wanted to do his tasleeh — he said no — Alka Kabeer is Aman — and he gave all the Ishems money etc to Alka Kabeer) — two types of rep.
- a) If rep. was appointed to do that job as Mujtahed's rep., he is doing instead of Mujtahed himself like running a message etc — this if Mujtahed dies, rep's power also finishes he has to give it back to the new Mujtahed or ask him and if the new one appoints him to continue it is okay.
- b) If he was given that position to run it on his own, in the first case rep. was just like an emp. employee, but in the second case rep. is like a boss — in the case that position will stay after the Mujtahed dies.

### Other details

1. Beside these 4 things powers which Mujtahed has, he also can pass an order if the circumstances or in the society needs even though it that order is not in the Quran or Ahadees. and when he gives this order it is wajib for everyone to obey this order eg. No where in Quran or Ahadees this is this that

If there is red light in traffic signal one has to stop. — If he/she may think that for this society it is need for people to follow this traffic light signal then he can give order to stop at red light, now it is wajib for everyone to follow this order and even at night when no policeman present one has to stop if he doesn't he has committed haram just like when one drives at drinks — This order is wajib for everyone even for one who thinks that this order is useless for whatever purpose it was given for. e.g. In Islam free trade is allowed but if Mufti for a particular area, city & country thinks it is necessary he can give an order that ~~some~~ these items cannot be brought from outside & those items cannot be exported — black market, except for four things Islam allows black market of other items now for example black market of clothes is allowed now if Mufti sees that for any reason it is not good for that area he can give an order saying black market of clothes is haram. So now it is wajib for everyone to follow this order — this is wajib is just like wajib to follow him and Allah.

Now few other related things:

- 1) If a person is not capable of doing right or giving justice it is haram for him to give justice. And if he says my view is this, I say that this is what is in Quran or this is what is written in hadith

To do this for him it is haram. if he is not mujtahed - H.P says that one who gives fatwa with knowledge has committed 'kufr' i.e. he brought his own rule against Allah's rule.

2. If one is capable of giving fatwas, ~~then it is~~ not to that level by which others can do his taqleed - then for him to give fatwa is okay but it is haram for him to give fatwas in such a way that people start doing his taqleed. He is not Majahu taqleed.

3. Similarly one who is not mujtahed it is haram for him to become judge and pass judgment away from people not only this it is haram for public to go to him for judgment; haram to even to go and give witness. And if one has gone to him and he gave a judgment then to follow that judgment is haram too. (eg. One occupies your home and you went to one who was not mujtahed and he passed judgment in your favor still it is haram for you to take your own home because to follow this judgment was haram)

To get to court then by the one who is not Mujtahed is haram) ~~except~~ there is one exception.

Q. 3 A

1. 'Alanya' real thing can only be found in Akhbar. A. Kahnani says that impossible to be with reality because intention to 'kurbat' is not there.

To give fatwa etc is okay but to pass judgment is haram.

Other than this in other topic