



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Lesson 31

Guardians of the Dead

- All the funeral rites like washing the dead, shrouding the dead and praying on the body of the dead must be performed by the permission of the Guardian of the dead.

Guardians of the Dead:

Level 1: The guardian of a deceased wife is the husband, and he has a greater right than her parents and children.

Level 2: After the husband, the legal guardian is the father.

Level 3: In the absence of the father, it is the decision of the mother that has to be considered.

Level 4: In the absence of the mother, the children will decide and among them, the sons are preferred over the daughters.

Level 5: The daughters have greater right than grandchildren and grandparents.

Level 6: Grandchildren have a greater right than grandparents.

Level 7: Grandparents have a greater right than the siblings of the deceased.

Level 8: Brothers have a greater right than the sisters.

Level 9: Sisters have a greater right than the uncles.

Level 10: The paternal uncles have greater right than maternal uncles.

Level 11: If there are no uncles, siblings, grandparents etc. the greater right for the decision-making is with the Marja' (religious authority). In the absence of a Marja', it will be the right of the pious believers.

- If some of the siblings are full brothers/sisters and others are half, the full have a greater right compared to others.
- If there is a dispute between the sons with respect to a decision, they can decide independently if they cannot reach an agreement.



- If the deceased had appointed someone as his *Wasi* to exercise his funeral rites, some scholars believe that even in that case, the permission of the legal guardians is required by the *Wasi*.

Ghushl Mass al-Mayyit

If someone directly touches the body of the dead person after it has turned cold, he must perform Ghushl Mass al-Mayyit.

Conditions of Ghushl Mass al-Mayyit

1. The entire body must cool down.
2. It becomes *Wajib* only if that body part has a bone.

- As per the law of continuity (*Istis'hab*), if a person touches a body for which he is unsure that it has cooled down or not, Ghushl is not mandatory on him.
- Ghushl Mass al-Mayyit is applicable irrespective of whether the dead is a Muslim or non-Muslim, adult or child.
- The way of performing Ghushl Mass al-Mayyit is the same as Ghushl al-Janabah or any other Ghushl.
- Ghushl Mass al-Mayyit becomes obligatory from the death of the deceased until the body is given three Ghushls of Mayyit.
- Ghushl Mass al-Mayyit will not be applicable if a person touches a dead animal. This rule is applicable for human beings only.

Mustahab (recommended) Ghushl

1. First type: Ghushl recommended for specific times, like Ghushl al-Jumuah.
2. Second type: Ghushls that are recommended to be performed in specific cities or places.
3. Third type: Ghushls that must be performed for the purpose of another act, such as *Ihram*, *Tauba* (repentance) etc.

Ghushl al-Jumuah:

- The Prophet (pbuh) recommended Imam Ali (as) to perform Ghushl al-Jumuah even if he had to take money from his food and buy water for the Ghushl.
- The time for performing Ghushl al-Jumuah is on Friday from dawn till sunset.



Exceptions of Ghusl al-Jumuah

1. If someone knows that he will not be able to perform the Ghusl on Friday due to absence of water or some other reason, it is permissible for him to perform it on Thursday.
2. If someone missed the Ghusl on Friday, he can make it up on Saturday from dawn to sunset with the intention of Qadha.

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